

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.

<i>City Code of 1994</i>	<i>Section in this Code</i>
100.010	100.005
100.020	100.215
100.020	100.215
105.010	105.020
105.020	105.060
105.060	115.055
105.100	115.085
105.160	110.165
105.180	110.170
105.190	110.190
105.270	110.055
105.280	110.200
105.290	200.015
105.300—105.320	200.050—200.070
105.340—105.360	200.080—200.100
105.370	115.155
105.380—105.420	115.091—115.105
105.430—105.440	115.160—115.170
110.010	105.070
110.040	105.033
115.020	125.015
115.020	115.020
115.050	125.035
115.060—115.070	125.050—125.060
115.100	125.100
115.170	125.285
120.010—120.020	130.110—130.120
200.010	200.025
205.010—205.160	205.010—205.160
210.055	210.065
210.060	210.236
210.120—210.140	210.237—210.239
210.240—210.250	210.680—210.690
210.260	210.590
210.270	210.605
215.010	215.005
215.010(B)(2)	215.010
215.080	215.015—215.020
215.090—215.130	217.060—217.120
220.010—220.070	230.110—230.170
225.030	220.030
330.010	330.010
340.107	340.230
340.160	345.085
340.170—340.200	340.240—340.270

Flordell Hills City Code

City Code of 1994

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365.080—365.090
370.005—370.040
370.060
375.010—375.040
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380.030
390.010—390.030
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Sch. II, Tbl. II-B
Sch. II, Tbl. II-C
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525.010—525.120
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615.010—615.110
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395.010—395.040
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390.010—390.030
393.050
320.030
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405.010—405.340
500.010—500.020
500.030—500.090
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500.140—500.150
510.010—510.210
510.220—510.410
510.420—510.530
515.010—515.140
520.010—520.120
600.010
600.030
600.046
600.047
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605.120—605.230
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605.040
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630.010—630.070
615.010—615.110
620.010—620.080
625.010—625.200

CITY OF FLORDELL HILLS

CROSS REFERENCE

<i>Ordinance Number</i>	<i>Disposition/ Date of Adoption</i>	<i>Section of Ordinance</i>	<i>Section of This Code</i>
101	Repealed/176		
102	Repealed/176		
103	Repealed/176		
104	Repealed/284		
105	Repealed/176		
106	Repealed/284		
107	Repealed/284		
108	Repealed/284		
109	Repealed/284		
110	9-14-45	3, 6 4	110.200 110.165
111	Repealed/176		
112	Superseded/297		
113	Repealed/158		
114	9-14-45	1—3	215.015
115	Repealed/176		
116	Repealed/214		
117	Repealed/160		
118	Repealed/162		
119	Repealed/284		
120	Superseded/Model		
121	Superseded/Model		
122	9-14-45	1 2, 4 3 5 6—10 11—13	230.110 230.120 230.130 230.150 230.160 230.170
123	Repealed/284		
124	2-8-46	1, 3	500.020
125	Superseded		
126	Superseded		
127	Superseded/142		
128	Repealed/284		
129	N.G.A.		
130	Superseded/327		
131	8-13-46	28	600.042
132	8-13-46	2 3 11 13 14	600.010 600.030 600.046 600.047 600.042
133	8-13-46	1—5 7—12	605.120—605.160 605.180—605.230
134	Superseded/209		

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<i>Ordinance Number</i>	<i>Disposition/ Date of Adoption</i>	<i>Section of Ordinance</i>	<i>Section of this Code</i>
135	Repealed/220		
136	N.G.A.		
137	Repealed/176		
138	Repealed/169		
139	Repealed/158		
140	Repealed/162		
141	Repealed/160		
142	Superseded/152		
143	N.G.A.		
144	8-8-47	1—7	630.010—630.070
145	Repealed/176		
146	Repealed/284		
147	Repealed/176		
148	N.G.A.		
149	N.G.A.		
150	Repealed/176		
151	N.G.A.		
152	4-9-48	na	100.215
153	N.G.A.		
154	Repealed/176		
155	N.G.A.		
156	N.G.A.		
157	Repealed/284		
158	N.G.A.		
159	Repealed/231		
160	N.G.A.		
161	Repealed/229		
162	N.G.A.		
163	Repealed/230		
164	Repealed/176		
165	Repealed/176		
166	Repealed/176		
167	Repealed/284		
168	Repealed/284		
169	N.G.A.		
170	Superseded/247		
171	Repealed/181		
172	Repealed/284		
173	N.G.A.		
174	8-12-49	1—2	210.238
175	Repealed/352		
176	11-11-49	16	345.085
		17	340.240
		20	340.250
		21	340.260
		43	340.270
		45	340.230
		47	340.300
		60	390.010

Cross Reference

<i>Ordinance Number</i>	<i>Disposition/ Date of Adoption</i>	<i>Section of Ordinance</i>	<i>Section of this Code</i>
		61	340.280
		65	300.020
		68	365.090
		69	393.060
		70, 48(c,d—f)	Sch. I
		72	Sch. II, Tbl. II-A
		76	Sch. III
177	Repealed/284		
178	Superseded/312		
179	N.G.A.		
180	7-21-50	Art. I §1	400.005
		Art. I §2	405.010
		Art. II §§1—4	405.020—405.050
		Art. III §§1—4	405.060—405.090
		Art. IV §§1—4	405.110—405.140
		Art. V §§1—5	405.160—405.200
		Art. VI §1	405.210
		Art. VII §§1—6	405.220
		Art. VIII §§1—7	405.230—405.280
		Art. IX §§1—4	405.290
		Art. X §1	405.300
		Art. XI §1	405.310
		Art. XII §1	405.320
		Art. XIII	405.330
		Art. XIV	405.340
181	Superseded/327		
182	9-8-50	1—3	210.239
183	10-13-50	1	405.210
184	N.G.A.		
185	N.G.A.		
186	N.G.A.		
187	N.G.A.		
188	Superseded/429		
189	6-8-51	1	500.010
190	Repealed/212		
191	Superseded/314		
192	Repealed/377		
193	4-1-52	1—2	100.005
194	3-12-52	1—5	100.005
195	4-11-52	1—2	100.005
196	N.G.A.		
197	Superseded/262		
198	Superseded/263		
199	Superseded/264		
200	Superseded/272		
201	5-9-52	1—2	105.070
202	N.G.A.		
203	N.G.A.		
204	N.G.A.		

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<i>Ordinance Number</i>	<i>Disposition/ Date of Adoption</i>	<i>Section of Ordinance</i>	<i>Section of this Code</i>
205	N.G.A.		
206	Superseded		
207	Repealed/284		
208	Superseded/256		
209	Superseded		
210	Superseded		
211	Superseded/243		
212	N.G.A.		
213	Superseded/256		
214	N.G.A.		
215	Superseded		
216	Superseded		
217	Superseded/423		
218	Repealed/377		
219	Superseded		
220	N.G.A.		
221	Superseded		
222	N.G.A.		
223	6-12-53	1—2	210.680
224	Superseded/256		
225	Repealed/231, 235		
226	Repealed/229		
227	Repealed/230		
228	11-13-53	1—33	510.220—510.410
229	N.G.A.		
230	N.G.A.		
231	N.G.A.		
232	Repealed/284		
233	Repealed/284		
234	N.G.A.		
235	N.G.A.		
236	Repealed/284		
237	7-9-54	1—10	520.010—520.100
238	10-8-54	1—21	510.010—510.210
239	Repealed/284		
240	3-11-55	1	405.330
241	N.G.A.		
242	N.G.A.		
243	Repealed/253		
244	9-9-55	1	605.160
245	Superseded		
246	Superseded/256		
247	Superseded/365		
248	3-9-56	1—8	380.170
249	N.G.A.		
250	10-12-56	1—3	210.590
251	N.G.A.		
252	N.G.A.		
253	N.G.A.		

Cross Reference

<i>Ordinance Number</i>	<i>Disposition/ Date of Adoption</i>	<i>Section of Ordinance</i>	<i>Section of this Code</i>
254	Repealed/303		
255	Superseded		
256	4-12-57	1	105.020
		3	115.020
		6	115.055
		10	115.085
		16—21	110.165
		24	110.170
		25	110.190
		33	110.055
		34	200.015
		35—37	200.050—200.070
		39—41	200.080—200.100
		42	115.155
		43—46	115.091—115.094
		48—60	115.100—115.105
		61—65	115.160
		66	115.170
257	Repealed/288		
258	N.G.A.		
259	N.G.A.		
260	N.G.A.		
261	9-13-57	1—4	500.150
262	9-13-57	1—5	625.160—625.200
263	9-13-57	1—5	625.010—625.050
264	9-13-57	1—5	625.110—625.150
265	N.G.A.		
266	12-13-57	1—4	210.605
267	1-10-58	1—10	510.420—510.510
		11	510.530
268	Superseded/Model		
269	Superseded/Model		
270	4-11-58	1	Sch. II, Tbl. II-A
271	Superseded		
272	Superseded/373		
273	N.G.A.		
274	Superseded/Model		
275	N.G.A.		
276	N.G.A.		
277	Superseded		
278	N.G.A.		
279	N.G.A.		
280	7-10-59	1—2	210.690
281	Repealed/303		
282	N.G.A.		
283	N.G.A.		
284	N.G.A.		
285	Superseded/Model		
286	N.G.A.		

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<i>Ordinance Number</i>	<i>Disposition/ Date of Adoption</i>	<i>Section of Ordinance</i>	<i>Section of this Code</i>
287	Superseded		
288	3-10-61	1	405.120
289	4-8-60	1	Sch. II, Tbl. II-A
290	N.G.A.		
291	8-11-61	1	405.050, 405.070, 405.170, 405.200, 400.250
292	8-11-61	1	Sch. I
293	8-11-61	1—4	355.110
294	11-10-61	1	Sch. II, Tbl. II-A
295	N.G.A.		
296	N.G.A.		
297	11-9-62	1	215.005—215.010
298	Superseded/702-1		
299	Repealed/365		
300	Superseded		
301	Superseded		
302	N.G.A.		
303	N.G.A.		
304	6-14-63	5	605.040
305	N.G.A.		
306	N.G.A.		
307	7-12-63	1	Sch. III
308	1-10-64	1	Sch. III
310	6-11-64	1	210.680
312	Superseded		
313	1-8-65	1—2	500.070
314	Superseded		
315	1-8-65	1—4	500.090
316	5-14-65	1	605.110
317	N.G.A.		
318	Superseded		
319	Superseded		
321	2-14-66	2	605.030
322	N.G.A.		
324	N.G.A.		
326	Superseded/396		
327	Superseded		
328	N.G.A.		
329	N.G.A.		
330	Superseded		
330	N.G.A.		
331	2-13-67	1	Sch. II, Tbl. II-B
332	5-8-67	1—2	210.237
333	7-10-67	1	Sch. II, Tbl. II-A
336	Superseded		
337	N.G.A.		
338	N.G.A.		
339	12-11-67	1—2	210.680
340	Superseded/Model		

Cross Reference

<i>Ordinance Number</i>	<i>Disposition/ Date of Adoption</i>	<i>Section of Ordinance</i>	<i>Section of this Code</i>
341	N.G.A.		
342	N.G.A.		
343	N.G.A.		
344	N.G.A.		
345	Repealed/365		
346	6-10-68	1—2	200.025
347	6-10-68	1	110.170
348	Superseded		
349	Superseded		
350	Repealed/377		
351	N.G.A.		
352	Superseded		
353	N.G.A.		
354	11-3-69	na	Sch. III
355	1-5-70	na	105.033
356	N.G.A.		
356a	1-5-70	1	Sch. II, Tbl. II-A
357	Repealed/425		
359	Repealed/377		
361	N.G.A.		
362	6-7-71	na	Sch. III
363	N.G.A.		
365	N.G.A.		
367	5-1-72	na	405.100, 405.150
369	N.G.A.		
372	N.G.A.		
373	11-4-74	1—2 4—6	625.060—625.070 625.080—625.100
374	Superseded/377		
376	N.G.A.		
377	1-19-76	1 3—13 15—16 18	205.010—205.020 205.030—205.130 205.140—205.150 205.160
379	N.G.A.		
381	8-16-76	1—3	230.140
382	3-21-77	1—4	390.020
384	N.G.A.		
385	12-19-77	1	605.030
386	1-23-78	1	205.070
387	Superseded		
388	6-19-78	1—11	615.010—615.110
389	6-19-78	1	605.030
390	N.G.A.		
391	7-17-78	1—8	620.010—620.080
392	N.G.A.		
393	9-18-78	na	365.080
394	11-20-78	2	125.015
396	N.G.A.		

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<i>Ordinance Number</i>	<i>Disposition/ Date of Adoption</i>	<i>Section of Ordinance</i>	<i>Section of this Code</i>
397	N.G.A.		
398	Superseded/Model		Note @ Ch. 370
399	N.G.A.		
400	9-17-79	1—14	515.010—515.140
402	N.G.A.		
403	N.G.A.		
404	7-21-80	na	Sch. III
405	7-21-80	1—3	340.290
406	10-20-80	1—12	500.140
407	Superseded/424		
408	6-15-81	1—2	390.030
409	N.G.A.		
411	10-19-81	1	Sch. II, Tbl. II-A
412	10-19-81	2	405.250
417	N.G.A.		
418	Superseded/438		
419	Superseded/540		
420	6-21-82	1	625.010(B), 625.060(B), 625.110(B), 625.160(B)
421	Repealed/430		
422	N.G.A.		
423	3-21-83	2	520.120
424	Superseded/468		
425	N.G.A.		
426	Repealed/432		
427	N.G.A.		
428	N.G.A.		
429	Superseded		
430	N.G.A.		
431	Superseded/436		
432	N.G.A.		
433	N.G.A.		
434	N.G.A.		
435	N.G.A.		
436	5-19-86	na	625.010, 625.060, 625.110, 625.160
437	N.G.A.		
438	Superseded/461		
439	N.G.A.		
440	N.G.A.		
441	N.G.A.		
442	5-15-89	I	105.020
443	N.G.A.		
444	N.G.A.		
445	N.G.A.		
446	3-19-90	1	210.236
447	N.G.A.		

Cross Reference

<i>Ordinance Number</i>	<i>Disposition/ Date of Adoption</i>	<i>Section of Ordinance</i>	<i>Section of this Code</i>
448	N.G.A.		
449	N.G.A.		
450	Superseded/Model		
451	Superseded		
452	8-20-90	1	380.045
453	10-15-90	1	Sch. II, Tbl. II-C
454	Superseded		
455	4-15-91	1	500.040
456	4-15-91	1	405.170
457	N.G.A.		
458	N.G.A.		
459	N.G.A.		
460	5-20-91	1	393.005
		2	393.050
461	11-18-91	2—4	520.110
462	1-20-92	1	Sch. III
463	1-20-92	na	Sch. V
464	N.G.A.		
465	Not codified		
466	N.G.A.		
467	N.G.A.		
468	9-21-92	3	220.030
469	10-19-92	1	625.010, 625.060, 625.110, 625.160
470	Superseded/540		
471	Superseded/Model		
477	Superseded/Model		
478	3-21-94	1—10	Adopting Ordinance
479	N.G.A.		
480	8-15-94	na	Sch. II, Tbl. II-A
481	8-15-94	na	Sch. III
482	11-21-94	500.015	500.015
483	2-20-95	na	500.080
484	2-20-95	na	500.060
486	N.G.A.		
487	5-15-95	1	500.060, 500.080
488	N.G.A.		
489	7-17-95	210.055	210.065
490	N.G.A.		
491	N.G.A.		
492	7-15-96	1	130.110
493	N.G.A.		
494	10-21-96	1	210.590
495	Superseded/Model		
496	12-16-96	1—3	130.120
497	Superseded/503		
500	12-15-97	1	500.060
501	12-15-97	1	500.080
502	Superseded/533		

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<i>Ordinance Number</i>	<i>Disposition/ Date of Adoption</i>	<i>Section of Ordinance</i>	<i>Section of this Code</i>
503	Superseded/Model		
504	3-16-98	na	Sch. VI, Tbl. VI-A
505	N.G.A./Repealer		
506	N.G.A.		
507	9-21-98	na	605.240
508	9-21-98	1—2	125.125
509	N.G.A.		
510	11-16-98	1	500.080
511	11-16-98	na	Sch. II, Tbl. II-A
512	Superseded/Model		
513	Superseded/Model		
514	Superseded/Model		
516	N.G.A.		
517	N.G.A.		
518	N.G.A./Repealer		
519	12-20-99		Note #1
520	N.G.A.		
521	11-20-00	1	500.060
522	5-21-01	1	500.080
523	N.G.A.		
524	8-20-01	1	500.080
525	8-20-01	500.040	500.040
526	Superseded/Model		
527	Superseded/Model		
528	Superseded/Model		
529	Superseded/Model		
530	N.G.A.		
531	no date	1	500.100
532	no date	1	500.060
533	no date	1	500.030
534	5-20-02	1	500.100
536	Superseded/Model		
537	Superseded/Model		
539	9-15-03	335.100	335.100
540	9-15-03	na	217.060—217.120
541	no date	1	500.060
600	7-18-05	na	390.020
602	7-11-06		Note @ 625.060
612	Superseded/0222-1		
613	5-19-08	na	205.135
614	5-19-08	500.060	500.120
615	5-19-08	500.050	500.025
616	5-19-08	500.040	500.040
620	10-27-08	390.040	390.040
701-1	N.G.A.		
701-3	N.G.A.		
0222-1	2-22-10	1	125.015
0222-2	2-22-10	1	393.070
700-1	4-26-10	1	330.010

Cross Reference

<i>Ordinance Number</i>	<i>Disposition/ Date of Adoption</i>	<i>Section of Ordinance</i>	<i>Section of this Code</i>
701-1	N.G.A.		
702-1	5-17-10	1—3	Sch. IV
703-1	N.G.A.		
704-1	2010	1	215.015

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.

TITLE I. GOVERNMENT CODE

CHAPTER 100: GENERAL PROVISIONS

ARTICLE I. CITY INCORPORATION AND SEAL

SECTION 100.005: ESTABLISHMENT AS FOURTH CLASS CITY

The Village of Flordell Hills, Missouri, is hereby organized as a City of the Fourth Class. (CC 1994 §100.010; Ord. No. 193 §§1—2, 4-1-52; Ord. No. 194 §§1—5, 3-12-52; Ord. No. 195 §§1—2, 4-11-52)

SECTION 100.010: MUNICIPAL INCORPORATION

The inhabitants of the City of Flordell Hills, as its limits now are or may hereafter be defined by law, shall be and continue a body corporate by the name of "The City of Flordell Hills" and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatever; may receive and hold property, both real and personal, within such City and may purchase, receive and hold real estate within or without such City for the burial of the dead; and may purchase, hold, lease, sell or otherwise dispose of any property, real or personal, it now owns or may hereafter acquire; may receive bequests, gifts and donations of all kinds of property; and may have and hold one (1) common Seal and may break, change or alter the same at pleasure; and may do any act, exercise any power and render any service which contributes to the general welfare, and all courts of this State shall take judicial notice thereof. (RSMo. §79.010)

SECTION 100.020: CITY SEAL

- A. The Seal of the City of Flordell Hills shall be circular in form, one and seven-eighths (1⁷/₈) inches in diameter, with the words "St. Louis County, Missouri" engraved across the face thereof, and the words "Seal of the City of Flordell Hills" engraved on the face thereof and near the outer edge of said Seal, and the same is hereby declared to be adopted as the Seal of the City of Flordell Hills.
- B. The City Clerk shall be the keeper of the common Seal of the City of Flordell Hills, and any impression of said Seal to any contract or other writing shall have no validity or binding obligation upon the City unless such impression be accompanied by the attestation and signature of the City Clerk, and then only in cases authorized by law or the ordinances of this City.

ARTICLE II. GENERAL CODE PROVISIONS

SECTION 100.030: CONTENTS OF CODE

This Code contains all ordinances of a general and permanent nature of the City of Flordell Hills, Missouri, and includes ordinances dealing with municipal administration, municipal elections,

building and property regulation, business and occupations, health and sanitation, public order and similar objects.

SECTION 100.040: CITATION OF CODE

This Code may be known and cited as the "Municipal Code of the City of Flordell Hills, Missouri".

SECTION 100.050: OFFICIAL COPIES OF CODE

At least three (3) copies of the published book shall be kept on file in the office of the City Clerk and kept available for inspection by the public at all reasonable business hours. (RSMo. §71.948)

SECTION 100.060: ALTERING OR AMENDING CODE

- A. It shall be unlawful for any person 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 Official Copy of the 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 100.220 of this Code.
- B. This provision shall not apply to amendments, additions or deletions to this Code, duly passed by the Board of Aldermen, which may be prepared by the City Clerk for insertion in this Code.

SECTION 100.070: NUMBERING OF CODE

Each Section number of this Code shall consist of two (2) parts separated by a period; the figure before the period referring to the Chapter number, and the figure after the period referring to the position of the Section in the Chapter.

SECTION 100.080: DEFINITIONS AND RULES OF CONSTRUCTION

- A. In the construction of this Code and of all other ordinances of the City, the following definitions shall be observed, unless it shall be otherwise expressly provided in any Section or ordinance, or unless inconsistent with the manifest intent of the Board of Aldermen, or unless the context clearly requires otherwise:

BOARD OF ALDERMEN: The Board of Aldermen of the City of Flordell Hills, Missouri.

CERTIFIED MAIL OR CERTIFIED MAIL WITH RETURN RECEIPT REQUESTED: Includes certified mail carried by the United States Postal Service or any parcel or letter carried by an overnight, express or ground delivery service that allows a sender or recipient to electronically track its location and provides a record of the signature of the recipient.

CITY: The words "*the City*" or "*this City*" or "*City*" shall mean the City of Flordell Hills, Missouri.

COUNTY: The words "*the County*" or "*this County*" or "*County*" shall mean the County of St. Louis, Missouri.

DAY: A day of twenty-four (24) hours beginning at 12:00 Midnight.

MAY: Is permissive.

MAYOR: An officer of the City known as the Mayor of the Board of Aldermen of the City of Flordell Hills, Missouri.

MONTH: A calendar month.

OATH: Includes an affirmation in all cases in which an affirmation may be substituted for an oath, and in such cases the words "*swear*" and "*sworn*" shall be equivalent to the words "*affirm*" and "*affirmed*".

OFFENSE: Shall mean and be the same as ordinance violation and is punishable as provided in Section 100.220 of this Code.

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

PERSON: May extend and be applied to bodies politic and corporate, and to partnerships and other unincorporated associations.

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

PRECEDING, FOLLOWING: When used by way of reference to any Section of this Code, shall mean the Section next preceding or next following that in which the reference is made, unless some other Section is expressly designated in the reference.

PROPERTY: Includes real and personal property.

PUBLIC WAY: Includes any street, alley, boulevard, parkway, highway, sidewalk or other public thoroughfare.

REAL PROPERTY: The terms "*real property*", "*premises*", "*real estate*" or "*lands*" shall be deemed to be co-extensive with lands, tenements and hereditaments.

SHALL: Is mandatory.

SIDEWALK: That portion of the street between the curb line and the adjacent property line which is intended for the use of pedestrians.

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

STREET: Includes any public way, highway, street, avenue, boulevard, parkway, alley or other public thoroughfare, and each of such words shall include all of them.

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

WRITTEN, IN WRITING AND WRITING WORD FOR WORD: Includes printing, lithographing, or other mode of representing words and letters, but in all cases where the signature of any person is required, the proper handwriting of the person, or his/her mark, is intended.

YEAR: A calendar year, unless otherwise expressed, and the word "*year*" shall be equivalent to the words "*year of our Lord*".

- B. *Newspaper*. Whenever in this Code or other ordinance of the City it is required that notice be published in the "official newspaper" or a "newspaper of general circulation published in the City", and if there is no newspaper published within the City, the said notice shall be published in a newspaper of general circulation within the City, regardless of its place of publication. Such newspaper shall not include an advertising circular or other medium for which no subscription list is maintained. (RSMo. §1.020, 2009)

SECTION 100.090: WORDS AND PHRASES—HOW CONSTRUED

Words and phrases shall be taken in their plain or ordinary and usual sense, but technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import. (RSMo. §1.090)

SECTION 100.100: HEADINGS

The headings of the Chapters and Sections of this Code are intended as guides and not as part of this Code for purposes of interpretation or construction.

SECTION 100.110: CONTINUATION OF PRIOR ORDINANCES

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

SECTION 100.120: EFFECT OF REPEAL OF ORDINANCE

No offense committed and no fine, penalty or forfeiture incurred, or prosecution commenced or pending previous to or at the time when any ordinance provision is repealed or amended, shall be affected by the repeal or amendment, but the trial and punishment of all such offenses and the recovery of the fines, penalties or forfeitures shall be had, in all respects, as if the provision had not been repealed or amended, except that all such proceedings shall be conducted according to existing procedural laws. (RSMo. §1.160, 2005)

SECTION 100.130: REPEALING ORDINANCE REPEALED—FORMER ORDINANCE NOT REVIVED—WHEN

When an ordinance repealing a former ordinance, clause or provision is itself repealed, it does not revive the former ordinance, clause or provision, unless it is otherwise expressly provided; nor shall any ordinance repealing any former ordinance, clause or provision abate, annul or in anywise affect any proceedings had or commenced under or by virtue of the ordinance so repealed, but the same is as effectual and shall be proceeded on to final judgment and termination as if the repealing ordinance had not passed, unless it is otherwise expressly provided. (RSMo. §1.150)

SECTION 100.140: SEVERABILITY

It is hereby declared to be the intention of the Board of Aldermen that the Chapters, Sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, Section or Chapter of this Code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, Sections and Chapters of this Code since the same would have been enacted by the Board of Aldermen without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or Section.

SECTION 100.150: TENSE

Except as otherwise specifically provided or indicated by the context, all words used in this Code indicating the present tense shall not be limited to the time of adoption of this Code but shall extend to and include the time of the happening of any act, event or requirement for which provision is made herein, either as a power, immunity, requirement or prohibition.

SECTION 100.160: NOTICE

Whenever notice may be required under the provisions of this Code or other City ordinance, the same shall be served in the following manner:

1. By delivering the notice to the person to be served personally or by leaving the same at his/her residence, office or place of business with some person of his/her family over the age of fifteen (15) years;
2. By mailing said notice by certified or registered mail to such person to be served at his/her last known address; or
3. If the person to be served is unknown or may not be notified under the requirements of this Section, then by posting said notice in some conspicuous place at least five (5) days before the act or action concerning which the notice is given is to take place. No person shall interfere with, obstruct, mutilate, conceal or tear down any official notice or placard posted by any City Officer, unless permission is given by said officer.

SECTION 100.170: NOTICE—EXCEPTIONS

The provisions of the preceding Section shall not apply to those Chapters of this Code wherein there is a separate definition of notice.

SECTION 100.180: COMPUTATION OF TIME

In computing any period of time prescribed or allowed by this Code or by a notice or order issued pursuant thereto, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

SECTION 100.190: GENDER

When any subject matter, party or person is described or referred to by words importing the masculine, females as well as males, and associations and bodies corporate as well as individuals, are to be included. (RSMo. §1.030.2)

SECTION 100.200: JOINT AUTHORITY

Words importing joint authority to three (3) or more persons shall be construed as authority to a majority of such persons unless otherwise declared in the law giving the authority. (RSMo. §1.050)

SECTION 100.210: NUMBER

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

ARTICLE III. DAYLIGHT-SAVING TIME

SECTION 100.215: DAYLIGHT-SAVING TIME

Beginning 2:00 A.M. on Monday following the fourth (4th) Sunday in April, daylight-saving time will become effective in the City of Flordell Hills by setting the time one (1) hour ahead on Central Standard Time and remain in effect until 2:00 A.M. on Monday following the fourth (4th) Sunday in September, at which date the clocks will again be set to Central Standard Time. (CC 1994 §100.020; Ord. No. 152, 4-9-48)

ARTICLE IV. PENALTY

SECTION 100.220: GENERAL PENALTY

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

- 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. (RSMo. §§79.470, 546.902)

CHAPTER 105: ELECTIONS

ARTICLE I. IN GENERAL

SECTION 105.010: CONFORMANCE OF CITY ELECTIONS WITH STATE LAW

All City elections shall be conducted and held in conformance with the provisions of Chapter 115, RSMo.

SECTION 105.015: CITY TO BE DIVIDED INTO WARDS—ALDERMEN ELECTED— ALDERMEN AT LARGE PERMITTED FOR CERTAIN CITIES

- A. The Board of Aldermen shall, by ordinance, divide the City into not less than two (2) wards, and two (2) Aldermen shall be elected from each ward by the qualified voters thereof at the first (1st) election for Aldermen in Cities adopting the provisions of this Chapter. At such election for Aldermen, the person receiving the highest number of votes in each ward shall hold his/her office for two (2) years, and the person receiving the next highest number of votes shall hold his/her office for one (1) year; but thereafter each ward shall elect annually one (1) Alderman who shall hold his/her office for two (2) years.
- B. Notwithstanding the provisions of Subsection (A) of this Section, Cities with a population of one thousand (1,000) or less in the most recent census may, by ordinance, choose to elect Aldermen at large instead of by the method outlined in Subsection (A) of this Section. Under this option, the seats of Aldermen shall be filled at large as soon as the current terms expire. Each year thereafter, one-half ($\frac{1}{2}$) of the Board of Aldermen shall stand for election at large for a two (2) year term. (RSMo. §79.060, 2006)

SECTION 105.020: DATE OF MUNICIPAL ELECTION

- A. A municipal election for the qualified voters of this City shall be held on the first (1st) Tuesday after the first (1st) Monday in April of each year.
- B. On the first (1st) Tuesday after the first (1st) Monday in April of even-numbered years, a municipal election of the qualified voters of the City of Flordell Hills shall be held for the purpose of electing a Mayor who shall hold his/her office for a term of two (2) years and until his/her successor is elected and qualified.
- C. On the first (1st) Tuesday after the first (1st) Monday in April of odd-numbered years, a municipal election of the qualified voters of the City of Flordell Hills shall be held for the purpose of electing one (1) Alderman from each ward who shall hold his/her office for a term of two (2) years and until his/her successor is elected and qualified.
- D. On the first (1st) Tuesday after the first (1st) Monday in April of even-numbered years, a municipal election of the qualified voters of the City of Flordell Hills shall be held for the purpose of electing one (1) Alderman from each ward who shall hold his/her office for a term of two (2) years and until his/her successor is elected and qualified.
- E. On the first (1st) Tuesday after the first (1st) Monday in April of ____ and every four (4) years thereafter, a municipal election of the qualified voters of the City of Flordell Hills shall be held for

the purpose of electing a Marshal who shall hold his/her office for a term of four (4) years and until his/her successor is elected and qualified. (RSMo. §79.050; CC 1994 §105.010; Ord. No. 256 §1, 4-12-57; Ord. No. 442 §I, 5-15-89)

SECTION 105.030: DECLARATION OF CANDIDACY—DATES FOR FILING

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 sixteenth (16th) 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. (RSMo. §115.127.5, 2003)

SECTION 105.033: FILING FEES

Any candidate filing for any general or special election shall pay to the Clerk of the City for the General Fund the sum of ten dollars (\$10.00) at the time of said filing. (CC 1994 §110.040; Ord. No. 355, 1-5-70)

SECTION 105.035: CANDIDATES FOR MUNICIPAL OFFICE—NO ARREARAGE FOR MUNICIPAL TAXES OR USER FEES PERMITTED

No person shall be a candidate for municipal office unless such person complies with the provisions of Section 115.346, RSMo., regarding payment of municipal taxes or user fees. (RSMo. §71.005)

Editor's Note—As to arrearage or delinquency in all taxes, see §115.342, RSMo.

SECTION 105.040: DECLARATION OF CANDIDACY—NOTICE TO PUBLIC

The City Clerk shall, on or before the sixteenth (16th) 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. (RSMo. §115.127.5, 2003)

SECTION 105.050: NOTICE OF ELECTIONS

In City elections, the City Clerk shall notify the St. Louis County 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 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. (RSMo. §115.125)

SECTION 105.060: TIES—HOW HANDLED

If two (2) or more persons receive an equal number of votes for nomination or election to any office not otherwise provided for in Section 115.515, RSMo., or this Section, and a higher number of votes than any other candidate for nomination or election to the same office, the officer with whom such candidates filed their declarations of candidacy shall, immediately after the results of the election have been certified, issue a proclamation stating the fact and ordering a special election to determine which candidate is elected to the office. The proclamation shall set the date of the election and shall be sent by the officer to each election authority responsible for conducting the special election. In his/her proclamation, the officer shall specify the name of each candidate for the office to be voted on at the election, and the special election shall be conducted and the votes counted as in other elections. (CC 1994 §105.020)

ARTICLE II. WARDS

SECTION 105.070: WARDS ESTABLISHED

- A. The City of Flordell Hills, Missouri, is hereby divided into two (2) Wards containing as nearly as practicable, compact and contiguous territory and containing as nearly as may be the same number of qualified voters.

First Ward: Beginning at the intersection of Jennings Station Road and the northern City limits, southwardly on Jennings Station Road to West Florissant Avenue, west on West Florissant Avenue to its intersection with Gaylord Drive, south on Gaylord Drive to Brandon Drive, west on Brandon Drive to a point where said Brandon Drive intersects with the walkway, southwest along the walkway to Lamont Drive, south on Lamont Drive to its intersection with Roslyn Drive, west on Roslyn Drive to Beldon Drive, south on Beldon Drive to its intersection with Greenhaven Drive, thence south along the property line separating 7152 Greenhaven Drive and 5601 Beldon Drive to the southern City limits, east along the southern City limits to the eastern City limits, north along the eastern City limits to the northern City limits, thence west along the northern City limits to Jennings Station Road, the place of beginning.

Second Ward: Beginning at the intersection of Jennings Station Road and the northern City limits, southwardly on Jennings Station Road to West Florissant Avenue, west on West Florissant Avenue to its intersection with Gaylord Drive, south on Gaylord Drive to Brandon Drive, west on Brandon Drive to a point where said Brandon Drive intersects with the walkway, southwest along the walkway to Lamont Drive, south on Lamont Drive to its intersection with Roslyn Drive, west on Roslyn Drive to Beldon Drive, south on Beldon Drive to its intersection with Greenhaven Drive, thence south along the property line separating 7152 Greenhaven Drive and 5601 Beldon Drive to the southern City limits, west along the southern City limits to the western City limits, north along the western City limits to the northern City limits, thence east along the northern City limits to Jennings Station Road, the place of beginning.

- B. Where avenues, drives or walkways are named in this Section, the center of each avenue, drive or walkway shall be the boundary line intended. (CC 1994 §110.010; Ord. No. 201 §§1—2, 5-9-52)

CHAPTER 110: MAYOR AND BOARD OF ALDERMEN

ARTICLE I. MAYOR AND BOARD OF ALDERMEN—GENERALLY

SECTION 110.010: ALDERMEN—QUALIFICATIONS

No person shall be an Alderman unless he/she be 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/she files and during the time he/she serves, of the ward from which he/she is elected. (RSMo. §79.070)

State Law Reference—As to when aldermen may be elected at large, §79.060, RSMo.

SECTION 110.020: MAYOR—QUALIFICATIONS

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. (RSMo. §79.080)

SECTION 110.030: BOARD TO SELECT AN ACTING PRESIDENT—TERM

The Board shall elect one (1) of their own number who shall be styled "*Acting President of the Board of Aldermen*" and who shall serve for a term of one (1) year. (RSMo. §79.090)

SECTION 110.040: ACTING PRESIDENT TO PERFORM DUTIES OF MAYOR—WHEN

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 whatever, 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. (RSMo. §79.100)

SECTION 110.050: MAYOR AND BOARD—DUTIES

The Mayor and Board of Aldermen of each City governed by this Chapter shall have the care, management and control of the City and its finances and shall have power to enact and ordain any and all ordinances not repugnant to the Constitution and laws of this State, and such as they shall deem expedient for the good government of the City, the preservation of peace and good order, the benefit of trade and commerce, and the health of the inhabitants thereof, and such other ordinances, rules and regulations as may be deemed necessary to carry such powers into effect and to alter, modify or repeal the same. (RSMo. §79.110)

SECTION 110.055: BOARD'S OTHER POWERS AND DUTIES

The Board of Aldermen shall have such other powers and perform such other duties as may be provided by the laws of the State or by ordinance. (CC 1994 §105.270; Ord. No. 256 §33, 4-12-57)

SECTION 110.060: MAYOR MAY SIT IN BOARD

The Mayor shall have a seat in and preside over the Board of Aldermen but shall not vote on any question except in case of a tie, nor shall he/she preside or vote in cases when he/she is an interested party. He/she shall exercise a general supervision over all the officers and affairs of the City and shall take care that the ordinances of the City, and the State laws relating to such City, are complied with. (RSMo. §79.120)

SECTION 110.070: ORDINANCES—PROCEDURE TO ENACT

The style of the ordinances of the City shall be: "Be it ordained by the Board of Aldermen of the City of Flordell Hills, 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. (RSMo. §79.130)

SECTION 110.080: BILLS MUST BE SIGNED—MAYOR'S VETO

Every bill duly passed by the Board of Aldermen and presented to the Mayor and by him/her approved shall become an ordinance, and every bill presented as aforesaid, but returned with the Mayor's objections thereto, shall stand reconsidered. The Board of Aldermen shall cause the objections of the Mayor to be entered at large upon the journal and proceed at its convenience to consider the question pending, which shall be in this form: "Shall the bill pass, the objections of the Mayor thereto notwithstanding?" The vote on this question shall be taken by "ayes" and "nays" and the names entered upon the journal, and if two-thirds ($\frac{2}{3}$) of all the members-elect shall vote in the affirmative, the City Clerk shall certify the fact on the roll, and the bill thus certified shall be deposited with the proper officer and shall become an ordinance in the same manner and with like effect as if it had received the approval of the Mayor. The Mayor shall have power to sign or veto any ordinance passed by the Board of Aldermen; provided that should he/she neglect or refuse to sign any ordinance and return the same with his/her objections, in writing, at the next regular meeting of the Board of Aldermen, the same shall become a law without his/her signature. (RSMo. §79.140)

SECTION 110.090: BOARD TO KEEP JOURNAL OF PROCEEDINGS

The Board of Aldermen shall cause to be kept a journal of its proceedings, and the "ayes" and "nays" shall be entered on any question at the request of any two (2) members. The Board of Aldermen may prescribe and enforce such rules as it may find necessary for the expeditious transaction of its business. (RSMo. §79.150)

SECTION 110.100: BOARD SHALL PUBLISH SEMI-ANNUAL STATEMENTS

The Board of Aldermen shall semi-annually each year, at times to be set by the Board of Aldermen, make out and spread upon their records a full and detailed account and statement of the receipts and expenditures and indebtedness of the City for the half year ending with the last day of the month immediately preceding the date of such report, which account and statement shall be published in some newspaper in the City. (RSMo. §79.160)

SECTION 110.110: NO MONEY OF CITY TO BE DISBURSED UNTIL STATEMENT IS PUBLISHED—PENALTY

In the event the financial statement of the City is not published as required by Section 110.100, the Treasurer of the City shall not pay out any money of the City on any warrant or order of the Board of Aldermen after the end of the month in which such financial statement should have been published until such time as such financial statement is published. Any Treasurer violating the provisions of this Section shall be deemed guilty of a ordinance violation. (RSMo. §79.165)

SECTION 110.120: BOARD MAY COMPEL ATTENDANCE OF WITNESSES—MAYOR TO ADMINISTER OATHS

The Board of Aldermen shall have power to compel the attendance of witnesses and the production of papers and records relating to any subject under consideration in which the interest of the City is involved and shall have power to call on the proper officers of the City, or of the County in which such City is located, to execute such process. The officer making such service shall be allowed to receive therefor such fees as are allowed by law in the Circuit Court for similar services, to be paid by the City. The Mayor or Acting President of the Board of Aldermen shall have power to administer oaths to witnesses. (RSMo. §79.180)

SECTION 110.130: MAYOR TO SIGN COMMISSIONS

The Mayor shall sign the commissions and appointments of all City Officers elected or appointed in the City and shall approve all official bonds unless otherwise prescribed by ordinance. (RSMo. §79.190)

SECTION 110.140: MAYOR SHALL HAVE THE POWER TO ENFORCE LAWS

The Mayor shall be active and vigilant in enforcing all laws and ordinances for the government of the City, and he/she shall cause all subordinate officers to be dealt with promptly for any neglect or violation of duty; and he/she is hereby authorized to call on every male inhabitant of the City over eighteen (18) years of age and under fifty (50) to aid in enforcing the laws. (RSMo. §79.200)

SECTION 110.150: MAYOR—COMMUNICATIONS TO BOARD

The Mayor shall, from time to time, communicate to the Board of Aldermen such measures as may, in his/her opinion, tend to the improvement of the finances, the Police, health, security, ornament, comfort and general prosperity of the City. (RSMo. §79.210)

SECTION 110.160: MAYOR MAY REMIT FINE—GRANT PARDON

The Mayor shall have power to remit fines and forfeitures and to grant reprieves and pardons for offenses arising under the ordinances of the City; but this Section shall not be so construed as to authorize the Mayor to remit any costs which may have accrued to any officer of said City by reason of any prosecution under the laws or ordinances of such City. (RSMo. §79.220)

SECTION 110.165: MAYOR—DUTIES AND POWERS

- A. The Mayor shall communicate to the Board of Aldermen his/her appointments of the officers to be appointed and such members of boards, employees of the City, standing committees, special committees and such other appointments as he/she may be directed and authorized by ordinance to make. He/she shall exercise a general supervision over all the officers and affairs of the City of Flordell Hills and shall take care that the ordinances of the City and State laws relating thereto are complied with.
- B. All committees shall be appointed by the Mayor, unless, on motion, the Board shall elect to appoint any such committee.
- C. The Mayor shall cause all subordinate officers to be dealt with promptly for any neglect or violation of duty, and he/she shall have power, as often as may deem it necessary, to require any officer of the City to exhibit his/her accounts or other papers or records and to make report to the Board of Aldermen, in writing, touching any matter relating to his/her office.
- D. The Mayor shall sign the commissions and appointments of all City Officers elected or appointed in the City and shall approve all official bonds unless otherwise prescribed by ordinance. He/she shall sign all orders, drafts and warrants drawn on the City Treasury for money and cause the City Clerk to attest the same and affix thereto the Seal of the City and to keep an accurate record thereof in a book to be provided for that purpose.
- E. The Mayor shall have the power, whenever in his/her judgment any bond held by the City from any person has become or is likely to become impaired through any cause whatsoever, to require the principal in such bond, at a time to be appointed by him/her to show cause why a new bond shall not be given, and unless cause be shown, such person shall be required within ten (10) days to enter into a new bond, and if in default thereof, the City shall have the right to declare a forfeiture of all rights and privileges granted by the City under the ordinance or contract of which said bond forms a part.
- F. The Mayor shall have such other powers and perform such other duties as may be provided by the laws of the State or by ordinance. (CC 1994 §105.160; Ord. No. 110 §4, 9-14-45; Ord. No. 256 §§16—21, 4-12-57)

ARTICLE II. BOARD OF ALDERMEN MEETINGS

SECTION 110.170: MEETINGS—TIME, PLACE—SPECIAL MEETINGS

The Board of Aldermen shall hold regular meetings on the third (3rd) Monday of each month at the City Hall at 7:00 P.M. Adjourned meetings may be held for the purpose of completing the unfinished business of any meeting at such time as may be determined by the Board. Special meetings may be called from time to time to be held in the City Hall at the time designated in the notice thereof; such special meetings may be called by the Mayor or by any three (3) Aldermen.

Written notice of special meetings shall be given in person or by mail. If in person, it shall be given at least twenty-four (24) hours before the time set for the meeting. If by mail, it shall be deposited in the United States mail at least thirty-six (36) hours before the time set for the meeting. The public shall be given notice of all meetings in conformance with Chapter 610, RSMo. (CC 1994 §105.180; Ord. No. 256 §24, 4-12-57; Ord. No. 347 §1, 6-10-68)

SECTION 110.180: QUORUM MUST BE PRESENT

At the hour appointed, the Mayor, or in his/her absence the Acting President of the Board of Aldermen, shall call the Board to order, the Clerk shall call the roll of members and announce whether or not a quorum is present. A majority of the members elected to the Board shall constitute a quorum. If a quorum not be present, a smaller number may lawfully adjourn the meeting from day to day until a quorum is present.

SECTION 110.190: ATTENDANCE REQUIRED

The members of the Board of Aldermen shall attend all meetings of the Board unless leave of absence be granted or unless excused for illness or other special reason. (CC 1994 §105.190; Ord. No. 256 §25, 4-12-57)

SECTION 110.200: MEETING PROCEDURE

- A. The Board of Aldermen, upon the announcement of a quorum, shall proceed to transact the business before them in the following order:
 - 1. Reading of the minutes of the last meeting or meetings unless temporarily waived and approval of the same as read unless changed or objected to by a member, in which event, they shall be approved or corrected.
 - 2. The presentation and hearing of remarks, complaints and petitions of citizens or other interested parties on all matters.
 - 3. Reports of officers and committees.
 - 4. Unfinished business.
 - 5. New business.
 - 6. The audit of all bills and claims against the City and ordering of payment of bills approved and allowed.
 - 7. Miscellaneous business.
- B. The established 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 of Aldermen by any member. (CC 1994 §105.280; Ord. No. 110 §§3, 6, 9-14-45)

CHAPTER 115: CITY OFFICIALS

ARTICLE I. GENERAL PROVISIONS

SECTION 115.010: ELECTIVE OFFICERS—TERMS

The elective officers of the City and their terms shall be those set out in Section 105.020 of this Code.

SECTION 115.020: APPOINTIVE OFFICERS

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 Treasurer, City Attorney, City Assessor, Street Commissioner, Building Commissioner, Municipal Judge, City Collector and Night Watchman and such other officers as he/she may be authorized by ordinance to appoint, and if deemed for the best interests of the City, the Mayor and Board of Aldermen may, by ordinance, employ special counsel to represent the City, either in a case of a vacancy in the office of City Attorney or to assist the City Attorney, and pay reasonable compensation therefor, and the person elected Marshal may be appointed to and hold the office of Street Commissioner. (RSMo. §79.230; CC 1994 §115.020; Ord. No. 256 §3, 4-12-57)

SECTION 115.030: REMOVAL OF OFFICERS

The Mayor may, with the consent of a majority of all the members elected to the Board of Aldermen, remove from office, for cause shown, any elective officer of the City, such officer being first given opportunity, together with his/her witnesses, to be heard before the Board of Aldermen sitting as a Board of Impeachment. Any elective officer, including the Mayor, may in like manner, for cause shown, be removed from office by a two-thirds ($\frac{2}{3}$) vote of all members elected to the Board of Aldermen, independently of the Mayor's approval or recommendation. The Mayor may, with the consent of a majority of all the members elected to the Board of Aldermen, remove from office any appointive officer of the City at will, and any such appointive officer may be so removed by a two-thirds ($\frac{2}{3}$) vote of all the members elected to the Board of Aldermen, independently of the Mayor's approval or recommendation. The Board of Aldermen may pass ordinances regulating the manner of impeachments and removals. (RSMo. §79.240)

SECTION 115.040: OFFICERS TO BE VOTERS AND RESIDENTS—EXCEPTIONS

All officers elected to offices or appointed to fill a vacancy in any elective office under the City Government shall be voters under the laws and Constitution of this State and the ordinances of the City except that appointed officers need not be voters of the City. No person shall be elected or appointed to any office who shall at the time be in arrears for any unpaid City taxes or forfeiture or defalcation in office. All officers, except appointed officers, shall be residents of the City. (RSMo. §79.250)

SECTION 115.050: OFFICERS' OATH—BOND

Every officer of the City and his/her assistants and every Alderman, before entering upon the duties of his/her office, shall take and subscribe to an oath or affirmation before some court of record in the County, or the City Clerk, that he/she possesses all the qualifications prescribed for his/her office by law; that he/she will support the Constitution of the United States and of the State of Missouri, the provisions of all laws of this State affecting Cities of this class, and the ordinances of the City, and faithfully demean himself/herself while in office; which official oath or affirmation shall be filed with the City Clerk. Every officer of the City, when required by law or ordinance, shall, within fifteen (15) days after his/her appointment or election, and before entering upon the discharge of the duties of his/her office, give bond to the City in such sum and with such sureties as may be designated by ordinance, conditioned upon the faithful performance of his/her duty, and that he/she will pay over all monies belonging to the City, as provided by law, that may come into his/her hands. If any person elected or appointed to any office shall fail to take and subscribe such oath or affirmation or to give bond as herein required, his/her office shall be deemed vacant. For any breach of condition of any such bond, suit may be instituted thereon by the City, or by any person in the name of the City, to the use of such person. The bond provisions of this Section may be satisfied by the securing of a blanket bond or blanket bonds, approved by the Board of Aldermen, covering such officers by name or position. (RSMo. §79.260)

SECTION 115.055: OFFICER TO BE COMMISSIONED

No person shall perform the duties of an office to which he/she is elected or appointed until commissioned as such. When the oath and bond, as herein provided, have been filed with the City Clerk, thereupon, the City Clerk shall deliver to the person elected or appointed a commission in the name of and signed by the Mayor and under the Seal of the City of Flordell Hills authorizing and empowering such person to discharge the duties of the office for the term for which he/she has been elected or appointed and until his/her successor shall have been duly elected or appointed and commissioned. (CC 1994 §105.060; Ord. No. 256 §6, 4-12-57)

SECTION 115.060: SALARIES FIXED BY ORDINANCE

The Board of Aldermen shall fix the compensation of all the officers and employees of the City by ordinance. The salary of an officer shall not be changed during the time for which he/she was elected or appointed. (RSMo. §79.270)

SECTION 115.070: VACANCIES IN CERTAIN OFFICES—HOW FILLED

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 Board of Aldermen may adopt procedures to fill vacancies consistent with this Section. 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. (RSMo. §79.280)

SECTION 115.080: POWERS AND DUTIES OF OFFICERS TO BE PRESCRIBED BY ORDINANCE

The duties, powers and privileges of officers of every character in any way connected with the City Government, not herein defined, shall be prescribed by ordinance. Bonds may be required of any such officers for faithfulness in office in all respects. (RSMo. §79.290)

SECTION 115.085: ADDITIONAL EMPLOYEES

The Mayor and Board of Aldermen may from time to time approve the employment and fix the compensation of such clerks, stenographers, inspectors, laborers, supervisors and employees of the various departments of the City Government as they may deem necessary and useful in carrying on the functions thereof and may likewise dismiss or suspend any such employee at will. In such matters, the Mayor and Board of Aldermen shall have the advice and suggestions of the appropriate Aldermanic committee and City Officer. (CC 1994 §105.100; Ord. No. 256 §10, 4-12-57)

ARTICLE II. CITY CLERK

SECTION 115.090: CITY CLERK—ELECTION—DUTIES

The Board of Aldermen shall elect a Clerk for such Board, to be known as "the City Clerk", whose duties and term of office shall be fixed by ordinance. Among other things, the City Clerk shall keep a journal of the proceedings of the Board of Aldermen. He/she shall safely and properly keep all the records and papers belonging to the City which may be entrusted to his/her care; he/she shall be the general accountant of the City; he/she is hereby empowered to administer official oaths and oaths to persons certifying to demands or claims against the City. (RSMo. §79.320)

SECTION 115.091: CITY CLERK—DUTIES

It shall be the duty of the City Clerk to attend the meetings of the Board of Aldermen, to keep regular minutes of their proceedings and to record the same and all ordinances which may become laws and all resolutions passed by the Board in the journal. He/she shall have the custody of the City Seal, the original rolls of ordinances and resolutions passed by the Board of Aldermen, the public records of the City, and all such other papers, records and documents as may be entrusted to his/her care and the same shall safely and properly keep. He/she shall record the official bonds of all City Officers, and all other bonds executed to the City and filed in his/her office, in a book kept for that purpose. He/she shall affix the City Seal to and countersign all such public instruments, documents and papers as are required by law or ordinance to be attested with the Seal of the City. He/she shall certify under his/her hand and the Seal of the City all such documents, copies or papers in his/her office as may be required for the use of any City Officer or private citizen. He/she shall furnish to the City Attorney or Board of Aldermen any record, document or paper in his/her office, which either may be called for or be used in any court; but for the same he/she shall take and file a receipt. He/she shall, whenever required, furnish the Mayor, Board of Aldermen or any committee of the Board, copies or abstracts of any books, accounts, records, vouchers or documents in his/her office, or any information relating to the business of the City or his/her office, and he/she shall at all times permit the Mayor, any member of the Board of Aldermen or any interested City Officer or other person to examine any books, papers or documents in his/her office. (CC 1994 §105.380; Ord. No. 256 §43, 4-12-57)

SECTION 115.092: CLERK TO COUNTERSIGN ALL COMMISSIONS, ETC.

The City Clerk shall prepare, seal with the City Seal and countersign all commissions and other official documents which the Mayor is required to issue and keep a register thereof, in which the substance thereof shall be noted. (CC 1994 §105.390; Ord. No. 256 §44, 4-12-57)

SECTION 115.093: CLERK—PURCHASING

The City Clerk shall procure all stationery, books and other articles necessary for his/her own office and that of the Mayor and other City Officers and for the Board of Aldermen and shall furnish all City Officers with such books as are required to be used or kept by them, of all which he/she shall keep an accurate account, taking receipts from all officers to whom he/she shall deliver such supplies. He/she shall also pay the postage on, or other necessary expenses of any official documents received or sent by him/her or any other City Officer, and for all expenses incurred under the provisions of this Section he/she shall draw a warrant on the City Treasurer payable out of the appropriation for such purposes. (CC 1994 §105.400; Ord. No. 256 §45, 4-12-57)

SECTION 115.094: CLERK TO ADMINISTER OATHS

The City Clerk shall have the power to administer oaths of affirmations to parties or witnesses in any case in which he/she may deem it necessary in the course of any examinations of accounts or claims presented to him/her to be audited, and all oaths required by law, including oaths of office, may be administered by the City Clerk, except oaths in the Municipal Court which shall be administered by the Municipal Judge. (CC 1994 §105.410; Ord. No. 256 §46, 4-12-57)

ARTICLE III. CITY TREASURER

SECTION 115.100: TREASURER—DUTIES—BOND

The Treasurer shall receive and safely keep all monies, warrants, books, bonds and obligations entrusted to his/her care and shall pay over all monies, bonds or other obligations of the City on warrants or orders duly drawn, passed or ordered by the Board of Aldermen and signed by the Mayor and attested by the City Clerk and having the Seal of the City affixed thereto and not otherwise and shall perform such other duties as may be required of him/her by ordinance. Before entering upon the duties of his/her office, he/she shall give bond in the amount of five thousand dollars (\$5,000.00). (RSMo. §79.300; CC 2010 §105.420; Ord. No. 256 §§48—60, 4-12-57)

SECTION 115.105: CITY TREASURER—DUTIES

It shall be the duty of the City Treasurer:

1. To receive and safely keep all monies, warrants, books, bonds and obligations and any other property belonging to the City and entrusted to his/her care and deliver the same to his/her successor in office, taking duplicate receipts therefor, one (1) of which he/she shall file with the City Clerk.
2. To pay over all monies, bonds or other obligations of the City on warrants or orders duly drawn, passed or ordered by the Board of Aldermen, signed by the Mayor and attested by the City Clerk and having the Seal of the City affixed thereto and not otherwise.

3. To examine all bills that contemplate the payment of money which may be referred to him/her by the Board of Aldermen before their final passage, and if it appears that a sufficient sum stands to the credit of the City unappropriated in the fund covered by such ordinances to meet the requirements of the bill, he/she shall indorse the bill to that effect.
4. To keep, in proper books, a full, accurate account of all monies received and disbursed by him/her for the City, showing the date of receipts and disbursements, from whom received and to whom paid, and on what account received and disbursed.
5. To keep a separate account of and with each of the several funds to which the revenues of the City are required to be appropriated and crediting the amounts disbursed therefrom, so that the accounts will at all times show the condition of the various funds.
6. To keep a register of all warrants received into the Treasury in the payment of indebtedness to the City, redeemed or paid by him/her, wherein shall be set forth the number, date, amount and payee of each warrant, the date when, from or to whom, and on what account received or paid, and all warrants so paid or received by him/her, he/she shall cancel and file.
7. To keep a record of bonds or other evidences of indebtedness of the City which shall describe the same fully in the same manner as in the case of warrants so far as practicable; also to whom and at what price the same were sold, rate of interest, when and where payable, date of maturity, purpose of issue, denomination and number of bonds, the amount of issue.
8. To keep faithful check upon the securities deposited by the City depositories of the funds of the City to secure the deposits so as to see that ample securities are deposited as provided in this Chapter and to see that all provisions of any depository contracts are strictly performed.
9. To issue to every officer or other person making payment to the City, a receipt stating the date of payment, on which account paid, and whether paid in cash, warrants or otherwise and to file with the City Clerk a duplicate of every receipt so issued.
10. To make report in writing to the Board of Aldermen at each regular monthly meeting, showing the amount on hand and credited to the various funds on the first (1st) day of the preceding month, the disbursements during the month following, and total amount in Treasury, and unexpended balances to the credit of the respective funds on the last day of the preceding month.
11. To report in detail to the Board of Aldermen in writing, annually, at the first (1st) regular meeting in January, the receipts and expenditures of the Treasury for the previous fiscal year, the specific amounts on hand belonging to the General Fund, and also the Sinking Fund.
12. To give bond to the City of Flordell Hills in the sum of five thousand dollars (\$5,000.00), the cost of which shall be paid by the City. (CC 1994 §105.420; Ord. No. 256 §48—60, 4-12-57)

ARTICLE IV. CITY COLLECTOR

SECTION 115.110: APPOINTMENT

The Mayor with the approval of a majority of the members of the Board of Aldermen shall appoint a City Collector.

SECTION 115.120: DUTIES GENERALLY

The Collector shall perform all the duties specified in this Code and shall perform such other duties as may be directed by the City Clerk and/or Mayor.

SECTION 115.130: COLLECTOR TO MAKE ANNUAL REPORT

The Collector shall annually, at such times as may be designated by ordinance, make a detailed report to the Board of Aldermen stating the various monies collected by him/her during the year, and the amounts uncollected, and the names of the persons from which he/she failed to collect, and the causes therefor. (RSMo. §79.310)

SECTION 115.140: DEPUTY COLLECTOR

The Mayor may appoint a Deputy Collector to be approved by the Board of Aldermen, and when such Deputy Collector shall have taken and subscribed to the oath provided by this Code, he/she shall possess all the qualifications and powers and be charged with the same duties as the Collector.

ARTICLE V. CITY ATTORNEY

SECTION 115.150: APPOINTMENT—TERM

- A. The Mayor, with the advice and consent of the Board of Aldermen, at the first (1st) meeting after each annual City election shall appoint a suitable person as City Attorney who shall hold office until his/her successor is appointed and qualified.
- B. *Qualifications.* No person shall be appointed to the office of City Attorney unless he/she be a licensed and practicing attorney at law in this State.

SECTION 115.155: CITY ATTORNEY—DUTIES AND QUALIFICATIONS

The City Attorney shall attend the meetings of the Board of Aldermen, advise the various City Officers, committees and boards upon legal questions pertaining to their respective duties for the City, draw ordinances, deeds, releases, easements, contracts, bonds and other documents relating to municipal affairs, represent the City in all litigation in the courts and before the Public Service Commission and prosecute for violations of City ordinances in the Municipal Court. The City Attorney shall be a lawyer licensed to practice in the Courts of the State of Missouri. (CC 1994 §105.370; Ord. No. 256 §42, 4-12-57)

ARTICLE VI. STREET COMMISSIONER

SECTION 115.160: RESPONSIBILITIES AND DUTIES

- A. The Street Commissioner shall be the directing and operating head of and in charge of the employees, buildings, equipment, tools, stocks of materials and property of the Department of Streets and Sewers. He/she shall, subject to any direction by the Mayor and Board of Aldermen or Streets and Sewers Committee given in reference thereto, direct the work of the opening,

maintaining, cleaning and repair of all streets, alleys, sewers, drains, bridges, sidewalks, parkways, tree lawns and public places in the City of Flordell Hills. He/she shall make inspections and see that the streets, alleys, sewers, drains, bridges, sidewalks, parkways, tree lawns and public places are maintained and kept in good condition and free from obstructions and defects which might impair their free and open use by the public or result in injury to persons or property. He/she shall as directed by the Mayor and Board of Aldermen or as required by the Code or by ordinance provide, erect and maintain all street signs and traffic signs and markings.

- B. When any defect or obstruction exists in any street, alley, bridge, sidewalk, parkway, tree lawn or public place which cannot be at once repaired, removed or corrected and which might result in injury to any person or property on or using the same, or when any street, alley, bridge, sidewalk, parkway, tree lawn or public place or part thereof is out of condition for use by reason of its being under construction, reconstruction, resurfacing or repair or any other cause whatever, it shall be the duty of the Street Commissioner to see that said street, alley, bridge, sidewalk, parkway, tree lawn or public place or part thereof at which such defect or obstruction exists or which is out of condition for use from any cause shall be at once closed off by adequate barricades and shall see that warning signs are placed on or around said barricades of sufficient size in the daytime and sufficient lanterns or other lights at night to warn the public of the existence of such defect, obstruction or bad condition so as to avert injury to persons and property. The Street Commissioner shall notify the Police Department of any such condition and may request the Chief of Police to furnish police protection if the situation shall so warrant.
- C. The Street Commissioner shall have power in emergencies to employ help in the performance of any of his/her duties until the next regular meeting of the Board of Aldermen and shall certify to the Board the wages agreed to be paid such employees for approval and payment.
- D. The Street Commissioner shall attend all regular meetings of the Board of Aldermen unless excused by the Board or Mayor and shall also attend other meetings when requested by them to do so. He/she shall monthly, or as requested, report in writing to the Board of Aldermen setting out the receipts and disbursements for the Street Department for the preceding period. He/she shall report on the work of his/her department and any needed work to be done with his/her recommendation thereon. He/she shall report and recommend the employment or dismissal of employees of his/her department and with reference to the wages or salaries to be paid as may be authorized by the Board of Aldermen.
- E. The Street Commissioner shall perform such other duties as may be required by law or ordinance or as directed by the Mayor and Board of Aldermen and shall see that the directions of the Mayor and Board and all ordinances relative to streets, sewers, alleys, bridges, drains, parkways, tree lawns and public places are obeyed and enforced. (CC 1994 §105.430; Ord. No. 256 §§61—65, 4-12-57)

ARTICLE VII. BUILDING COMMISSIONER

SECTION 115.170: DUTIES

The duties of the Building Commissioner shall be as follows:

1. To issue the building permits.
2. To make all inspections as provided in any ordinance of the City of Flordell Hills.
3. To enforce all ordinances relating to construction or reconstruction, equipment and condition of all property within the City of Flordell Hills.

4. To regulate the construction or reconstruction of all building.
5. To report monthly to the Mayor or Board of Aldermen regarding the condition of the City on all matters pertaining to building and fire prevention.
6. To perform such other duties as may from time to time be imposed by the Mayor or the Board of Aldermen.
7. The Board of Aldermen may designate other City employees or officers to assist in the performance of the Building Commissioner and may appoint Deputy Building Commissioners. (CC 1994 §105.440; Ord. No. 256 §66, 4-12-57)

ARTICLE VIII. MISCELLANEOUS PROVISIONS

SECTION 115.180: OFFICERS TO REPORT RECEIPTS AND EXPENDITURES

It shall be the duty of all the officers of the City to report annually to the Board of Aldermen, such reports to embrace a full statement of the receipts and expenditures of their respective offices and such other matters as may be required by the Board of Aldermen by ordinance, resolution or otherwise. (RSMo. §79.340)

SECTION 115.190: MAYOR OR BOARD MAY INSPECT BOOKS AND RECORDS OF OFFICERS

The Mayor or Board of Aldermen shall have power, as often as he/she or they may deem it necessary, to require any officer of the City to exhibit his/her accounts or other papers or records and to make report to the Board of Aldermen, in writing, touching any matter relating to his/her office. (RSMo. §79.350)

CHAPTER 120: OPEN MEETINGS AND RECORDS POLICY

ARTICLE I. IN GENERAL

SECTION 120.010: DEFINITIONS

As used in this Chapter, unless the context otherwise indicates, the following terms mean:

CLOSED MEETING, CLOSED RECORD OR CLOSED VOTE: Any meeting, record or vote closed to the public.

COPYING: If requested by a member of the public, copies provided as detailed in Section 120.100 of this Chapter, if duplication equipment is available.

PUBLIC BUSINESS: All matters which relate in any way to performance of the City's functions or the conduct of its business.

PUBLIC GOVERNMENTAL BODY: Any legislative, administrative or governmental entity created by the Constitution or Statutes of this State, orders or ordinances of the City, judicial entities when operating in an administrative capacity or by executive order, including:

1. Any advisory committee or commission appointed by the Mayor or Board of Aldermen.
2. Any department or division of the City.
3. Any other legislative or administrative governmental deliberative body under the direction of three (3) or more elected or appointed members having rulemaking or quasi-judicial power.
4. Any committee appointed by or at the direction of any of the entities and which is authorized to report to any of the above-named entities, any advisory committee appointed by or at the direction of any of the named entities for the specific purpose of recommending, directly to the public governmental body's governing board or its Chief Administrative Officer, policy or policy revisions or expenditures of public funds.
5. Any quasi-public governmental body. The term "*quasi-public governmental body*" means any person, corporation or partnership organized or authorized to do business in this State pursuant to the provisions of Chapters 352, 353 or 355, RSMo., or unincorporated association which either:
 - a. Has as its primary purpose to enter into contracts with public governmental bodies or to engage primarily in activities carried out pursuant to an agreement or agreements with public governmental bodies; or
 - b. Performs a public function, as evidenced by a statutorily or ordinance-based capacity, to confer or otherwise advance, through approval, recommendation or other means, the allocation or issuance of tax credits, tax abatement, public debt, tax exempt debt, rights of eminent domain, or the contracting of lease-back agreements on structures whose annualized payments commit public tax revenues; or any association that directly accepts the appropriation of money from the City, but only to the extent that a meeting, record or vote relates to such appropriation.

PUBLIC MEETING: Any meeting of a public governmental body subject to this Chapter at which any public business is discussed, decided or public policy formulated, whether such meeting is conducted in person or by means of communication equipment including, but not limited to, conference call, video conference, Internet chat or Internet message board. The term "*public meeting*" shall not include an informal gathering of members of a public governmental body for ministerial or social purposes when there is no intent to avoid the purposes of this Chapter, but the term shall include a vote of all or a majority of the members of a public governmental body, by electronic communication or any other means, conducted in lieu of holding a public meeting with the members of the public governmental body gathered at one (1) location in order to conduct public business.

PUBLIC RECORD: Any record, whether written or electronically stored, retained by or of any public governmental body including any report, survey, memorandum, or other document or study prepared for the public governmental body by a consultant or other professional service paid for in whole or in part by public funds, including records created or maintained by private contractors under an agreement with a public governmental body or on behalf of a public governmental body. The term "*public record*" shall not include any internal memorandum or letter received or prepared by or on behalf of a member of a public governmental body consisting of advice, opinions and recommendations in connection with the deliberative decision-making process of said body, unless such records are retained by the public governmental body or presented at a public meeting. Any documents or study prepared for a public governmental body by a consultant or other professional service as described in this Subdivision shall be retained by the public governmental body in the same manner as any other public record.

PUBLIC VOTE: Any vote, whether conducted in person, by telephone or by any other electronic means, cast at any public meeting of any public governmental body. (RSMo. §610.010, 2004)

SECTION 120.020: MEETINGS, RECORDS AND VOTES TO BE PUBLIC—EXCEPTIONS

All meetings, records and votes are open to the public, except that any meeting, record or vote relating to one (1) or more of the following matters, as well as other materials designated elsewhere in this Chapter, shall be closed unless the public governmental body votes to make them public:

1. Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public governmental body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of Section 610.011, RSMo., however, the amount of any monies paid by, or on behalf of, the public governmental body shall be disclosed; provided however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record.
2. Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes or vote or public record approving a contract relating to the leasing, purchase or sale of real

estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate.

3. Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two (72) hours of the close of the meeting where such action occurs; provided however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two (72) hour period before such decision is made available to the public. As used in this Subsection, the term "*personal information*" means information relating to the performance or merit of individual employees.
4. Non-judicial mental or physical health proceedings involving an identifiable person, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment.
5. Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again.
6. Welfare cases of identifiable individuals.
7. Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups.
8. Software codes for electronic data processing and documentation thereof.
9. Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid.
10. Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected.
11. Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such.
12. Records which are protected from disclosure by law.
13. Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest.
14. Records relating to municipal hotlines established for the reporting of abuse and wrongdoing.
15. Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this Chapter.
16. Operational guidelines and policies developed, adopted or maintained by any public agency responsible for law enforcement, public safety, first response or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Nothing in this exception shall be deemed to close information regarding expenditures, purchases or contracts

made by an agency in implementing these guidelines or policies. When seeking to close information pursuant to this exception, the agency shall affirmatively state in writing that disclosure would impair its ability to protect the safety or health of persons, and shall in the same writing state that the public interest in non-disclosure outweighs the public interest in disclosure of the records. This exception shall sunset on December 31, 2012.

17. Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a non-public entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety.
 - a. Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open.
 - b. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property and shall in the same writing state that the public interest in non-disclosure outweighs the public interest in disclosure of the records.
 - c. Records that are voluntarily submitted by a non-public entity shall be reviewed by the receiving agency within ninety (90) days of submission to determine if retention of the document is necessary in furtherance of a State security interest. If retention is not necessary, the documents shall be returned to the non-public governmental body or destroyed.
 - d. This exception shall sunset on December 31, 2012.
18. Records that identify the configuration of components or the operation of a computer, computer system, computer network or telecommunications network and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network or telecommunications network, including the amount of monies paid by, or on behalf of, a public governmental body for such computer, computer system, computer network or telecommunications network, shall be open.
19. Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this Section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body. (RSMo. §610.021, 2004, 2008, 2009)

SECTION 120.030: ELECTRONIC TRANSMISSIONS—PUBLIC RECORD—WHEN

Any member of a public governmental body who transmits any message relating to public business by electronic means shall also concurrently transmit that message to either the member's public office computer or the custodian of records in the same format. The provisions of this Section shall

only apply to messages sent to two (2) or more members of that body so that, when counting the sender, a majority of the body's members are copied. Any such message received by the custodian or at the member's office computer shall be a public record subject to the exception of Section 610.021, RSMo. (RSMo. §610.025, 2004)

SECTION 120.040: NOTICES OF MEETINGS

- A. All public governmental bodies shall give notice of the time, date and place of each meeting and its tentative agenda in a manner reasonably calculated to advise the public of the matters to be considered, and if the meeting will be conducted by telephone or other electronic means, the notice of the meeting shall identify the mode by which the meeting will be conducted and the designated location where the public may observe and attend the meeting. If a public body plans to meet by Internet chat, Internet message board or other computer link, it shall post a notice of the meeting on its website in addition to its principal office and shall notify the public how to access that meeting. Reasonable notice shall include making available copies of the notice to any representative of the news media who requests notice of meetings of a particular public governmental body concurrent with the notice being made available to the members of the particular governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if no such office exists, at the building in which the meeting is to be held.
- B. Notice conforming with all of the requirements of Subsection (A) of this Section shall be given at least twenty-four (24) hours, exclusive of weekends and holidays when City Hall is closed, prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given.
- C. The City shall allow for the recording by audiotape, videotape or other electronic means of any open meeting. The City may establish guidelines regarding the manner in which such recording is conducted so as to minimize disruption to the meeting. No audio recording of any meeting, record or vote closed pursuant to the provisions of Section 120.020 shall be permitted without permission of the City; any person who violates this provision shall be guilty of an ordinance violation.
- D. Each governmental body proposing to hold a closed meeting or vote shall give notice of the time, date and place of such closed meeting or vote and the reason for holding it by reference to a specific exception allowed pursuant to Section 120.020 hereof. The notice shall be the same as described in Subsection (A) herein.
- E. A formally constituted subunit of a parent governmental body may conduct a meeting without notice during a lawful meeting of the parent governmental body, a recess in that meeting, or immediately following that meeting if the meeting of the subunit is publicly announced at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body. (RSMo. §§610.020.1—3, 5, 2004; 610.022.2)

SECTION 120.050: CLOSED MEETINGS—HOW HELD

- A. Except as set forth in Subsection (D) of Section 120.040, no meeting or vote may be closed without an affirmative public vote of the majority of a quorum of the public governmental body. The vote of each member of the governmental body on the question of closing a public meeting or vote and the specific reason for closing that public meeting or vote by reference to a specific Section of this Chapter shall be announced publicly at an open meeting of the governmental body and entered into the minutes.

- B. Any meeting or vote closed pursuant to Section 120.020 shall be closed only to the extent necessary for the specific reason announced to justify the closed meeting or vote. Public governmental bodies shall not discuss any business in a closed meeting, record or vote which does not directly relate to the specific reason announced to justify the closed meeting or vote. Public governmental bodies holding a closed meeting shall close only an existing portion of the meeting facility necessary to house the members of the public governmental body in the closed session, allowing members of the public to remain to attend any subsequent open session held by the public governmental body following the closed session. (RSMo. §§610.022.1, 610.022.3, 2004)

SECTION 120.060: JOURNALS OF MEETINGS AND RECORDS OF VOTING

- A. Except as provided in Section 120.020, rules authorized pursuant to Article III of the Missouri Constitution and as otherwise provided by law, all votes shall be recorded, and if a roll call is taken as to attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body. Any votes taken during a closed meeting shall be taken by roll call. All public meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication. All votes taken by roll call in meetings of a public governmental body, consisting of members who are all elected, shall be cast by members of the public governmental body who are physically present and in attendance at the meeting. When it is necessary to take votes by roll call in a meeting of the public governmental body, due to an emergency of the public body, with a quorum of the members of the public body physically present and in attendance and less than a quorum of the members of the public governmental body participating via telephone, facsimile, Internet, or any other voice or electronic means, the nature of the emergency of the public body justifying that departure from the normal requirements shall be stated in the minutes. Where such emergency exists, the votes taken shall be regarded as if all members were physically present and in attendance at the meeting.
- B. A journal or minutes of open and closed meetings shall be taken and retained by the public governmental body including, but not limited to, a record of any vote taken at such meeting. The minutes shall include the date, time, place, members present, members absent and a record of votes taken. When a roll call vote is taken, the minutes shall attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body. (RSMo. §§610.015, 2004; 610.020.7, 2004)

SECTION 120.070: ACCESSIBILITY OF MEETINGS

- A. Each meeting shall be held at a place reasonably accessible to the public and of sufficient size to accommodate the anticipated attendance by members of the public and at a time reasonably convenient to the public unless for good cause such a place or time is impossible or impractical. Every reasonable effort shall be made to grant special access to the meeting to handicapped or disabled individuals.
- B. When it is necessary to hold a meeting on less than twenty-four (24) hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes. (RSMo. §§610.020.2, 2004; 610.020.4, 2004)

SECTION 120.080: SEGREGATION OF EXEMPT MATERIAL

If a public record contains material which is not exempt from disclosure, as well as material which is exempt from disclosure, the custodian shall separate the exempt and non-exempt material and

make the non-exempt material available for examination and copying in accord with the policies provided herein. When designing a public record the custodian shall, to the extent practicable, facilitate a separation of exempt from non-exempt information. If the separation is readily apparent to a person requesting to inspect or receive copies of the form, the custodian shall generally describe the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption. (RSMo. §610.024)

SECTION 120.090: CUSTODIAN DESIGNATED—RESPONSE TO REQUEST FOR ACCESS TO RECORDS

- A. The City Clerk shall be the custodian of records and will be responsible for maintenance and control of all records. The custodian may designate deputy custodians in operating departments of the City and such other departments or offices as the custodian may determine. Deputy custodians shall conduct matters relating to public records and meetings in accord with the policies enumerated herein.
- B. Each public governmental body shall make available for inspection and copying by the public of that body's public records. No person shall remove original public records from the office of a public governmental body or its custodian without written permission of the designated custodian. No public governmental body shall, after August 28, 1998, grant to any person or entity, whether by contract, license or otherwise, the exclusive right to access and disseminate any public record unless the granting of such right is necessary to facilitate coordination with, or uniformity among, industry regulators having similar authority.
- C. Each request for access to a public record shall be acted upon as soon as possible, but in no event later than the end of the third (3rd) business day following the date the request is received by the custodian of records of a public governmental body. If records are requested in a certain format, the public body shall provide the records in the requested format, if such format is available. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. This period for document production may exceed three (3) days for reasonable cause.
- D. If a request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third (3rd) business day following the date that the request for the statement is received. (RSMo. §610.023, 2004)

SECTION 120.100: FEES FOR COPYING PUBLIC RECORDS—LIMITATIONS

- A. Except as otherwise provided by law, each public governmental body shall provide access to and, upon request, furnish copies of public records subject to the following:
 - 1. Fees for copying public records, except those records restricted under Section 32.091, RSMo., shall not exceed ten cents (\$.10) per page for a paper copy not larger than nine (9) by fourteen (14) inches, with the hourly fee for duplicating time not to exceed the average hourly rate of pay for clerical staff of the public governmental body. Research time required for fulfilling records requests may be charged at the actual cost of research time. Based on the scope of the request, the public governmental body shall produce the copies using employees of the body that result in the lowest amount of charges for search, research and duplication time. Prior to producing copies of the requested records, the person requesting the records may request the

public governmental body to provide an estimate of the cost to the person requesting the records. Documents may be furnished without charge or at a reduced charge when the public governmental body determines that waiver or reduction of the fee is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the public governmental body and is not primarily in the commercial interest of the requester.

2. Fees for providing access to public records maintained on computer facilities, recording tapes or disks, videotapes or films, pictures, maps, slides, graphics, illustrations or similar audio or visual items or devices, and for paper copies larger than nine (9) by fourteen (14) inches shall include only the cost of copies, staff time, which shall not exceed the average hourly rate of pay for staff of the public governmental body required for making copies and programming, if necessary, and the cost of the disk, tape or other medium used for the duplication. Fees for maps, blueprints or plats that require special expertise to duplicate may include the actual rate of compensation for the trained personnel required to duplicate such maps, blueprints or plats. If programming is required beyond the customary and usual level to comply with a request for records or information, the fees for compliance may include the actual cost of such programming.
- B. Payment of such copying fees may be requested prior to the making of copies.
(RSMo. §610.026, 2004)

ARTICLE II. LAW ENFORCEMENT ARREST REPORTS AND RECORDS, INCIDENT REPORTS, ETC.

SECTION 120.110: DEFINITIONS

As used in this Article, the following terms shall have the following definitions:

ARREST: An actual restraint of the person of the defendant, or by his/her submission to the custody of the officer, under authority of a warrant or otherwise for a criminal violation which results in the issuance of a summons or the person being booked.

ARREST REPORT: A record of a law enforcement agency of an arrest and of any detention or confinement incident thereto together with the charge therefor.

INACTIVE: An investigation in which no further action will be taken by a law enforcement agency or officer for any of the following reasons:

1. A decision by the law enforcement agency not to pursue the case.
2. Expiration of the time to file criminal charges pursuant to the applicable statute of limitations or ten (10) years after the commission of the offense, whichever date earliest occurs.
3. Finality of the convictions of all persons convicted on the basis of the information contained in the investigative report, by exhaustion of or expiration of all rights of appeal of such persons.

INCIDENT REPORT: A record of a law enforcement agency consisting of the date, time, specific location, name of the victim, and immediate facts and circumstances surrounding the initial report of a crime or incident, including any logs of reported crimes, accidents and complaints maintained by that agency.

INVESTIGATIVE REPORT: A record, other than an arrest or incident report, prepared by personnel of a law enforcement agency inquiring into a crime or suspected crime either in response to an incident report or in response to evidence developed by Law Enforcement Officers in the course of their duties. (RSMo. §610.100)

SECTION 120.120: POLICE DEPARTMENT RECORDS

- A. The Police Department of the City shall maintain records of all incidents reported to the Police Department and investigations and arrests made by the Police Department. All incident reports and arrest reports shall be open records. Notwithstanding any other provision of law other than the provisions of Subsection (C) of this Section or Section 320.083, RSMo., investigative reports of the Police Department are closed records until the investigation becomes inactive. If any person is arrested and not charged with an offense against the law within thirty (30) days of the person's arrest, the arrest report shall thereafter be a closed record except that the disposition portion of the record may be accessed and except as provided in Section 120.140.
- B. Except as provided in Subsections (C) and (D) of this Section, if any portion of a record or document of a Police Department Officer or the Police Department, other than an arrest report which would otherwise be open, contains information that is reasonably likely to pose a clear and present danger to the safety of any victim, witness, undercover officer or other person; or jeopardize a criminal investigation, including records which would disclose the identity of a source wishing to remain confidential or a suspect not in custody; or which would disclose techniques, procedures or guidelines for Police Department investigations or prosecutions, that portion of the record shall be closed and shall be redacted from any record made available pursuant to this Chapter.
- C. Any person, a family member of such person within the first degree of consanguinity of such person if deceased or incompetent, attorney for a person or insurer of a person involved in any incident or whose property is involved in an incident may obtain any records closed pursuant to this Section or Section 120.140 for purposes of investigation of any civil claim or defense as provided by this Subsection. Any individual, his/her attorney or insurer involved in an incident or whose property is involved in an incident, upon written request, may obtain a complete unaltered and unedited incident report concerning the incident and may obtain access to other records closed by the Police Department pursuant to this Section. Within thirty (30) days of such request, the Police Department shall provide the requested material or file a motion pursuant to this Subsection with the Circuit Court having jurisdiction over the Police Department stating that the safety of the victim, witness or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized. Pursuant to Section 610.100(4), RSMo., if, based on such motion, the court finds for the Police Department, the court shall either order the record closed or order such portion of the record that should be closed to be redacted from any record made available pursuant to this Subsection.
- D. Any person may apply pursuant to this Subsection to the Circuit Court having jurisdiction for an order requiring a Law Enforcement Agency to open incident reports and arrest reports being unlawfully closed pursuant to the Section. If the court finds by a preponderance of the evidence that the Law Enforcement Officer or agency has knowingly violated this Section, the officer or agency shall be subject to a civil penalty in an amount up to one thousand dollars (\$1,000.00). If the court finds that there is a knowing violation of this Section, the court may order payment by such officer or agency of all costs and attorneys' fees as provided by Section 610.027, RSMo. If the court finds by a preponderance of the evidence that the Law Enforcement Officer or agency has purposely violated this Section, the officer or agency shall be subject to a civil penalty in an amount up to five thousand dollars (\$5,000.00) and the court shall order payment by such officer or agency of all costs

and attorney fees as provided in Section 610.027, RSMo. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the Law Enforcement Officer or agency has violated this Section previously.

- E. The victim of an offense as provided in Chapter 566, RSMo., may request that his/her identity be kept confidential until a charge relating to such incident is filed. (RSMo. §610.100(2)(3)(4)(6)(7), 2004)

SECTION 120.130: EFFECT OF NOLLE PROS, DISMISSAL AND SUSPENDED IMPOSITION OF SENTENCE ON RECORDS

- A. If the person arrested is charged but the case is subsequently nolle prossed, dismissed, or the accused is found not guilty, or imposition of sentence is suspended in the court in which the action is prosecuted, official records pertaining to the case shall thereafter be closed records when such case is finally terminated, except as provided in Subsection (B) of this Section and Section 120.140 and except that the court's judgment or order or the final action taken by the prosecutor in such matters may be accessed. If the accused is found not guilty due to mental disease or defect pursuant to Section 552.030, RSMo., official records pertaining to the case shall thereafter be closed records upon such findings, except that the disposition may be accessed only by law enforcement agencies, child care agencies, facilities as defined in Section 198.006, RSMo., and in-home services provider agencies as defined in Section 660.250, RSMo., in the manner established by Section 120.140.
- B. If the person arrested is charged with an offense found in Chapter 566, RSMo., Section 568.045, 568.050, 568.060, 568.065, 568.080, 568.090 or 568.175, RSMo., and an imposition of sentence is suspended in the court in which the action is prosecuted, the official records pertaining to the case shall be made available to the victim for the purpose of using the records in his/her own judicial proceeding or if the victim is a minor to the victim's parents or guardian, upon request. (RSMo. §610.105, 2006)

SECTION 120.140: PUBLIC ACCESS OF CLOSED ARREST RECORDS

- A. Records required to be closed shall not be destroyed; they shall be inaccessible to the general public and to all persons other than the defendant except as provided in this Section and Section 43.507, RSMo. The closed records shall be available to: criminal justice agencies for the administration of criminal justice pursuant to Section 43.500, RSMo., criminal justice employment, screening persons with access to criminal justice facilities, procedures and sensitive information; to law enforcement agencies for issuance or renewal of a license, permit, certification, or registration of authority from such agency including, but not limited to, watchmen, security personnel, private investigators, and persons seeking permits to purchase or possess a firearm; those agencies authorized by Section 43.543, RSMo., to submit and when submitting fingerprints to the central repository; the Sentencing Advisory Commission created in Section 558.019, RSMo., for the purpose of studying sentencing practices in accordance with Section 43.507, RSMo.; to qualified entities for the purpose of screening providers defined in Section 43.540, RSMo.; the Department of Revenue for driver license administration; the Division of Workers' Compensation for the purposes of determining eligibility for crime victims' compensation pursuant to Sections 595.010 to 595.075, RSMo.; Department of Health and Senior Services for the purpose of licensing and regulating facilities and regulating in-home services provider agencies and Federal agencies for purposes of criminal justice administration, criminal justice employment, child, elderly or disabled care, and for such investigative purposes as authorized by law or presidential executive order.
- B. These records shall be made available only for the purposes and to the entities listed in this Section. A criminal justice agency receiving a request for criminal history information under its control may

require positive identification, to include fingerprints of the subject of the record search, prior to releasing closed record information. Dissemination of closed and open records from the Missouri criminal records repository shall be in accordance with Section 43.509, RSMo. All records which are closed records shall be removed from the records of the Police Department and Municipal Court which are available to the public and shall be kept in separate records which are to be held confidential and, where possible, pages of the public record shall be retyped or rewritten omitting those portions of the record which deal with the defendant's case. If retyping or rewriting is not feasible because of the permanent nature of the record books, such record entries shall be blacked out and recopied in a confidential book. (RSMo. §610.120, 2003)

SECTION 120.150: "911" TELEPHONE REPORTS

Except as provided by this Section, any information acquired by the Police Department by way of a complaint or report of a crime made by telephone contact using the emergency number "911" shall be inaccessible to the general public. However, information consisting of the date, time, specific location, and immediate facts and circumstances surrounding the initial report of the crime or incident shall be considered to be an incident report and subject to Section 120.120. Any closed records pursuant to this Section shall be available upon request by law enforcement agencies or the Division of Workers' Compensation or pursuant to a valid court order authorizing disclosure upon motion and good cause shown. (RSMo. §610.150)

SECTION 120.160: DAILY LOG OR RECORD MAINTAINED BY POLICE DEPARTMENT OF CRIMES, ACCIDENTS OR COMPLAINTS—PUBLIC ACCESS TO CERTAIN INFORMATION

The City of Flordell Hills Police Department, if it maintains a daily log or record that lists suspected crimes, accidents or complaints, shall make available the following information for inspection and copying by the public:

1. The time, substance and location of all complaints or requests for assistance received by the Police Department;
2. The time and nature of the Police Department's response to all complaints or requests for assistance; and
3. If the incident involves an alleged offense or infraction:
 - a. The time, date and location of occurrence;
 - b. The name and age of any victim, unless the victim is a victim of a crime under Chapter 566, RSMo.;
 - c. The factual circumstances surrounding the incident; and
 - d. A general description of any injuries, property or weapons involved. (RSMo. §610.200, 2004)

CHAPTER 125: MUNICIPAL COURT

ARTICLE I. GENERAL PROVISIONS

SECTION 125.010: COURT ESTABLISHED

There is hereby established in the City of Flordell Hills a Municipal Court to be known as the "Flordell Hills Municipal Court, a Division of the 21st Judicial Circuit Court of the State of Missouri". In the event a Police Court existed prior to the establishment of a Municipal Court, this Court is a continuation of the Police Court of the City as previously established and is termed herein "The Municipal Court".

SECTION 125.015: MUNICIPAL COURT HELD—WHEN

Municipal Court shall be held in the City Hall on the first (1st) Monday of every month commencing at 7:00 P.M. and continuing until concluded. (CC 1994 §115.020; Ord. No. 394 §2, 11-20-78; Ord. No. 0222-1 §1, 2-22-10)

SECTION 125.020: JURISDICTION

Violations of municipal ordinances shall be heard and determined only before Divisions of the Circuit Court as hereinafter provided in this Chapter. "*Heard and determined*", for purposes of this Chapter, shall mean any process under which the Court in question retains the final authority to make factual determinations pertaining to allegations of a municipal ordinance violation. (RSMo. §479.010)

SECTION 125.030: SELECTION OF MUNICIPAL JUDGE

The Judge of the City's Municipal Court shall be known as a Municipal Judge of the 21st Judicial Circuit Court and shall be selected by appointment to the position by the Mayor with approval of a majority of the members of the Board of Aldermen for a term as specified herein.

SECTION 125.035: JUDGE—TERM OF OFFICE—COMPENSATION—VACATION OF OFFICE

- A. The Municipal Judge shall be appointed by the Mayor with the consent and approval of the majority of the members of the Board of Aldermen. The term of the Municipal Judge so appointed and approved shall commence on the effective date of such appointment and approval and shall expire on the third (3rd) Monday of May of the year of the general election for Mayor of the City of Flordell Hills or at such time as his/her successor shall be duly appointed and qualified. The Provisional Judge shall hold his/her office for whatever term is designated by the Board of Aldermen.
- B. The Municipal Judge shall be compensated at such rate as may be designated by the Board of Aldermen from time to time by ordinance.

- C. If for any reason a Municipal Judge or Provisional Judge vacates his/her office, his/her successor shall complete that term of office. (CC 1994 §115.050)

SECTION 125.040: MUNICIPAL JUDGE—TERM OF OFFICE

The Municipal Judge shall hold his/her office for a period of at least two (2) years. 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.

SECTION 125.050: MUNICIPAL JUDGE—VACATION OF OFFICE

The Municipal or Provisional Judge shall vacate his/her office under the following conditions:

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 of Missouri;
4. If he/she should fail to complete the course of instruction as required by Section 125.060, Subsection (1) hereof; or
5. Upon the recommendation of the Mayor with the consent of a majority of the members elected to the Board of Aldermen or by a two-thirds ($\frac{2}{3}$) vote of all members elected to the Board of Aldermen independently of the Mayor's approval or recommendation. (CC 1994 §115.060(1))

SECTION 125.060: MUNICIPAL JUDGE—QUALIFICATIONS FOR OFFICE

The Municipal Judge or Provisional 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 of Missouri or within six (6) months after selection for the position, each Municipal Judge who is not licensed to practice law in this State shall satisfactorily complete the course of instruction for Municipal Judges prescribed by the Supreme Court.
2. He/she need not reside within the City.
3. He/she must be a resident of the State of Missouri.
4. He/she must be between the ages of twenty-one (21) and seventy-five (75) years.
5. He/she may serve as a 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. (CC 1994 §115.070)

SECTION 125.070: SUPERINTENDING AUTHORITY

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 said Court shall obey his/her directives.

SECTION 125.080: REPORT TO BOARD OF ALDERMEN

The Municipal Judge shall cause the Court Clerk to prepare, within the first ten (10) days of every month, a report indicating the following:

A list of all cases heard or tried before the Judge during the preceding month, giving in each case the name of the defendant, the fine imposed if any, the amount of costs, the names of defendants committed, and the cases in which there was an application for trial de novo, respectively. The Court Clerk or the Judge shall verify such lists and statements by affidavit and shall file the same with the City Clerk who shall lay the same before 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 not previously paid to the Municipal Treasurer. (RSMo. §479.080.3)

SECTION 125.090: DOCKET AND COURT RECORDS

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 St. Louis County. The Municipal Judge shall deliver said docket, records and all books and papers pertaining to his/her office to his/her successor in office or to the Presiding Judge of the Circuit. (RSMo. §479.070)

SECTION 125.100: MUNICIPAL JUDGE—POWERS AND DUTIES GENERALLY

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, RSMo. He/she shall establish such a Bureau when a request therefor is made by the Board of Aldermen.
2. Administer oaths and enforce due obedience to all orders, rules and judgments made by him/her and may fine and imprison for contempt committed before him/her while holding Court in the same manner and to the same extent as a Circuit Judge.
3. 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 Code or other ordinances of this City. (CC 1994 §115.100)

SECTION 125.110: PROSECUTIONS BASED ON INFORMATION ONLY, PROCEEDINGS

All prosecutions for the violation of municipal ordinances shall be instituted by information and may be based upon a complaint. Proceedings shall be in accordance with the Supreme Court rules governing practice and procedure in proceedings before Municipal Judges. (RSMo. §479.090)

SECTION 125.120: VIOLATIONS BUREAU

Should the Municipal Judge determine that there shall be a Violations Bureau, the City shall provide all expenses incident to the operation of the same.

SECTION 125.125: ADMINISTRATIVE WARRANTS

- A. In order to safeguard the safety, health and welfare of the public in the administration of the City's police power ordinances, City personnel are authorized to inspect any structure or premises at any reasonable time for the purpose of making inspections and performing their duties under those City police power ordinances authorizing such inspections or actions.
- B. In the event City personnel are refused access to a structure or premises by the owner or person in possession of the structure or premises, and the City personnel determines that access to the structure or premises is necessary in order to determine whether a hazard to the public health, safety or welfare exists or is otherwise necessary in the administration of City police power ordinances, City personnel shall proceed as follows:
 1. City personnel shall file an application for an administrative warrant with the Municipal Court which shall identify the structure or premises involved, the refusal of the owner or person in possession to permit access and the factual basis for the need to make the inspection or take other action. If the Municipal Court determines that access to the structure or premises is needed for the requested purposes, and that the accomplishment of such purposes are necessary or appropriate in order to safeguard the public health, safety and welfare, the Municipal Court shall issue an administrative warrant to the City personnel.
 2. If such warrant is issued, the City personnel shall present the warrant to the owner or person in possession of the premises or structure and shall be entitled to access thereto to perform the inspection or take any other necessary action as authorized by the police power ordinances of the City. (Ord. No. 508 §§1—2, 9-21-98)

SECTION 125.130: ISSUANCE AND EXECUTION OF WARRANTS

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 warrants shall be executed by the Marshal, Chief of Police, Police Officer or Sheriff at 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. (RSMo. §479.100)

SECTION 125.140: ARRESTS WITHOUT WARRANTS

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. (RSMo. §479.110)

SECTION 125.150: JURY TRIALS

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 Court Judge. Whenever a defendant accused of a violation of a municipal ordinance has a right to and demands such trial by jury, the Municipal Court shall certify the case to the Presiding Judge of the Circuit Court for reassignment. (RSMo. §§479.130, 479.150)

SECTION 125.160: DUTIES OF THE CITY'S PROSECUTING ATTORNEY

It shall be the duty of an attorney designated by the City to prosecute the violations of the City's ordinances before the Municipal Judge or before any Circuit Judge hearing 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. The compensation of such attorney shall not be contingent upon the number of cases tried, the number of guilty verdicts reached or the amount of fines imposed or collected. (RSMo. §§479.120, 479.020.6)

SECTION 125.170: SUMMONING OF WITNESSES

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 Court 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. (RSMo. §479.160)

SECTION 125.180: MUNICIPAL JUDGE WITHOUT JURISDICTION, WHEN

- A. If, in the progress of any trial before the 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 Court Judge of the County.
- B. For purposes of this Section, any offense involving the operation of a motor vehicle in an intoxicated condition as defined in Section 577.001, RSMo., shall not be cognizable in Municipal Court, if the

defendant has been convicted, found guilty, or pled guilty to two (2) or more previous intoxication-related traffic offenses as defined in Section 577.023, RSMo., or has had two (2) or more previous alcohol-related enforcement contacts as defined in Section 302.525, RSMo. (RSMo. §479.170, 2010)

SECTION 125.190: JAILING OF DEFENDANTS

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, and it shall be the duty of the Sheriff, if space for the prisoner is available in the County 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 by law to such Sheriff for the keeping of other prisoners in his/her custody. The same shall be taxed as cost. (RSMo. §479.180)

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. When a person is placed on probation, he/she shall be given a certificate explicitly stating the conditions on which he/she is being released.
- 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:
 - 1. Restitution to the victim or any dependent of the victim in an amount to be determined by the Judge; and
 - 2. The performance of a designated amount of free work for a public or charitable purpose or purposes as determined by the Judge.
- C. A person may refuse probation conditioned on the performance of free work. If he/she does so, the Court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. Any County, City, person, organization or agency or employee of a County, City, organization or agency charged with the supervision of such free work or who benefits from its performance shall be immune from any suit by the person placed on parole or probation or any person deriving a cause of action from him/her if such cause of action arises from such supervision of performance, except for intentional torts or gross negligence. The services performed by the probationer or parolee shall not be deemed employment within the meaning of the provisions of Chapter 288, RSMo.
- D. The Court may modify or enlarge the conditions of probation at any time prior to the expiration or termination of the probation term. (RSMo. §479.190)

SECTION 125.210: RIGHT OF APPEAL

In any case tried before the Municipal Judge, 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 Court Judge or upon assignment before an Associate Circuit Court 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 rule. (RSMo. §479.200.2)

SECTION 125.220: APPEAL FROM JURY VERDICTS

In any case tried with a jury before an Associate Circuit Judge, a record of the proceedings shall be made, and appeals may be had upon that record to the appropriate Appellate Court. (RSMo. §479.200.3)

SECTION 125.230: BREACH OF RECOGNIZANCE

In the case of a breach of any recognizance entered into before a Municipal Judge or an Associate Circuit Court 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 Court Judge or Associate Circuit Court 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 Municipal Treasury to the General Revenue Fund of the municipality. (RSMo. §479.210)

SECTION 125.240: DISQUALIFICATION OF MUNICIPAL JUDGE FROM HEARING A PARTICULAR CASE

A Municipal Judge shall be disqualified to hear any case in which he/she is in any way 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 or disqualification in the same case. (RSMo. §479.220)

SECTION 125.250: ABSENCE OF JUDGE—PROCEDURE

If a Municipal Judge be absent, sick or disqualified from acting pursuant to the general administrative authority of the Presiding Judge of the Circuit Court over the Municipal Divisions within the Circuit contained in Section 478.240, RSMo., a special Municipal Judge may be designated in accordance with the provisions of Section 479.230, RSMo., until such absence or disqualification shall cease. (RSMo. §479.230, 2005)

SECTION 125.260: FAILURE TO APPEAR IN MUNICIPAL COURT

A. A person commits the offense of failure to appear in Municipal Court if:

1. He/she has been issued a summons for a violation of any ordinance of the City of Flordell Hills and fails to appear before the Judge of the Municipal Court at the time and on the date on which he/she was summoned, or at the time or on the date to which the case was continued;
2. He/she has been released upon recognition of bond and fails to appear before the Judge of the Municipal Court at the time and on the date on which he/she was summoned, or at the time or on the date to which the case was continued;
3. He/she has been placed on Court supervised probation and fails to appear before the Judge of

the Municipal Court at the time specified by said Judge as a condition of the probation.

- B. Nothing in this Section shall prevent the exercise of the Municipal Court of its power to punish for contempt.

ARTICLE II. COURT CLERK

SECTION 125.270: OFFICE ESTABLISHED

There is hereby established the office of Court Clerk for the City of Flordell Hills Municipal Division of the St. Louis County Circuit Court.

SECTION 125.280: SELECTION AND TERM OF COURT CLERK

The Court Clerk shall be appointed by the Mayor with the consent of a majority of the members of the Board of Aldermen to serve for an unspecified term at the will of the Mayor and Board of Aldermen.

SECTION 125.285: COURT CLERK—DUTIES

The duties of the Court Clerk shall be as follows:

1. To collect such fines for violations of such offenses as may be described and the court costs thereof.
2. To take oaths and affirmations.
3. To accept signed complaints and allow the same to be signed and sworn to or affirmed before him/her.
4. 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 Traffic Violation Bureau cases or as directed by the Municipal Judge.
6. Perform all other duties as provided for by ordinance, by Rules of Practice and Procedure adopted by the Municipal Judge, by the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and by State Statute.
7. Maintain, properly certified by the City Clerk, a copy of the ordinances of the City which shall constitute prima facie evidence of such ordinance before the Court and further maintain a similar certified copy on file with the Clerk serving the Circuit Court of this County. (CC 1994 §115.170)

SECTION 125.290: HOURS AND AUTHORIZATION OF COMPENSATION

The Court Clerk shall attend all sessions of the Flordell Hills Municipal Division of the 21st Judicial Circuit Court and may be required to be present at the Flordell Hills City Hall to perform the duties

of the office at such additional times as the Mayor or Board of Aldermen may specify. Compensation for the Court Clerk shall be established by ordinance from time to time.

SECTION 125.300: BOND

Within fifteen (15) days after appointment and before entering upon the discharge of the above-described duties of office, the Court Clerk shall give bond to the City in the sum of _____ conditioned upon the faithful performance of said duties and the said Court Clerk will pay over all monies belonging to the City, as provided by law, that may come into the Court Clerk's hands.

ARTICLE III. FINES AND COURT COSTS

SECTION 125.310: INSTALLMENT PAYMENT OF FINE

When a fine is assessed for violation of an ordinance, it shall be within the discretion of the Judge assessing the fine to provide for the payment of the fine on an installment basis under such terms and conditions as he/she may deem appropriate. (RSMo. §479.240)

SECTION 125.320: COURT COSTS

In addition to any fine that may be imposed by the Municipal Judge in any case filed in the Flordell Hills Municipal Division of the 21st Judicial Circuit Court, and in addition to all other fees authorized or required by law, there shall be assessed as costs the following:

1. Costs of Court in the amount of twelve dollars (\$12.00).
2. *Police Officer training fee.* A fee of three dollars (\$3.00) is hereby established and assessed as additional Court costs in each Court proceeding, except that no such fee shall be collected when the proceedings against the defendant have been dismissed.
 - a. Two dollars (\$2.00) of each such Court cost shall be transmitted monthly to the Treasurer of the City and used to pay for Police Officer training as provided by Sections 590.100 to 590.180, RSMo. The City shall not retain for training purposes more than one thousand five hundred dollars (\$1,500.00) of such funds for each certified Law Enforcement Officer or candidate for certification employed by the City. Any excess funds shall be transmitted quarterly to the City's General Fund.
 - b. One dollar (\$1.00) of each such Court cost shall be sent to the State Treasury to the credit of the Peace Officers Standards and Training Commission Fund created by Section 590.178, RSMo.
3. *Crime Victims' Compensation Fund.* An additional sum of seven dollars fifty cents (\$7.50) shall be assessed and added to the basic costs in Subsection (1) of this Section, provided that no such cost shall be collected in any proceeding when the proceeding or the defendant has been dismissed by the Court. All sums collected pursuant to this Subsection shall be paid at least monthly as follows:
 - 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.
- 4. There may also be assessed a two dollar (\$2.00) cost per case for each criminal case, including violations of any County or municipal ordinance, for the purpose of providing operating expenses for shelters for battered persons as set out in Section 488.607, RSMo.
- 5. There shall be assessed a seven dollar (\$7.00) surcharge for the Statewide Court Automation Fund. *(Use only with Associate Circuit Judge and if they have automated court fund in place)*
- 6. Other costs, such as for the issuance of a warrant, a commitment or a summons, as provided before the Associate Circuit Judge in criminal prosecutions.
- 7. Actual costs assessed against the City by the County Sheriff for apprehension or confinement in the County Jail or costs assessed against the City by any other detention facility.
- 8. 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.
- 9. Any other reasonable cost as may be otherwise provided by ordinance including, but not limited to, costs of confinement, including any necessary transportation related thereto, medical costs incurred by the City while a defendant is in City custody, and costs related to the arrest and testing of any person for any intoxication-related traffic offense as set out in Section 125.320(10) hereof.
- 10. *Reimbursement of certain costs of arrest.*
 - a. Upon a plea or a finding of guilty of violating the provisions of Sections 342.020 or 342.030 of this Code or any ordinance of the City of Flordell Hills 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 may 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.
- 11. *Judicial Education Fund.* Cities by ordinance may provide for fees in an amount per case to be set pursuant to Sections 488.010 to 488.020, RSMo., for each municipal ordinance violation case filed before a Municipal Judge, and in the event a defendant pleads guilty or is found guilty, the Judge may assess costs against the defendant except in those cases where the defendant is found by the Judge to be indigent and unable to pay the costs. The fees authorized in this Subsection are in addition to service charges, witness fees and jail costs that may otherwise be authorized to be assessed, but are in lieu of other Court costs. The fees provided by this Subsection shall be collected by the Municipal Division Clerk in municipalities electing or required to have violations of municipal ordinances tried before a Municipal Judge pursuant to Section 479.020, RSMo., or to employ judicial personnel pursuant to Section 479.060, RSMo., and disbursed as provided in Subsection (1) of Section 479.080, RSMo. Any other Court costs required in connection with such cases shall be collected and disbursed as provided

in Sections 488.010 to 488.020, RSMo.; provided that each Municipal Court may establish a Judicial Education Fund and an Appointed Counsel Fund, each in separate accounts under the control of the Municipal Court to retain one dollar (\$1.00) of the fees collected on each case. The fees collected shall be allocated between the two (2) funds as determined by the Court. The Judicial Education Fund shall be used only to pay for:

- a. The continuing education and certification required of the Municipal Judges by law or Supreme Court Rule; and
- b. Judicial education and training for the Court Administrator and Clerks of the Municipal Court.

The Appointed Counsel Fund shall be used only to pay the reasonable fees approved by the Court for the appointment of an attorney to represent any defendant found by the Judge to be indigent and unable to pay for legal representation, and where the Supreme Court rules or the law prescribes such appointment. Provided further, that no Municipal Court shall retain more than one thousand five hundred dollars (\$1,500.00) in the Judicial Education Fund for each Judge, Administrator or Clerk of the Municipal Court and no more than five thousand dollars (\$5,000.00) in the Appointed Counsel Fund. Any excess funds shall be transmitted quarterly to the General Revenue Fund of the County or Municipal Treasury. (RSMo. §§479.260, 488.012, 488.027, 488.5334, 488.5336, 488.607, 595.045(2005))

CHAPTER 130: TAXATION AND FINANCE

ARTICLE I. FISCAL YEAR

SECTION 130.010: FISCAL YEAR ESTABLISHED

The fiscal year for the City of Flordell Hills shall begin _____ of each year.

ARTICLE II. BUDGET

SECTION 130.020: BUDGET REQUIRED—CONTENTS—EXPENDITURES NOT TO EXCEED REVENUES

- A. Prior to the commencement of each fiscal year, a budget for the City shall be prepared and the same will be presented to and approved by the Board of Aldermen.
- B. The annual budget shall present a complete financial plan for the ensuing fiscal year and shall include at least the following information:
 - 1. A budget message describing the important features of the budget and major changes from the preceding year;
 - 2. Estimated revenues to be received from all sources for the budget year, with a comparative statement of actual or estimated revenues for the two (2) years next preceding, itemized by year, fund and source;
 - 3. Proposed expenditures for each department, office, commission and other classification for the budget year, together with a comparative statement of actual or estimated expenditures for the two (2) years next preceding, itemized by year, fund, activity and object;
 - 4. The amount required for the payment of interest, amortization and redemption charges on the debt of the City; and
 - 5. A general budget summary.
- C. In no event shall the total proposed expenditures from any fund exceed the estimated revenues to be received plus any unencumbered balance or less any deficit estimated for the beginning of the budget year; provided that nothing herein shall be construed as requiring the City to use any cash balance as current revenue or to change from a cash basis of financing its expenditures. (RSMo. §67.010)

SECTION 130.030: BUDGET OFFICER

- A. The budget shall be prepared under the direction of a Budget Officer. Except as otherwise provided by law or ordinance, the Budget Officer shall be designated by the Board of Aldermen of the City. All officers and employees shall cooperate with and provide to the Budget Officer such information

and such records as he/she shall require in developing the budget. The Budget Officer shall review all the expenditure requests and revenue estimates, after which he/she shall prepare the proposed budget as defined herein.

- B. After the Budget Officer has prepared the proposed budget, he/she shall submit it, along with such supporting schedules, exhibits, and other explanatory material as may be necessary for the proper understanding of the financial needs and position of the City, to the Board of Aldermen shall submit at the same time complete drafts of such orders, motions, resolutions or ordinances as may be required to authorize the proposed expenditures and produce the revenues necessary to balance the proposed budget. (RSMo. §67.020)

SECTION 130.040: BOARD OF ALDERMEN MAY REVISE BUDGET, LIMITS—APPROVAL

The Board of Aldermen may revise, alter, increase or decrease the items contained in the proposed budget, subject to such limitations as may be provided by law; provided that in no event shall the total authorized expenditures from any fund exceed the estimated revenues to be received plus any unencumbered balance or less any deficit estimated for the beginning of the budget year. Except as otherwise provided by law, the Board of Aldermen shall, before the beginning of the fiscal year, approve the budget and approve or adopt such orders, motions, resolutions or ordinances as may be required to authorize the budgeted expenditures and produce the revenues estimated in the budget. (RSMo. §67.030)

SECTION 130.050: INCREASE OF EXPENDITURE OVER BUDGETED AMOUNT TO BE MADE ONLY ON FORMAL RESOLUTION

After the City has approved the budget for any year and has approved or adopted the orders, motions, resolutions or ordinances required to authorize the expenditures proposed in the budget, the City shall not increase the total amount authorized for expenditure from any fund, unless the Board of Aldermen adopts a resolution setting forth the facts and reasons making the increase necessary and approves or adopts an order, motion, resolution or ordinance to authorize the expenditures. (RSMo. §67.040)

ARTICLE III. LEVY OF TAXES

SECTION 130.060: BOARD TO PROVIDE FOR LEVY AND COLLECTION OF TAXES—FIX PENALTIES

The Board of Aldermen shall, from time to time, provide by ordinance for the levy and collection of all taxes, licenses, wharfage and other duties not herein enumerated and, for neglect or refusal to pay the same, shall fix such penalties as are now or may hereafter be authorized by law or ordinance. (RSMo. §94.200)

SECTION 130.070: FIXING AD VALOREM PROPERTY TAX RATES, PROCEDURE

The Board of Aldermen shall hold at least one (1) public hearing on the proposed rates of taxes at which citizens shall be heard prior to their approval. The Board of Aldermen shall determine the time and place for such hearing. A notice stating the hour, date and place of the hearing shall be published in at least one (1) newspaper qualified under the laws of the State of Missouri of general circulation in the County within which all or the largest portion of the City is situated, or such notice

shall be posted in at least three (3) public places within the City; except that in any County of the First Class having a Charter form of government, such notice may be published in a newspaper of general circulation within the City even though such newspaper is not qualified under the laws of Missouri for other legal notices. Such notice shall be published or posted at least seven (7) days prior to the date of the hearing. The notice shall include the assessed valuation by category of real, personal and other tangible property in the City for the fiscal year for which the tax is to be levied as provided by Subsection (3) of Section 137.245, RSMo., the assessed valuation by category of real, personal and other tangible property in the City for the preceding taxable year, for each rate to be levied the amount of revenue required to be provided from the property tax as set forth in the annual budget adopted as provided by Chapter 67, RSMo., and the tax rates proposed to be set for the various purposes of taxation. The tax rates shall be calculated to produce substantially the same revenues as required in the annual budget adopted as provided in this Chapter. Following the hearing the Board of Aldermen shall fix the rates of taxes, the same to be entered in the tax book. Failure of any taxpayer to appear at such hearing shall not prevent the taxpayer from pursuit of any other legal remedy otherwise available to the taxpayer. Nothing in this Section absolves the City of responsibilities under Section 137.073, RSMo., nor to adjust tax rates in event changes in assessed valuation occur that would alter the tax rate calculations. (RSMo. §67.110(2), 2008)

SECTION 130.080: ASSESSMENT—METHOD OF

In the absence of a City Assessor, and until such City Assessor is duly appointed and qualified, it shall be the duty of the Mayor of the City to procure from the County Clerk of St. Louis County, Missouri, on or before the first (1st) day of October of each year a certified abstract from his/her assessment books of all property within the corporate limits of the City made taxable by law for State purposes and the assessed valuation thereof as agreed upon by the Board of Equalization, which abstract shall be immediately transmitted to the Board of Aldermen, and it shall be the duty of the Board of Aldermen to establish by ordinance the rate of taxes for the year. (RSMo. §94.190)

SECTION 130.090: CLERK TO PREPARE TAX BOOKS

When the Board of Aldermen shall have fixed the rate of taxation for any given year, it shall be the duty of the City Clerk to cause to be prepared appropriate and accurate tax books and shall therein set out in suitable columns, opposite the name of each person and the item of taxable property, as returned by the Assessor and Board of Equalization, the amount of taxes, whether general or special, due thereon and shall charge the City Collector with the full amount of taxes levied and to be collected. (RSMo. §94.290)

SECTION 130.100: TAXES DELINQUENT—WHEN

- A. On the first (1st) day of January of each year, all unpaid City taxes shall become delinquent and the taxes on real estate are hereby made a lien thereon.
- B. Each tract of land in the back tax book, in addition to the amount of tax delinquent, shall be charged with a penalty of eighteen percent (18%) of each year's delinquency except that the penalty on lands redeemed prior to sale shall not exceed two percent (2%) per month or fractional part thereof. (RSMo. §§94.300, 140.100.1)

ARTICLE IV. SALES TAX

SECTION 130.110: CAPITAL IMPROVEMENTS TAX

There is hereby established a sales tax of one-half of one percent (.5%) on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the City of Flordell Hills for the purposes of funding capital improvements as authorized under Section 94.577, RSMo., 1986, and H.B. 607 of the First Regular Session of the 88th Missouri General Assembly. (CC 1994 §120.010; Ord. No. 492 §1, 7-15-96)

SECTION 130.120: USE TAX

- A. Pursuant to the authority granted by, and subject to, the provisions of Sections 144.600 through 144.761, RSMo., a use tax for general revenue purposes is imposed for the privilege of storing, using or consuming within the City any article of tangible personal property. This tax does not apply with respect to the storage, use or consumption of any article of tangible personal property purchased, produced or manufactured outside this State until the transportation of the article has finally come to rest within this City or until the article has become commingled with the general mass of the property of this City.
- B. The rate of the tax shall be one-half of one percent (.5%). If any City sales tax is repealed or the rate thereof is reduced or raised by voter approval, the City use tax rate shall also be deemed to be repealed, reduced or raised by the same action repealing, reducing or raising the City sales tax.
- C. Pursuant to Section 144.757, RSMo., the use tax revenue shall be distributed pursuant to Subsection (4) of Section 94.890, RSMo. (CC 1994 §120.020; Ord. No. 496 §§1—3, 12-16-96)

TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE

CHAPTER 200: POLICE DEPARTMENT

SECTION 200.010: CITY MARSHAL, TRAINING REQUIREMENTS

- A. Any person who is elected to his/her first (1st) term as City Marshal in a general election or in a special election in any Fourth Class City of this State shall, within six (6) months of such election, cause to be filed with the City Clerk of the City and Director of the Department of Public Safety proof that he/she has completed the training program formulated pursuant to Sections 590.170 and 590.175, RSMo., or some other comparable training program of not less than one hundred twenty (120) hours instruction approved by the Director of the Department of Public Safety. If the newly elected City Marshal is unable to complete the training program within six (6) months due to the proper course not being available from the Department of Public Safety, an extension may be granted until such a course is made available.
- B. Whether any person elected to his/her first (1st) term as City Marshal attends such a training program prior to or after assuming the duties of his/her office shall be left to the discretion of the Board of Aldermen of the City from which he/she was elected. During the time that a Marshal-elect is enrolled in such a training program, he/she shall be hired as a City employee and receive as full compensation from the City from which he/she was elected, compensation at a rate equal to that of City Marshal. (RSMo. §79.055)

SECTION 200.015: MARSHAL—RESPONSIBILITIES

The Marshal shall have custody of all of the books, records, property, weapons, badges, furniture, vehicles, equipment, supplies and merchandise of the Police Department and shall have the responsibility for the good conduct and proper and efficient performance of their duties of the members and employees of the Police Department. In all such matters, he/she shall be subject to and have the advice of the Mayor and Board of Aldermen. He/she shall perform such specific duties as may be provided by the laws of the State of Missouri and the provisions of any ordinance of the City of Flordell Hills, or amendment thereof. (CC 1994 §105.290; Ord. No. 256 §34, 4-12-57)

SECTION 200.020: SIZE OF POLICE FORCE—POWERS

The Police of the City may be appointed in such numbers, for such times and in such manner as may be prescribed by ordinance. They shall have power to serve and execute all warrants, subpoenas, writs or other process and to make arrests in the same manner as the Marshal. They may exercise such powers in areas leased or owned by the municipality outside of the boundaries of such municipality. The Marshal and Policemen shall be conservators of the peace and shall be active and vigilant in the preservation of good order within the City. (RSMo. §85.620)

SECTION 200.025: POLICE SERVICES

- A. The Mayor is hereby authorized and directed to appoint as Police Officers of the City of Flordell Hills, Missouri, any or all Police Officers of the Department of Police of the City of Jennings designated by the Chief of Police thereof.

- B. The Police Officers so designated and appointed shall have power to serve and execute all warrants, subpoenas, writs or other process and to make arrests in the same manner as the Marshal. The Marshal and Policemen shall be conservators of the peace and shall be active and vigilant in the preservation of good order within the City. (CC 1994 §200.010; Ord. No. 346 §§1—2, 6-10-68)

SECTION 200.030: 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 "*Chief of Police*", "*Police*", "*Police Officer*" and "*Police Department*", as used herein, shall refer to Law Enforcement Officers of the contracting entity.

SECTION 200.040: POLICE TRAINING REQUIRED (USE ONLY IF THIS IS A CITY IN A COUNTY OF THE THIRD CLASS THAT HAS A LAW ENFORCEMENT OFFICER WHO IS GRANDFATHERED)

Persons licensed and commissioned as Law Enforcement Officers within the City before July 1, 2002, may retain licensure with one hundred twenty (120) hours of basic training. (RSMo. §590.040.1(4))

SECTION 200.050: MARSHAL TO PROMULGATE RULES FOR POLICE

The Marshal may promulgate rules and regulations for the government of the Police Department and Policemen, to be subject to approval by resolution of the Board of Aldermen, and may in like manner from time to time amend or repeal such rule or rules or adopt a new rule or rules and regulations. (CC 1994 §105.300; Ord. No. 256 §35, 4-12-57)

SECTION 200.060: POLICE TO FOLLOW DIRECTIONS OF MARSHAL

It shall be the duty of the members of the Police Department to obey and be responsive to all rules and regulations adopted, as herein provided, for the Police Department and all orders and directions of the Marshal or of an officer of superior rank. (CC 1994 §105.310; Ord. No. 256 §36, 4-12-57)

SECTION 200.070: ARRESTS

The Marshal and Police shall make arrests on warrants duly issued for any offense against the ordinances of the City of Flordell Hills, or amendment thereof, or against the laws of the State of Missouri and keep the offender in the County Jail or other proper place to prevent his/her escape until a trial can be had before the proper officer, unless such offender shall give a good and sufficient bond for his/her appearance for trial as provided by ordinance and, in case of violation of State law, then as provided by laws of the State. The Marshal and Police shall make arrest without warrant where violation of any provision of the ordinances of the City of Flordell Hills, or amendment thereto, or of the laws of the State of Missouri, is committed in the presence of such Marshal or Policemen. (CC 1994 §105.320; Ord. No. 256 §37, 4-12-57)

SECTION 200.080: POLICE TO BE FAMILIAR WITH ORDINANCES

It is hereby expressly made the duty of all members of the Police Department to acquaint themselves and to be familiar with the provisions of the ordinances of the City of Flordell Hills and amendments thereof. They shall be alert at all times to detect obstructions and defects in any street, sidewalk, tree lawn or public place, the maintenance of any nuisance as herein defined, the construction or alteration of any building or other activity where a permit or a license is required by this Chapter, traffic violations, the violation of law relating to the sale of intoxicating liquor or non-intoxicating beer, disturbance of peace or disorderly conduct and the violation of any other provision of the ordinances of the City of Flordell Hills. They shall make arrests as hereinabove provided and shall report violations to the Marshal who shall, in proper cases, promptly report the same to the appropriate departments of the City Government for action. (CC 1994 §105.340; Ord. No. 256 §39, 4-12-57)

SECTION 200.090: MARSHAL TO ATTEND COURT

The Marshal shall attend all court sessions of the City of Flordell Hill and such other meetings as requested by the Mayor or Board of Aldermen. (CC 1994 §105.350; Ord. No. 256 §40, 4-12-57)

SECTION 200.100: OTHER DUTIES

The Marshal and Police shall perform such other duties as may be prescribed by law or ordinance or as directed by the Mayor or Board of Aldermen. (CC 1994 §105.360; Ord. No. 256 §41, 4-12-57)

MODEL CODE CHAPTER

CHAPTER 203: ANIMAL REGULATIONS

SECTION 203.010: DEFINITIONS

The following words, when used in this Chapter, shall have the meanings set out herein:

DOGS OR CATS: All animals of the canine or feline species, both male and female.

OWNER OR KEEPER: Any person having a right of property in a dog or cat, or who keeps or harbors a dog or cat, or who has it in his/her care, or acts as its custodian, or who knowingly permits a dog or cat to remain on or about any premises owned or occupied by him/her.

RUNNING AT LARGE: Allowing a dog or cat to be off the private premises of the owner or keeper, or his/her agent or servant, and not on a leash or confined to the arms, motor vehicle, trailer or other conveyance of the owner or keeper, his/her agent or servant.

SERIOUS PHYSICAL INJURY: Physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body.

TRESPASSER: A person upon the premises of the owner or keeper of the dog in question without license or privilege to be upon said premises.

UNRESTRAINED DOG: Any dog running at large or a dog on the premises of its owner or keeper but not confined to said premises by a leash, fence, structure or other means that would prevent the dog from leaving such premises.

VICIOUS DOG: Any of the following dogs:

1. Any dog, whether or not running at large and whether or not unrestrained, that without provocation has bitten any person not a trespasser causing serious physical injury to that person.
2. Any unrestrained dog, whether or not running at large, that without provocation has attempted to bite any person not a trespasser which would cause serious physical injury to that person.
3. Any unrestrained dog, whether or not running at large, that without provocation has placed any person not a trespasser in apprehension of immediate serious physical injury.
4. Any dog that has killed another dog, cat or other domestic animal without provocation.
5. Pit bull dogs (this is optional).

SECTION 203.020: VACCINATION AND TAG

The owner or keeper of any dog or cat in the City of Flordell Hills is hereby required to have such animals vaccinated against rabies by a licensed veterinarian and to procure a certificate of such vaccination from the veterinarian and to present such certificate to the City Clerk on or before ____ of each year; and the City Clerk shall register such certificate, which registration shall remain in force until the _____ next following said registration; and upon registration, the City Clerk shall issue a tag evidencing the registration and certificate of vaccination, and the owner or keeper shall securely attach the tag so issued to a collar to be worn continuously by the animal for which the tag

was issued. It shall be unlawful for the owner or keeper of any dog or cat to permit such animal to remain in the City of Flordell Hills unless wearing the tag above provided for herein.

SECTION 203.030: RUNNING AT LARGE PROHIBITED—IMPOUNDMENT

It shall be unlawful for the owner or keeper of any dog or cat to permit the same to run at large within the City of Flordell Hills at any time. Any dog or cat found without the tag provided in Section 203.020, and any dog or cat found running at large, shall be impounded.

SECTION 203.035: RESPONSIBILITY OF PARENT OR GUARDIAN OF MINOR OWNING

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. (RSMo. §578.014)

SECTION 203.040: VICIOUS DOGS PROHIBITED—EXCEPTIONS

It shall be unlawful to own, keep or harbor a vicious dog in the City of Flordell Hills except in accordance with the following provisions:

1. *Leash and muzzle.* No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts or buildings. In addition, all vicious dogs on a leash outside its kennel or pen must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
2. *Confinement.* All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine vicious dogs must be locked with a key or combination lock when such dogs are within the structure. Said structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be imbedded in the ground no less than two (2) feet. Also, such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
3. *Confinement indoors.* No vicious dog may be kept on a porch, patio or any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
4. *Signs.* All owners, keepers or harborers of vicious dogs within the City shall display in a prominent place on their premises a sign easily readable by the public using the words "*Beware of Dog*". In addition, a similar sign is required to be posted on the kennel or pen of such dog.

SECTION 203.050: DUTY TO IMPOUND

It shall be the duty of the Chief of Police, the City Police, and any other person of the City of Flordell Hills, especially designated by the Board of Aldermen and the Mayor for such purpose, to take up any dog or cat without the tag provided in Section 203.020, any dog or cat running at large,

or any vicious dog in violation of Section 203.040 above and to impound the same. In effecting the capture of any dog or cat, the officers aforesaid are authorized and directed to use traps, nets, tranquilizer guns or any other humane method.

SECTION 203.060: NOTICE OF IMPOUNDMENT

Every officer impounding a dog or cat under this Chapter shall, within twenty-four (24) hours after such impounding, enter upon a registry open to the public and in plain public view at the City Hall of the City, a description of such dog or cat, including breed, color and approximate size, and the date apprehended, and if the owner or keeper is known, the name and address of such owner or keeper; or the owner or keeper shall be given actual notice of the impoundment of such dog or cat before disposition of such dog or cat.

SECTION 203.070: REIMBURSEMENT OF COSTS

The owner or keeper of any dog or cat impounded under this Chapter shall pay to the Chief of Police, Police Officer, or other official especially designated to receive the same, a sum sufficient to reimburse the City for its costs in impounding such dog or cat and keeping it impounded.

SECTION 203.080: TERM OF IMPOUNDMENT

It shall be the duty of any officer impounding any dog or cat under this Chapter to keep the same impounded for a period of seven (7) days, unless such dog or cat shall be reclaimed by his/her owner or keeper under Section 203.070 of this Chapter. If, after the expiration of seven (7) days from the date of such impoundment, such dog or cat shall not have been reclaimed, the same shall be disposed of or destroyed in a humane manner.

SECTION 203.090: ANIMAL NEGLECT OR ABANDONMENT

- A. A person is guilty of animal neglect when he/she has custody or ownership or both of an animal and fails to provide adequate care or adequate control which results in substantial harm to the animal.
- B. A person is guilty of animal abandonment when he/she has knowingly abandoned an animal in any place without making provisions for its adequate care.
- C. Animal neglect or animal abandonment are ordinance violations. For a first (1st) offense of either violation, a term of imprisonment not to exceed fifteen (15) days, or a fine not to exceed five hundred dollars (\$500.00), or both such fine and imprisonment may be imposed. For a second (2nd) or subsequent violation of either offense, a term of imprisonment not to exceed ninety (90) days, or a fine not to exceed five hundred dollars (\$500.00), or both such fine and imprisonment may be imposed. All fines and penalties for a first (1st) conviction of animal neglect or animal abandonment may be waived by the court provided that the person found guilty of animal neglect or abandonment shows that adequate, permanent remedies for the neglect or abandonment have been made. Reasonable costs incurred for the care and maintenance of neglected or abandoned animals may not be waived.
- D. In addition to any other penalty imposed by this Section, the court may order a person found guilty of animal neglect or animal abandonment to pay all reasonable costs and expenses necessary for:
 - 1. The care and maintenance of neglected or abandoned animals within the person's custody or

ownership;

2. The disposal of any dead or diseased animals within the person's custody or ownership;
3. The reduction of resulting organic debris affecting the immediate area of the neglect or abandonment; and
4. The avoidance or minimization of any public health risks created by the neglect or abandonment of the animals. (RSMo. §578.009)

SECTION 203.100: ANIMAL ABUSE

A person is guilty of animal abuse when a person:

1. Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of Sections 578.005 to 578.023 and 273.030, RSMo.;
2. Purposely or intentionally causes injury or suffering to an animal; or
3. Having ownership or custody of an animal knowingly fails to provide adequate care or adequate control. (RSMo. §578.012)

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

SECTION 203.110: KNOWINGLY RELEASING AN ANIMAL

- A. A person commits the offense of knowingly releasing an animal if that person, acting without the consent of the owner or custodian of an animal, intentionally releases any animal that is lawfully confined for the purpose of companionship or protection of persons or property or for recreation, exhibition or educational purposes.
- B. As used in this Section, "animal" means every living creature, domesticated or wild, but not including Homo sapiens.
- C. The provisions of this Section shall not apply to a public servant acting in the course of such servant's official duties. (RSMo. §578.029)

SECTION 203.120: ANIMAL WASTE PROHIBITED ON PUBLIC AND PRIVATE PROPERTY—EXCEPTION

Any person in physical possession and control of any animal shall remove excreta or other solid waste deposited by the animal in any public or private area not designated to receive such wastes including, but not limited to, streets, sidewalks, parking lots, public parks or recreation areas and private property. The provisions of this Section shall not apply to a guide dog accompanying any blind person.

SECTION 203.130: QUARANTINE ORDER TO BE ISSUED BY MAYOR—TO BE PUBLISHED AND POSTED

Whenever rabies becomes prevalent in the City, the Mayor shall, according to the necessity of the

case, issue a quarantine order, requiring every owner or person in charge of any dog or dogs within the limits of the City, to either kill or impound his/her dog or dogs, or to have such dog or dogs immunized. Said order shall be published once in the paper officially publishing the business of the City; and in the absence of such paper, shall be posted as in case of sales of personal property. The Mayor is authorized by proclamation, to terminate any such quarantine whenever, in his/her judgment, the necessity for it no longer exists. (RSMo. §322.040)

SECTION 203.140: DANGEROUS WILD ANIMALS PROHIBITED

No person may keep any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarundi, hyena, wolf, bear, non-human primate, coyote, any deadly, dangerous, or poisonous reptile, or any deadly or dangerous reptile over eight (8) feet long, in any place other than a properly maintained zoological park, circus, scientific, or educational institution, research laboratory, veterinary hospital, or animal refuge. (RSMo. §578.023. revised by SP)

CITY'S PREVIOUS CODE CHAPTER

CHAPTER 205: ANIMAL REGULATIONS

SECTION 205.010: PURPOSE

The purpose of this Chapter is to regulate and control the possession and ownership of domestic animals in the City of Flordell Hills to the end that the public health and safety of the people of the City of Flordell Hills will be protected from the diseases of dogs and cats, particularly rabies, and the owners of healthy dogs and cats will be enabled to more fully enjoy the benefits to be derived therefrom. The inoculating, licensing, impounding and other provisions of this Chapter are for the express purpose of controlling the incidence of rabies in humans, dogs and cats and other animals in the City of Flordell Hills, Missouri. (CC 1994 §205.010; Ord. No. 377 §1, 1-19-76)

SECTION 205.020: CHAPTER EFFECTIVE—WHERE

The provisions of this Chapter shall be in effect in all parts of the City of Flordell Hills, Missouri. (CC 1994 §205.020; Ord. No. 377 §1, 1-19-76)

SECTION 205.030: DEFINITIONS

The following words when used in this Chapter shall have the meanings set out herein:

AFFECTED WITH RABIES: When manifesting the principal characteristic symptoms of rabies as described in the standard textbooks treating upon the diseases of domestic animals.

DOG AND CAT: Shall include both male and female canines and felines over three (3) months old, except as otherwise herein specifically mentioned.

EXPOSED TO RABIES: When bitten by, or fought with, or has come in close contact with a dog showing symptoms of rabies.

IMMUNIZED: Immunized against rabies at the expense of the owner or custodian by the administration of anti-rabic virus by a licensed veterinarian.

RABIES: Hydrophobia. (CC 1994 §205.030; Ord. No. 377 §3, 1-19-76)

SECTION 205.040: QUANTITY OF ANIMALS PERMITTED

It shall be unlawful for any person or persons in any one (1) household to maintain or keep on the premises of that household, more than three (3) domesticated animals at any one time. "*Domestic animals*" are defined as those animals which are normally kept within the living quarters of a residence and shall include but not be limited to dogs, cats, monkeys, gerbils, hamsters and white mice. It shall be unlawful for any person or persons in any one (1) household to keep on the premises of that household any farm animals or wild beasts not normally permitted to reside in the living quarters of that household. Farm animals and wild beasts shall include but not be limited to cows, horses, mules, chickens, skunks, pigs, deer, foxes and coyotes. (CC 1994 §205.040; Ord. No. 377 §4, 1-19-76)

SECTION 205.050: DOGS AND CATS SHALL BE INOCULATED

Every resident person who owns, controls, manages, possesses or has part interest in any dog or cat kept any time during the year or who permits a dog or cat to come upon, on or in, and to remain in or about his home, place of business, or other premises in the area affected by this Chapter shall have such dog or cat inoculated to provide continuous protection against rabies provided that such inoculation requirement shall not apply to dogs or cats less than six (6) months of age.

(CC 1994 §205.050; Ord. No. 377 §5, 1-19-76)

SECTION 205.060: RESTRAINT REQUIRED

It shall be unlawful for any person or persons owning, controlling, keeping, possessing or having the management or care, in whole or in part, of any dog to permit such dog to run at large or go off the premises of the owner or keeper thereof or to be upon any street, alley, or other public place within the corporate limits of the City of Flordell Hills, at any time, day or night, whether licensed or unlicensed unless such dog is in the custody and charge of some responsible person and is securely tied or led by a line or leash, so as to effectively prevent such dog from biting, molesting, being with or approaching any person or animal. To this end, residents are expected to maintain suitable fences with closed gates or have their animals secured to running wires when such animals are permitted to be out of doors unattended. It shall also be unlawful for any person or persons to dump, deposit or leave any dog within the boundaries of the City of Flordell Hills, Missouri, unless said dog is properly attended. (CC 1994 §205.060; Ord. No. 377 §6, 1-19-76)

SECTION 205.070: DOG AND CAT REGISTRATION, FEES, LATE CHARGES

Every resident person who owns, controls, manages, possesses or has part interest in any dog or cat kept any time during the year in the City of Flordell Hills, or who permits same to come upon, on or in, and to remain in or about his home, place of business or other premises in the City of Flordell Hills shall register annually each animal with the City and be issued a license tag therefor. If such registration is made on or before June first (1st) of each year, the animal license fee shall be as follows for each such animal registered:

For the 1st such animal	\$2.00
For the 2nd such animal	4.00
For the 3rd such animal	6.00

If such registration is made subsequent to June first (1st) of such year the license fee shall be five dollars (\$5.00) additional for each animal registered. However, this Section shall not be construed to require a new resident to pay a penalty for registering an animal within sixty (60) days after relocating in Flordell Hills, nor to require a penalty from an old resident who acquires a new animal within sixty (60) days of registration, and the City shall waive the penalty upon proof of either of the above. The full license fee shall be paid and collected for part of a year and no such dog shall be kept or permitted to remain without a license. Provided however, there shall be no charge for a license for any dog duly and properly trained to assist blind persons when such dog is actually being used by a blind person for the purpose of aiding or assisting such blind person in going from place to place. Lost tags shall be replaced upon application at a fee of nil.

(CC 1994 §205.070; Ord. No. 377 §7, 1-19-96; Ord. No. 386 §1, 1-23-78)

SECTION 205.080: APPLICANTS FOR LICENSE SHALL PRESENT CERTIFICATE OF INOCULATION

All applicants for license for dogs more than six (6) months of age, shall present a certificate of inoculation against rabies from a licensed veterinarian, executed some time to cover the previous twelve (12) month period, to the licensing official and such official shall not issue such license unless such certificate shall be presented. (CC 1994 §205.080; Ord. No. 377 §8, 1-19-76)

SECTION 205.090: LICENSING OF KENNELS, FEES

Any person operating or owning a dog kennel and complying with the laws relative thereto, and in which such animals are confined and not permitted to run at large outside the premises of the kennel, may procure a kennel license from the licensing official in lieu of a license for each animal upon the payment of the fees prescribed in the following schedule:

Dog kennel of five (5) unlicensed dogs or less, an annual kennel fee of	\$25.00
Dog kennel of ten (10) unlicensed dogs and more than five (5), an annual fee of	50.00
Dog kennel of more than ten (10) unlicensed dogs, an annual fee of	150.00

(CC 1994 §205.090; Ord. No. 377 §9, 1-19-76)

SECTION 205.100: LICENSE TAG REQUIREMENTS

The City shall have prepared dog license plates made of metal or other suitable material to be issued to applicants securing a license. Such license plates shall be numbered and the numbers thereon shall correspond to the number appearing on the license record and on the application for such license. Such license plate shall be securely fastened on the collar or harness of the dog for which the license is issued, and shall be worn at all times. (CC 1994 §205.100; Ord. No. 377 §10, 1-19-76)

SECTION 205.110: FEMALE DOGS IN HEAT, CONFINEMENT OF

All female dogs shall be kept securely confined in an enclosed place while in heat.
(CC 1994 §205.110; Ord. No. 377 §11, 1-19-76)

SECTION 205.120: CATCHING, CONFINING AND IMPOUNDING OF ANIMALS

A. The Health Commissioner and the employees of the Department of Health or other persons designated by the Health Commissioner, shall have the power to catch, confine and impound dogs and other animals as follows:

1. All dogs running at large, whether licensed or unlicensed.
2. All female dogs, licensed or unlicensed, not securely confined in an enclosed place while in heat.
3. All dogs or other animals affected with rabies and all dogs and other animals suspected by him

or such employee to be exposed to or affected with rabies including dogs or other animals known to have been bitten by a rabid animal, whether such dog or other animal is running at large or on a leash and whether it is licensed or unlicensed.

4. All dogs with vicious propensities.
- B. Dogs or other animals impounded in accordance with this Section shall be impounded in the County Dog Pound, provided that such dogs or other animals may be impounded elsewhere under the supervision of and in a manner satisfactory to the Health Commissioner.
(CC 1994 §205.120; Ord. No. 377 §12, 1-19-76)

SECTION 205.130: DISPOSAL OF RABID ANIMALS

The Health Commissioner or a person designated by him shall dispose of any dog or other animal affected with rabies and he shall carefully examine any such animal bitten by or exposed to any such animal affected with rabies or suspected of being rabid and shall have the power in his discretion to dispose of such animal. (CC 1994 §205.130; Ord. No. 377 §13, 1-19-76)

SECTION 205.135: VICIOUS DOGS

- A. Dangerous or vicious dogs means any dog that:
 1. Causes a serious injury to a person or domestic animal; or
 2. Has been designated as a potentially dangerous dog and engages in behavior that poses a threat to public safety.
- B. Such animal must be securely confined indoors or confined in a locked pen, fenced yard or structure measuring at least six (6) feet in width, twelve (12) feet in length, and six (6) feet in height capped in there is a dog house inside or if dog can climb fence with secure sides, which provides proper protection from the elements for the dog, is suitable to prevent entry of young children and is designed to prevent the animal from escaping while on the owner's property. Construction should include a walking surface made of impervious material easily cleaned and sanitized.
- C. Pit-bull dog means and includes any of the following dogs:
 1. The Staffordshire Bull Terrier breed of dogs;
 2. The American Staffordshire breed of dogs;
 3. The American Pit-Bull Terrier breed of dogs;
 4. Dogs that have the appearance and characteristics of being predominantly of the breeds of dogs known as Staffordshire Bull Terrier, American Bull Terrier, or American Staffordshire Terrier.

Any of the dogs in this category shall irrefutably be presumed to be a dangerous or vicious dog and is therefore subject to the requirements of this Section.

- D. The owner of a vicious dog shall not suffer or permit the dog to go unconfined.
- E. The owner of a vicious dog shall not suffer or permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by a chain or leash and under the physical

restraint of a person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any human or animal.

- F. The owner of a vicious dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal.
- G. No person, firm, corporation, organization or department shall possess or harbor or maintain care of custody of any dog for the purpose of dog fighting or train, torment, badger, bait, or use any dog for the purpose of causing or encouraging the dog to attack human beings or domestic animals.
- H. Owners of vicious dogs must within thirty (30) days of May 19, 2008, the effective date of this Section provide proof to the City Clerk for public liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00) insuring the owner for any personal injuries inflicted by his or her vicious dog.
- I. Animals owned by governmental or law enforcement agencies when being used in the services of those agencies are exempt from this Section. (Ord. No. 613, 5-19-08)

SECTION 205.140: UNLAWFUL CONCEALMENT AND INTERFERENCE WITH OFFICERS

It shall be unlawful for any person to conceal an animal or interfere with the Commissioner of Health or persons designated by him in the performance of their legal duties as provided in this Chapter. The Commissioner of Health or persons designated by him shall have the right of entry to any unenclosed lots or lands for the purpose of collecting any stray or unlicensed dog or other animal. The Health Commissioner or his duly appointed representative shall have the right of entry to any property or premises within any quarantined area during the period of such quarantine, for the purpose of examining or obtaining any dog or other animal suspected of having rabies, or having been exposed to rabies. (CC 1994 §205.140; Ord. No. 377 §15, 1-19-76)

SECTION 205.150: DUTY OF OFFICERS

The Marshall shall direct and be responsible for the administration and enforcement of this Chapter and shall have and possess all the powers necessary to the effective enforcement and administration thereof and the various other City Officers shall perform the duties herein specified to be respectively performed by them. (CC 1994 §205.150; Ord. No. 377 §16, 1-19-76)

SECTION 205.160: VIOLATION AND PENALTY

Any person violating any of the provisions of this Chapter shall, upon conviction, be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00), and each day such violation shall continue shall be deemed a separate offense. (CC 1994 §205.160; Ord. No. 377 §18, 1-19-76)

CHAPTER 210: OFFENSES

ARTICLE I. GENERAL PROVISIONS

SECTION 210.005: DEFINITIONS

In this Chapter, unless the context requires a different definition, the following shall apply:

AFFIRMATIVE DEFENSE: Has the meaning specified in Section 556.056, RSMo.

BURDEN OF INJECTING THE ISSUE: Has the meaning specified in Section 556.051, RSMo.

COMMERCIAL FILM AND PHOTOGRAPHIC PRINT PROCESSOR: Any person who develops exposed photographic film into negatives, slides or prints or who makes prints from negatives or slides for compensation. The term "*commercial film and photographic print processor*" shall include all employees of such persons but shall not include a person who develops film or makes prints for a public agency.

CONFINEMENT:

5. A person is in confinement when he/she is held in a place of confinement pursuant to arrest or order of a court and remains in confinement until:
 - a. A court orders his/her release;
 - b. He/she is released on bail, bond or recognizance, personal or otherwise; or
 - c. A public servant having the legal power and duty to confine him/her authorizes his/her release without guard and without condition that he/she return to confinement.
6. A person is not in confinement if:
 - a. He/she is on probation or parole, temporary or otherwise; or
 - b. He/she is under sentence to serve a term of confinement which is not continuous or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport him/her to or from a place of confinement.

CONSENT: Consent or lack of consent may be expressed or implied. Assent does not constitute consent if:

1. It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor;
2. It is given by a person who by reason of youth, mental disease or defect, or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
3. It is induced by force, duress or deception.

CRIMINAL NEGLIGENCE: Has the meaning specified in Section 562.016, RSMo.

CUSTODY: A person is in custody when he/she has been arrested but has not been delivered to a place of confinement.

DANGEROUS FELONY: The felonies of arson in the first degree, assault in the first degree, attempted forcible rape if physical injury results, attempted forcible sodomy if physical injury results, forcible rape, forcible sodomy, kidnapping, murder in the second degree, assault of a Law Enforcement Officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, statutory rape in the first degree when the victim is a child less than twelve (12) years of age at the time of the commission of the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child less than twelve (12) years of age at the time of the commission of the act giving rise to the offense, and abuse of a child pursuant to Subdivision (2) of Subsection (3) of Section 568.060, RSMo., child kidnapping, and parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty (120) days under Section 565.153, RSMo.

DANGEROUS INSTRUMENT: Any instrument, article or substance which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.

DEADLY WEAPON: Any firearm, loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged or a switchblade knife, dagger, billy, blackjack or metal knuckles.

FELONY: Has the meaning specified in Section 556.016, RSMo.

FORCIBLE COMPULSION: Means either:

1. Physical force that overcomes reasonable resistance; or
2. A threat, express or implied, that places a person in reasonable fear of death, serious physical injury, or kidnapping of himself/herself or another person.

INCAPACITATED: That physical or mental condition, temporary or permanent, in which a person is unconscious, unable to appraise the nature of his/her conduct, or unable to communicate unwillingness to an act. A person is not "incapacitated" with respect to an act committed upon him/her if he/she became unconscious, unable to appraise the nature of his/her conduct, or unable to communicate unwillingness to an act after consenting to the act.

INFRACTION: Has the meaning specified in Section 556.021, RSMo.

INHABITABLE STRUCTURE: Has the meaning specified in Section 569.010, RSMo.

KNOWINGLY: Has the meaning specified in Section 562.016, RSMo.

LAW ENFORCEMENT OFFICER: Any public servant having both the power and duty to make arrests for violations of the laws of this State, and Federal Law Enforcement Officers authorized to carry firearms and to make arrests for violations of the laws of the United States.

MISDEMEANOR: Has the meaning specified in Section 556.016, RSMo.

OFFENSE: Any felony, ordinance violation, misdemeanor or infraction.

PHYSICAL INJURY: Physical pain, illness, or any impairment of physical condition.

PLACE OF CONFINEMENT: Any building or facility and the grounds thereof wherein a court is legally authorized to order that a person charged with or convicted of a crime be held.

POSSESS OR POSSESSED: Having actual or constructive possession of an object with knowledge of its presence. A person has actual possession if he/she has the object on his/her person or within easy reach and convenient control. A person has constructive possession if he/she has the power and the intention at a given time to exercise dominion or control over the object either directly or through another person or persons. Possession may also be sole or joint. If one (1) person alone has possession of an object, possession is sole. If two (2) or more persons share possession of an object, possession is joint.

PUBLIC SERVANT: Any person employed in any way by a government of this State who is compensated by the government by reason of his/her employment, any person appointed to a position with any government of this State, or any person elected to a position with any government of this State. It includes, but is not limited to, legislators, jurors, members of the judiciary and Law Enforcement Officers. It does not include witnesses.

PURPOSELY: Has the meaning specified in Section 562.016, RSMo.

RECKLESSLY: Has the meaning specified in Section 562.016, RSMo.

RITUAL OR CEREMONY: An act or series of acts performed by two (2) or more persons as part of an established or prescribed pattern of activity.

SERIOUS EMOTIONAL INJURY: An injury that creates a substantial risk of temporary or permanent medical or psychological damage manifested by impairment of a behavioral, cognitive or physical condition. "*Serious emotional injury*" shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty.

SERIOUS PHYSICAL INJURY: Physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body.

SEXUAL CONDUCT: Acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification.

SEXUAL CONTACT: Any touching of the genitals or anus of any person, or the breast of any female person, or any such touching through the clothing for the purpose of arousing or gratifying sexual desire of any person.

SEXUAL PERFORMANCE: Any performance, or part thereof, which includes sexual conduct by a child who is less than seventeen (17) years of age.

VOLUNTARY ACT: Has the meaning specified in Section 562.011, RSMo. (RSMo. §556.061, 2006, 2008)

ARTICLE II. OFFENSES AGAINST THE PERSON

SECTION 210.010: ASSAULT

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. (RSMo. §565.070)

SECTION 210.015: DOMESTIC ASSAULT

A person commits the offense of domestic assault if the act involves a family or household member or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor as defined in Section 455.010, RSMo.; and

1. The person attempts to cause or recklessly causes physical injury to such family or household member;
2. With criminal negligence the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument;
3. The person purposely places such family or household member in apprehension of immediate physical injury by any means;
4. The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member;
5. The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or
6. The person knowingly attempts to cause or causes the isolation of such family or household member by unreasonably and substantially restricting or limiting such family or household member's access to other persons, telecommunication devices or transportation for the purpose of isolation. (RSMo. §565.074)

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

SECTION 210.020: ASSAULT OF A LAW ENFORCEMENT OFFICER, CORRECTIONS OFFICER, EMERGENCY PERSONNEL, HIGHWAY WORKER OR PROBATION AND PAROLE OFFICER

- A. A person commits the offense of assault of a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, or Probation and Parole Officer if:
1. Such person recklessly causes physical injury to a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, or Probation and Parole Officer;
 2. Such person purposely places a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, or Probation and Parole Officer in apprehension of immediate physical injury;
 3. Such person knowingly causes or attempts to cause physical contact with a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, or Probation and Parole Officer without the consent of the Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, or Probation and Parole Officer.
- B. As used in this Section, "*emergency personnel*" means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in Subdivisions (15), (16), (17) and (18) of Section 190.100, RSMo.
- C. As used in this Section, the term "*Corrections Officer*" includes any jailor or Corrections Officer of the State or any political subdivision of the State.
- D. As used in this Section, the term "*highway worker*", "*construction zone*" or "*work zone*" shall have the same meaning as such terms are defined in Section 304.580, RSMo.
- E. Assault of a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, or Probation and Parole Officer is an ordinance violation. (RSMo. §565.083, 2005, 2009)

SECTION 210.030: HARASSMENT

- A. A person commits the offense of harassment if he or she:
1. Knowingly communicates a threat to commit any felony to another person and in so doing frightens, intimidates, or causes emotional distress to such other person;
 2. When communicating with another person, knowingly uses coarse language offensive to one of average sensibility and thereby puts such person in reasonable apprehension of offensive physical contact or harm;
 3. Knowingly frightens, intimidates, or causes emotional distress to another person by anonymously making a telephone call or any electronic communication;
 4. Knowingly communicates with another person who is, or who purports to be, seventeen (17) years of age or younger and in so doing and without good cause recklessly frightens, intimidates, or causes emotional distress to such other person;

5. Knowingly makes repeated unwanted communication to another person; or
 6. Without good cause engages in any other act with the purpose to frighten, intimidate, or cause emotional distress to another person, cause such person to be frightened, intimidated, or emotionally distressed, and such person's response to the act is one of a person of average sensibilities considering the age of such person.
- B. Harassment is an ordinance violation unless:
1. Committed by a person twenty-one (21) years of age or older against a person seventeen (17) years of age or younger; or
 2. The person has previously pleaded guilty to or been found guilty of a violation of this Section, or of any offense committed in violation of any County or Municipal ordinance in any State, any State law, any Federal law or any military law which, if committed in this State, would be chargeable or indictable as a violation of any offense listed in this Subsection.
- C. This Section shall not apply to activities of Federal, State, County or Municipal Law Enforcement Officers conducting investigations of violation of Federal, State, County or Municipal law. (RSMo. §565.090, 2008)

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

SECTION 210.035: STALKING—DEFINITIONS

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

COURSE OF CONDUCT: A pattern of conduct composed of two (2) or more acts, which may include communication by any means, over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of course of conduct. Such constitutionally protected activity includes picketing or other organized protests.

CREDIBLE THREAT: A threat communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family or household members or domestic animals or livestock as defined in Section 276.606, RSMo., kept at such person's residence or on such person's property. The threat must be against the life of, or a threat to cause physical injury to, or the kidnapping of the person, the person's family, or the person's household members or domestic animals or livestock as defined in Section 276.606, RSMo., kept at such person's residence or on such person's property.

HARASSES: To engage in a course of conduct directed at a specific person that serves no legitimate purpose, that would cause a reasonable person under the circumstances to be frightened, intimidated or emotionally distressed.

- B. A person commits the offense of stalking if he or she purposely, through his or her course of conduct, harasses or follows with the intent of harassing another person.
- C. The offense of stalking shall be an ordinance violation unless the person has previously pleaded guilty to or been found guilty of a violation of this Section, or of any offense committed in violation of any County or municipal ordinance in any State, any State law, any Federal law or any military law which, if committed in this State, would be chargeable or indictable as a violation of any offense listed in this Section.

- D. Any Law Enforcement Officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this Section.
- E. This Section shall not apply to activities of Federal, State, County or Municipal Law Enforcement Officers conducting investigations of violation of Federal, State, County or Municipal law. (RSMo. §565.225, 2008)

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

SECTION 210.040: FALSE IMPRISONMENT

A person commits the offense of false imprisonment if he/she knowingly restrains another unlawfully and without consent so as to interfere substantially with his/her liberty. (RSMo. §565.130)

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

SECTION 210.050: ENDANGERING THE WELFARE OF A CHILD

- A. A person commits the offense of endangering the welfare of a child if:
 - 1. He/she with criminal negligence acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen (17) years old;
 - 2. He/she knowingly encourages, aids or causes a child less than seventeen (17) years old to engage in any conduct which causes or tends to cause the child to come within the provisions of Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.;
 - 3. Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen (17) years old, he/she recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him/her from coming within the provisions of Paragraph (c) of Subdivision (1) of Subsection (1) or Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.;
 - 4. He/she knowingly encourages, aids or causes a child less than seventeen (17) years of age to enter into any room, building or other structure which is a public nuisance as defined in Section 195.130, RSMo.; or
 - 5. He/she operates a vehicle in violation of Subdivisions (2) or (3) of Subsection (1) of Section 565.024, RSMo., or Subdivision (4) of Subsection (1) of Section 565.060, RSMo., or Sections 342.020 or 342.030 of this Code, while a child less than seventeen (17) years old is present in the vehicle.
- B. Nothing in this Section shall be construed to mean the welfare of a child is endangered for the sole reason that he/she is being provided non-medical remedial treatment recognized and permitted under the laws of this State. (RSMo. §568.050, 2005, 2006)

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

SECTION 210.055: LEAVING A CHILD UNATTENDED IN A MOTOR VEHICLE

A. *Definitions.* As used in this Section, the following terms shall have these prescribed meanings:

COLLISION: The act of a motor vehicle coming into contact with an object or a person.

INJURY: Physical harm to the body of a person.

MOTOR VEHICLE: Any automobile, truck, truck-tractor, or any motorbus or motor-propelled vehicle not exclusively operated or driven on fixed rails or tracks.

UNATTENDED: Not accompanied by an individual fourteen (14) years of age or older.

B. A person commits the offense of leaving a child unattended in a motor vehicle if such person knowingly leaves a child ten (10) years of age or less unattended in a motor vehicle and such child injures another person by causing a motor vehicle collision or by causing the motor vehicle to injure a pedestrian. (RSMo. §568.052)

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

ARTICLE III. OFFENSES CONCERNING ADMINISTRATION OF JUSTICE

SECTION 210.060: CONCEALING AN OFFENSE

A person commits the offense of concealing an offense if:

1. He/she confers or agrees to confer any pecuniary benefit or other consideration to any person in consideration of that person's concealing of any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof; or
2. He/she accepts or agrees to accept any pecuniary benefit or other consideration in consideration of his/her concealing any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof. (RSMo. §575.020)

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

SECTION 210.065: FAILURE TO APPEAR

- 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 except that the maximum fine cannot exceed the maximum fine permitted on the municipal ordinance violation on which he/she had failed to appear. This penalty shall not diminish in any way the contempt powers of the Municipal Judge. (CC 1994 §210.055; Ord. No. 489 §210.055, 7-17-95)

SECTION 210.070: HINDERING PROSECUTION

A person commits the offense of hindering prosecution if for the purpose of preventing the apprehension, prosecution, conviction or punishment of another for conduct constituting a crime he/she:

1. Harbors or conceals such person;
2. Warns such person of impending discovery or apprehension, except this does not apply to a warning given in connection with an effort to bring another into compliance with the law;
3. Provides such person with money, transportation, weapon, disguise or other means to aid him/her in avoiding discovery or apprehension; or
4. Prevents or obstructs, by means of force, deception or intimidation, anyone from performing an act that might aid in the discovery or apprehension of such person. (RSMo. §575.030)

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

SECTION 210.080: REFUSAL TO IDENTIFY AS A WITNESS

A person commits the offense of refusal to identify as a witness if, knowing he/she has witnessed any portion of a crime, or of any other incident resulting in physical injury or substantial property damage, upon demand by a Law Enforcement Officer engaged in the performance of his/her official duties, he/she refuses to report or gives a false report of his/her name and present address to such officer. (RSMo. §575.190)

SECTION 210.090: DISTURBING A JUDICIAL PROCEEDING

A person commits the offense of disturbing a judicial proceeding if, with purpose to intimidate a judge, attorney, juror, party or witness and thereby to influence a judicial proceeding, he/she disrupts or disturbs a judicial proceeding by participating in an assembly and calling aloud, shouting, or holding or displaying a placard or sign containing written or printed matter concerning the conduct of the judicial proceeding or the character of a judge, attorney, juror, party or witness engaged in such proceeding, or calling for or demanding any specified action or determination by such judge, attorney, juror, party or witness in connection with such proceeding. (RSMo. §575.250)

SECTION 210.100: TAMPERING WITH A WITNESS—TAMPERING WITH A VICTIM

A. A person commits the offense of tampering with a witness if, with purpose to induce a witness or a prospective witness to disobey a subpoena or other legal process, or to absent himself/herself or avoid subpoena or other legal process, or to withhold evidence, information or documents, or to testify falsely, he/she:

1. Threatens or causes harm to any person or property;
2. Uses force, threats or deception;
3. Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness; or
4. Conveys any of the foregoing to another in furtherance of a conspiracy.

- B. A person commits the offense of "victim tampering" if, with purpose to do so, he/she prevents or dissuades or attempts to prevent or dissuade any person who has been a victim of any crime or a person who is acting on behalf of any such victim from:
1. Making any report of such victimization to any Peace Officer or State, local or Federal Law Enforcement Officer or prosecuting agency or to any judge;
 2. Causing a complaint, indictment or information to be sought and prosecuted or assisting in the prosecution thereof; or
 3. Arresting or causing or seeking the arrest of any person in connection with such victimization. (RSMo. §575.270, 2005)

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

SECTION 210.105: TAMPERING WITH PHYSICAL EVIDENCE

A person commits the offense of tampering with physical evidence if he/she:

1. Alters, destroys, suppresses or conceals any record, document or thing with the purpose to impair its verity, legibility or availability in any official proceeding or investigation; or
2. Makes, presents or uses any record, document or thing knowing it to be false with purpose to mislead a public servant who is or may be engaged in any official proceeding or investigation. (RSMo. §575.100)

SECTION 210.110: IMPROPER COMMUNICATION

A person commits the offense of improper communication if he/she communicates, directly or indirectly, with any juror, special master, referee or arbitrator in a judicial proceeding, other than as part of the proceedings in a case, for the purpose of influencing the official action of such person. (RSMo. §575.290)

SECTION 210.120: FALSE IMPERSONATION

A. A person commits the offense of false impersonation if such person:

1. Falsely represents himself/herself to be a public servant with purpose to induce another to submit to his/her pretended official authority or to rely upon his/her pretended official acts, and
 - a. Performs an act in that pretended capacity; or
 - b. Causes another to act in reliance upon his/her pretended official authority.
2. Falsely represents himself/herself to be a person licensed to practice or engage in any profession for which a license is required by the laws of this State with purpose to induce another to rely upon such representation, and
 - a. Performs an act in that pretended capacity; or

- b. Causes another to act in reliance upon such representation.
 - 3. Upon being arrested, falsely represents himself/herself to a Law Enforcement Officer with the first and last name, date of birth or Social Security number, or a substantial number of identifying factors or characteristics as that of another person that results in the filing of a report or record of arrest or conviction for an infraction, misdemeanor, ordinance violation or felony that contains the first and last name, date of birth and Social Security number, or a substantial number of identifying factors or characteristics to that of such other person as to cause such other person to be identified as the actual person arrested or convicted.
- B. If a violation of Subsection (A)(3) hereof is discovered prior to any conviction of the person actually arrested for an underlying charge, then the prosecuting attorney bringing any action on the underlying charge shall notify the court thereof, and the court shall order the false-identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate identifying factors from the arrest and court records.
- C. Any person who is the victim of a false impersonation and whose identity has been falsely reported in arrest or conviction records may move for expungement and correction of said records under the procedures set forth in Section 610.123, RSMo. Upon a showing that a substantial number of identifying factors of the victim was falsely ascribed to the person actually arrested or convicted, the court shall order the false-identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate factors from the arrest and court records. (RSMo. §575.120, 2004)

SECTION 210.130: FALSE REPORTS

- A. A person commits the offense of making a false report if he/she knowingly:
- 1. Gives false information to any person 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 or is about to occur.
- 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. (RSMo. §575.080)

SECTION 210.140: RESISTING OR INTERFERING WITH ARREST, DETENTION OR STOP

- A. A person commits the offense of resisting or interfering with arrest, detention or stop 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, 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:
1. Arrests, stops or detentions with or without warrants;
 2. Arrests, stops or detentions for any crime, infraction or ordinance violation; and
 3. Arrests for warrants issued by a court or a Probation and Parole Officer.
- C. A person is presumed to be fleeing a vehicle stop if that person continues to operate a motor vehicle after that person has seen or should have seen clearly visible emergency lights or has heard or should have heard an audible signal emanating from the law enforcement vehicle pursuing that person.
- D. 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. (RSMo. §575.150, 2009)

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

SECTION 210.150: ESCAPE OR ATTEMPTED ESCAPE FROM CUSTODY

A person commits the offense of escape from custody or attempted escape from custody if, while being held in custody after arrest for any crime or offense, he/she escapes or attempts to escape from custody. (RSMo. §575.200)

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

SECTION 210.155: INTERFERENCE WITH LEGAL PROCESS

- A. 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.
- B. "Process" includes any writ, summons, subpoena, warrant other than an arrest warrant, or other process or order of a court. (RSMo. §575.160)

ARTICLE IV. OFFENSES CONCERNING PUBLIC SAFETY

SECTION 210.160: ABANDONMENT OF AIRTIGHT OR SEMI-AIRTIGHT CONTAINERS

- A. A person commits the offense of abandonment of 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. (RSMo. §577.100)

SECTION 210.170: LITTERING

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 the City or on any private real property owned by another without his/her consent. (RSMo. §577.070)

SECTION 210.180: LITTERING VIA CARCASSES

- A. If any person or persons shall put any dead animal, carcass or part thereof, the offal or any other filth into any well, spring, brook, branch, creek, pond or lake, every person so offending shall, on conviction thereof, be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00).
- B. If any person shall remove or cause to be removed and placed in or near any public road or highway, or upon premises not his/her own, or in any river, stream or watercourse any dead animal, carcass or part thereof, or other nuisance to the annoyance of the citizens of this City, or any of them, every person so offending shall, upon conviction thereof, be fined for every offense not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00), and if such nuisance be not removed within three (3) days thereafter, it shall be deemed a second (2nd) offense against the provisions of this Section. (RSMo. §577.076)

SECTION 210.190: CORRUPTING OR DIVERTING WATER SUPPLY

Whoever willfully or maliciously poisons, defiles or in any way corrupts the water of a well, spring, brook or reservoir used for domestic or municipal purposes, or whoever willfully or maliciously diverts, dams up and holds back from its natural course and flow any spring, brook or other water supply for domestic or municipal purposes, after said water supply shall have once been taken for use by any person or persons, corporation, Town or City for their use, shall be adjudged guilty of an ordinance violation and punished by a fine not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or by imprisonment in the City or County Jail not exceeding ninety (90) days, or by both such fine and imprisonment, and shall be liable to the party injured for three (3) times the actual damage sustained, to be recovered by suit at law. (RSMo. §577.150)

ARTICLE V. OFFENSES CONCERNING PUBLIC PEACE

SECTION 210.200: PEACE DISTURBANCE

A person commits the offense of peace disturbance if:

1. He/she unreasonably and knowingly disturbs or alarms another person or persons by:
 - a. Loud noise;
 - b. Offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient;
 - c. Threatening to commit a felonious act against any person under circumstances which are likely to cause a reasonable person to fear that such threat may be carried out;
 - d. Fighting; or
 - e. Creating a noxious and offensive odor.
2. He/she is in a public place or on private property of another without consent and purposely causes inconvenience to another person or persons 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. (RSMo. §574.010)

SECTION 210.210: PRIVATE PEACE DISTURBANCE

A person commits the offense of private peace disturbance if he/she is on private property and unreasonably and purposely causes alarm to another person or persons on the same premises by:

1. Threatening to commit a crime or offense against any person; or
2. Fighting. (RSMo. §574.020)

SECTION 210.220: PEACE DISTURBANCE DEFINITIONS

For the purposes of Sections 210.200 and 210.210, the following words shall have the meanings set out herein:

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.

If a building or structure is divided into separately occupied units, such units are separate premises. (RSMo. §574.030)

SECTION 210.225: UNLAWFUL ASSEMBLY

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. (RSMo. §574.040)

SECTION 210.230: RIOTING

A person commits the offense of rioting 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 and thereafter, while still so assembled, does violate any of said laws with force or violence. (RSMo. §574.050)

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

SECTION 210.235: REFUSAL TO DISPERSE

A person commits the offense of refusal to disperse if, being present at the scene of an unlawful assembly or at the scene of a riot, he/she knowingly fails or refuses to obey the lawful command of a Law Enforcement Officer to depart from the scene of such unlawful assembly or riot. (RSMo. §574.060)

SECTION 210.236: NOISE

The playing of any radio, phonograph or other musical instrument in such a manner or with such volume so that such noise can be distinctly heard at a distance of more than one hundred (100) feet from any source shall be deemed unreasonable and unnecessary noise. (CC 1994 §210.060; Ord. No. 446 §1, 3-19-90)

SECTION 210.237: LOITERING

A person shall not loiter in any park, street, alley, highway, thoroughfare or around or about or at any street corner or in the vicinity of any other public place or place of public accommodation, including, but not limited to, hotels, motels, public buildings, laundromats, restaurants and other places of business, and refuse to cease and desist such loitering, to move on, or both, when ordered to do so by the Marshal or any duly authorized officer, agent or deputized representative of our Department of Police of St. Louis County, Missouri, where such loitering is allowed to continue uninterrupted may cause a breach of the peace. (CC 1994 §210.120; Ord. No. 332 §§1—2, 5-8-67)

SECTION 210.238: VAGRANCY

A. A "vagrant" under the meaning and provisions of this Section shall be deemed to be:

1. Every person, without any visible means of support, who may be found loitering around houses of ill-fame, gambling houses or places where liquors are sold or drank.

2. Every person who shall attend or operate any gambling device or apparatus.
 3. Every person who shall be engaged in practicing any trick or device to procure money or other thing of value.
 4. Every person who shall be engaged in any unlawful calling whatever.
 5. Every able-bodied married man who shall neglect or refuse to provide for the support of his family.
 6. Every person found tramping or wandering around from place to place without any visible means of support.
- B. Any person who shall be convicted of being a vagrant within the meaning of this Section as hereinbefore defined shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined not less than five dollars (\$5.00) nor more than three hundred dollars (\$300.00). (CC 1994 §210.130; Ord. No. 174 §§1—2, 8-12-49)

SECTION 210.239: FIREWORKS REGULATIONS

- A. No person within the City of Flordell Hills shall sell, offer or expose for sale, discharge, use or explode any fireworks, blank cartridge, toy pistol, cannon or device in which explosives are used, fire crackers, torpedoes, Roman candles, pyrotechnic display devices or bombs.
- B. Nothing herein contained shall be construed to prohibit the sale to or use by persons holding permits therefor as herein provided of the articles herein prohibited or the sale of blank cartridges for theatrical purposes, signal purposes in athletic or sport events, aerial bombs for meetings or for use by the Police, militia or army. Civic or public organizations, fair associations or officials in charge of public parks may purchase and use the articles mentioned for pyrotechnical displays on permits issued by the Mayor of the Board of Aldermen stating the time and place thereof when the Mayor of the Board of Aldermen is satisfied the public safety will not be endangered thereby.
- C. Any person violating the provisions of this Section shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) for each offense. (CC 1994 §210.140; Ord. No. 182 §§1—3, 9-8-50)

ARTICLE VI. OFFENSES CONCERNING WEAPONS AND FIREARMS

SECTION 210.240: DEFINITIONS

The following words, when used in this Article, shall have the meanings set out herein:

ANTIQUÉ, CURIO OR RELIC FIREARM: Any firearm so defined by the National Gun Control Act, 18 U.S.C. Title 26, Section 5845, and the United States Treasury/Bureau of Alcohol, Tobacco and Firearms, 27 CFR Section 178.11:

1. Antique firearm is any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, said ammunition not being manufactured any longer; this includes any matchlock, wheel lock, flintlock, percussion cap or similar type ignition system, or replica thereof.

2. Curio or relic firearm is any firearm deriving value as a collectible weapon due to its unique design, ignition system, operation or at least fifty (50) years old, associated with a historical event, renown personage or major war.

BLACKJACK: Any instrument that is designed or adapted for the purpose of stunning or inflicting physical injury by striking a person, and which is readily capable of lethal use.

BLASTING AGENT: Any material or mixture consisting of fuel and oxidizer that is intended for blasting, but not otherwise defined as an explosive under this Section, provided that the finished product, as mixed for use of shipment, cannot be detonated by means of a numbered 8 test blasting cap when unconfined.

CONCEALABLE FIREARM: Any firearm with a barrel less than sixteen (16) inches in length, measured from the face of the bolt or standing breech.

DEFACE: To alter or destroy the manufacturer's or importer's serial number or any other distinguishing number or identification mark.

DETONATOR: Any device containing a detonating charge that is used for initiating detonation in an explosive including, but not limited to, electric blasting caps of instantaneous and delay types, non-electric blasting caps for use with safety fuse or shock tube and detonating cord delay connectors.

EXPLOSIVE WEAPON: Any explosive, incendiary, or poison gas bomb or similar device designed or adapted for the purpose of inflicting death, serious physical injury or substantial property damage; or any device designed or adapted for delivering or shooting such a weapon. For the purposes of this Article, the term "*explosive*" shall mean any chemical compound mixture or device, the primary or common purpose of which is to function by explosion including, but not limited to, dynamite and other high explosives, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cords, igniter cords and igniters or blasting agents.

FIREARM: Any weapon that is designed or adapted to expel a projectile by the action of an explosive.

FIREARM SILENCER: Any instrument, attachment or appliance that is designed or adapted to muffle the noise made by the firing of any firearm.

GAS GUN: Any gas ejection device, weapon, cartridge, container or contrivance, other than a gas bomb, that is designed or adapted for the purpose of ejecting any poison gas that will cause death or serious physical injury, but not any device that ejects a repellant or temporary incapacitating substance.

INTOXICATED: Substantially impaired mental or physical capacity resulting from introduction of any substance into the body.

KNIFE: Any dagger, dirk, stiletto or bladed hand instrument that is readily capable of inflicting serious physical injury or death by cutting or stabbing a person. For purposes of this Article, "knife" does not include any ordinary pocketknife with no blade more than four (4) inches in length.

KNUCKLES: Any instrument that consists of finger rings or guards made of a hard substance that is designed or adapted for the purpose of inflicting serious physical injury or death by striking a person with a fist enclosed in the knuckles.

MACHINE GUN: Any firearm that is capable of firing more than one (1) shot automatically, without

manual reloading, by a single function of the trigger.

PROJECTILE WEAPON: Any bow, crossbow, pellet gun, slingshot or other weapon that is not a firearm, which is capable of expelling a projectile that could inflict serious physical injury or death by striking or piercing a person.

RIFLE: Any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled bore by a single function of the trigger.

SHORT BARREL: A barrel length of less than sixteen (16) inches for a rifle and eighteen (18) inches for a shotgun, both measured from the face of the bolt or standing breech, or an overall rifle or shotgun length of less than twenty-six (26) inches.

SHOTGUN: Any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire a number of shot or a single projectile through a smooth bore barrel by a single function of the trigger.

SPRING GUN: Any fused, timed or non-manually controlled trap or device designed or adapted to set off an explosion for the purpose of inflicting serious physical injury or death.

SWITCHBLADE KNIFE: Any knife which has a blade that folds or closes into the handle or sheath and:

1. That opens automatically by pressure applied to a button or other device located on the handle; or
2. That opens or releases from the handle or sheath by the force of gravity or by the application of centrifugal force. (RSMo. §571.010, 2008)

SECTION 210.250: WEAPONS—CARRYING CONCEALED—OTHER UNLAWFUL USE

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. Sets a spring gun;
3. Discharges or shoots a firearm within the City limits;*
4. Exhibits, in the presence of one (1) or more persons, any weapon readily capable of lethal use in an angry or threatening manner;
5. Has a firearm or projectile weapon readily capable of lethal use on his/her person, while he/she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self defense;
6. Openly carries a firearm or any other weapon readily capable of lethal use within the City limits;
7. 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), (3), (4), (6) and (7) of Subsection (A) of this Section shall not apply to or affect any of the following when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties:
1. All State, County and Municipal Peace Officers who have completed the training required by the Police Officer Standards and Training Commission pursuant to Sections 590.030 to 590.050, RSMo., who possess 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, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired Peace Officers, as defined in Subsection (10) of Section 571.030, RSMo., and who carry the identification defined in Subsection (11) of Section 571.030, RSMo., 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 or Federal Flight Deck Officer as defined under the Federal Flight Deck Officer Program, 49 U.S.C. Section 44921;
 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.;
 9. Any coroner, deputy coroner, medical examiner or assistant medical examiner; and
 10. Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney or assistant circuit attorney who has completed the firearms safety training course required under Subsection (2) of Section 571.111, RSMo.
- C. Subparagraphs (1), (5), (6) and (7) 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 to any person twenty-one (21) years of age or older transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his/her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this State. Subparagraph (7) 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. Subparagraphs (1), (6) and (7) of Subsection (A) of this Section shall not apply to any person who has a valid concealed carry endorsement issued pursuant to Sections 571.101 to 571.121, RSMo., or a valid permit or endorsement to carry concealed firearms issued by another State or political subdivision of another State.
- E. Subparagraphs (3), (4), (5), (6) and (7) of Subsection (A) of this Section shall not apply to persons who are engaged in a lawful act of defense pursuant to Section 563.031, RSMo.
- F. Nothing in this Section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board. (RSMo. §571.030, 2007)

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

**State Law Reference—Section 252.243.3, RSMo., limits the discharge of firearms in certain areas known as Hunting Heritage Protection Areas, which are defined therein.*

SECTION 210.255: POSSESSION, MANUFACTURE, TRANSPORT, REPAIR, SALE OF CERTAIN WEAPONS

- A. A person commits an offense if such person knowingly possesses, manufactures, transports, repairs or sells:
 - 1. An explosive weapon;
 - 2. An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon;
 - 3. A machine gun;
 - 4. A gas gun;
 - 5. A short-barreled rifle or shotgun;
 - 6. A firearm silencer;
 - 7. A switchblade knife;
 - 8. A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; or
 - 9. Knuckles.
- B. A person does not commit an offense under this Section if his/her conduct:
 - 1. Was incident to the performance of official duty by the Armed Forces, National Guard, a governmental law enforcement agency or a penal institution;

2. Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in paragraph (1) of this Subsection;
3. Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise;
4. Was incident to displaying the weapon in a public museum or exhibition; or
5. Was incident to dealing with the weapon solely as a curio, ornament or keepsake or to using it in a manner reasonably related to a lawful dramatic performance; but if the weapon is the type described in paragraphs (1) or (4) of Subsection (A) of this Section, it must be in such a non-functioning condition that it cannot readily be made operable. No barreled rifle, short-barreled shotgun, machine gun or firearm silencer may be possessed, manufactured, transported, repaired or sold as a curio, ornament or keepsake unless such person is an importer, manufacturer, dealer or collector licensed by the Secretary of the Treasury pursuant to the Gun Control Act of 1968, U.S.C. Title 18, or unless such firearm is an "antique firearm" as defined in Subsection (3) of Section 571.080, RSMo., or unless such firearm has been designated a "collectors item" by the Secretary of the Treasury pursuant to the U.S.C. Title 26, Section 5845(a). (RSMo. §571.020, 2008)

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

SECTION 210.260: DEFACING FIREARM

A person commits the offense of defacing a firearm if he/she knowingly defaces any firearm. (RSMo. §571.045.1)

SECTION 210.270: UNLAWFUL TRANSFER OF WEAPONS

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. (RSMo. §571.060.1(2—3))

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

SECTION 210.275: POSSESSION OF FIREARM UNLAWFUL FOR CERTAIN PERSONS

- A. A person commits the offense of unlawful possession of a firearm if such person knowingly has any firearm in his or her possession and:
 1. Such person has been convicted of a felony under the laws of this State or of a crime under the laws of any State or of the United States which, if committed within this State, would be a

felony; or

2. Such person is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent.
- B. The provisions of Subsection (A)(1) of this Section shall not apply to the possession of an antique firearm. (RSMo. §571.070, 2010)

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

SECTION 210.280: CARRYING CONCEALED FIREARMS PROHIBITED—PENALTY FOR VIOLATION

- A. It shall be a violation of this Section, punishable as hereinafter provided, for any person to carry any concealed firearm into:
1. Any Police, Sheriff or Highway Patrol office or station without the consent of the Chief Law Enforcement Officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
 2. Within twenty-five (25) feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
 3. The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
 4. Any courthouse solely occupied by the Circuit, Appellate or Supreme Court or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question. This Subdivision shall also include, but not be limited to, any juvenile, family, drug or other court offices, any room or office wherein any of the courts or offices listed in this Subdivision are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by Supreme Court Rule pursuant to Subdivision (6) of this Subsection. Nothing in this Subdivision shall preclude those persons listed in Subsection (B)(1) of Section 210.250 while within their jurisdiction and on duty, those persons listed in Subsections (B)(2), (4) and (10) of Section 210.250, or such other persons who serve in a law enforcement capacity for a court as may be specified by Supreme Court Rule pursuant to Subdivision (6) of this Subsection from carrying a concealed firearm within any of the areas described in this Subdivision. Possession of a firearm in a vehicle on the premises of any of the areas listed in this Subdivision shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
 5. Any meeting of the Board of Aldermen. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
 6. Any building owned, leased or controlled by the City of Flordell Hills identified by signs posted at the entrance to the building. This Subsection shall not apply to any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned,

leased or controlled by the City of Flordell Hills. Persons violating this Subsection may be denied entrance to the building, ordered to leave the building and, if employees of the City, be subjected to disciplinary measures for violation.

7. Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this Subdivision shall not apply to the licensee of said establishment. The provisions of this Subdivision shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty (50) persons and that receives at least fifty-one percent (51%) of its gross annual income from the dining facilities by the sale of food. This Subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this Subdivision authorizes any individual who has been issued a concealed carry endorsement to possess any firearm while intoxicated.
8. Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
9. Any place where the carrying of a firearm is prohibited by Federal law.
10. Any higher education institution or elementary or secondary school facility without the consent of the Governing Body of the higher education institution or a school official or the district school board. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
11. Any portion of a building used as a child care facility without the consent of the manager. Nothing in this Subdivision shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a driver's license or non-driver's license containing a concealed carry endorsement.
12. Any riverboat gambling operation accessible by the public without the consent of the owner or manager pursuant to rules promulgated by the Gaming Commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
13. Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
14. Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
15. Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one (1) or more signs displayed in a conspicuous place of a minimum size of eleven (11) inches by fourteen (14) inches with the writing thereon in letters of not less than one (1) inch. The owner, business or commercial lessee, manager of a private business

enterprise, or any other organization, entity or person may prohibit persons holding a concealed carry endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry endorsement from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry endorsement from carrying a concealed firearm in vehicles owned by the employer.

16. Any sports arena or stadium with a seating capacity of five thousand (5,000) or more. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
 17. Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
- B. Any person violating any of the provisions of Subsection (A) of this Section shall be punished as follows:
1. If the violator holds a concealed carry endorsement issued pursuant to State law, the violator may be subject to denial to the premises or removal from the premises. If such person refuses to leave the premises and a Peace Officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars (\$100.00) for the first (1st) offense. If a second (2nd) citation for a similar violation occurs within a six (6) month period, such person shall be fined an amount not to exceed two hundred dollars (\$200.00). If a third (3rd) citation for a similar violation is issued within one (1) year of the first (1st) citation, such person shall be fined an amount not to exceed five hundred dollars (\$500.00). Upon conviction of charges arising from a citation issued pursuant to this Section, the court shall notify the Sheriff of the County which issued the certificate of qualification for a concealed carry endorsement and the Department of Revenue.
 2. If the violator does not hold a current valid concealed carry endorsement issued pursuant to State law, upon conviction of a charge of violating this Section the defendant shall be punished as provided in Section 100.220 of this Code of Ordinances.
 3. Employees of the City of Flordell Hills may, in addition to any other punishment hereby, be subject to disciplinary action.
- C. It shall be a violation of this Section, punishable by a citation for an amount not to exceed thirty-five dollars (\$35.00), for any person issued a concealed carry endorsement pursuant to State law to fail to carry the concealed carry endorsement at all times the person is carrying a concealed firearm or to fail to display the concealed carry endorsement upon the request of any Peace Officer. (RSMo. §571.107, 2009)

SECTION 210.285: DISCHARGING AIR GUN, ETC.

Any person within the limits of this City who shall discharge any BB gun which expels a projectile by means of a spring, air or any other means, paintball 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 210.286: "TURKEY SHOOTS" AND OTHER CHARITABLE EVENTS

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

ARTICLE VII. OFFENSES CONCERNING PROPERTY

SECTION 210.290: TAMPERING

- A. A person commits the offense of tampering if he/she:
1. Tamper with property of another for the purpose of causing substantial inconvenience to that person or to another;
 2. Unlawfully rides in or upon another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle;
 3. Tamper or makes connection with property of a utility; or
 4. Tamper 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 or persons 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 an 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 person or persons who use or receive the direct benefit of the electric, gas, steam or water service. (RSMo. §569.090, 2005)

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

SECTION 210.300: PROPERTY DAMAGE

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. (RSMo. §569.120)

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

SECTION 210.310: CLAIM OF RIGHT

- A. A person does not commit an offense by damaging, tampering with, operating, riding in or upon or making connection with property of another if he/she does so under a claim of right and has reasonable grounds to believe he/she has such a right.
- B. The defendant shall have the burden of injecting the issue of claim of right. (RSMo. §569.130)

SECTION 210.320: TRESPASS IN THE FIRST DEGREE

- 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 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. (RSMo. §569.140)

SECTION 210.330: TRESPASS IN THE SECOND DEGREE

- A. 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.
- B. Trespass in the second degree is an infraction. (RSMo. §569.150)

SECTION 210.335: TRESPASS OF A SCHOOL BUS

A person commits the offense of trespass of a school bus if he/she knowingly and unlawfully enters any part of or unlawfully operates any school bus. (RSMo. §569.155)

SECTION 210.340: RECKLESS BURNING OR EXPLODING

A person commits the offense of reckless burning or exploding when he/she knowingly starts a fire or causes an explosion and thereby recklessly damages or destroys a building or an inhabitable structure of another. (RSMo. §569.060)

SECTION 210.350: NEGLIGENT BURNING OR EXPLODING

A person commits the offense of negligent burning or exploding when he/she with criminal negligence causes damage to property of another by fire or explosion. (RSMo. §569.065)

SECTION 210.360: STEALING

- A. A person commits the offense of stealing if he/she appropriates property or services of another with the purpose to deprive him/her thereof, either without his/her consent or by means of deceit or coercion.
- B. Evidence of the following is admissible in any prosecution pursuant to this Section on the issue of the requisite knowledge or belief of the alleged stealer that:
 - 1. He/she failed or refused to pay for property or services of a hotel, restaurant, inn or boarding house;
 - 2. He/she gave in payment for property or services of a hotel, restaurant, inn or boarding house a check or negotiable paper on which payment was refused;
 - 3. He/she left the hotel, restaurant, inn or boarding house with the intent to not pay for property or services;
 - 4. He/she surreptitiously removed or attempted to remove his/her baggage from a hotel, inn or boarding house; or
 - 5. He/she, with intent to cheat or defraud a retailer, possesses, uses, utters, transfers, makes, alters, counterfeits or reproduces a retail sales receipt, price tag or universal price code label or possesses, with intent to cheat or defraud, the device that manufactures fraudulent receipts or universal price code labels. (RSMo. §570.030, 2005)

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

SECTION 210.365: THEFT OF MOTOR FUEL

- A. No person shall drive a motor vehicle so as to cause it to leave the premises of an establishment at which motor fuel offered for retail sale was dispensed into the fuel tank of such motor vehicle unless payment or authorized charge for motor fuel dispensed has been made.
- B. A person found guilty or pleading guilty to stealing pursuant to Section 210.360 for the theft of motor fuel as described in Subsection (A) shall have his/her driver's license suspended by the court beginning on the date of the court's order of conviction. The person shall submit all of his/her operator's and chauffeur's licenses to the court upon conviction and the court shall forward all such driver's licenses and the order of suspension of driving privileges to the Department of Revenue for administration of such order. (RSMo. §302.286)

SECTION 210.370: RECEIVING STOLEN PROPERTY

- A. A 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. Evidence of the following is admissible in any criminal prosecution pursuant to this Section to prove the requisite knowledge or belief of the alleged receiver that:
 - 1. He/she was found in possession or control of other property stolen on separate occasions from two (2) or more persons;

2. He/she received other stolen property in another transaction within the year preceding the transaction charged;
3. He/she acquired the stolen property for a consideration which he/she knew was far below its reasonable value; or
4. He/she obtained control over stolen property knowing the property to have been stolen or under such circumstances as would reasonably induce a person to believe the property was stolen. (RSMo. §570.080, 2005)

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

SECTION 210.375: FINANCIAL EXPLOITATION OF THE ELDERLY AND DISABLED

- A. A person commits the offense of financial exploitation of an elderly or disabled person if such person knowingly and by deception, intimidation or force obtains control over the elderly or disabled person's property with the intent to permanently deprive the elderly or disabled person of the use, benefit or possession of his/her property thereby benefiting such person or detrimentally affecting the elderly or disabled person. Financial exploitation of an elderly or disabled person is an ordinance violation if the value of the property is less than fifty dollars (\$50.00).
- B. *Definitions.* As used in this Section, the following terms shall have these prescribed meanings:

DECEPTION: A misrepresentation or concealment of material fact relating to the terms of a contract or agreement entered into with the elderly or disabled person or to the existing or pre-existing condition of any of the property involved in such contract or agreement or the use or employment of any misrepresentation, false pretense or false promise in order to induce, encourage or solicit the elderly or disabled person to enter into a contract or agreement.

"Deception" includes:

1. Creating or confirming another person's impression which is false and which the offender does not believe to be true.
2. Failure to correct a false impression which the offender previously has created or confirmed.
3. Preventing another person from acquiring information pertinent to the disposition of the property involved.
4. Selling or otherwise transferring or encumbering property, failing to disclose a lien, adverse claim or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid or is or is not a matter of official record.
5. Promising performance which the offender does not intend to perform or knows will not be performed. Failure to perform standing alone is not sufficient evidence to prove that the offender did not intend to perform.

DISABLED PERSON: A person with a mental, physical or developmental disability that substantially impairs the person's ability to provide adequately for the person's care or protection.

ELDERLY PERSON: A person sixty (60) years of age or older.

INTIMIDATION: A threat of physical or emotional harm to an elderly or disabled person or the communication to an elderly or disabled person that he/she will be deprived of food and nutrition, shelter, prescribed medication, or medical care and treatment.

- C. Nothing in this Section shall be construed to limit the remedies available to the victim pursuant to any State law relating to domestic violence.
- D. Nothing in this Section shall be construed to impose criminal liability on a person who has made a good faith effort to assist the elderly or disabled person in the management of his/her property, but through no fault of his/her own has been unable to provide such assistance.
- E. Nothing in this Section shall limit the ability to engage in bona fide estate planning, to transfer property, and to otherwise seek to reduce estate and inheritance taxes; provided that such actions do not adversely impact the standard of living to which the elderly or disabled person has become accustomed at the time of such actions.
- F. It shall not be a defense to financial exploitation of an elderly or disabled person that the accused reasonably believed that the victim was not an elderly or disabled person. (RSMo. §570.145, 2005)

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

SECTION 210.380: FRAUDULENT USE OF A CREDIT OR DEBIT DEVICE

A person commits the offense of fraudulent use of a credit device or debit device if the person uses a credit device or debit device for the purpose of obtaining services or property knowing that:

- 1. The device is stolen, fictitious or forged;
- 2. The device has been revoked or canceled;
- 3. For any other reason his/her use of the device is unauthorized; or
- 4. Uses a credit device or debit device for the purpose of paying property taxes and knowingly cancels said charges or payment without just cause. It shall be prima facie evidence of a violation of this Section if a person cancels said charges or payment after obtaining a property tax receipt to obtain license tags from the Missouri Department of Revenue. (RSMo. §570.130)

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

SECTION 210.390: DECEPTIVE BUSINESS PRACTICE

A person commits the offense of deceptive business practice if in the course of engaging in a business, occupation or profession he/she recklessly:

- 1. Uses or possesses for use a false weight or measure or any other device for falsely determining or recording any quality or quantity;
- 2. Sells, offers or exposes for sale or delivers less than the represented quantity of any commodity or service;
- 3. Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he/she furnishes the weight or measure;

4. Sells, offers or exposes for sale adulterated or mislabeled commodities; or
5. Makes a false or misleading written statement for the purpose of obtaining property or credit. (RSMo. §570.140)

SECTION 210.400: ALTERATION OR REMOVAL OF ITEM NUMBERS WITH INTENT TO DEPRIVE LAWFUL OWNER

A person commits the offense of alteration or removal of item numbers if he/she with the purpose of depriving the owner of a lawful interest therein:

1. Destroys, removes, covers, conceals, alters, defaces or causes to be destroyed, removed, covered, concealed, altered or defaced the manufacturer's original serial number or other distinguishing owner-applied number or mark on any item which bears a serial number attached by the manufacturer or distinguishing number or mark applied by the owner of the item for any reason whatsoever;
2. Sells, offers for sale, pawns or uses as security for a loan any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered or defaced; or
3. Buys, receives as security for a loan or in pawn, or in any manner receives or has in his/her possession any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered or defaced. (RSMo. §570.085)

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

SECTION 210.410: FAILURE TO RETURN RENTED PERSONAL PROPERTY—ENFORCEMENT PROCEDURE—PENALTY—VENUE

- A. A person commits the offense of failing to return leased or rented property if, with the intent to deprive the owner thereof, he/she purposefully fails to return leased or rented personal property to the place and within the time specified in an agreement in writing providing for the leasing or renting of such personal property. In addition, any person who has leased or rented personal property of another, who conceals the property from the owner or who otherwise sells, pawns, loans, abandons or gives away the leased or rented property is guilty of the offense of failing to return leased or rented property. The provisions of this Section shall apply to all forms of leasing and rental agreements including, but not limited to, contracts which provide the consumer options to buy the leased or rented personal property, lease-purchase agreements and rent-to-own contracts. For the purpose of determining if a violation of this Section has occurred, leasing contracts which provide options to buy the merchandise are owned by the owner of the property until such time as the owner endorses the sale and transfer of ownership of the leased property to the lessee.
- B. It shall be prima facie evidence of the offense of failing to return leased or rented property when a person who has leased or rented personal property of another willfully fails to return or make arrangements acceptable with the lessor to return the personal property to its owner at the owner's place of business within ten (10) days after proper notice following the expiration of the lease or rental agreement, except that if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, such failure to return the motor vehicle shall be prima facie evidence of the intent of the offense of failing to return leased or rented

property. Where the leased or rented property is a motor vehicle, if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, the lessor may notify the local law enforcement agency of the failure of the lessee to return such motor vehicle, and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate State and local computer system listing stolen motor vehicles. Any Law Enforcement Officer which stops such a motor vehicle may seize the motor vehicle and notify the lessor that he/she may recover such motor vehicle after it is photographed and its vehicle identification number is recorded for evidentiary purposes. Where the leased or rented property is not a motor vehicle, if such property has not been returned within the ten (10) day period prescribed in this Subsection, the owner of the property shall report the failure to return the property to the local law enforcement agency, and such law enforcement agency may within five (5) days notify the person who leased or rented the property that such person is in violation of this Section, and that failure to immediately return the property may subject such person to arrest for the violation.

- C. This Section shall not apply if such personal property is a vehicle and such return is made more difficult or expensive by a defect in such vehicle which renders such vehicle inoperable if the lessee shall notify the lessor of the location of such vehicle and such defect before the expiration of the lease or rental agreement or within ten (10) days after proper notice.
- D. Proper notice by the lessor shall consist of a written demand addressed and mailed by certified or registered mail to the lessee at the address given at the time of making the lease or rental agreement. The notice shall contain a statement that the failure to return the property may subject the lessee to criminal prosecution.
- E. Any person who has leased or rented personal property of another who destroys such property so as to avoid returning it to the owner shall be guilty of property damage pursuant to Section 210.300 in addition to being in violation of this Section.
- F. Venue shall lie in the County where the personal property was originally rented or leased.
(RSMo. §578.150)

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

SECTION 210.420: PASSING BAD CHECKS

- A. A person commits the offense of passing a bad check when:
 - 1. With purpose to defraud, the person makes, issues or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money knowing that it will not be paid by the drawee or that there is no such drawee; or
 - 2. The person makes, issues or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money knowing that there are insufficient funds in or on deposit with that account for the payment of such check, sight order or other form of presentment involving the transmission of account information in full and all other checks, sight orders or other forms of presentment involving the transmission of account information upon such funds then outstanding, or that there is no such account or no drawee and fails to pay the check or sight order or other form of presentment involving the transmission of account information 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 or because there is no such drawee.

- 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. (RSMo. §570.120, 2005)

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

**SECTION 210.425: SHOPLIFTING—DETENTION OF SUSPECT BY MERCHANT—
LIABILITY PRESUMPTION**

- A. *Definitions.* As used in this Section, the following definitions shall apply:

MERCANTILE ESTABLISHMENT: Any mercantile place of business in, at or from which goods, wares and merchandise are sold, offered for sale or delivered from and sold at retail or wholesale.

MERCHANDISE: All goods, wares and merchandise offered for sale or displayed by a merchant.

MERCHANT: Any corporation, partnership, association or person who is engaged in the business of selling goods, wares and merchandise in a mercantile establishment.

WRONGFUL TAKING: Includes stealing of merchandise or money and any other wrongful appropriation of merchandise or money.

- B. Any merchant, his/her agent or employee, who has reasonable grounds or probable cause to believe that a person has committed or is committing a wrongful taking of merchandise or money from a mercantile establishment, may detain such person in a reasonable manner and for a reasonable length of time for the purpose of investigating whether there has been a wrongful taking of such merchandise or money. Any such reasonable detention shall not constitute an unlawful arrest or detention, nor shall it render the merchant, his/her agent or employee criminally or civilly liable to the person so detained.
- C. Any person willfully concealing unpurchased merchandise of any mercantile establishment, either on the premises or outside the premises of such establishment, shall be presumed to have so concealed such merchandise with the intention of committing a wrongful taking of such merchandise within the meaning of Subsection (A), and the finding of such unpurchased merchandise concealed upon the person or among the belongings of such person shall be evidence of reasonable grounds and probable cause for the detention in a reasonable manner and for a reasonable length of time of such person by a merchant, his/her agent or employee in order that recovery of such merchandise may be effected, and any such reasonable detention shall not be deemed to be unlawful nor render such merchant, his/her agent or employee criminally or civilly liable. (RSMo. §537.125)

**SECTION 210.426: COPPER WIRE OR CABLE, COLLECTORS AND DEALERS TO KEEP
REGISTER, INFORMATION REQUIRED—PENALTY—EXEMPT
TRANSACTIONS**

- A. Every purchaser or collector of, or dealer in, junk, scrap metal or any secondhand property shall keep a register containing a written or electronic record for each purchase or trade in which each

type of metal subject to the provisions of this Section is obtained for value. There shall be a separate record for each transaction involving any:

1. Copper, brass or bronze;
2. Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting or fastener; or
3. Material containing copper or aluminum that is knowingly used for farming purposes as farming is defined in Section 350.010, RSMo.;

whatever may be the condition or length of such metal. The record shall contain the following data: a copy of the driver's license or photo identification issued by the State or by the United States Government or agency thereof to the person from whom the material is obtained which shall contain a current address of the person from whom the material is obtained and the date, time and place of and a full description of each such purchase or trade including the quantity by weight thereof.

- B. The records required under this Section shall be maintained for a minimum of twenty-four (24) months from when such material is obtained and shall be available for inspection by any Law Enforcement Officer.
- C. Anyone convicted of violating this Section shall be guilty of an ordinance violation.
- D. This Section shall not apply to any of the following transactions:
 1. Any transaction for which the total amount paid for all regulated scrap metal purchased or sold does not exceed fifty dollars (\$50.00);
 2. Any transaction for which the seller, including a farm or farmer, has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business; or
 3. Any transaction for which the type of metal subject to Subsection (A) of this Section is a minor part of a larger item, except for equipment used in the generation and transmission of electrical power or telecommunications. (RSMo. §407.300, 2008)

SECTION 210.427: METAL BEER KEG, PROHIBITION ON PURCHASE OR POSSESSION BY SCRAP METAL DEALER—VIOLATION, PENALTY

- A. No scrap metal dealer shall knowingly purchase or possess a metal beer keg, whether damaged or undamaged, or any reasonably recognizable part thereof, on any premises that the dealer uses to buy, sell, store, shred, melt, cut or otherwise alter scrap metal except when the purchase is from the brewer or its authorized representative. For purposes of this Section, "keg" shall have the same meaning as in Section 311.082, RSMo.
- B. Anyone who is found guilty of, or pleads guilty to, violating this Section shall be guilty of an ordinance violation punishable only by fine. Nothing in this Section shall be construed to preclude a person violating this Section from also being prosecuted for any applicable criminal offense. (RSMo. §407.301, 2008)

SECTION 210.428: METAL BELONGING TO CEMETERIES, POLITICAL SUBDIVISIONS, ELECTRIC COOPERATIVES AND UTILITIES—SCRAP YARD NOT TO PURCHASE—VIOLATION, PENALTY

- A. No scrap yard shall purchase any metal that can be identified as belonging to a public or private cemetery or to a political subdivision or electrical cooperative, municipal utility or a utility regulated under Chapters 386 or 393, RSMo., including bleachers, guardrails, signs, street and traffic lights or signals, and manhole cover or covers, whether broken or unbroken, from anyone other than the cemetery or monument owner, political subdivision, electrical cooperative or utility, or manufacturer of the metal or item described in this Section unless such person is authorized in writing by the cemetery or monument owner, political subdivision, electrical cooperative or utility, or manufacturer to sell the metal.
- B. Anyone convicted of violating this Section shall be guilty of an ordinance violation. (RSMo. §407.302, 2008)

SECTION 210.429: SCRAP METAL DEALERS—PAYMENTS IN EXCESS OF \$500.00 TO BE MADE BY CHECK—EXCEPTIONS

- A. Any scrap metal dealer paying out an amount that is five hundred dollars (\$500.00) or more shall make such payment in the form of a check or shall pay by any method in which a financial institution makes and retains a record of the transaction.
- B. This Section shall not apply to any transaction for which the seller has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business. (RSMo. §407.303, 2008)

ARTICLE VIII. OFFENSES CONCERNING PROSTITUTION AND MORALS

SECTION 210.430: ARTICLE DEFINITIONS

As used in this Article, the following terms mean:

PATRONIZING PROSTITUTION: A person patronizes prostitution if:

1. Pursuant to a prior understanding, he/she gives something of value to another person as compensation for that person or a third (3rd) person having engaged in sexual conduct with him/her or with another;
2. He/she gives or agrees to give something of value to another person on an understanding that in return therefor that person or a third (3rd) person will engage in sexual conduct with him/her or with another; or
3. He/she solicits or requests another person to engage in sexual conduct with him/her or with another, or to secure a third (3rd) person to engage in sexual conduct with him/her or with another, in return for something of value.

PROSTITUTION: A person commits prostitution if he/she engages or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by the person or by a third (3rd) person.

SEXUAL CONDUCT: Occurs when there is:

1. *Sexual intercourse.* Any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results.
2. *Deviate sexual intercourse.* Any sexual act involving the genitals of one (1) person and the mouth, hand, tongue or anus of another person.
3. *Sexual contact.* Any touching, manual or otherwise, of the anus or genitals of one (1) person by another done for the purpose of arousing or gratifying sexual desire of either party.

SOMETHING OF VALUE: Money or property or any token, object or article exchangeable for money or property. (RSMo. §567.010)

SECTION 210.440: PROSTITUTION

A person commits the offense of prostitution if the person performs an act of prostitution. (RSMo. §567.020)

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

SECTION 210.450: PATRONIZING PROSTITUTION

- A. A person commits the offense of patronizing prostitution if he/she patronizes prostitution.
- B. It shall not be an affirmative defense that the defendant believed that the person he/she patronized for prostitution was eighteen (18) years of age or older. (RSMo. §567.030, 2004)

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

SECTION 210.460: PROSTITUTION AND PATRONIZING PROSTITUTION—SEX OF PARTIES NO DEFENSE, WHEN

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. (RSMo. §567.040)

SECTION 210.465: PROSTITUTION HOUSES DEEMED PUBLIC NUISANCES

- A. Any room, building or other structure regularly used for sexual contact for pay as defined in Section 210.430 or any unlawful prostitution activity prohibited by this Article is a public nuisance.
- B. The City Prosecuting Attorney may, in addition to all other 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. (RSMo. §567.080)

ARTICLE IX. SEXUAL OFFENSES

SECTION 210.470: ARTICLE DEFINITIONS

As used in this Article, the following terms shall have the meanings set forth herein:

DEVIATE SEXUAL INTERCOURSE: Any act involving the genitals of one person and the hand, mouth, tongue or anus of another person or a sexual act involving the penetration, however slight, of the male or female sex organ or the anus by a finger, instrument or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim.

SEXUAL CONDUCT: Sexual intercourse, deviate sexual intercourse or sexual contact.

SEXUAL CONTACT: Any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing for the purpose of arousing or gratifying sexual desire of any person.

SEXUAL INTERCOURSE: Any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results. (RSMo. §566.010, 2006)

SECTION 210.475: INDECENT EXPOSURE (SEXUAL MISCONDUCT)

A person commits the offense of indecent exposure (sexual misconduct) if such person:

- 1. Exposes his/her genitals under circumstances in which he/she knows that his/her conduct is likely to cause affront or alarm;
- 2. Has sexual contact in the presence of a third (3rd) person or persons under circumstances in which he/she knows that such conduct is likely to cause affront or alarm; or
- 3. Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third (3rd) person. (RSMo. §566.093, 2004)

SECTION 210.480: SEXUAL MISCONDUCT

A person commits the offense of sexual misconduct in the first degree if such person purposely subjects another person to sexual contact without that person's consent. (RSMo. §566.090, 2006)

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

SECTION 210.483: CERTAIN OFFENDERS NOT TO PHYSICALLY BE PRESENT OR LOITER WITHIN FIVE HUNDRED FEET OF A CHILD CARE FACILITY—VIOLATION—PENALTY

- A. Any person who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of:
1. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Subsection (2) of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering The Welfare Of A Child In The First Degree; Subsection (2) of Section 568.080, RSMo., Use Of A Child In A Sexual Performance; Section 568.090, RSMo., Promoting A Sexual Performance By A Child; Section 573.023, RSMo., Sexual Exploitation Of A Minor; Section 573.025, RSMo., Promoting Child Pornography In The First Degree; Section 573.035, RSMo., Promoting Child Pornography In The Second Degree; Section 573.037, RSMo., Possession Of Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material To Minors; or
 2. Any offense in any other State or Foreign Country, or under federal, tribal or military jurisdiction which, if committed in this State, would be a violation listed in this Section
- shall not knowingly be physically present in or loiter within five hundred (500) feet of or to approach, contact or communicate with any child under eighteen (18) years of age in any child care facility building, on the real property comprising any child care facility when persons under the age of eighteen (18) are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building or on the grounds.
- B. For purposes of this Section, "child care facility" shall have the same meaning as such term is defined in Section 210.201, RSMo.
- C. Any person who violates the provisions of this Section is guilty of an ordinance violation. (RSMo. §566.148, 2009)

SECTION 210.485: CERTAIN OFFENDERS NOT TO BE PRESENT WITHIN FIVE HUNDRED FEET OF SCHOOL PROPERTY, EXCEPTION— PERMISSION REQUIRED FOR PARENTS OR GUARDIANS WHO ARE OFFENDERS, PROCEDURE

- A. Any person who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of:
1. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Subsection (2) of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering The Welfare Of A Child In The First Degree; Subsection (2) of Section 568.080, RSMo., Use Of A Child In A Sexual Performance; Section 568.090, RSMo., Promoting A Sexual Performance By A Child; Section 573.023, RSMo., Sexual Exploitation Of A Minor; Section 573.025, RSMo.,

Promoting Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material To Minors; or

2. Any offense in any other State or Foreign Country, or under tribal, federal or military jurisdiction which, if committed in this State, would be a violation listed in this Section

shall not be present in or loiter within five hundred (500) feet of any school building, on real property comprising any school, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian or custodian of a student present in the building and has met the conditions set forth in Subsection (B) of this Section.

- B. No parent, legal guardian or custodian who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of violating any of the offenses listed in Subsection (A) of this Section shall be present in any school building, on real property comprising any school, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) are present in the building, on the grounds or in the conveyance unless the parent, legal guardian or custodian has permission to be present from the Superintendent or School Board or in the case of a private school from the Principal. In the case of a public school, if permission is granted, the Superintendent or School Board President must inform the Principal of the school where the sex offender will be present. Permission may be granted by the Superintendent, School Board, or in the case of a private school from the Principal for more than one (1) event at a time, such as a series of events, however, the parent, legal guardian or custodian must obtain permission for any other event he/she wishes to attend for which he/she has not yet had permission granted.
- C. Regardless of the person's knowledge of his or her proximity to school property or a school-related activity, violation of the provisions of this Section shall be an ordinance violation. (RSMo. §566.149, 2006, 2008, 2009)

SECTION 210.487: HALLOWEEN, RESTRICTIONS ON CONDUCT—VIOLATIONS

- A. Any person required to register as a sexual offender under Sections 589.400 to 589.425, RSMo., shall be required on October thirty-first (31st) of each year to:
 1. Avoid all Halloween-related contact with children;
 2. Remain inside his or her residence between the hours of 5:00 P.M. and 10:30 P.M. unless required to be elsewhere for just cause including, but not limited to, employment or medical emergencies;
 3. Post a sign at his or her residence stating "No candy or treats at this residence"; and
 4. Leave all outside residential lighting off during the evening hours after 5:00 P.M.
- B. Any person required to register as a sexual offender under Sections 589.400 to 589.425, RSMo., who violates the provisions of Subsection (A) of this Section shall be guilty of an ordinance violation. (RSMo. §589.426, 2008)

ARTICLE X. OFFENSES CONCERNING PORNOGRAPHY

SECTION 210.490: DEFINITIONS

When used in this Article, the following terms shall have the meanings set out herein:

FURNISH: To issue, sell, give, provide, lend, mail, deliver, transfer, circulate, disseminate, present, exhibit or otherwise provide.

MATERIAL: Anything printed or written, or any picture, drawing, photograph, motion picture film, videotape or videotape production, or pictorial representation, or any recording or transcription, or any mechanical, chemical or electrical reproduction, or stored computer data, or anything which is or may be used as a means of communication. "*Material*" includes undeveloped photographs, molds, printing plates, stored computer data, and other latent representational objects.

MINOR: Any person under the age of eighteen (18).

NUDITY: The showing of post-pubertal human genitals or pubic area with less than a fully opaque covering.

OBSCENE: Any material or performance is obscene if, taken as a whole:

1. Applying contemporary community standards, its predominant appeal is to prurient interest in sex;
2. The average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and
3. A reasonable person would find the material lacks serious literary, artistic, political or scientific value.

PERFORMANCE: Any play, motion picture film, videotape, dance or exhibition performed before an audience of one (1) or more.

PORNOGRAPHIC FOR MINORS: Any material or performance is pornographic for minors if the following apply:

1. The average person, applying contemporary community standards, would find that the material or performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of minors;
2. The material or performance depicts or describes nudity, sexual conduct, sexual excitement or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; and
3. The material or performance, taken as a whole, lacks serious literary, artistic, political or scientific value for minors.

PROMOTE: To manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit or advertise, or to offer or agree to do the same, by any means including a computer.

SADOMASOCHISTIC ABUSE: Flagellation or torture by or upon a person as an act of sexual stimulation or gratification.

SEXUAL CONDUCT: Actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification; or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification.

SEXUAL EXCITEMENT: The condition of human male or female genitals when in a state of sexual stimulation or arousal. (RSMo. §573.010)

SECTION 210.500: PROMOTING PORNOGRAPHY FOR MINORS OR OBSCENITY

A person commits the offense of promoting pornography for minors or obscenity if he/she:

1. Promotes or possesses with the purpose to promote any obscene materials for pecuniary gain;
2. Produces, presents, directs or participates in any obscene performance for pecuniary gain;
3. Promotes or possesses with the purpose to promote any material pornographic for minors for pecuniary gain;
4. Produces, presents, directs or participates in any performance pornographic for minors for pecuniary gain; or
5. Promotes, possesses with the purpose to promote, produces, presents, directs or participates in any performance that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor. (RSMo. §573.030.1, 2009)

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

SECTION 210.510: FURNISHING PORNOGRAPHIC MATERIALS TO MINORS

A. A person commits the offense of furnishing pornographic material to minors if he/she:

1. Furnishes any material pornographic for minors knowing that the person to whom it is furnished is a minor or acting in reckless disregard of the likelihood that such person is a minor;
2. Produces, presents, directs or participates in any performance pornographic for minors that is furnished to a minor knowing that any person viewing such performance is a minor or acting in reckless disregard of the likelihood that a minor is viewing the performance; or
3. Furnishes, produces, presents, directs, participates in any performance or otherwise makes available material that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.

B. It is not an affirmative defense to a prosecution for a violation of this Section that the person being furnished the pornographic material is a Peace Officer masquerading as a minor.

- C. Furnishing pornographic material to minors or attempting to furnish pornographic material to minors is an ordinance violation. (RSMo. §573.040.1, 2008, 2009)

ARTICLE XI. OFFENSES CONCERNING DRUGS

SECTION 210.520: POSSESSION OF MARIJUANA

Except as authorized by Sections 195.005 to 195.425, RSMo., it is unlawful for any person to possess or have under his/her control marijuana as defined in Section 195.010, RSMo. (RSMo. §195.202)

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

SECTION 210.530: POSSESSION OR CONTROL OF A CONTROLLED SUBSTANCE

Except as authorized by Sections 195.005 to 195.425, RSMo., it is unlawful for any person to possess or have under his/her control a controlled substance as defined by Section 195.010, RSMo. (RSMo. §195.202)

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

SECTION 210.535: LIMITATIONS ON THE RETAIL SALE OF METHAMPHETAMINE PRECURSOR DRUGS

- A. The retail sale of methamphetamine precursor drugs shall be limited to:
1. Sales in packages containing not more than a total of three (3) grams of one (1) or more methamphetamine precursor drugs calculated in terms of ephedrine base, pseudoephedrine base and phenylpropanolamine base; and
 2. For non-liquid products, sales in blister packs, each blister containing not more than two (2) dosage units, or where the use of blister packs is technically infeasible, sales in unit dose packets or pouches.
- B. Any person holding a retail sales license pursuant to Chapter 144, RSMo., who knowingly violates Subsection (A) of this Section is guilty of an ordinance violation.
- C. Any person who is considered the general owner or operator of the outlet where ephedrine, pseudoephedrine or phenylpropanolamine products are available for sale who violates Subsection (A) of this Section shall not be penalized pursuant to this Section if such person documents that an employee training program was in place to provide the employee with information on the State and Federal regulations regarding ephedrine, pseudoephedrine or phenylpropanolamine. (RSMo. §195.418)

SECTION 210.540: UNLAWFUL USE OF DRUG PARAPHERNALIA

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia as defined by Section 195.010, RSMo., 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 as defined by Section 195.010, RSMo., or an imitation controlled substance as defined by Section 195.010, RSMo., in violation of Sections 195.005 to 195.425, RSMo. (RSMo. §195.233)

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

SECTION 210.550: INHALATION OR INDUCING OTHERS TO INHALE SOLVENT FUMES TO CAUSE CERTAIN REACTIONS, PROHIBITED—EXCEPTIONS

No person shall intentionally smell or inhale the fumes of any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues or induce any other person to do so for the purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of senses or nervous system, or for the purpose of, in any manner, changing, distorting or disturbing the audio, visual or mental processes; except that this Section shall not apply to the inhalation of any anesthesia for medical or dental purposes. (RSMo. §578.250, 2009)

SECTION 210.560: INDUCING, OR POSSESSION WITH INTENT TO INDUCE, SYMPTOMS BY USE OF SOLVENTS AND OTHER SUBSTANCES, PROHIBITED

- A. As used in this Section, "*alcohol beverage vaporizer*" means any device which, by means of heat, a vibrating element or any method, is capable of producing a breathable mixture containing one (1) or more alcoholic beverages to be dispensed for inhalation into the lungs via the nose or mouth or both.
- B. No person shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual or mental processes by the use or abuse of any of the following substances:
 - 1. Solvents, particularly toluol;
 - 2. Ethyl alcohol;
 - 3. Amyl nitrite and its iso-analogues;
 - 4. Butyl nitrite and its iso-analogues;
 - 5. Cyclohexyl nitrite and its iso-analogues;
 - 6. Ethyl nitrite and its iso-analogues;
 - 7. Pentyl nitrite and its iso-analogues; and
 - 8. Propyl nitrite and its iso-analogues.
- C. This Section shall not apply to substances that have been approved by the United States Food and Drug Administration as therapeutic drug products or are contained in approved over-the-counter drug products or administered lawfully pursuant to the order of an authorized medical practitioner.

- D. No person shall intentionally possess any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues for the purpose of using it in the manner prohibited by Section 210.550 and this Section.
- E. No person shall possess or use an alcoholic beverage vaporizer.
- F. Nothing in this Section shall be construed to prohibit the legal consumption of intoxicating liquor. (RSMo. §578.255, 2009)

SECTION 210.570: POSSESSION OR PURCHASE OF SOLVENTS TO AID OTHERS IN VIOLATIONS, PROHIBITED—VIOLATIONS OF SECTIONS 210.550 TO 210.560—PENALTY

- A. No person shall intentionally possess or buy any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues for the purpose of inducing or aiding any other person to violate the provisions of Sections 210.550 and 210.560 hereof.
- B. Any person who violates any provision of Sections 210.550—210.570 is guilty of an ordinance violation for the first (1st) violation. (RSMo. §578.260, 2009)

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

ARTICLE XII. OFFENSES CONCERNING MINORS

Cross Reference—As to alcohol-related offenses involving minors, §600.060.

SECTION 210.580: ARTICLE DEFINITIONS

For the purposes of this Article, the following words and phrases are defined as follows:

GUARDIAN: Guardian appointed by court of competent jurisdiction.

MINOR: Any person under the age of seventeen (17).

PARENT: The natural or adoptive father or mother, legal guardian or any other person having the care or custody of a minor child.

PARENTAL NEGLECT: Any act or omission by which a parent fails to exercise customary and effective control over a minor so as to contribute to, cause or tend to cause a minor to commit any offense.

SECTION 210.590: CURFEW

- A. *Hours.* It shall be unlawful for any minor under the age of seventeen (17) years to loiter, idle, wander, stroll or to drive or ride in an automobile or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places between the hours of 10:00 P.M. and 6:00 A.M. of the following day, official City time, except on Fridays and Saturdays when the hours shall be 11:00 P.M. to 6:00 A.M. of the following day, official City time; except that this Section

does 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. *Curfew—Responsibility Of Parents, Guardians, Etc., For Violations By Minors.* 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, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, wharves, docks or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places between the hours of 10:00 P.M. and 6:00 A.M. of the following day, official City time, except on Fridays and Saturdays when the hours shall be 11:00 P.M. to 6:00 A.M. of the following day, official City time; provided however, that the provisions of this Section do not apply when the minor is accompanied by his or 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 or her parent, guardian or other adult person having the care and custody of the minor. Each violation of the provisions of this Subsection shall constitute a separate offense.
- C. *Enforcement Provisions—Prosecution Of Parents, Guardians, Etc.* Any Police Officer finding a child violating the provisions of Subsection (A) of this Section shall warn the child to desist immediately from such violation and take the child home to his/her parent or guardian. If said parent or guardian cannot be located, he/she shall retain custody until the parent or guardian is located and the child delivered to him/her. The officer shall also report the violation to his/her superior officer who shall cause a written notice to be served on the parent, guardian or person in charge of said child, setting forth the manner in which the Section has been violated. Any parent, guardian or person in charge of such child who shall knowingly permit such child again to violate the provisions of said Subsection (A) of this Section, after receiving notice of the first (1st) violation, shall be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00). (CC 1994 §210.260; Ord. No. 250 §§1—3, 10-12-56; Ord. No. 494 §1, 10-21-96)

SECTION 210.600: PARENTAL RESPONSIBILITY

- A. Whenever a minor shall be arrested or detained for the commission of any offense within the City, the Police Department shall, as soon as possible thereafter, deliver written notice to the minor's parent of the arrest or detention, and such notice shall advise the parent of his/her responsibility under this Section. The notice shall be in such a form as to be signed by the notified parent signifying receipt thereof. If the parent refuses to sign said notice, the notifying Law Enforcement Officer shall indicate such refusal on the notice.
- B. 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 any offense. Written parental notice as defined in Subsection (A) of this Section shall be prima facie evidence of parental neglect if the minor commits a second (2nd) or successive violation of any offense.
- C. Each violation of the provisions of this Section shall constitute a separate offense. Any person who shall violate this Section shall be subject to imprisonment for not more than ninety (90) days and/or a fine of not less than one hundred dollars (\$100.00) for the first (1st) violation, not less than two hundred dollars (\$200.00) for a second (2nd) violation and not less than five hundred dollars (\$500.00) for any successive violation. In addition, the court may, as a condition of any probation granted to any parent found guilty of violating Subsection (B) of this Section, order the defendant to make restitution to any person who has been damaged by the misconduct of the minor in an amount not to exceed two thousand dollars (\$2,000.00).

SECTION 210.605: PLAYING OF CERTAIN GAMES PROHIBITED

- A. The playing of games commonly known as baseball, softball, football or soccer or any game in which a ball is struck by a bat or stick or kicked with the foot in public parks, places or squares of the City of Flordell Hills is prohibited by any person over the age of thirteen (13) years.
- B. The playing of any games described in Subsection (A) hereof by any person after the hour of 4:30 P.M. is prohibited.
- C. All disorderly, indecent conduct, the use of threatening, obscene or profane language and all games, acts of demeanor calculated or tending to mar or disturb the feelings or enjoyment of persons attending public parks, places or squares are prohibited therein. (CC 1994 §210.270; Ord. No. 266 §§1—4, 12-13-57)

ARTICLE XIII. OFFENSES CONCERNING TOBACCO

SECTION 210.610: DEFINITIONS

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

DISTRIBUTE: A conveyance to the public by sale, barter, gift or sample.

MINOR: A person under the age of eighteen (18).

PROOF OF AGE: A driver's license or other generally accepted means of identification that contains a picture of the individual and appears on its face to be valid.

ROLLING PAPERS: Paper designed, manufactured, marketed or sold for use primarily as a wrapping or enclosure for tobacco which enables a person to roll loose tobacco into a smokeable cigarette.

SAMPLE: A tobacco product distributed to members of the general public at no cost or at nominal cost for product promotional purposes.

SAMPLING: The distribution to members of the general public of tobacco product samples.

TOBACCO PRODUCTS: Any substance containing tobacco leaf including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

VENDING MACHINE: Any mechanical, electric or electronic self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products. (RSMo. §407.925)

SECTION 210.620: UNLAWFUL TO SELL OR DISTRIBUTE TOBACCO PRODUCTS TO MINORS—VENDING MACHINE REQUIREMENTS

- A. It shall be unlawful for any person to sell, provide or distribute tobacco products to persons under eighteen (18) years of age.

- B. All vending machines that dispense tobacco products shall be located within the unobstructed line of sight and under the direct supervision of an adult responsible for preventing persons less than eighteen (18) years of age from purchasing any tobacco product from such machine or shall be equipped with a lock-out device to prevent the machines from being operated until the person responsible for monitoring sales from the machines disables the lock. Such locking device shall be of a design that prevents it from being left in an unlocked condition and which will allow only a single sale when activated. A locking device shall not be required on machines that are located in areas where persons less than eighteen (18) years of age are not permitted or prohibited by law. An owner of an establishment whose vending machine is not in compliance with the provisions of this Subsection shall be subject to the penalties contained in Subsection (D) of this Section. A determination of non-compliance may be made by a local law enforcement agency or the Division of Alcohol and Tobacco Control. Nothing in this Section shall apply to a vending machine if located in a factory, private club or other location not generally accessible to the general public.
- C. No person or entity shall sell, provide or distribute any tobacco product or rolling papers to any minor or sell any individual cigarettes to any person in this State. This Subsection shall not apply to the distribution by family members on property that is not open to the public.
- D. Any person, including, but not limited to, a sales clerk, owner or operator, who violates Subsections (A), (B) or (C) of this Section or Section 210.650 of this Article shall be penalized as follows:
1. For the first (1st) offense, twenty-five dollars (\$25.00);
 2. For the second (2nd) offense, one hundred dollars (\$100.00); and
 3. For a third (3rd) and subsequent offense, two hundred fifty dollars (\$250.00).
- E. Any owner of the establishment where tobacco products are available for sale who violates Subsection (C) of this Section shall not be penalized pursuant to this Section if such person documents the following:
1. An in-house or other tobacco compliance employee training program was in place to provide the employee with information on the State and Federal regulations regarding tobacco sales to minors. Such training program must be attended by all employees who sell tobacco products to the general public;
 2. A signed statement by the employee stating that the employee has been trained and understands the State laws and Federal regulations regarding the sale of tobacco to minors; and
 3. Such in-house or other tobacco compliance training meets the minimum training criteria, which shall not exceed a total of ninety (90) minutes in length, established by the Division of Alcohol and Tobacco Control.
- F. The exemption in Subsection (E) of this Section shall not apply to any person who is considered the general owner or operator of the outlet where tobacco products are available for sale if:
1. Four (4) or more violations per location of Subsection (C) of this Section occur within a one (1) year period; or
 2. Such person knowingly violates or knowingly allows his/her employees to violate Subsection (C) of this Section.
- G. If a sale is made by an employee of the owner of an establishment in violation of this Article, the employee shall be guilty of an offense established in Subsections (A), (B) and (C) of this Section.

If a vending machine is in violation of Section 210.650, the owner of the establishment shall be guilty of an offense established in Subsections (C) and (D) of this Section. If a sample is distributed by an employee of a company conducting the sampling, such employee shall be guilty of an offense established in Subsections (C) and (D) of this Section.

- H. A person cited for selling, providing or distributing any tobacco product to any individual less than eighteen (18) years of age in violation of Subsections (A), (B) or (C) of this Section shall conclusively be presumed to have reasonably relied on proof of age of the purchaser or recipient, and such person shall not be found guilty of such violation if such person raises and proves as an affirmative defense that:
 - 1. Such individual presented a driver's license or other government-issued photo identification purporting to establish that such individual was eighteen (18) years of age or older.
- I. Any person adversely affected by this Section may file an appeal with the Administrative Hearing Commission which shall be adjudicated pursuant to the procedures established in Chapter 621, RSMo. (RSMo. §407.931)

SECTION 210.630: MINORS PROHIBITED FROM PURCHASE OR POSSESSION OF TOBACCO—MISREPRESENTATION OF AGE

- A. No person less than eighteen (18) years of age shall purchase, attempt to purchase or possess cigarettes or other tobacco products unless such person is an employee of a seller of cigarettes or tobacco products and is in such possession to effect a sale in the course of employment or an employee of the Division of Alcohol and Tobacco Control for enforcement purposes pursuant to Subsection (5) of Section 407.934, RSMo.
- B. Any person less than eighteen (18) years of age shall not misrepresent his/her age to purchase cigarettes or tobacco products.
- C. Any person who violates the provisions of this Section shall be penalized as follows:
 - 1. For the first (1st) violation, the person is guilty of an infraction and shall have any cigarettes or tobacco products confiscated;
 - 2. For a second (2nd) violation and any subsequent violations, the person is guilty of an infraction, shall have any cigarettes or tobacco products confiscated and shall complete a tobacco education or smoking cessation program, if available. (RSMo. §407.933)

SECTION 210.640: RETAIL SALES TAX LICENSE REQUIRED FOR SALE OF TOBACCO PRODUCTS

No person shall sell cigarettes or tobacco products unless the person has a retail sales tax license. (RSMo. §407.926)

SECTION 210.650: REQUIRED SIGN STATING VIOLATION OF STATE LAW TO SELL TOBACCO TO MINORS UNDER AGE EIGHTEEN—DISPLAY OF SIGN REQUIRED WHERE

The owner of an establishment at which tobacco products or rolling papers are sold at retail or through vending machines shall cause to be prominently displayed in a conspicuous place at every

display from which tobacco products are sold and on every vending machine where tobacco products are purchased a sign that shall:

1. Contain in red lettering at least one-half ($\frac{1}{2}$) inch high on a white background the following:

"IT IS A VIOLATION OF STATE LAW FOR CIGARETTES OR OTHER TOBACCO PRODUCTS TO BE SOLD OR OTHERWISE PROVIDED TO ANY PERSON UNDER THE AGE OF EIGHTEEN OR FOR SUCH PERSON TO PURCHASE, ATTEMPT TO PURCHASE OR POSSESS CIGARETTES OR OTHER TOBACCO PRODUCTS"; and
2. Include a depiction of a pack of cigarettes at least two (2) inches high defaced by a red diagonal diameter of a surrounding red circle and the words "Under 18". (RSMo. §407.927)

SECTION 210.660: RESTRICTIONS ON SALES OF INDIVIDUAL PACKS OF CIGARETTES

No person or entity shall sell individual packs of cigarettes or smokeless tobacco products unless such packs satisfy one (1) of the following conditions prior to the time of sale:

1. It is sold through a vending machine; or
2. It is displayed behind the checkout counter or it is within the unobstructed line of sight of the sales clerk or store attendant from the checkout counter. (RSMo. §407.928)

SECTION 210.670: PROOF OF AGE REQUIRED, WHEN DEFENSE TO ACTION FOR VIOLATION IS REASONABLE RELIANCE ON PROOF—LIABILITY

- A. A person or entity selling tobacco products or rolling papers or distributing tobacco product samples shall require proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of eighteen (18).
- B. The operator's or chauffeur's license issued pursuant to the provisions of Section 302.177, RSMo., or the operator's or chauffeur's license issued pursuant to the laws of any State or possession of the United States to residents of those States or possessions, or an identification card as provided for in Section 302.181, RSMo., or the identification card issued by any uniformed service of the United States, or a valid passport shall be presented by the holder thereof upon request of any agent of the Division of Alcohol and Tobacco Control or any owner or employee of an establishment that sells tobacco for the purpose of aiding the registrant, agent or employee to determine whether or not the person is at least eighteen (18) years of age when such person desires to purchase or possess tobacco products procured from a registrant. Upon such presentation, the owner or employee of the establishment shall compare the photograph and physical characteristics noted on the license, identification card or passport with the physical characteristics of the person presenting the license, identification card or passport.
- C. Any person who shall, without authorization from the Department of Revenue, reproduce, alter, modify or misrepresent any chauffeur's license, motor vehicle operator's license or identification card shall be deemed guilty of an ordinance violation.
- D. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for a violation of Subsections (A), (B) and (C) of Section 210.620 of this Article. No person shall be liable for more than one (1) violation of Subsections (B) and (C) of Section 210.620 on any single day. (RSMo. §407.929)

ARTICLE XIV. MISCELLANEOUS OFFENSES

SECTION 210.680: BURNING VARIOUS TYPES OF REFUSE

- A. It shall be unlawful to burn shavings, leaves, rubbish, manure, straw, garbage, refuse of any kind or other matter in any street, alley, thoroughfare or public place or on the pavement of any street or alley or near any inhabited place or to burn in any building any manure, straw, garbage or animal or vegetable refuse of any kind.
- B. Any person, firm or corporation violating any provision of this Section shall be deemed guilty of a misdemeanor. (CC 1994 §210.240; Ord. No. 223 §§1—2, 6-12-53; Ord. No. 310 §1, 6-11-64; Ord. No. 339 §§1—2, 12-11-67)

SECTION 210.690: DISPOSITION OF GRASS CLIPPINGS—WHERE

- A. It shall be unlawful to dispose of grass clippings, sweepings, leaves, garbage, rubbish of any kind or other waste matter in any storm water inlet located in the City of Flordell Hills.
- B. Any person, firm or corporation violating any provision of this Section shall be deemed guilty of a misdemeanor. (CC 1994 §210.250; Ord. No. 280 §§1—2, 7-10-59)

CHAPTER 215: NUISANCES

Cross References—As to dangerous buildings as a nuisance, ch. 505; as to prostitution houses deemed a nuisance, §210.465.

ARTICLE I. GENERALLY

SECTION 215.010: NUISANCES AFFECTING HEALTH

A. The following are declared to be nuisances affecting health:

1. All decayed or unwholesome food offered for sale to the public or offered to the public at no charge.
2. All diseased animals running at large.
3. All ponds or pools of stagnant water.
4. Carcasses of dead animals not buried or destroyed within twenty-four (24) hours after death.
5. Accumulations, wheresoever they may occur, of manure, rubbish, garbage, refuse and human and industrial, noxious or offensive waste, except the normal storage on a farm of manure for agricultural purposes.
6. Garbage cans which are not fly-tight, that is, garbage cans which do not prevent the entry of flies, insects and rodents.
7. The pollution of any well, cistern, spring, underground water, stream, lake, canal or body of water by sewage or industrial wastes, or other substances harmful to human beings.
8. Dense smoke, noxious fumes, gas and soot, or cinders in unreasonable quantities, or the presence of any gas, vapor, fume, smoke, dust or any other toxic substance on, in or emitted from the equipment of any premises in quantities sufficient to be toxic, harmful or injurious to the health of any employee or to any premises, occupant or to any other person.
9. Common drinking cups, roller towels, combs, brushes or eating utensils in public or semi-public places where not properly sanitized after use.
10. Any vehicle used for septic tank cleaning which does not meet the requirements of this Chapter of the Code of Ordinances of the City of Flordell Hills.
11. Any vehicle used for garbage or rubbish disposal which is not equipped with a water-tight metal body and provided with a tight metal cover or covers and so constructed as to prevent any of the contents from leaking, spilling, falling or blowing out of such vehicle at any time, except while being loaded, or not completely secured and covered so as to prevent offensive odors from escaping therefrom or exposing any part of the contents at any time.
12. Any and all infestations of flies, fleas, roaches, lice, ticks, rats, mice, fly maggots, mosquito larvae and hookworm larvae.

13. The keeping of animals and fowls in any area within the City not zoned for agricultural uses except pet cats and dogs, animals in public or licensed zoos, and farm animals in laboratories.
 14. Unlicensed dumps and licensed dumps not operated or maintained in compliance with the ordinances of the City of Flordell Hills and the Statutes of the State of Missouri.
 15. No person shall discharge or cause to be discharged into a storm water system any waste materials, liquids, vapor, fat, gasoline, benzene, naphtha, oil or petroleum product, mud, straw, lawn clippings, tree limbs or branches, metal or plastic objects, rags, garbage or any other substance which is capable of causing an obstruction to the flow of the storm system or interfere with the proper operation of the system or which will pollute the natural creeks or waterways.
 16. All privies or private vaults kept in such condition as to emit any offensive, noxious or disagreeable odor and all substances emitting an offensive, noxious, unhealthy or disagreeable effluvia in the neighborhood where they exist.
 17. All other acts, practices, conduct, business, occupation callings, trades, uses of property and all other things detrimental or certain to be detrimental to the health of the inhabitants of the City of Flordell Hills.
- B. *Unlawful To Cause, Maintain Within City Or One-Half Mile Thereof.* It is unlawful for any owner, lessee or occupant or any agent, servant, representative or employee of any such owner, lessee or occupant having control of any occupied lot or land or any part thereof in the City of Flordell Hills or within one-half (½) mile of the corporate limits of the City of Flordell Hills, Missouri, to cause, permit or maintain a nuisance on any such lot or land. Additionally, it is unlawful for any person or his/her agent, servant, representative or employee to cause or maintain a nuisance on the land or property of another with or without permission. Each day that a nuisance shall be maintained is a separate offense. (RSMo. §71.780)
- C. *Authority To Abate Emergency Cases.* In cases where it reasonably appears that there is an immediate danger to the health, safety or welfare of the public due to the existence of a nuisance, the City shall have authority to immediately abate the nuisance in an appropriate manner.
- D. *Abatement—Procedure Generally.* Whenever the Board of Aldermen receives notification that a nuisance may exist, it shall proceed as follows, except as may be otherwise provided herein:
1. *It shall investigate the same.* The Board may order any person who has caused or is maintaining the nuisance to appear before the Board at such time and place as the Board may direct to show cause, if any, why that person should not abate the nuisance. Every person required to appear before the Board shall have at least ten (10) days' notice thereof.
 2. Such notice shall be signed by the Health Officer or Chief of Police and shall be served upon that person by delivering a copy thereof to the person, or by leaving a copy at his/her residence with some member of the family or household over fifteen (15) years of age, or upon any corporation by delivering the copy thereof to the President or to any other officer at any business office of the corporation within the City. If the notice cannot be given for the reason that the person named in the notice or his/her agent cannot be found in the City, of which fact the return upon such notice of the officer serving the same shall be conclusive evidence, such notice shall be published in a daily newspaper for three (3) consecutive days, if a daily, or once, if a weekly paper, giving at least ten (10) days' notice from the final publication date of the time fixed for the parties to appear before the Board.
 3. If after hearing all the evidence the Board of Aldermen may determine that a nuisance exists, it may direct the Health Officer or Chief of Police or other City Official to order the person to

abate the nuisance within twenty (20) days or within such other time as the Board may deem reasonable. Such order shall be served in the manner provided in this Section for service of the order to show cause. The order may further provide that the appropriate City Official be directed to abate the nuisance if the order is not obeyed within the time period set by the Board, and that a special tax bill be issued for the costs of abating the nuisance.

4. If the order has not been obeyed within the time period set by the Board, the appropriate City Official shall proceed to abate the nuisance in the manner provided by the order of the Board, and the cost of same, if ordered by the Board, may be assessed as a special tax against the property so improved or upon which such work was done; and, if so ordered, the City Clerk shall cause a special tax bill therefor against the owner thereof when known, and if not known then against the unknown persons, and the certified bills of such assessment shall describe therein the property upon which the work was done.
5. The bills for the above work shall be recorded and shall be collected and paid as provided for the collection of other special tax bills for the repairing of sidewalks or grading or paving of streets and shall be a lien on the property.
6. The cost of abating nuisances on private property shall be levied and assessed on each lot in proportion to the amount of work done and material used in abating the nuisance located on each such lot.

ALTERNATE SUBSECTION (C) TO REPLACE SUBSECTION (C) AND (D) ABOVE

C. *Abatement Generally.*

1. *Abatement of nuisance—abatement officer.* Whenever the Abatement Officer for the City shall ascertain or have knowledge that a nuisance exists on any premises in the City, he/she shall, by written notice, notify the persons occupying or having possession of said premises to abate or remove such nuisance within the time to be specified in such notice, not less than fifteen (15) days. Failure to abate such nuisance within the time specified within the notice or failure to pursue the removal or abatement of such nuisance without unnecessary delay, shall be deemed an ordinance violation.
2. *Notice.* The Abatement Officer shall determine all individuals, firms or corporations who, from the records in the Recorder of Deeds office, appear to be the titled owners of the aforesaid property and immediately cause a written notice to be served on each such individual, firm or corporation by one (1) of the following methods:
 - a. The delivery of a true copy of the notice to the person(s) intended to be notified, or the leaving of a copy at his/her usual place of abode with some member of his family over the age of fifteen years.
 - b. Mailing a copy to such person at such place or address by United States certified mail return receipt.
 - c. If service of such written notice is unable to be perfected by any of the methods described above, the Abatement Officer shall direct the City Clerk to cause a copy of the aforesaid notice to be published in a newspaper of general circulation in the County where the City is located, once a week for two (2) consecutive weeks and shall further cause a copy of the aforesaid notice to be left with the individual, if any, in possession of such property on which it is alleged such public nuisance exists, or if there is no individual in possession thereof, the Abatement Officer shall cause a copy of the notice to be posted at such structure, location or premises. The Abatement Officer may also determine from the

Recorder of Deeds' office who the lienholder of the property, if any, as documented therein, is and cause a written notice to be served on such lienholder by United States mail return receipt.

- d. The aforesaid notice to the owners and lienholder, if any, of the property shall state clearly and concisely:
 - (1) The street address or legal description of the property;
 - (2) A description of the condition or conditions alleged to constitute a public nuisance.
3. *Summary abatement.* Whenever it becomes necessary to abate a nuisance immediately in order to secure the general health, welfare or safety of the City or any of its inhabitants, the City is authorized to abate such nuisance without notice and may use any suitable means or assistance for that purpose, whether by employees of the City or laborers especially employed for that purpose, or any other help or assistance necessary therefor.
4. *Municipal court may order abatement—cost of abatement by the City, how paid.* If, upon a trial for the failure to abate such nuisance within the time specified within the notice or failure to pursue the removal or abatement of such nuisance without unnecessary delay, the judge of the Municipal Court shall find that a violation exists and that the defendant has had proper notice as provided in this Section and that the defendant has failed to abate the nuisance, the judge of the Municipal Court shall, in addition to the penalty for violating this Section, make an order directing the Abatement Officer to abate such nuisance forthwith and immediately report the expenses thereof to the City Clerk or officer in charge of finance who shall cause the certified cost 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 cost 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 cost is 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 its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid.
5. *Right of entry.* Any person or contractor employed by or under contract with the City for the abatement of a nuisance and any agent or employee of such contractor shall have the right of entry for that purpose into and upon any premises and it shall be unlawful to interfere with any Police Officer, Abatement Officer or any officer, agent or employee of the City or with any representative of the City engaged in the abatement of any nuisance pursuant to an order of the Municipal Judge or any summary abatement as described above.
6. *Remand and hearing.* In case the Municipal Judge shall determine that abatement of any alleged nuisance is not immediately necessary for the protection of the health of the inhabitants of the City, he/she may instead of entering a finding remand the matter to the Board of Aldermen and the City shall hold a hearing before declaring the same to be a nuisance and ordering its abatement. At least Fifteen (15) days' notice of such hearing shall be given to the owner or occupant of the premises upon which such alleged nuisance exists or to his/her agent or to the person causing or maintaining such alleged nuisance, which notice shall state the time and place of such hearing. All interested parties may appear at such hearing either in person or by attorney and present evidence concerning the matters at issue. If, upon such hearing, the Board of Aldermen finds that a nuisance exists, it shall order the owner, occupant or agent of such property, or the person causing or maintaining such nuisance, to abate the same and if the same be not abated within the time prescribed by the City Board of Aldermen in such order, the matter may again be presented for prosecution before the Municipal Court for determination.

7. *Court suit authorized.* Nothing in this Section shall be construed as abandoning or limiting the City's right to bring suit for all expenses attending the abatement of a nuisance, when performed by the City, in any court of competent jurisdiction in the name of the City against the person maintaining, keeping, creating or refusing to abate the nuisance so abated. (CC 1994 §215.010(B)(2); Ord. No. 297 §1, 11-9-62)

ARTICLE II. WEEDS, HIGH GRASS OR OTHER VEGETATION

SECTION 215.015: WEEDS, HIGH GRASS, TREES, GROWTH—NUISANCE

- A. *Introduction.* Any owner or lawful occupant of any real estate, lot or parcel of ground in the City who permits weeds and/or high grass to exceed seven (7) inches, or rank vegetation or trees to remain on such lands, or who permit trees along sidewalks or streets (especially with dead limbs and parts) to become a nuisance affecting the public health, safety and welfare, shall be liable for the violation of this Section.
- B. *Weeds, High Grass, Trees And Growth—City May Cause Removal And Issuance Of A Special Tax Bill.* Whenever weeds, high grass, unattended growth or trees and shrubs (hereinafter collectively referred to as "nuisance growth") in violation of this Section are allowed to grow or accumulate, as the case may be, on any part of any lot or ground within the City, the owner of the ground, or in case of joint tenancy, tenancy by entireties or tenancy in common, each owner thereof, shall be liable. Additionally, any occupant may be held jointly liable with the owner.
- C. *Abatement.* The Marshal or other City Official as designated by the Mayor, in conjunction with the Board of Aldermen, shall give a hearing after ten (10) days' notice thereof either personally or by United States mail to the owner or owners, or the owner's agents, or by posting such notice on the premises; thereupon, the Marshal or other designated City Official may declare the nuisance growth to be a nuisance and order the same to be abated within five (5) days; and in case the nuisance growth is not removed within the five (5) days, the Marshal or other designated City Official shall have nuisance growth removed, and shall certify the costs of same to the City Clerk who shall cause a special tax bill (Subsection (D) below) to be levied against the property to be prepared and to be collected by the Collector with other taxes assessed against the property.
1. *Emergency orders.* Notwithstanding the time limitations above, the City may hold the hearing provided in this Section four (4) days after notice is sent or posted and may order at the hearing that the nuisance growth shall be abated within five (5) business days after the hearing and if such nuisance growth is not removed within five (5) business days after the hearing, the order shall allow the City to immediately remove the nuisance growth pursuant to this Section.
 2. *Repeat violations in the same year or growing season.* If the nuisance growth is allowed to grow on the same property in violation of this Section more than once during the same growing season in the case of nuisance growth, the Marshal or other designated City Official may order that the nuisance growth be abated with five (5) business days after notice is sent to or posted on the property. In case the nuisance growth is not removed within the five (5) days, the Marshal or other designated City Official may have the nuisance growth removed and the cost of the same shall be billed in the manner described in Subsection (D) of this Section.

The provisions of Subsection (C) do not apply to lands owned by a public utility and lands, rights-of-way and easements appurtenant or incidental to lands controlled by any railroad.

- D. *Costs To Abate—Charged To The Owner, Levied Against The Property.* The special tax bill from the date of its issuance shall be a first (1st) lien on the property until paid and shall be prima facie

evidence of the recitals therein and of its validity and no mere clerical error or informality in the same, or in the proceedings leading up to the issuance, shall be a defense thereto.

Each special tax bill shall be issued by the City Clerk and delivered to the Collector on or before the first (1st) day of June of each year. Such tax bills if not paid when due shall bear interest at the rate of eight percent (8%) per annum.

The City may charge its costs of collecting the tax bill, including employee/contractor costs, equipment and materials costs, attorney fees accrued and attorney's fees in the event a lawsuit is required to enforce a tax bill. (CC 1994 §215.080; Ord. No. 114 §§1—3, 9-14-45; Ord. No. 704-1 §1, **NEED DATE**)

SECTION 215.020: WEEDS, HIGH GRASS OR OTHER VEGETATION

- A. *Failure To Keep Weeds, High Grass And Other Vegetation Cut And Removed, A Nuisance.* All persons owning or occupying any lot or tract of land in the City shall keep the weeds, high grass and other vegetation growing on such property cut and removed. Whenever such weeds, high grass or other vegetation shall attain the height of twelve (12) inches, it shall be deemed a public nuisance.
- B. *Unlawful To Maintain Such Nuisance.* It shall be unlawful for any person to create or maintain a nuisance as defined in Subsection (A).
- C. *Liability.* Whenever weeds, high grass or other vegetation in violation of Subsection (A) of this Section are allowed to grow on any part of any lot or ground within the City, the owner of the ground or, in case of joint tenancy, tenancy by entireties or tenancy in common, each owner thereof shall be liable.
- D. *Notice.* The Marshal or other City Official as designated in such ordinance shall give a hearing after ten (10) days' notice thereof either personally or by United States mail to the owner or owners, or the owner's agents, or by posting such notice on the premises; thereupon, the Marshal or other designated City Official may declare the weeds, high grass or other vegetation to be a nuisance and order the same to be abated within five (5) days.
- E. *Disposition.* In case the weeds, high grass or other vegetation are not cut down and removed within the five (5) days, the Marshal or other designated City Official shall have the weeds, high grass or other vegetation cut down and removed and shall certify the costs of same to the City Clerk.
- F. *Tax Bill.* The City Clerk shall cause the certified cost 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 cost 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 cost is 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 its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid.
- G. *If weeds are allowed to grow, or if trash is allowed to accumulate, on the same property in violation of this Section more than once during the same growing season in the case of weeds, or more than once during a calendar year in the case of trash, the Marshal or other designated official may,*

without further notification, have the weeds or trash removed and the cost of the same shall be billed in the manner described in this Section. This Subsection does not apply to lands owned by a public utility and lands, rights-of-way and easements appurtenant or incidental to lands controlled by any railroad. (RSMo. §§71.285, 2004, 67.398) (CC 1994 §215.080)

Editor's Note—Subsection (G) above may be used according to Section 71.285, RSMo., in any city with a population of three hundred fifty thousand (350,000) or more inhabitants which is located in more than one (1) county, in the City of St. Louis, in any city, town or village located in a county of the first classification with a charter form of government with a population of nine hundred thousand (900,000) or more inhabitants, in any fourth class city located in a county of the first classification with a charter form of government and a population of less than three hundred thousand (300,000), or in any home rule city with more than one hundred thirteen thousand two hundred (113,200) but less than one hundred thirteen thousand three hundred (113,300) inhabitants located in a county with a charter form of government and with more than six hundred thousand (600,000) but less than seven hundred thousand (700,000) inhabitants.

**SECTION 215.020: DEBRIS ON PROPERTY—EFFECT OF FAILURE TO REMOVE
NUISANCE—PENALTIES (ALTERNATE)**

- A. Any lot or land shall be a public nuisance if it has the presence of debris of any kind including, but not limited to, weed cuttings, cut and fallen trees and shrubs, overgrown vegetation and noxious weeds which are seven (7) inches or more in height, rubbish and trash, lumber not piled or stacked twelve (12) inches off the ground, rocks or bricks, tin, steel, parts of derelict cars or trucks, broken furniture, any flammable material which may endanger public safety or any material which is unhealthy or unsafe and declared to be a public nuisance.
- B. When a public nuisance as described above exists, the [code enforcement official] shall so declare and give written notice to the owner of the property by personal service, certified mail, if otherwise unsuccessful, by publication. Such notice shall, at a minimum:
 - 1. Declare that a public nuisance exists;
 - 2. Describe the condition which constitute such nuisance;
 - 3. Order the removal or abatement of such condition within seven (7) days from the date of service of such notice;
 - 4. Inform the owner that he or she may file a written request for a hearing before the [code enforcement official] on the question of whether a nuisance exists upon such property; and
 - 5. State that if the owner fails to begin removing the nuisance within time allowed, or upon failure to pursue the removal of such nuisance without unnecessary delay, the [code enforcement official] shall cause the condition which constitutes the nuisance to be removed or abated and that the cost of such removal or abatement may be included in a special tax bill or added to the annual real estate tax bill for the property and collected in the same manner and procedure for collecting real estate taxes.
- C. If the owner of such property fails to begin removing the nuisance within the time allowed, or upon failure to pursue the removal of such nuisance without unnecessary delay, the [code enforcement official] shall cause the condition which constitutes the nuisance to be removed. If the [code enforcement official] causes such condition to be removed or abated, the cost of such removal shall be certified to the City Clerk who shall cause the certified cost 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 cost 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 cost is 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 its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid. (based on RSMo. §67.398(1,3)). (CC 1994 §215.080)

CHAPTER 217: ABANDONED PROPERTY

ARTICLE I. IN GENERAL

Cross References—As to maximum charges for towing and storage, §385.050; as to sale of abandoned property by city, §385.060; as to crime inquiry and inspection reports required by state law, §385.040.

SECTION 217.010: DEFINITIONS

As used in this Chapter, the following terms shall have the meanings set out herein:

ABANDONED PROPERTY: Any unattended or unlicensed motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel removed or subject to removal from public or private property as provided in this Chapter, whether or not operational. For any vehicle towed from the scene of an accident at the request of law enforcement and not retrieved by the vehicle's owner within five (5) days of the accident, the agency requesting the tow shall be required to write an abandoned property report or a criminal inquiry and inspection report.

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.

State Law Reference—For similar provisions, §304.001, RSMo.

SECTION 217.020: ABANDONING MOTOR VEHICLE—LAST OWNER OF RECORD DEEMED THE OWNER OF ABANDONED MOTOR VEHICLE, PROCEDURES—PENALTY—CIVIL LIABILITY

- A. A person commits the offense of abandoning a motor vehicle, vessel or trailer if he/she abandons any motor vehicle, vessel or trailer on the right-of-way of any public road or State highway or on or in any of the waters in this State 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 any political subdivision 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.
- B. For purposes of this Section, the last owner of record of a motor vehicle, vessel or trailer found abandoned and not shown to be transferred pursuant to Sections 301.196 and 301.197, RSMo., shall be deemed prima facie to have been the owner of such motor vehicle, vessel or trailer at the time it was abandoned and to have been the person who abandoned the motor vehicle, vessel or trailer or caused or procured its abandonment. The registered owner of the abandoned motor vehicle, vessel or trailer shall not be subject to the penalties provided by this Section if the motor vehicle, vessel or trailer was in the care, custody or control of another person at the time of the violation.

In such instance, the owner shall submit such evidence in an affidavit permitted by the court setting forth the name, address and other pertinent information of the person who leased, rented or otherwise had care, custody or control of the motor vehicle, vessel or trailer at the time of the alleged violation. The affidavit submitted pursuant to this Subsection shall be admissible in a court proceeding adjudicating the alleged violation and shall raise a rebuttable presumption that the person identified in the affidavit was in actual control of the motor vehicle, vessel or trailer. In such case, the court has the authority to terminate the prosecution of the summons issued to the owner and issue a summons to the person identified in the affidavit as the operator. If the motor vehicle, vessel or trailer is alleged to have been stolen, the owner of the motor vehicle, vessel or trailer shall submit proof that a police report was filed in a timely manner indicating that the vehicle or vessel was stolen at the time of the alleged violation.

- C. Abandoning a motor vehicle, vessel or trailer is an ordinance violation.
- D. Any person convicted pursuant to this Section shall be civilly liable for all reasonable towing, storage and administrative costs associated with the abandonment of the motor vehicle, vessel or trailer. Any reasonable towing, storage and administrative costs in excess of the value of the abandoned motor vehicle, vessel or trailer that exist at the time the motor vehicle or vessel is transferred pursuant to Section 304.156, RSMo., shall remain the liability of the person convicted pursuant to this Section so long as the towing company, as defined in Chapter 304, RSMo., provided the title owner and lienholders, as ascertained by the Department of Revenue records, a notice within the time frame and in the form as described in Subsection (1) of Section 304.156, RSMo. (RSMo. §577.080, 2008)

SECTION 217.030: OPEN STORAGE OF INOPERABLE VEHICLES OR PUBLIC SAFETY HAZARDS PROHIBITED

The open storage of inoperable or unlicensed 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.

State Law Reference—For similar provisions, §304.159, RSMo.

SECTION 217.040: 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 217.030 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 217.050. 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 towing 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, and if the tower has online access to the Department of Revenue's records, the tower shall comply with the requirements of Section 304.155, RSMo. 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. (RSMo. 2004)
 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 Chapter.
- 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.

State Law References—For similar provisions, §§304.157.1—2, 304.157.4—9, 304.158.2—4, 304.158.8—9, RSMo. (2004)

SECTION 217.050: GENERAL PROVISIONS AND PROCEDURES

- A. *Payment Of Charges.* The owner of abandoned property removed as provided in this Chapter shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in Section 385.050.
- B. *Crime Inquiry And Inspection Report.* As to crime inquiry and inspection reports required by state law, see Chapter 385 of this Code, Section 385.040.
- 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 reposessor 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 Chapter 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 Chapter 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 Chapter 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 Chapter shall accept cash for payment of towing and storage by a registered owner or the owner's agent claiming the abandoned property.
- K. *Disposition Of Towed Property.* Notwithstanding the provisions of Section 301.227, RSMo., any towing company who has complied with the notification provisions in Section 304.156, RSMo., including notice that any property remaining unredeemed after thirty (30) days may be sold as scrap property, may then dispose of such property as provided in this Subsection. Such sale shall only occur if at least thirty (30) days have passed since the date of such notification, the abandoned property remains unredeemed with no satisfactory arrangements made with the towing company for continued storage, and the owner or holder of a security agreement has not requested a hearing as provided in Section 304.156, RSMo. The towing company may dispose of such abandoned property by selling the property on a bill of sale as prescribed by the Director of Revenue to a scrap metal operator or licensed salvage dealer for destruction purposes only. The towing company shall forward a copy of the bill of sale provided by the scrap metal operator or licensed salvage dealer to the Director of Revenue within two (2) weeks of the date of such sale. The towing company shall keep a record of each such vehicle sold for destruction for three (3) years that shall be available for inspection by law enforcement and authorized Department of Revenue officials. The record shall

contain the year, make, identification number of the property, date of sale, and name of the purchasing scrap metal operator or licensed salvage dealer and copies of all notifications issued by the towing company as required in this Chapter. Scrap metal operators or licensed salvage dealers shall keep a record of the purchase of such property as provided in Section 301.227, RSMo. Scrap metal operators and licensed salvage dealers may obtain a junk certificate as provided in Section 301.227, RSMo., on vehicles purchased on a bill of sale pursuant to the Section.

State Law References—For similar provisions, §§304.155.5—6 (2004), 304.155.11—12(2004), 304.158.1, 304.158.5, 304.158.7, RSMo.

ARTICLE II. VEHICLE REMOVAL CODE

SECTION 217.060: DEFINITIONS

For the purposes of this Article, the following words and phrases shall have the following meanings:

ABANDONED PROPERTY: Any unattended motor vehicles, 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 any roadway.

TOWING COMPANY: Any person or entity which tows, removes or stores abandoned property. (CC 1994 §215.090; Ord. No. 540, 9-15-03)

SECTION 217.070: REMOVAL AUTHORIZED—WHEN

Each of the following shall be considered abandoned property and any officer of the City of Flordell Hills may authorize a towing company to remove same to a safe place:

1. Property on the right-of-way of any interstate, highway, street, alley or municipal lot where parking is not permitted, left unattended for ten (10) hours.
2. Property which has been left on any real property within the City without the consent of the owner or person in possession of such real property, when such owner or person in possession of the real property requests the removal of such property and where such property has been left unattended for more than forty-eight (48) hours.
3. Property illegally left standing upon any such interstate, highway, street, alley or bridge if the property is left in such a position or under such circumstances as to obstruct the normal movement of traffic.
4. Property which has been reported to the Police Department of the City or any other law enforcement agency to be stolen or taken without the consent of the owner.
5. Property being operated by a person at the time such person is arrested for an alleged offense for which the officer is required to take such person into custody and where such person is unable to arrange for the property's timely removal.

6. Property which, due to any other State law or local ordinance, is subject to towing because of the owner's outstanding traffic or parking violations.
7. Property left unattended in violation of a State law or local ordinance where signs have been posted giving notice of the law or where the violation causes a safety hazard. (CC 1994 §215.100; Ord. No. 540, 9-15-03)

SECTION 217.080: INOPERABLE AND OTHER VEHICLES ON PRIVATE PROPERTY DEEMED A PUBLIC SAFETY HAZARD

- A. It shall be unlawful for the parking or storage on private or public property of vehicles which are inoperable or in violation of a State vehicle safety inspection Statute and vehicles which do not display thereon current State license plates or current City stickers issued to that vehicle. Any such vehicle is a public safety hazard. The owner of such vehicle and the owner of the private property with the stored or parked vehicle is subject to prosecution therefore and the vehicle is subject to removal.
- B. 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 the applicable zoning ordinances. (CC 1994 §215.110; Ord. No. 540, 9-15-03)

SECTION 217.090: PROCEDURES, RIGHTS AND IMMUNITIES

With respect to the removal and towing of abandoned property or vehicles deemed a public safety hazard as provided in this Article, all provisions of Sections 304.155 through 304.158, RSMo., shall apply and all procedures, duties, rights and immunities as provided in said Statute shall be in effect with respect to such towing and removal and any officer of the Police Department of the City acting under said Statutes and this Article shall, in addition, have all other rights and immunities existing under the law. (CC 1994 §215.115; Ord. No. 540, 9-15-03)

SECTION 217.100: IMPLEMENTATION BY POLICE DEPARTMENT

The Police Department of the City and the officers thereof shall do all things necessary to implement this Article and all provisions of Sections 304.155 through 304.158, RSMo. (CC 1994 §215.120; Ord. No. 540, 9-15-03)

SECTION 217.110: TOWING COMPANY TO COMPLY WITH STATE STATUTES

The officers of the Police Department of the City shall authorize the removal of abandoned property or vehicles deemed a public safety hazard as provided in this Article and in Sections 304.155 through 304.158, RSMo., only by those towing companies that agree in advance, in writing furnished to the Chief of Police, to comply with the provisions of said Statutes including, without limitation, the procedures and record keeping requirements specified in said Statutes. (CC 1994 §215.125; Ord. No. 540, 9-15-03)

SECTION 217.120: AUTHORITY OF POLICE DEPARTMENT

The Police Department of the City is hereby authorized to adopt all forms and to take and authorize all action necessary or appropriate to accomplish the purpose of this Article and Sections 304.155 through 304.158, RSMo. (CC 1994 §215.130; Ord. No. 540, 9-15-03)

CHAPTER 220: HUMAN RIGHTS

ARTICLE I. IN GENERAL

SECTION 220.010: PURPOSES OF CHAPTER

The purposes of this Chapter are:

1. To secure for all individuals within the City freedom from any discriminatory practice made unlawful by Article III of this Chapter.
2. To implement within the City the policies embodied in Missouri and Federal human rights legislation and to promote cooperation between the City and the State and Federal agencies enforcing that legislation.
3. To provide a City Commission on Human Rights which is dedicated to the elimination of discriminatory practices made unlawful by Article III of this Chapter.

SECTION 220.020: DEFINITIONS

For the purposes of this Chapter, the following terms shall be deemed to have the meanings indicated below:

COMMISSION: The Missouri Commission on Human Rights.

COMPLAINANT: A person who has filed a complaint with the Commission alleging that another person has engaged in a prohibited discriminatory practice.

DISABILITY: A physical or mental impairment which substantially limits one (1) or more of a person's major life activities, being regarded as having such an impairment, or a record of having such an impairment, which with or without reasonable accommodation does not interfere with performing the job, utilizing the place of public accommodation, or occupying the dwelling in question. For purposes of this Chapter, the term "*disability*" does not include current, illegal use of or addiction to a controlled substance as such term is defined by Section 195.010, RSMo.; however, a person may be considered to have a disability if that person:

1. Has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of, and is not currently addicted to, a controlled substance or has otherwise been rehabilitated successfully and is no longer engaging in such use and is not currently addicted;
2. Is participating in a supervised rehabilitation program and is no longer engaging in illegal use of controlled substances; or
3. Is erroneously regarded as currently illegally using, or being addicted to, a controlled substance.

DISCRIMINATION: Any unfair treatment based on race, color, religion, national origin, ancestry, sex, age as it relates to employment, disability or familial status as it relates to housing.

DWELLING: Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

FAMILIAL STATUS: One (1) or more individuals who have not attained the age of eighteen (18) years being domiciled with:

1. A parent or another person having legal custody of such individual; or
2. The designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protection afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

HOUSING FOR OLDER PERSONS: Housing:

1. Provided under any State or Federal program that the Commission determines is specifically designed and operated to assist elderly persons, as defined in the State or Federal program;
2. Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or
3. Intended and operated for occupancy by at least one (1) person fifty-five (55) years of age or older per unit.

Housing qualifies as housing for older persons under this Chapter if:

1. The housing has significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons;
2. At least eighty percent (80%) of the units are occupied by at least one (1) person fifty-five (55) years of age or older per unit; and
3. The owner or manager of the housing has published and adhered to policies and procedures which demonstrate an intent by said owner or manager to provide housing for persons fifty-five (55) years of age or older.

PERSON: Includes one (1) or more individuals, corporations, partnerships, associations, organizations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, trustees, trustees in bankruptcy, receivers, fiduciaries or other organized groups of persons.

PLACES OF PUBLIC ACCOMMODATION: All places or businesses offering or holding out to the general public goods, services, privileges, facilities, advantages or accommodations for the peace, comfort, health, welfare and safety of the general public or such public places providing food, shelter, recreation and amusement including, but not limited to:

1. Any inn, hotel, motel or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five (5) rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his/her residence;
2. Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain or other facility principally engaged in selling food for consumption on the premises including, but not limited to, any such facility located on the premises of any retail establishment;
3. Any gasoline station, including all facilities located on the premises of such gasoline station and made available to the patrons thereof;
4. Any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment;
5. Any public facility owned, operated or managed by or on behalf of this State or any agency or subdivision thereof, or any public corporation, and any such facility supported in whole or in part by public funds; or
6. Any establishment which is physically located within the premises of any establishment otherwise covered by this Section or within the premises of which is physically located any such covered establishment, and which holds itself out as serving patrons of such covered establishment.

RENT: Includes to lease, to sublease, to let and otherwise to grant for consideration the right to occupy premises not owned by the occupant.

RESPONDENT: A person who is alleged to have engaged in a prohibited discriminatory practice in a complaint filed with the Commission.

UNLAWFUL DISCRIMINATORY PRACTICE: Any act that is unlawful under this Chapter. (RSMo. §§213.010, 213.040.9)

ARTICLE II. COMMISSION ON HUMAN RIGHTS

SECTION 220.030: ~~COMMISSION CREATED—MEMBERSHIP—QUALIFICATIONS—TERMS—VACANCIES~~

- A. There is hereby established a Commission on Human Rights. The Commission shall consist of three (3) members who shall be appointed by a majority of the members of the Board of Aldermen from among the residents of the City and who shall serve as such without compensation. The Board of Aldermen shall endeavor to include individuals on the Commission from various protected categories that have historically been discriminated against. Of the three (3) members first (1st) appointed, one (1) shall be appointed for one (1) year, one (1) shall be appointed for two (2) years and one (1) shall be appointed for three (3) years. Thereafter, appointment shall be for terms of three (3) years. In the event of the death, resignation or removal of any member, his/her successor shall be appointed to serve for the unexpired period of the term for which such member had been appointed.

- B. The members shall be residents of the City of Flordell Hills, registered voters in the said City and at least twenty-one (21) years of age. The Chairman shall be elected by the members of the Commission (CC 1994 §225.030; Ord. No. 468 §3, 9-21-92)

**SECTION 220.040: OFFICERS—MEETING AND QUORUM—RULES AND PROCEDURES—
COMPENSATION—ATTENDANCE—TRAINING**

- A. The Commission shall elect a Chairperson, Vice Chairperson and Secretary from among its members and create and fill such other offices as it may determine. The term of such elective officers shall be for one (1) year.
- B. The Commission shall meet periodically as necessary. The Chairperson shall preside at all meetings. Three (3) members shall constitute a quorum at any meeting.
- C. The Commission shall adopt rules and procedures for the conduct and transaction of its business and shall keep a record of its proceedings.
- D. Any Commission member having three (3) unscheduled absences without good cause within a period of one (1) year, or who shall be absent from three (3) consecutive regular meetings without consent of the Chairperson or person acting in such Chairperson's stead, shall automatically forfeit such office, and the Chairperson shall promptly notify the Board of Aldermen through the City Clerk of such vacancy.

SECTION 220.050: FUNCTIONS, POWERS AND DUTIES

The Commission shall have the following functions, powers and duties:

1. To encourage fair treatment for, and to foster mutual understanding and respect among, and to discourage discrimination against any racial, ethnic, religious or other group protected by this Chapter, members of these groups or persons with disabilities.
2. To formulate and carry out educational programs designed to minimize or eliminate those discriminatory practices made unlawful by Article III of this Chapter.
3. To receive and investigate complaints alleging any discriminatory practices made unlawful by Article III of this Chapter.
4. To implement the purposes of this Chapter by conference, conciliation and persuasion so that persons may be guaranteed their civil rights and good will be fostered.
5. To provide mediation services to resolve incidences of alleged discriminatory practices made unlawful by Article III of this Chapter.
6. To cooperate with other organizations, private and public, to discourage discrimination.
7. To advise the Board of Aldermen on human rights issues.
8. To hold public hearings on the state of human rights and relations in the City and on specific human rights issues.
9. To sponsor or initiate specifically targeted workshops and ongoing programs to improve human relations and to decrease tensions in the City.

10. To present informational programs on human rights to school, business, service and other organizations.
11. To formulate policies and to adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions of this Chapter and said policies of the Commission in connection therewith.
12. To provide each year to the Board of Aldermen a full written report of all its activities and of its recommendations.

ARTICLE III. DISCRIMINATORY PRACTICES

SECTION 220.060: UNLAWFUL HOUSING PRACTICES

A. It shall be an unlawful housing practice:

1. To refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, to deny or otherwise make unavailable a dwelling to any person because of race, color, religion, national origin, ancestry, sex, disability or familial status.
2. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, ancestry, sex, disability or familial status.
3. To make, print or publish or cause to be made, printed or published any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, national origin, ancestry, sex, disability or familial status or an intention to make any such preference, limitation or discrimination.
4. To represent to any person because of race, color, religion, national origin, ancestry, sex, disability or familial status that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
5. To induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, ancestry, sex, disability or familial status.
6. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of:
 - a. That buyer or renter;
 - b. A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or
 - c. Any person associated with that buyer or renter.
7. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of:

- a. That person;
 - b. A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or
 - c. Any person associated with that person.
- B. For purposes of Sections 220.060, 220.070 and 220.080, discrimination includes:
- 1. A refusal to permit, at the expense of the person with the disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.
 - 2. A refusal to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.
 - 3. In connection with the design and construction of covered multi-family dwellings for first (1st) occupancy after March 13, 1991, a failure to design and construct those dwellings in such a manner that:
 - a. The public use and common use portions of such dwellings are readily accessible to and usable by persons with a disability.
 - b. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by persons with a disability in wheelchairs.
 - c. All premises within such dwellings contain the following features of adaptive design:
 - (1) An accessible route into and through the dwelling;
 - (2) Light switches, electrical outlets, thermostats and other environmental controls in accessible locations;
 - (3) Reinforcements in bathroom walls to allow later installation of grab bars; and
 - (4) Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.
- C. As used in Subdivision (3) of Subsection (B) of this Section, the term "*covered multi-family dwelling*" means:
- 1. Buildings consisting of four (4) or more units if such buildings have one (1) or more elevators; and
 - 2. Ground floor units in other buildings consisting of four (4) or more units.
- D. Compliance with the appropriate requirements of the American National Standard for Buildings and Facilities providing accessibility and usability for people with physical disabilities, commonly cited as "ANSI A117.1", suffices to satisfy the requirements of Subsection (B)(3)(a) of this Section. (RSMo. §213.040)

SECTION 220.070: DISCRIMINATION IN COMMERCIAL REAL ESTATE LOANS

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans to deny a loan or other financial assistance because of race, color, religion, national origin, ancestry, sex, disability or familial status to a person applying therefor for the purpose of purchasing, construction, improving, repairing or maintaining a dwelling or to discriminate against him/her in fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance because of the race, color, religion, national origin, ancestry, sex, disability or familial status of such person or of any person associated with him/her in connection with such loan or other financial assistance or of the present or prospective owners, lessees, tenants or occupants of the dwellings in relation to which such loan or other financial assistance is to be made or given. (RSMo. §213.045)

SECTION 220.080: DISCRIMINATION IN SELLING OR RENTING BY REAL ESTATE AGENCIES PROHIBITED

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service organization or facility relating to the business of selling or renting dwellings on account of race, color, religion, national origin, ancestry, sex, disability or familial status. (RSMo. §213.050)

SECTION 220.090: DISCRIMINATION IN PUBLIC ACCOMMODATIONS PROHIBITED—EXCEPTIONS

- A. All persons within the City of Flordell Hills are free and equal and shall be entitled to the full and equal use and enjoyment within this State of any place of public accommodation, as hereinafter defined, without discrimination or segregation on the grounds of race, color, religion, national origin, sex, ancestry or disability.
- B. It is an unlawful discriminatory practice for any person, directly or indirectly, to refuse, withhold from or deny any other person or to attempt to refuse, withhold from or deny any other person any of the accommodations, advantages, facilities, services or privileges made available in any place of public accommodation, as defined in Section 220.020 and this Section, or to segregate or discriminate against any such person in the use thereof on the grounds of race, color, religion, national origin, sex, ancestry or disability.
- C. The provisions of this Section shall not apply to a private club, a place of accommodation owned by or operated on behalf of a religious corporation, association or society or other establishment which is not in fact open to the public, unless the facilities of such establishments are made available to the customers or patrons of a place of public accommodation as defined in Section 220.020 and this Section. (RSMo. §213.065)

SECTION 220.100: ADDITIONAL UNLAWFUL DISCRIMINATORY PRACTICES

It shall be an unlawful discriminatory practice:

- 1. To aid, abet, incite, compel or coerce the commission of acts prohibited under this Chapter or to attempt to do so;

2. To retaliate or discriminate in any manner against any other person because such person has opposed any practice prohibited by this Chapter or because such person has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or hearing conducted pursuant to this Chapter;
3. For the City to discriminate on the basis of race, color, religion, national origin, sex, ancestry, age as it relates to employment, disability or familial status as it relates to housing; or
4. To discriminate in any manner against any other person because of such person's association with any person protected by this Chapter. (RSMo. §213.070)

SECTION 220.110: EXEMPTIONS

- A. Nothing in this Chapter shall be construed to invalidate or limit any law of the State or of the City that requires dwellings to be designed and constructed in a manner that affords persons with disabilities greater access than is required by this Chapter.
- B. Nothing in Sections 220.060, 220.070 and 220.080:
 1. Requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
 2. Limits the applicability of any reasonable local restriction regarding the maximum number of occupants permitted to occupy a dwelling, nor does any provision of said Sections regarding familial status apply with respect to housing for older persons.
 3. Shall prohibit conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined by Section 195.010, RSMo.
- C. Nothing in this Chapter shall prohibit a religious organization, association or society or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this Chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.
- D. Nothing in this Chapter, other than the prohibitions against discriminatory advertising in Subsection (A)(3) of Section 220.060, shall apply to:
 1. The sale or rental of any single-family house by a private individual owner, provided the following conditions are met:
 - a. The private individual owner does not own or have any interest in more than three (3) single-family houses at any one time; and

- b. The house is sold or rented without the use of a real estate broker, agent or salesperson or the facilities of any person in the business of selling or renting dwellings and without publication, posting or mailing of any advertisement. If the owner selling the house does not reside in it at the time of the sale or was not the most recent resident of the house prior to such sale, the exemption in this Section applies to only one (1) such sale in any twenty-four (24) month period.
- 2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as his/her residence. (RSMo. §213.040)

ARTICLE IV. ENFORCEMENT PROCEDURES

SECTION 220.120: COMPLAINTS

- A. Any individual who claims to be aggrieved by a discriminatory practice may file with the Commission a verified complaint in writing stating the name and address of the person alleged to have committed such practice, the particulars thereof, and such other information as may be required by the Commission.
- B. Any complaint filed under this Section in which affirmative relief is sought shall state what relief is sought or proposed.
- C. All such complaints shall be filed within one hundred eighty (180) days of the date of the alleged discriminatory practice.
- D. An individual who files a complaint with the Commission shall be advised of the possibility of filing a complaint with the Missouri Commission on Human Rights.

SECTION 220.130: COMPLAINTS—INVESTIGATION, CONCILIATION AND MEDIATION

- A. Complaints shall be investigated and conciliated or mediated by individuals who have been approved by the Commission and trained in investigation, conciliation and mediation.
- B. Upon filing of a complaint, the Chairperson of the Commission shall designate an individual to investigate the allegations. The individual shall promptly investigate such allegations, and if he/she determines that probable cause exists for crediting the allegations of the complaint, he/she shall thereupon undertake to eliminate the alleged discriminatory practice or practices by conference, conciliation and persuasion or mediation and shall inform the Commission of the results of such efforts. If the individual determines that no such probable cause exists, he/she shall so report to the Commission which shall thereupon dismiss the complaint without further proceedings or direct further investigation or, if it determines that probable cause exists for crediting the allegations of the complaint, direct that the alleged discriminatory practice or practices be the subject of conference, conciliation and persuasion or mediation. Neither the members of the Commission nor any person participating in the investigation shall disclose what has occurred in the course of such efforts to conciliate. The determination of probable cause shall be made, and the investigation and conciliation or mediation shall be conducted, in accordance with such rules, regulations and guidelines as the Commission shall prescribe.
- C. If such efforts fail to eliminate the alleged discriminatory practice or practices, the complainant shall be referred to the Missouri Commission on Human Rights.

SECTION 220.140: PROSECUTIONS—TIME LIMITATIONS

- A. No prosecution for a violation of any provision of this Chapter shall be commenced unless a complaint shall have first been filed with the Commission and efforts of the Commission to eliminate the alleged violation have failed.
- B. The period of limitation for any violation of this Chapter shall not run during any time while a complaint involving the alleged violation is pending before the Commission.

CHAPTER 225: EMERGENCY MANAGEMENT

SECTION 225.010: ESTABLISHMENT

There is hereby created within and for the City of Flordell Hills an emergency management organization to be known as the Flordell Hills 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. (RSMo. §44.080)

SECTION 225.020: ORGANIZATION

This agency shall consist of a Director and other members appointed by the Flordell Hills 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 225.030: FUNCTIONS

The organization shall perform emergency management functions within the City of Flordell Hills 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 225.040: DIRECTOR

- A. The Director will be appointed by the _____ and shall serve at the pleasure of the _____.
- 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 _____ 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 Flordell Hills Emergency Management Organization. (RSMo. §44.080.1)

SECTION 225.050: SCOPE OF OPERATION

The City of Flordell Hills 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. (RSMo. §44.080.2)

SECTION 225.060: MUTUAL-AID AGREEMENTS

The Mayor or Public Safety Agency may enter into mutual-aid arrangements or agreements with other public and private agencies within and without the State for reciprocal emergency aid as authorized in Section 44.090, RSMo. (RSMo. §44.090, 2005, 2009)

SECTION 225.070: CITY MAY ACCEPT SERVICES, ETC.

The ____ 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. (RSMo. §44.028)

SECTION 225.080: OATH

No person shall be employed or associated in any capacity in the Flordell Hills 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 Flordell Hills 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 Flordell Hills 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." (RSMo. §44.115)

SECTION 225.090: OFFICE SPACE

The ____ is authorized to designate space in any City-owned or leased building for the Flordell Hills Emergency Management Organization.

CHAPTER 230: SOLID WASTE

ARTICLE I. IN GENERAL

SECTION 230.010: DEFINITIONS

For the purposes of this Chapter, the following terms shall be deemed to have the meanings indicated below:

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.

CITY: The City of Flordell Hills, Missouri.

COLLECTION: Removal of solid waste from its place of storage to the transportation vehicle.

COMMERCIAL SOLID WASTE: All solid waste generated from a source other than a dwelling unit.

CONTRACTOR: Such person, firm or corporation as may be contracted with to provide solid waste transportation and disposal for the City.

CURBSIDE: A location adjacent to and not more than five (5) feet from any street.

DISPOSABLE SOLID WASTE CONTAINER: Disposable plastic or paper sacks with a capacity of twenty (20) to thirty-nine (39) gallons or, if specifically designated for storage of solid waste, a maximum of fifty-five (55) 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. Units of multiple-housing facilities may be billed as dwelling units upon request by the owner of said dwelling units.

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 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 mortality or an increase in serious irreversible or incapacitating reversible illness or pose a present or potential threat to the health of humans or the environment.

MAJOR APPLIANCES: Clothes washers and dryers, water heaters, trash compactors, dishwashers, conventional ovens, ranges, stoves, wood stoves, air-conditioners, refrigerators and freezers.

OCCUPANT: Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as owner or as a tenant.

PERSON: Any natural individual, firm, partnership, trust, association or corporation. As applied to partnerships or associations, the word includes the partners or members thereof; and as applied to corporations, it includes the officers, agents or employees thereof who are responsible for the act referred to.

PROCESSING: Incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

PROHIBITED ITEMS: Items which are eliminated by State law from being disposed of in a solid waste disposal area including, but not limited to, major appliances, waste oil, lead acid batteries, waste tires and the like as the same may be now or hereafter defined by State law.

RESIDENTIAL SOLID WASTE: Solid waste resulting from the maintenance and operation of dwelling units.

SOLID WASTE: Garbage, refuse and other discarded materials including, but not limited to, solid and semi-solid waste materials resulting from industrial, commercial, agricultural, governmental and domestic activities, but does not include hazardous waste as defined in Sections 260.360 to 260.432, RSMo., recovered materials, overburden, rock, tailings, matte, slag or other waste material resulting from mining, milling or smelting. Solid waste does not include "Yard Waste" as defined herein.

SOLID WASTE CONTAINER: 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 disposition 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.

YARD WASTES: Leaves, grass clippings, yard and garden vegetation and Christmas trees. The term does not include stumps, roots or shrubs with intact root balls. (RSMo. §260.200)

SECTION 230.020: SOLID WASTE STORAGE

- A. 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 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 of every dwelling unit and of every institutional, commercial, business, industrial or agricultural establishment shall place all solid waste to be collected in proper solid waste containers and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times. Accumulation of waste in suitable containers shall not be stored upon any site in the City for a period longer than seven (7) days.

- C. Residential solid waste shall be stored in containers of not more than thirty-nine (39) gallons nor less than twenty (20) gallons in nominal capacity, except that residential solid waste may be stored in trash bags of adequate strength in a size not to exceed fifty-five (55) gallons. All containers, including bags, shall be leak-proof and water-proof, fly-tight and properly covered, tied or enclosed, except when depositing waste therein or removing the contents thereof. Containers other than bags shall have handles, bails or other suitable lifting devices or features. Containers other than bags 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, including bags and its contents, shall not exceed seventy-five (75) pounds. Galvanized metal containers or rubber, fiberglass or plastic containers which do not become brittle in cold weather may be used in addition to bags. Disposable solid waste containers with suitable frames or containers as approved by the City may also be used for storage of residential solid waste. Galvanized metal containers or rubber, fiberglass or plastic containers with suitable frames or containers as approved by the City may also be used for storage of residential solid waste.
- D. Commercial solid waste shall be stored in solid waste containers as approved by the Board. 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 by Section 230.070.
- E. Solid waste containers which are not approved will be collected together with their contents and disposed of.

SECTION 230.030: COLLECTION OF SOLID WASTE

- A. The City shall provide for the collection of solid waste as follows:
 - 1. *Collection of residential solid waste.* The City shall provide for the collection of residential solid waste in the City, provided however, that the City may provide the 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. *Other collections.* The City may, at its discretion, provide commercial solid waste collection services upon specific application of the owners or persons in charge thereof. However, in the event that 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 in a manner approved by City. If and when the City does provide commercial collection service, the provisions herein concerning such service shall apply.
- B. All solid waste from premises to which collection services are provided under contract with the City shall become the property of the collection agency upon being loaded into the transportation equipment.
- C. Solid waste containers as required by this Chapter for the storage of residential solid waste shall be placed at curbside for collection but shall not be so placed until after 6:00 P.M. on the day next preceding the regularly scheduled collection day. Containers shall be removed from curbside no later than 8:00 P.M. on the day of collection. No alley service shall be allowed under the terms of this Chapter, except as approved by the Board of Aldermen.
- D. Individuals desiring the collection of bulky rubbish shall deal directly with those licensed by the City for the collection of the same.

- E. 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.
- F. It shall be the responsibility of the occupants of each dwelling unit to prepare, package and deliver solid waste to curbside for collection as prescribed in this Chapter and as it may be amended from time to time.
- G. It shall be the responsibility of each commercial, industrial, institutional or other non-residential generator of solid waste to prepare, package and store solid waste so generated as prescribed by this Chapter and as it may be amended from time to time.
- H. It shall be the responsibility of every solid waste collector to abide by this Chapter and receive and transport solid waste in a manner consistent with the provisions of this Chapter.
- I. The following collection frequencies shall apply to collections of solid waste within the City: All residential solid waste, other than bulky rubbish, shall be collected at least once weekly. All commercial solid waste shall be collected once weekly and shall be collected at such lesser intervals as may be fixed by the Board upon a determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public.
- J. Residential solid waste containers shall be stored upon the residential premises. Except as provided in Subsection (C) hereof, all solid waste containers stored out-of-doors shall be stored behind any building located on the tract of land. Commercial solid waste containers shall remain in the location from which they are to be serviced except while being serviced.
- K. All solid waste collectors operating under contract with the City or otherwise collecting solid waste within the City limits shall be responsible for the collected solid waste from the point of collection to the point of disposal, provided the solid waste was stored in compliance with the applicable Sections of this Chapter. 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.
- L. It shall be unlawful for any person, firm or corporation collecting and disposing of rubbish, garbage or waste material from premises in the residential districts or premises in any commercial district which abuts or adjoins a residential district in the City to make such collection or dispose of rubbish, garbage or waste materials between the hours of 9:00 P.M. and 7:00 A.M.

SECTION 230.040: TRANSPORTATION OF SOLID WASTE

- 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 alternative, the entire bodies thereof shall be enclosed with only loading hoppers exposed. Provided however, other vehicles may be used to transport bulky rubbish which because of its size or weight is not susceptible to being loaded or unloaded in vehicles described above, but in no event shall such vehicles be operated without adequate cover or binding to prevent spillage or waste therefrom and in accordance with the rules and regulations made by the Board.

- 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 this Section and Section 230.050.

SECTION 230.050: DISPOSAL OF SOLID WASTE

- 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 260.255, RSMo., and the rules and regulations adopted thereunder. The City may designate the processing or disposal facility to be utilized by persons holding permits under this Chapter.
- B. The Board may classify certain wastes as hazardous wastes which will require special handling and shall be disposed of only in a manner acceptable to the Board which will meet all local, State and Federal regulations.

SECTION 230.060: PERMITS

- A. No person, including any person contracting with the City for the collection of solid waste, shall engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City without first obtaining an annual permit therefor from the City; provided however, that this provision shall not be deemed to apply to employees of the holder of any such permit. Permits shall be approved by the City _____.
- B. 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 City 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, in the amount of not less than one hundred thousand dollars (\$100,000.00) for each person injured or killed, and in the amount of not less than three hundred thousand dollars (\$300,000.00) in the event of injury or death of two (2) or more persons in any single accident, and in an amount of not less than fifty thousand dollars (\$50,000.00) for damage to property. Such policy may be written to allow the first one thousand dollars (\$1,000.00) of liability for damage to property to be deductible. Should any such policy be canceled, the City 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. Any subcontractor shall provide insurance coverage in like amount as is required of the contractor.
- C. Each applicant for any such permit 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 location or locations of solid waste processing or disposal facilities to be used;
 5. Boundaries of the collection area;
 6. If for processing or disposal, a copy of a permit issued by the State of Missouri; and
 7. Such other information as required by the City.
- D. If the application shows that the applicant will collect, transport, process or dispose of solid wastes without hazard to the public health or damage to the environment and is in conformity with the laws of the State of Missouri and this Chapter and is approved by the City, the City Clerk shall, upon receiving the City _____ written approval of application, issue the permit authorized by the ordinance. The permit shall be issued for a period of one (1) year, and each applicant shall pay therefor a fee of _____ for each solid waste processing or disposal facility to be operated and a fee of _____ for each transportation vehicle to be used. If, in the opinion of the City _____, 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 City _____ shall notify the applicant in writing setting forth the modification to be made and time in which it shall be done.
- E. If the applicant does not make the modifications pursuant to the notice in Subsection (D) hereof 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 not create a public health hazard or be without harmful effects on the environment, the application shall be denied and the applicant notified by the City _____, 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 his/her application, provided that all aspects of the reapplication comply with the provisions of this Chapter.
- F. The annual permit may be renewed simply upon payment of the fee or fees as designated herein if the business has not been modified. If modifications have been made, the applicant shall reapply for a permit as set forth in Subsections (B) and (C). No permits authorized by the ordinance shall be transferable from person to person.
- G. In order to ensure compliance with the laws of this State, this Chapter and the rules and regulations authorized herein, the City _____ is authorized to inspect all phases of solid waste management within the City of Flordell Hills. No inspection shall be made of any residential waste unit unless authorized by the occupant or by due process of law. In all instances where such inspections reveal violation of this Chapter concerning processing or disposal of solid waste or the laws of the State of Missouri, the City shall issue notice for such violation stating therein the violation or violations found, the time and date, and the corrective measure to be taken together with the time in which such corrections shall be made.
- H. In all cases, when the corrective measures have not been taken within the time specified, the City shall suspend or revoke the permit or permits involved in the violation; however, in those cases where an extension of time will permit correction and there is not a public health hazard created by the delay, one (1) extension of time not to exceed the original time period may be given.
- I. Any person who feels aggrieved by any notice of violation or order issued pursuant thereto of the City _____ may within thirty (30) days of the act for which redress is sought appeal directly to the Circuit Court of St. Louis County, in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.

SECTION 230.070: RULES AND REGULATIONS

- A. The Board may 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 toxic wastes, sludge, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.
- B. The City Clerk or such other City Official who is responsible for preparing utility or other service charge billings for the City 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, subject to the approval of the Board.
- C. A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the City Clerk of the City.

SECTION 230.080: PROHIBITED PRACTICES

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. 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, those of a solid waste collection agency operating under contract with the City, or any duly licensed collector.
3. Dispose of solid waste at any facility or location which is not approved by the City and the Missouri Division of Health.
4. 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.

SECTION 230.090: BONDS

The Board may require performance or payment bonds of any solid waste collection agency prior to issuing permits to so operate.

SECTION 230.100: SERVICE CHARGES

- A. There is hereby imposed for the collection and disposal of solid wastes and for the improvement of the general public and environment a service charge for each dwelling unit to which such service shall be provided under the provisions of this Chapter. Said service charge shall be _____ per dwelling unit.
- B. The system of services established by the provisions of this Chapter hereof is designated as an integral part of the City's program of health, sanitation and general welfare to be operated as an adjunct to the City's system for providing all manner of utilities services. The City may enforce collection of such charges by bringing proper legal action against the occupant of the premises which has received such services 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.
- C. The service charge herein provided for is hereby imposed upon the occupant of each occupied dwelling unit and the billing therefor shall be made to the person contracting for City utilities of any kind to each such dwelling unit. In the event a dwelling unit is not serviced by City utilities or in the absence of information that such person is neither the owner or the tenant of such dwelling unit, then billing therefor shall be made to the owner. Service charges shall be payable to the City of Flordell Hills, Missouri.
- D. The City shall include the foregoing service charge on its utility bill as a separate charge, which shall be paid on or before the fifteenth (15th) of the following month.
- E. The City shall provide any contractor hereunder with a monthly statement showing the number of dwelling units, together with all additions and deletions.

ARTICLE II. GARBAGE AND REFUSE

SECTION 230.110: GARBAGE OR RUBBISH A NUISANCE—WHEN

It shall be unlawful for any person or persons to have, keep, maintain, handle, transport, dump, pile or dispose of garbage, rubbish and waste matter on either public or private premises within the corporate limits of the City of Flordell Hills in such a manner and/or in such places as to constitute a fire hazard and/or a breeding place for rodents, mosquitoes, flies and other insects and/or create a nuisance. (CC 1994 §220.010; Ord. No. 122 §1, 9-14-45)

SECTION 230.120: DEFINITIONS

The following words, when used in this Chapter, shall have meanings set out herein:

GARBAGE: Any and all waste animal or vegetable matter from kitchens, pantries, food establishments, restaurants, markets, cafes, abattoirs or any other source.

RUBBISH AND WASTE MATTER: Household and business waste, other than garbage, such as: paper, rags, excelsior, packing and dunnage materials, wood, glass, crockery, tin cans, tinware and other metals and fabrics. (CC 1994 §220.020; Ord. No. 122 §§2, 4, 9-14-45)

SECTION 230.130: FAILURE TO KEEP CONTAINERS TIGHTLY COVERED

Failure of any person or persons to have and maintain tight garbage cans, receptacles or containers shall be prima facie evidence of the violation of Section 230.110. (CC 1994 §220.030; Ord. No. 122 §3, 9-14-45)

SECTION 230.140: TIMES REFUSE CONTAINERS MAY BE LEFT NEAR STREET

- A. To facilitate the collection of trash and refuse throughout the City, the residents of Flordell Hills may leave their refuse containers near the streets of Flordell Hills only during the periods of time commencing at 6:00 P.M. of the day immediately prior to the scheduled collections and terminating at 7:00 P.M. on the day of scheduled collections and at no other times.
- B. Persons found to be violators of this Section shall upon conviction be fined not less than three dollars (\$3.00) nor more than twenty-five dollars (\$25.00) for each violation.
- C. For purposes of this Section, the head of the household shall be charged with the responsibility of keeping such containers away from the streets at all other times. (CC 1994 §220.040; Ord. No. 381 §§1—3, 8-16-76)

SECTION 230.150: VIOLATION AND PENALTY

Any person or persons found guilty of violating the provisions of Section 230.110 shall be subject to a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00). (CC 1994 §220.050; Ord. No. 122 §5, 9-14-45)

SECTION 230.160: PERMIT REQUIREMENTS—COLLECTION OF RUBBISH

- A. It shall be unlawful for any person or persons to collect garbage, rubbish and waste matter from any residence, kitchen, market, food establishment, pantry, cafe, abattoir or other source of garbage, rubbish and waste matter within the corporate limits of the City of Flordell Hills or to transport garbage, rubbish and waste matter on, over and along the public streets, alleys and thoroughfares and driveways within the corporate limits of the City of Flordell Hills without first having secured a permit to do so. Such permit may be secured from the Clerk of the City of Flordell Hills, provided the City of Flordell Hills has not granted to a contractor the exclusive right and privilege to collect, haul and dispose of garbage, rubbish and waste matter, upon application therefor accompanied by the written approval of the Department of Natural Resources. Said written approval by said Department of Natural Resources shall certify that the vehicle or vehicles and the container or containers to be used by said applicant for the collection and transportation of rubbish are so constructed and maintained as to provide for the orderly and sanitary handling and transportation of garbage, rubbish and waste matter.
- B. Nothing in Subsection (A) referring to the securing of permits shall in anywise prohibit the City from contracting with one (1) contractor for the exclusive right and privilege to collect, haul and dispose of all garbage, rubbish and waste matter within the City of Flordell Hills.
- C. The aforesaid permit may be obtained at a cost of fifty cents (\$.50) and shall expire three (3) months from date of permit.
- D. Any person found guilty of collecting or transporting garbage, rubbish and waste matter without a permit in violation of Subsection (A) shall be subject to a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00).
- E. Any holder of a permit as provided in Subsection (A) who shall fail to keep and maintain his/her vehicle or vehicles and/or his/her container or containers in such condition as to meet with the rules and requirements laid down by the Department of Natural Resources or shall fail to make regular collections of garbage, rubbish and waste matter from the various persons he/she may serve shall be subject to a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) and his/her permit may be revoked. (CC 1994 §220.060; Ord. No. 122 §§6—10, 9-14-45)

SECTION 230.170: RUBBISH DUMP

- A. It shall be unlawful for any person or persons to maintain or operate a rubbish dump or dumps or to fill ground with rubbish other than clean dirt.
- B. Any person found guilty of violating Subsection (A) herein shall be subject to a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00).
- C. The Department of Natural Resources or any of his/her assistants or subordinates or any member of the Health Department and/or Police Department of the City of Flordell Hills shall have the right to enter upon the premises of any individual or corporation for the purpose of making inspections to determine whether or not the provisions of the foregoing Sections are being obeyed. (CC 1994 §220.070; Ord. No. 122 §§11—13, 9-14-45)

TITLE III. TRAFFIC CODE

CHAPTER 300: GENERAL PROVISIONS

SECTION 300.005: MODEL TRAFFIC CODE—ADOPTION AND EXCEPTIONS

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: 300.010(40), 300.015, 300.020, 300.035, 300.045, 300.055, 300.070, 300.100, 300.105, 300.310, 300.320, 300.400.1 and 300.590. All references to Traffic Division in the Model Traffic Ordinance are changed to read Police Department. All references to streetcars have been deleted.

State Law Reference—Authority of cities to adopt the model traffic ordinance, RSMo. §300.600.

SECTION 300.010: DEFINITIONS

The following words and phrases, when used in this Title, mean:

ABANDONED PROPERTY: The definition for abandoned property shall be the same as that set out in Section 217.010 of this Code.

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.

ALLEY OR ALLEYWAY: Any street with a roadway of less than twenty (20) feet in width.

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, railroad stations 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.

COMMERCIAL MOTOR VEHICLE: A motor vehicle designed or regularly used for carrying freight and merchandise or more than eight (8) passengers but not including vanpools or shuttle buses.

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 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.

EMERGENCY VEHICLE: A vehicle of any of the following types:

1. A vehicle operated by the State Highway Patrol, the State Water Patrol, the Missouri Capitol Police, a Conservation Agent or a State Park Ranger, those vehicles operated by enforcement personnel of the State Highways and Transportation Commission, Police or Fire Department, Sheriff, Constable or Deputy Sheriff, Federal Law Enforcement Officer authorized to carry firearms and to make arrests for violations of the laws of the United States, Traffic Officer or Coroner or by a privately owned emergency vehicle company;
2. A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;
3. Any vehicle qualifying as an emergency vehicle pursuant to Section 310.070 of this Title;
4. Any wrecker or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;
5. Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle;
6. Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of Chapter 44, RSMo.;
7. Any vehicle operated by an authorized employee of the Department of Corrections who, as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual-aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;
8. Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of Sections 260.500 to 260.550, RSMo.

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).

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.

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; or
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.

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 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.

RAILROAD: A carrier of persons or property upon cars operated upon stationary rails.

RAILROAD TRAIN: A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

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.

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: The entire width between the lines of every way publicly maintained when any part thereof is open to the uses of the public for purposes of vehicular travel. "*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.

TRACTOR OR TRUCK-TRACTOR: A self-propelled motor vehicle designed for drawing other vehicles, but not for the carriage of any load when operating independently. When attached to a semi-trailer, it supports a part of the weight thereof.

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.

TRAILER: Any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semi-trailer or vehicle of the trailer type so designed and used in conjunction with

a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle. The term "*trailer*" shall not include cotton trailers as defined in Subdivision (8) of Section 301.010, RSMo., and shall not include manufactured homes as defined in Section 700.010, RSMo.

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.

UTILITY VEHICLE: Any motorized vehicle manufactured and used exclusively for off-highway use which is sixty-three (63) inches or less in width, with an unladen dry weight of one thousand eight hundred fifty (1,850) pounds or less, traveling on four (4) or six (6) wheels to be used primarily for landscaping, lawn care or maintenance purposes.

VEHICLE: Any mechanical device on wheels designed primarily for use or used on highways, except motorized bicycles, 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. (RSMo. §§300.010, 301.010(7), 304.001, 304.022(4)(2007), 301.010(59),(65)2007,2008)

SECTION 300.020: CLOSING STREETS

- A. The Police Department is authorized to close any street, alley, public place or highway and withdraw the same from public use temporarily and during such time or period as public work thereon or other public emergency or expediency shall make such action necessary. No person shall use or attempt to use said street, public place or highway so withdrawn from public use or drive any vehicle or animal thereon.
- B. The Police Department shall place a sign or placard at each end of the portion withdrawn from public use, such placard or sign to have the following words printed thereon in letters three (3) inches high: "STREET CLOSED". "This street is closed to public use by authority of Ordinance No. _____. " (CC 1994 §340.280; Ord. No. 176 §65, 11-11-49)

CHAPTER 305: TRAFFIC ADMINISTRATION

SECTION 305.010: RECORDS OF TRAFFIC VIOLATIONS

- A. The Police Department 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. (RSMo. §300.025)

SECTION 305.020: POLICE DEPARTMENT TO INVESTIGATE ACCIDENTS

It shall be the duty of the Police 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. (RSMo. §300.030)

SECTION 305.030: TRAFFIC ACCIDENT REPORTS

The Police Department shall maintain a suitable system of filing traffic accident reports. Such reports shall be available for the use and information of the City Traffic Engineer. (RSMo. §300.040)

SECTION 305.040: POLICE DEPARTMENT TO SUBMIT ANNUAL TRAFFIC SAFETY REPORT

The Police Department 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 Police Department for future traffic safety activities. (RSMo. §300.050)

SECTION 305.050: 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. (RSMo. §300.060)

SECTION 305.060: 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. (RSMo. §300.065)

CHAPTER 310: ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

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 traffic laws of the City and all of the State vehicle laws applicable to 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 an incident, may direct or assist the Police in directing traffic thereat or in the immediate vicinity. (RSMo. §300.075)

SECTION 310.020: OBEDIENCE TO POLICE AND FIRE DEPARTMENT OFFICIALS

No person shall knowingly fail or refuse to comply with any lawful order or direction of a Police Officer or Fire Department official. (RSMo. §300.080)

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. (RSMo. §300.085)

SECTION 310.040: USE OF COASTERS, ROLLER SKATES AND SIMILAR DEVICES RESTRICTED

No person upon roller skates or riding in or by means of any coaster, toy vehicle, skateboard 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. (RSMo. §300.090, revised by SP)

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. (RSMo. §300.095)

SECTION 310.060: EMERGENCY VEHICLES—USE OF LIGHTS AND SIRENS—RIGHT-OF-WAY—STATIONARY VEHICLES, PROCEDURE—PENALTY

- A. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one (1) lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle or a flashing blue light authorized by Section 310.070 of this Chapter, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a Police or Traffic Officer.
- B. Upon approaching a stationary emergency vehicle displaying lighted red or red and blue lights, the driver of every motor vehicle shall:
1. Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or
 2. Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.
- C. *Responsibilities Of Driver Of Emergency Vehicle.*
1. The driver of any "emergency vehicle" defined in Section 300.010 of this Code shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator or when responding to, but not upon returning from, a fire.
 2. The driver of an emergency vehicle may:
 - a. Park or stand irrespective of the provisions of Sections 304.014 to 304.025, RSMo., and the provisions of this Code;
 - b. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 - c. Exceed the prima facie speed limit so long as the driver does not endanger life or property;
 - d. Disregard regulations governing direction of movement or turning in specified directions.
 3. The exemptions granted to an emergency vehicle pursuant to Subsection (C)(2) of this Section shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle.
- D. No person shall purchase an emergency light as described in this Section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes. (RSMo. §304.022)

SECTION 310.070: SIRENS AND FLASHING LIGHTS EMERGENCY USE—PERSONS AUTHORIZED—VIOLATION—PENALTY

Motor vehicles and equipment, not otherwise defined in this Title as an authorized emergency vehicle, which are operated by any member of an organized Fire Department, ambulance association or rescue squad, whether paid or volunteer, may be operated on streets and highways in this City as an emergency vehicle under the provisions of Section 310.060 of this Chapter, while responding to a fire call or ambulance call or at the scene of a fire call or ambulance call and while using or sounding a warning siren and using or displaying thereon fixed, flashing or rotating blue lights, but sirens and blue lights shall be used only in bona fide emergencies. Permits for the operation of such vehicles equipped with sirens or blue lights shall be in writing and shall be issued and may be revoked by the Chief of an organized Fire Department, organized ambulance association or rescue squad and no person shall use or display a siren or rotating blue lights on a motor vehicle, fire, ambulance or rescue equipment without a valid permit authorizing the use. Permit to use a siren or lights as heretofore set out does not relieve the operator of the vehicle so equipped with complying with all other traffic laws and regulations. Violation of this Section constitutes an ordinance violation. (RSMo. §307.175, 2004)

SECTION 310.080: IMMEDIATE NOTICE OF ACCIDENT WITHIN CITY

The driver of a vehicle involved in an accident within the City 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 give or cause to be given notice of such accident to the Police Department as soon as reasonably possible. (RSMo. §300.110)

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. (RSMo. §300.115)

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. (RSMo. §300.120)

SECTION 310.110: LEAVING THE SCENE OF A MOTOR VEHICLE ACCIDENT

- A. A person commits the offense of leaving the scene of a motor vehicle accident when, being the operator or driver of a vehicle on the highways, streets or roads of the City or on any publicly or

privately owned parking lot or parking facility within the City 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 such privately owned parking lot or parking facility for the purpose of investigating an accident and performing all necessary duties regarding such accident. (RSMo. §577.060)

CHAPTER 315: TRAFFIC CONTROL DEVICES

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. (RSMo. §300.130)

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 Board of Aldermen 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. (RSMo. §300.135)

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. (RSMo. §300.140)

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. (RSMo. §300.145)

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.
(RSMo. §300.150)

SECTION 315.060: TRAFFIC CONTROL SIGNAL LEGEND—RIGHT TURN ON RED LIGHT—WHEN

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. (RSMo. §300.155)

SECTION 315.070: PEDESTRIAN CONTROL SIGNALS

Whenever special pedestrian control signals exhibiting the words "*Walk*" or "*Don't Walk*" or appropriate symbols 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. (RSMo. §300.160)

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.

- B. This Section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in Section 335.090 of this Title. (RSMo. §300.165)

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. (RSMo. §300.170)

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 railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal. (RSMo. §300.175)

SECTION 315.110: INTERFERENCE WITH OFFICIAL TRAFFIC CONTROL DEVICES OR RAILROAD SIGNS OR SIGNALS

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down or remove any official traffic control device or any railroad sign or signal or any inscription, shield or insignia thereon or any other part thereof. (RSMo. §300.180)

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. (RSMo. §300.185)

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. (RSMo. §300.190)

SECTION 315.140: CITY TRAFFIC ENGINEER TO DESIGNATE CROSSWALKS AND ESTABLISH SAFETY ZONES

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. (RSMo. §300.195)

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. (RSMo. §300.200)

CHAPTER 320: SPEED REGULATIONS

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. (RSMo. §300.205)

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. (RSMo. §300.210)

SECTION 320.030: GENERAL SPEED LIMIT

Except where otherwise provided by signs erected pursuant to duly passed and approved ordinances, no person shall operate a vehicle on any street in the City in excess of thirty (30) miles per hour. (CC 1994 Sch. I)

SECTION 320.040: SLOW SPEED—REGULATIONS

No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law. Peace Officers may enforce the provisions of this Section by directions to drivers, and in the event of apparent willful disobedience to this provision and refusal to comply with direction of an officer in accordance herewith, the continued slow operation by a driver is an ordinance violation. (RSMo. §304.011)

SECTION 320.050: SPECIAL SPEED LIMITS ON ROADWAYS

No person shall operate a motor vehicle upon those portions of the roadways which are set forth and described in Schedule I at a rate of speed in excess of that speed limit set for such portions of the roadways by said Schedule.

CHAPTER 325: TURNING MOVEMENTS

SECTION 325.010: REQUIRED POSITION AND METHOD OF TURNING AT INTERSECTION

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, except where multiple turn lanes have been established.
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, except where multiple turn lanes have been established.
4. *Designated two-way left turn lanes.* Where a special lane for making left turns by drivers proceeding in opposite directions have been indicated by official traffic control devices:
 - a. A left turn shall not be made from any other lane;
 - b. A vehicle shall not be driven in the lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U-turn when otherwise permitted by law; and
 - c. A vehicle shall not be driven in the lane for a distance more than five hundred (500) feet. (RSMo. §300.215)

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. (RSMo. §300.220)

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. (RSMo. §300.225)

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. (RSMo. §300.230)

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. (RSMo. §300.235)

CHAPTER 330: ONE-WAY STREETS AND ALLEYS

SECTION 330.010: AUTHORITY TO DESIGNATE ONE-WAY STREETS AND ALLEYS

- A. For purposes of traffic safety and the control of traffic flow, the City shall have authority, by ordinance, to designate all or parts of certain streets and alleys as one-way.
- B. Whenever any ordinance of the City designates any street or alley as one-way, either in part or whole, the City shall be responsible to purchase, place and maintain signage adequate to notify the public of the prohibited and/or lawful direction of traffic flow at each affected intersection and may provide additional signage between intersections of right-of-way adequate to notify the public of the prohibited and/or lawful direction of traffic flow. Such one-way designation shall not become effective until all required signage is in place. (CC 1994 §330.010; Ord. No. 700-1 §1, 4-26-10)

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. (RSMo. §300.245)

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. (RSMo. §300.250)

CHAPTER 335: STOP AND YIELD INTERSECTIONS, RAILROAD CROSSINGS

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 335.090. (RSMo. §300.255)

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. (RSMo. §300.260)

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. (RSMo. §300.265)

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. (RSMo. §300.270)

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. (RSMo. §300.275)

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. (RSMo. §300.280)

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. (RSMo. §300.285)

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. (RSMo. §300.290)

SECTION 335.090: OBEDIENCE TO SIGNAL INDICATING APPROACH OF TRAIN

- A. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this Section, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed until he/she can do so safely. The foregoing requirements shall apply when:
1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
 2. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train; or
 3. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.
- B. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

- C. No person shall drive a vehicle through a railroad crossing when there is not sufficient space to drive completely through the crossing.
- D. No person shall drive a vehicle through a railroad crossing unless such vehicle has sufficient undercarriage clearance necessary to prevent the undercarriage of the vehicle from contacting the railroad crossing.
- E. Every commercial motor vehicle as defined in Section 302.700, RSMo., shall, upon approaching a railroad grade crossing, be driven at a rate of speed which will permit said commercial motor vehicle to be stopped before reaching the nearest rail of such crossing and shall not be driven upon or over such crossing until due caution has been taken to ascertain that the course is clear. This Section does not apply to vehicles which are required to stop at railroad crossings pursuant to Section 304.030, RSMo. (RSMo. §§300.295, 304.035, 2004)

SECTION 335.100: SHORT CUTTING TRAFFIC PROHIBITED

No driver shall operate a motor vehicle on any private lot, road, driveway, parking lot or any area which is not a public right-of-way for the purpose of avoiding travel upon the right-of-way at an intersection involving one (1) or more rights-of-way. (Ord. No. 539 §335.100, 9-15-03)

CHAPTER 340: MISCELLANEOUS DRIVING RULES

SECTION 340.010: FOLLOWING EMERGENCY VEHICLE PROHIBITED

The driver of any vehicle other than one on official business shall not follow any emergency vehicle traveling in response to an emergency call 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. (RSMo. §300.300)

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. (RSMo. §300.305)

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). (RSMo. §§194.500—194.512)

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. (RSMo. §300.315)

SECTION 340.050: 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. (RSMo. §300.325)

SECTION 340.060: VEHICLE SHALL NOT BE DRIVEN ON A SIDEWALK—PROHIBITION ON OBSTRUCTION OF BICYCLE LANES—DRIVERS TO YIELD TO BICYCLES IN DESIGNATED BICYCLE LANES

The driver of a motor vehicle shall not drive within any sidewalk area except on a permanent or temporary driveway. A designated bicycle lane shall not be obstructed by a parked or standing motor vehicle or other stationary object. A motor vehicle may be driven in a designated bicycle lane only for the purpose of a lawful maneuver to cross the lane or to provide for safe travel. In making an otherwise lawful maneuver that requires traveling in or crossing a designated bicycle lane, the

driver of a motor vehicle shall yield to any bicycle in the lane. As used in this Section, the term "*designated bicycle lane*" shall mean a portion of the roadway or highway that has been designated by the Governing Body having jurisdiction over such roadway or highway by striping with signing or striping with pavement markings for the preferential or exclusive use of bicycles. (RSMo. §300.330, 2005)

SECTION 340.070: 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. (RSMo. §300.335)

SECTION 340.080: 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. (RSMo. §300.340)

SECTION 340.090: RIDING ON MOTORCYCLES—ADDITIONAL PASSENGER—REQUIREMENTS

- 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. (RSMo. §300.345)

SECTION 340.100: 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. (RSMo. §300.347)

SECTION 340.110: ALL-TERRAIN VEHICLES—PROHIBITED—EXCEPTIONS—OPERATION UNDER AN EXCEPTION—PROHIBITED USES—PENALTY

- A. No person shall operate an all-terrain vehicle, as defined in Section 300.010, 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; or
 2. All-terrain vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation.
- 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 license issued by a State authorizing such person to operate a motor vehicle 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. (RSMo. §300.348)

**SECTION 340.115: UTILITY VEHICLES, OPERATION ON HIGHWAY AND IN STREAMS
OR RIVERS PROHIBITED—EXCEPTIONS—PASSENGERS
PROHIBITED—VIOLATIONS, PENALTY**

- A. No person shall operate a utility vehicle, as defined in Section 300.010 of this Title, upon the highways of this City or State, except as follows:
1. Utility vehicles owned and operated by a governmental entity for official use;
 2. Utility vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation, unless equipped with proper lighting;
 3. Utility vehicles operated by handicapped persons for short distances occasionally only on the State's secondary roads when operated between the hours of sunrise and sunset;

4. The City may issue special permits for utility vehicles to be used on highways within the City limits by licensed drivers. Fees of fifteen dollars (\$15.00) may be collected and retained by the City for such permits.
- B. No person shall operate a utility vehicle within any stream or river in this City or State, except that utility vehicles may be operated within waterways which flow within the boundaries of land which a utility vehicle operator owns, or for agricultural purposes within the boundaries of land which a utility vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this City or State at such road crossings as are customary or part of the highway system. All Law Enforcement Officials shall enforce the provisions of this Subsection within the geographic area of their jurisdiction.
- C. A person operating a utility vehicle on a highway pursuant to an exception covered in this Section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle under Subparagraph (3) of Subsection (A) of this Section 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 forty-five (45) miles per hour.
- D. No persons shall operate a utility vehicle:
 1. In any careless way so as to endanger the person or property of another; or
 2. While under the influence of alcohol or any controlled substance.
- E. No operator of a utility vehicle shall carry a passenger, except for agricultural purposes. The provisions of this Subsection shall not apply to any utility vehicle in which the seat of such vehicle is designed to carry more than one (1) person.
- F. A violation of this Section shall be an ordinance violation. (RSMo. §304.032)

SECTION 340.120: RIDING BICYCLES, SLEDS, ROLLER SKATES BY ATTACHING TO ANOTHER VEHICLE PROHIBITED—PULLING A RIDER BEHIND 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. Neither shall the driver of a vehicle knowingly pull a rider behind a vehicle. (RSMo. §300.350)

SECTION 340.130: 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. (RSMo. §300.355)

SECTION 340.140: RAILROAD TRAINS NOT TO BLOCK STREETS

It shall be unlawful for the directing officer or the operator of any railroad train to direct the operation of or to operate the same in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than five (5) minutes; provided that this Section shall not apply to a moving train or to one stopped because of an emergency or for repairs necessary before it can proceed safely. (RSMo. §300.360)

SECTION 340.150: DRIVING THROUGH SAFETY ZONE PROHIBITED

No vehicle shall at any time be driven through or within a safety zone. (RSMo. §300.365)

SECTION 340.160: MANNER OF OPERATION OF MOTOR VEHICLES—CAREFUL AND PRUDENT

Every person operating a motor vehicle on the highways of this City shall drive the vehicle in a careful and prudent manner and at a rate of speed so as not to endanger the property of another or the life or limb of any person and shall exercise the highest degree of care. (RSMo. §304.012)

SECTION 340.170: DRIVING TO THE RIGHT

- A. Upon all public roads or highways of sufficient width, a vehicle shall be driven upon the right-half of the roadway, except as follows:
1. When overtaking and passing another vehicle proceeding in the same direction pursuant to the rules governing such movement;
 2. When placing a vehicle in position for and when such vehicle is lawfully making a left turn in compliance with the provisions of this Title;
 3. When the right-half of a roadway is closed to traffic while under construction or repair; or
 4. Upon a roadway designated by local ordinance as a one-way street and marked or signed for one-way traffic.
- B. It is unlawful to drive any vehicle upon any highway or road which has been divided into two (2) or more roadways by means of a physical barrier or by means of a dividing section or delineated by curbs, lines or other markings on the roadway except to the right of such barrier or dividing section or to make any left turn or semi-circular or U-turn on any such divided highway, except at an intersection or interchange or at any signed location designated by the State Highways and Transportation Commission or the Department of Transportation. The provisions of this Subsection shall not apply to emergency vehicles, law enforcement vehicles or to vehicles owned by the Commission or the Department.
- C. Whenever any roadway has been divided into three (3) or more clearly marked lanes for traffic, the following rules in addition to all other consistent herewith shall apply:
1. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
 2. Upon a roadway which is divided into three (3) lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway ahead is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.
 3. Upon all highways any vehicle proceeding at less than the normal speed of traffic thereon shall be driven in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb, except as otherwise provided in Sections 304.014 to 304.026, RSMo.

4. Official signs may be erected by the State Highways and Transportation Commission or the Highway Patrol may place temporary signs directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign.
 5. Drivers of vehicles proceeding in opposite directions shall pass each other to the right and, except when a roadway has been divided into traffic lanes, each driver shall give to the other at least one-half (½) of the main traveled portion of the roadway whenever possible.
- D. All vehicles in motion upon a highway having two (2) or more lanes of traffic proceeding in the same direction shall be driven in the right-hand lane except when overtaking and passing another vehicle or when preparing to make a proper left turn or when otherwise directed by traffic markings, signs or signals.
- E. All trucks registered for a gross weight of more than forty-eight thousand (48,000) pounds shall not be driven in the far left-hand lane upon all interstate highways, freeways or expressways within urbanized areas of the State having three (3) or more lanes of traffic proceeding in the same direction. This restriction shall not apply when:
1. It is necessary for the operator of the truck to follow traffic control devices that direct use of a lane other than the right lane; or
 2. The right-half of a roadway is closed to traffic while under construction or repair.
- F. As used in Subsection (E) of this Section, "*truck*" means any vehicle, machine, tractor, trailer or semitrailer, or any combination thereof, propelled or drawn by mechanical power and designed for or used in the transportation of property upon the highways. The term "*truck*" also includes a commercial motor vehicle as defined in Section 300.010 of this Title. (RSMo. §304.015, 2008)

SECTION 340.180: PASSING REGULATIONS

- 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; and
 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 and shall not increase the speed of such driver's 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 making or about to make a left turn;
 2. Upon a City street with unobstructed pavement of sufficient width for two (2) or more lanes of vehicles in each direction; or
 3. Upon a one-way street.

The driver of a motor vehicle may overtake and pass another vehicle upon the right only under the

foregoing conditions when such movement may be made in safety. In no event shall such movement be made by driving off the paved or main traveled portion of the roadway. 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. Except when a roadway has been divided into three (3) traffic lanes, no vehicle shall be driven to the left side of the centerline of a highway or public road in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.
- D. 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 highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.
 - 2. When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct, tunnel or when approaching within one hundred (100) feet of or at any intersection or railroad grade crossing. (RSMo. §304.016)

SECTION 340.190: HAND AND MECHANICAL SIGNALS

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 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 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. (RSMo. §304.019)

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. (RSMo. §304.050)

SECTION 340.210: RIGHT-OF-WAY AT INTERSECTION—SIGNS AT INTERSECTIONS

- A. The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway, provided however, there is no form of traffic control at such intersection.
- B. When two (2) vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of the vehicle on the right. This Subsection shall not apply to vehicles approaching each other from opposite directions when the driver of one (1) of such vehicles is attempting to or is making a left turn.
- C. The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.
- D. The driver of a vehicle intending to make a left turn into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction when the making of such left turn would create a traffic hazard.
- E. The City may, on any section of road where construction or major maintenance operations are being effected, fix a speed limit in such areas by posting of appropriate signs, and the operation of a motor vehicle in excess of such speed limit in the area so posted shall be deemed prima facie evidence of careless and imprudent driving and a violation of Section 340.160. (RSMo. §304.351, 2006)

State Law Reference—This Section has additional penalties based on certain circumstances, §304.351, RSMo.

SECTION 340.220: DISTANCE AT WHICH VEHICLE MUST FOLLOW

The driver of a vehicle shall not follow another vehicle more closely than is reasonably safe and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the roadway. Vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated, except in a funeral procession or in a duly authorized parade, so as to allow sufficient space between each such vehicle or combination of vehicles as to enable any other vehicle to overtake or pass such vehicles in safety. This Section shall in no manner affect Section 304.044, RSMo., relating to distance between trucks traveling on the highway. (RSMo. §304.017)

SECTION 340.230: RIDING ON HANDLEBARS PROHIBITED

It shall be unlawful for the operator of any bicycle or motorcycle, when upon the street, to carry any

other person upon the handlebar, frame or tank of any such vehicle or for any person to so ride upon any such vehicle. (CC 1994 §340.107; Ord. No. 176 §45, 11-11-49)

SECTION 340.240: VEHICLE WATCHERS

It shall be unlawful for any person to solicit the privilege of watching or guarding a vehicle while parked on the streets of this City of Flordell Hills. (CC 1994 §340.170; Ord. No. 176 §17, 11-11-49)

SECTION 340.250: BOARDING OR ALIGHTING FROM MOVING VEHICLES

It shall be unlawful for any person to board or alight from any car or vehicle while such car or vehicle is in motion. (CC 1994 §340.180; Ord. No. 176 §20, 11-11-49)

SECTION 340.260: UNLAWFUL RIDING

It shall be unlawful for any person to ride on any streetcar or vehicle or any portion thereof not designed or intended for the use of passengers when the vehicle is in motion. This provision shall not apply to any employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in space intended for merchandise. (CC 1994 §340.190; Ord. No. 176 §21, 11-11-49)

SECTION 340.270: OBSTRUCTION TO OPERATOR'S VIEW OR DRIVING MECHANISM

- A. It shall be unlawful for the operator of any vehicle to drive the same when such vehicle is so loaded, or when there are in the front seat of such vehicle such number of persons as to obstruct the view of the operator to the front or sides or to interfere with the operator's control over the driving mechanism of the vehicle.
- B. It shall be unlawful for any passenger in a vehicle or streetcar to ride in such position as to interfere with the operator's view ahead or to the sides or to interfere with the operator's control over the driving mechanism of the vehicle. (CC 1994 §340.200; Ord. No. 176 §43, 11-11-49)

SECTION 340.280: TAMPERING WITH MOTOR VEHICLES

- A. No person shall drive, operate, use or tamper with a motor vehicle or trailer without the permission of the owner.
- B. No person shall, without the permission of the owner or person in charge thereof, climb upon or the horn or other sound-producing device thereon or attempt to manipulate any of the levers or set the machinery in motion.
- C. The provisions of this Section shall apply to any person employed by the owner of such motor vehicle as a chauffeur or registered operator if the said motor vehicle is driven or operated, used or tampered with without the owner's knowledge or expressed consent or in violation of his/her instructions.
- D. No person shall knowingly ride in a motor vehicle which has been stolen or is being used or operated without the consent or knowledge of the owner.

- E. No person shall remove or tamper with any gasoline tank or gasoline tank cap of any vehicle or remove any gasoline from any such tank without the consent or permission of the owner. (CC 1994 §340.250; Ord. No. 176 §61, 11-11-49)

SECTION 340.290: TEST DRIVING MOTOR VEHICLES PROHIBITED ON CERTAIN STREETS

- A. It shall be unlawful for any automotive dealer, manufacturer or repairer of automobiles to use the streets of Flordell Hills, other than Jennings and West Florissant, for test driving automobiles manufactured, modified, reconstructed, repaired or serviced by such dealer, manufacturer or repairer.
- B. An "*automobile*" is defined as any self-moving vehicle.
- C. Violators shall, upon conviction, be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each violation hereof. (CC 1994 §340.340; Ord. No. 405 §§1—3, 7-21-80)

SECTION 340.300: MOTOR VEHICLE LEFT UNATTENDED—BRAKES TO BE SET AND ENGINE STOPPED

No person having control or charge of a motor vehicle shall allow such vehicle to stand on street unattended without first setting the brakes thereon and stopping the motor of said vehicle, and when standing upon a percepting grade, without turning the wheels of such vehicle to the curb or the side of the road, so as to keep it from going into motion. (CC 1994 §340.350; Ord. No. 176 §47, 11-11-49)

CHAPTER 342: ALCOHOL-RELATED TRAFFIC OFFENSES

Cross Reference—As to reimbursement of certain costs related to arrest under this chapter, §125.320 of this code.

SECTION 342.010: DEFINITIONS

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

DRIVE, DRIVING, OPERATES OR OPERATING: Physically driving or operating a motor vehicle.

INTOXICATED CONDITION: A person is in an "*intoxicated condition*" when he/she is under the influence of alcohol, a controlled substance or drug, or any combination thereof.

LAW ENFORCEMENT OFFICER OR ARRESTING OFFICER: Includes the definition of Law Enforcement Officer in Subdivision (17) of Section 556.061, RSMo., and military Policemen conducting traffic enforcement operations on a Federal military installation under military jurisdiction in the State of Missouri. (RSMo. §577.001)

SECTION 342.020: DRIVING WHILE INTOXICATED

A person commits the offense of "*driving while intoxicated*" if he/she operates a motor vehicle while in an intoxicated or drugged condition. No person convicted of or pleading guilty to the offense of driving while intoxicated shall be granted a suspended imposition of sentence for such offense, unless such person shall be placed on probation for a minimum of two (2) years. (RSMo. §577.010)

SECTION 342.030: DRIVING WITH EXCESSIVE BLOOD ALCOHOL CONTENT

- A. A person commits the offense of "*driving with excessive blood alcohol content*" if such person operates a motor vehicle 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. (RSMo. §577.012)

SECTION 342.040: ~~CHEMICAL TEST FOR ALCOHOL CONTENT—CONSENT IMPLIED—ADMINISTERED—WHEN—HOW—VIDEOTAPING OF CHEMICAL OR FIELD SOBRIETY TEST ADMISSIBLE EVIDENCE~~

- A. This Section and Section 577.021, RSMo., shall be known as the Alan Woods Law.
- B. Any person who operates a motor vehicle upon the public highways of this City shall be deemed to have given consent to, subject to the provisions of 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 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 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;
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;
5. If the person, while operating a motor vehicle, has been involved in a motor vehicle collision which resulted in a fatality or a readily apparent serious physical injury as defined in Section 565.002, RSMo., and has been arrested as evidenced by the issuance of a uniform traffic ticket for the violation of any State law or County or municipal ordinance with the exception of equipment violations contained in Chapter 307, RSMo., or similar provisions contained in County or municipal ordinances; or
6. If the person, while operating a motor vehicle, has been involved in a motor vehicle collision which resulted in a fatality or serious physical injury as defined in Section 565.002, RSMo.

The test shall be administered at the direction of the Law Enforcement Officer whenever the person has been arrested or stopped for any reason.

- C. The implied consent to submit to the chemical tests listed in Subsection (B) of this Section shall be limited to not more than two (2) such tests arising from the same arrest, incident or charge.
- D. 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.
- E. 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.
- F. Upon the request of the person who is tested, full information concerning the test shall be made available to such person. Full information is limited to the following:
 1. The type of test administered and the procedures followed;
 2. The time of the collection of the blood or breath sample or urine analyzed;

3. The numerical results of the test indicating the alcohol content of the blood and breath and urine;
4. The type and status of any permit which was held by the person who performed the test;
5. If the test was administered by means of a breath testing instrument, the date of performance of the most recent required maintenance of such instrument.

Full information does not include manuals, schematics or software of the instrument used to test the person or any other material that is not in the actual possession of the State. Additionally, full information does not include information in the possession of the manufacturer of the test instrument.

- G. Any person given a chemical test of the person's breath pursuant to Subsection (B) 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. (RSMo. §577.020, 2006)

SECTION 342.050: CONSUMPTION OF ALCOHOLIC BEVERAGES IN MOVING MOTOR VEHICLE—PROHIBITED WHEN

- A. No person shall consume any alcoholic beverage while operating a moving motor vehicle upon the highways.
- B. Any person found guilty of violating the provisions of this Section is guilty of an ordinance violation.
- C. Any ordinance violation under this Section shall not reflect on any records with the Department of Revenue. (RSMo. §577.017)

CHAPTER 345: PEDESTRIANS' RIGHTS AND DUTIES

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. (RSMo. §300.370)

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. (RSMo. §300.375)

SECTION 345.030: PEDESTRIANS TO USE RIGHT-HALF OF CROSSWALKS

Pedestrians shall move, whenever practicable, upon the right-half of crosswalks.
(RSMo. §300.380)

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. (RSMo. §300.385)

SECTION 345.050: WHEN PEDESTRIAN SHALL YIELD

- A. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
- B. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.
- C. The foregoing rules in this Section have no application under the conditions stated in Section 345.060 when pedestrians are prohibited from crossing at certain designated places. (RSMo. §300.390)

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. (RSMo. §300.395)

SECTION 345.070: OBEDIENCE OF PEDESTRIANS TO RAILROAD SIGNALS

No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge when such gate or barrier is closed or is being opened or closed. (RSMo. §300.400.2)

SECTION 345.080: PEDESTRIANS WALKING ALONG ROADWAYS

- A. Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.
- B. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction. (RSMo. §300.405)

SECTION 345.085: PEDESTRIANS SOLICITING RIDES

It shall be unlawful for any person to stand in a roadway for the purpose of soliciting a ride from the operator of any private vehicle. (CC 1994 §340.160; Ord. No. 176 §16, 11-11-49)

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. (RSMo. §300.410)

SECTION 345.100: DISTANCE TO BE MAINTAINED WHEN OVERTAKING A BICYCLE

The operator of a motor vehicle overtaking a bicycle proceeding in the same direction on the roadway, as defined in Section 300.010, shall leave a safe distance when passing the bicycle and shall maintain clearance until safely past the overtaken bicycle. (RSMo. §300.411, 2005)

CHAPTER 350: METHOD OF PARKING

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. (RSMo. §300.415)

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. (RSMo. §300.420)

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. (RSMo. §300.425)

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. (RSMo. §300.430)

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 ($\frac{1}{2}$) hour after sunset and a half ($\frac{1}{2}$) 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 ($\frac{1}{2}$) hour after sunset and a half ($\frac{1}{2}$) 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. (RSMo. §300.435)

**CHAPTER 355: STOPPING, STANDING OR PARKING PROHIBITED
IN SPECIFIED PLACES**

SECTION 355.010: STOPPING, STANDING OR PARKING PROHIBITED

- 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. On any railroad tracks; or
 - i. At any place where official signs prohibit stopping.
 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 thirty (30) feet of an intersection;
 - c. Within fifteen (15) feet of a fire hydrant;
 - d. Within twenty (20) feet of a crosswalk at an intersection;
 - e. Within thirty (30) feet upon the approach to any flashing signal, stop sign or traffic control signal located at the side of a roadway;
 - f. 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); or
 - g. At any place where official signs prohibit standing.

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. Within fifty (50) feet of the nearest rail of a railroad crossing; or
 - b. At any place where official signs prohibit parking.
- 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. (RSMo. §300.440)

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. (RSMo. §300.445)

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. (RSMo. §300.450)

SECTION 355.040: PARKING FOR CERTAIN PURPOSES PROHIBITED

No person shall park a vehicle upon any roadway for the principal purpose of:

1. Displaying such vehicle for sale; or
2. Repair such vehicle except repairs necessitated by an emergency. (RSMo. §300.455)

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. (RSMo. §300.460)

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. (RSMo. §300.465)

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.
(RSMo. §300.470)

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.
(RSMo. §300.475)

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. (RSMo. §300.480)

SECTION 355.100: PHYSICALLY DISABLED PARKING

- A. It shall be unlawful for any person to park or stand any vehicle in any stall or space designated or reserved for physically disabled persons, as defined in Section 301.142, RSMo., as amended, whether upon public or private property open to public use, unless the vehicle bears the State of Missouri license plate or placard for the disabled as provided for in Sections 301.071 or 301.142, RSMo., as amended. The space shall be indicated by an upright sign whether on a pole or attached to a building upon which shall be inscribed the international symbol of accessibility and may also include any appropriate wording to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card. The sign described in this Subsection shall also state, or an additional sign shall be posted below or adjacent to the sign stating, the following: "\$50 to \$300 fine".
- B. Any vehicle operator who is not physically disabled shall not use the handicapped parking space unless there is a physically disabled person in the vehicle or while the vehicle is being used to transport a physically disabled person.
- C. Any person convicted of violating this Section is guilty of an offense and shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00). Every day

upon which such violation occurs shall constitute a separate offense. (RSMo. §301.143)

SECTION 355.110: TRAILER COACHES—PROHIBITED PARKING WITHIN CITY LIMITS—DEFINITION—PENALTY

- A. It shall be unlawful, within the limits of the City of Flordell Hills, for any person to park any trailer coach of any kind on any street, alley, highway or other public place in the City.
- B. No person shall park, use or occupy, nor permit the parking, use or occupancy of any trailer coach upon the premises of any occupied dwelling or on any lot which is not a part of premises of any occupied dwelling in the City for more than twenty-four (24) hours.
- C. The term "*trailer coach*", as used in the Section, shall mean any vehicle used or maintained for use as a conveyance upon highways or City streets, so designated and so constructed as to permit occupancy thereof as a temporary dwelling or sleeping place for one (1) or more persons, having no other foundation than wheels or jacks.
- D. Any person violating the provisions of this Section shall upon conviction thereof be fined in a sum not exceeding one hundred dollars (\$100.00) and each day such violation continues shall constitute a separate offense. (CC 1994 §355.100; Ord. No. 293 §§1—4, 8-11-61)

CHAPTER 360: STOPPING FOR LOADING OR UNLOADING ONLY

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. (RSMo. §300.485)

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. (RSMo. §300.490)

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. (RSMo. §300.495)

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. (RSMo. §300.500)

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. (RSMo. §300.505)

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. (RSMo. §300.510)

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. (RSMo. §300.515)

**CHAPTER 365: STOPPING, STANDING OR PARKING RESTRICTED
OR PROHIBITED ON CERTAIN STREETS**

SECTION 365.010: APPLICATION OF CHAPTER

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. (RSMo. §300.520)

SECTION 365.020: REGULATIONS NOT EXCLUSIVE

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. (RSMo. §300.525)

SECTION 365.030: PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described by ordinance. (RSMo. §300.530)

SECTION 365.040: PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS

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. (RSMo. §300.535)

SECTION 365.050: STOPPING, STANDING OR PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS

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. (RSMo. §300.540)

SECTION 365.060: PARKING SIGNS REQUIRED

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. (RSMo. §300.545)

SECTION 365.070: COMMERCIAL VEHICLES PROHIBITED FROM USING CERTAIN STREETS

In cases where an equally direct and convenient alternate route is provided, an ordinance may describe and signs may be erected giving notice thereof that no persons shall operate any commercial vehicle upon streets or parts of streets so described except those commercial vehicles making deliveries thereon. (RSMo. §300.550)

SECTION 365.080: OFF-STREET PARKING

- A. *Off-Street Parking Permitted.* Off-street parking shall be permitted in Flordell Hills, Missouri, subject to the restrictions of this Section.
- B. *Off-Street Parking, Where.* Off-street parking shall be permitted only on paved surfaces which are part of or attached to driveways which include driveway access to an adjacent street.
- C. *Restrictions On Trailers And Non-Self Powered Vehicles.* No trailer, loaded or unloaded, and no vehicle which is not self powered shall be parked off the street in such manner that any part thereof, or the contents thereof, extends forward of the front building line of the property on which it is parked.
- D. *Storage Of Non-Operable And Non-Movable Vehicles Prohibited.* Automobiles which are non-operable and vehicles which are not readily movable upon the occurrence of any fire or other similar emergency shall not be stored out-of-doors off of the streets for any periods in excess of seventy-two (72) hours and may be stored out-of-doors for such seventy-two (72) hour period only while repairs are actively being made thereupon.
- E. *Penalties.* Any person who is convicted of any violation of any of the provisions of this Section shall upon such conviction be fined no less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) for each day that such violation occurs. (CC 1994 §365.080; Ord. No. 393, 9-18-78)

SECTION 365.090: OWNER PRIMA FACIE RESPONSIBLE FOR ILLEGAL PARKING

If any vehicle is found upon a street or highway in violation of any provision of this Title regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determined, the owner or person in whose name such vehicle is registered shall be prima facie responsible for such violation. (CC 1994 §365.090; Ord. No. 176 §68, 11-11-49)

CHAPTER 370: VEHICLE EQUIPMENT

ARTICLE I. LIGHT REGULATIONS

SECTION 370.010: WHEN LIGHTS REQUIRED

- 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. Lighted lamps shall also be required any time the weather conditions require usage of the motor vehicle's windshield wipers to operate the vehicle in a careful and prudent manner as defined in Section 304.012, RSMo. The provisions of this Section shall be interpreted to require lighted lamps during periods of fog even if usage of the windshield wipers is not necessary to operate the vehicle in a careful and prudent manner.
- B. *When Lights Required—Violation—Penalty.*
1. 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.
 2. Notwithstanding the provisions of Section 307.120, RSMo., or any other provision of law, violation of this Section shall be deemed an ordinance violation and any person who violates this Section as it relates to violations of the usage of lighted lamps required due to weather conditions or fog shall only be fined ten dollars (\$10.00) and no court costs shall be assessed. (RSMo. §§307.020.9, 307.040, 2004)

SECTION 370.020: 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. (RSMo. §307.045)

SECTION 370.030: MULTIPLE-BEAM HEADLAMPS—ARRANGEMENT

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. (RSMo. §307.060)

SECTION 370.040: 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. (RSMo. §307.070)

SECTION 370.050: 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 ordinance violation. (RSMo. §307.075)

SECTION 370.060: 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. (RSMo. §307.080)

SECTION 370.070: 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. (RSMo. §307.085)

SECTION 370.080: SPOTLAMPS

Any motor vehicle may be equipped with not to exceed one (1) spotlight but every lighted spotlight shall be so aimed and used so as not to be dazzling or glaring to any person. (RSMo. §307.090, 2009)

SECTION 370.090: COLORS OF VARIOUS LAMPS—RESTRICTION OF RED LIGHTS

Headlamps, when lighted, shall exhibit lights substantially white in color; auxiliary lamps, cowlamps 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. (RSMo. §307.095)

SECTION 370.100: 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 300.010 of this Title and on buses owned or operated by churches, mosques, synagogues, temples or other houses of worship and on commercial passenger transport vehicles or railroad passenger cars that are stopped to load or unload passengers, but are prohibited on other motor vehicles, motorcycles and motor-drawn vehicles except as a means for indicating a right or left turn. (RSMo. §307.100, 2004)

SECTION 370.110: 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 spotlight 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. (RSMo. §307.105)

SECTION 370.120: 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. (RSMo. §307.115)

SECTION 370.130: ANIMAL-DRIVEN VEHICLES—LIGHTING REQUIREMENTS—PENALTY

- A. 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.
- B. 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.
- C. Any person operating an animal-driven vehicle during the hours between sunset and one-half (½) hour before sunrise may, in lieu of the requirements of Subsection (B) of this Section, use lamps or lanterns complying with the rules promulgated by the Director of the Department of Public Safety.
- D. Any person violating the provisions of this Section shall be guilty of an ordinance violation. (RSMo. §307.125, 2004, 2009)

ARTICLE II. OTHER VEHICLE EQUIPMENT

SECTION 370.140: 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. (RSMo. §307.170)

**SECTION 370.150: 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 law. (RSMo. §307.010, 2010)

SECTION 370.160: SEAT BELTS

- 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. No person shall be stopped, inspected or detained solely to determine compliance with this Subsection. The provisions of this Section and Section 370.170 of this Chapter 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. The provisions of this Subsection shall not apply to the transporting of children under sixteen (16) years of age as provided in Section 370.170 of this Chapter.
- D. Each driver of a motor vehicle transporting a child less than sixteen (16) years of age shall secure the child in a properly adjusted and fastened restraint under Section 370.170 of this Chapter.
- E. Except as otherwise provided for in Section 370.170 of this Chapter, each person found guilty of violating the provisions of Subsection (B) of this Section is guilty of an ordinance violation 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.
- F. If there are more persons than there are seat belts in the enclosed area of a motor vehicle, then the passengers who are unable to wear seat belts shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front-seated area. The passenger or passengers occupying a seat location referred to in this Subsection is not in violation of this Section.

This Subsection shall not apply to passengers who are accompanying a driver of a motor vehicle who is licensed under Section 302.178, RSMo. (RSMo. §307.178, 2006)

**SECTION 370.170: TRANSPORTING CHILDREN UNDER SIXTEEN YEARS OF AGE—
RESTRAINT SYSTEMS**

A. As used in this Section, the following terms shall have these prescribed meanings:

CHILD BOOSTER SEAT: A seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, 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. 571.213, 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.

DRIVER: A person who is in actual physical control of a motor vehicle.

B. Every driver 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 than 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 appropriate 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 this 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.

C. Any driver who violates Subdivisions (1), (2) or (3) of Subsection (B) herein is guilty of an ordinance violation and upon conviction may be punished by a fine of not more than fifty dollars

(\$50.00) and court costs. Any driver who violates Subdivision (4) of Subsection (B) herein is guilty of an ordinance violation and, upon conviction, may be punished by a fine of not more than fifty dollars (\$50.00) and court costs. Any driver who violates Subdivision (4) of Subsection (B) herein shall be subject to the penalty in Subsection (E) of Section 370.160 of this Chapter. If a driver receives a citation for violating Subdivisions (1), (2) or (3) of Subsection (B) herein, the charges shall be dismissed or withdrawn if the driver prior to or at his/her hearing provides evidence of acquisition of a child passenger restraint system or child booster seat which is satisfactory to the court or the party responsible for prosecuting the driver's citation.

- D. The provisions of this Section shall not apply to any public carrier for hire. The provisions of this Section shall not apply to students four (4) years of age or older who are passengers on a school bus designed for carrying eleven (11) passengers or more and which is manufactured or equipped pursuant to Missouri Minimum Standards for School Buses as school buses are defined in Section 301.010, RSMo. (RSMo. §307.179, 2006)

SECTION 370.180: VISION-REDUCING MATERIAL APPLIED TO WINDSHIELD OR WINDOWS WITHOUT PERMIT PROHIBITED—PENALTY—RULES—PROCEDURE

- A. Any person may operate a motor vehicle with front sidewing vents or windows located immediately to the left and right of the driver that have 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%). Except as provided in Subsection (C) of this Section, any sun-screening device applied to front sidewing vents or windows located immediately to the left and right of the driver in excess of the requirements of this Section shall be prohibited without a permit pursuant to a physician's prescription as described below. A permit to operate a motor vehicle with front sidewing vents or windows located immediately to the left and right of the driver that have a sun-screening device, in conjunction with safety glazing material, which permits less light transmission and luminous reflectance than allowed under the requirements of this Subsection may be issued by the Department of Public Safety to a person having a serious medical condition which requires the use of a sun-screening device if the permittee's physician prescribes its use. The Director of the Department of Public Safety shall promulgate rules and regulations for the issuance of the permit. The permit shall allow operation of the vehicle by any title holder or relative within the second degree of consanguinity or affinity, which shall mean a spouse, each grandparent, parent, brother, sister, niece, nephew, aunt, uncle, child and grandchild of a person who resides in the household. Except as provided in Subsection (B) of this Section, all sun-screening devices applied to the windshield of a motor vehicle are prohibited.
- B. This Section shall not prohibit labels, stickers, decalcomania or informational signs on motor vehicles or the application of tinted or solar-screening material to recreational vehicles as defined in 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.
- C. Any vehicle licensed with a historical license plate shall be exempt from the requirements of this Section.
- D. Any person who violates the provisions of this Section is guilty of an ordinance violation. (RSMo. §307.173, 2009)

SECTION 370.190: 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 ordinance violation 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. (RSMo. §§302.020.2, 302.020.3)

SECTION 370.200: 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. (RSMo. §307.171)

SECTION 370.210: 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. (RSMo. §304.250)

SECTION 370.220: 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. (RSMo. §304.665)

SECTION 370.230: ALTERING PASSENGER MOTOR VEHICLE BY RAISING FRONT OR REAR OF VEHICLE PROHIBITED, WHEN—BUMPERS FRONT AND REAR REQUIRED, WHEN CERTAIN VEHICLES EXEMPT

- A. No person shall operate any passenger motor vehicle upon the public streets or highways of this City, the body of which has been altered in such a manner that the front or rear of the vehicle is raised at such an angle as to obstruct the vision of the operator of the street or highway in front or to the rear of the vehicle.
- B. Every motor vehicle which is licensed in this State and operated upon the public streets or highways of this City shall be equipped with front and rear bumpers if such vehicle was equipped with bumpers as standard equipment. This Subsection shall not apply to motor vehicles designed or modified primarily for off-highway purposes, while such vehicles are in tow, or to motorcycles or motor-driven cycles, or to motor vehicles registered as historic motor vehicles when the original design of such vehicles did not include bumpers nor shall the provisions of this Subsection prohibit

the use of drop bumpers. Maximum bumper heights of both the front and rear bumpers of motor vehicles shall be determined by weight category of gross vehicle weight rating (GVWR) measured from a level surface to the highest point of the bottom of the bumper when the vehicle is unloaded and the tires are inflated to the manufacturer's recommended pressure. Maximum bumper heights are as follows:

	Maximum front bumper height	Maximum rear bumper height
Motor vehicles except commercial motor vehicles	22 inches	22 inches
Commercial motor vehicles (GVWR) 4,500 lbs. and under	24 inches	26 inches
4,501 lbs. through 7,500 lbs.	27 inches	29 inches
7,501 lbs. through 9,000 lbs.	28 inches	30 inches
9,001 lbs. through 11,500 lbs.	29 inches	31 inches

- C. Any person knowingly violating the provisions of this Section is guilty of an ordinance violation. (RSMo. §307.172, 2004, 2009)

SECTION 375.240: ELECTRONIC MESSAGE DEVICES PROHIBITED ON VEHICLE—EXCEPTIONS—PENALTY

No motor vehicle or trailer shall be operated on a public highway of this State while equipped with any device which emits an electronic message directed to the front, side or rear of the exterior of the vehicle or trailer. For the purposes of this Section, the term "*message*" shall include words, phrases, sentences, numbers and other symbols or combinations thereof. This Section shall not prohibit the lawful use of a lamp which illuminates the rear registration marker as authorized under Section 370.050, or the use of a route indicator on a bus or other public transportation vehicle, or messages that display proper names of firms or corporations. Violations of this Section shall be an ordinance violation. (CC 1994 §385.100)

CHAPTER 375: BICYCLES AND MOTORIZED BICYCLES

SECTION 375.010: BICYCLE AND MOTORIZED BICYCLE—DEFINED

As used in this Chapter, the following terms shall mean:

BICYCLE: Every vehicle propelled solely by human power upon which any person may ride, having two (2) tandem wheels, or two (2) parallel wheels and one (1) or two (2) forward or rear wheels, all of which are more than fourteen (14) inches in diameter, except scooters and similar devices.

MOTORIZED BICYCLE: Any two- 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. A motorized bicycle shall be considered a motor vehicle for purposes of any homeowners' or renters' insurance policy. (RSMo. §307.180, 2005)

SECTION 375.020: BRAKES REQUIRED

Every bicycle and motorized bicycle shall be equipped with a brake or brakes which will enable its driver to stop the bicycle or motorized bicycle within twenty-five (25) feet from a speed of ten (10) miles per hour on dry, level, clean pavement. (RSMo. §307.183)

SECTION 375.030: LIGHTS AND REFLECTORS—WHEN REQUIRED—STANDARDS TO BE MET

Every bicycle and motorized bicycle when in use on a street or highway during the period from one-half (½) hour after sunset to one-half (½) hour before sunrise shall be equipped with the following:

1. A front-facing lamp on the front or carried by the rider which shall emit a white light visible at night under normal atmospheric conditions on a straight, level, unlighted roadway at five hundred (500) feet;
2. A rear-facing red reflector, at least two (2) square inches in reflective surface area, or a rear-facing red lamp on the rear which shall be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lower beams of vehicle headlights at six hundred (600) feet;
3. Reflective material and/or lights on any part of the bicyclist's pedals, crank arms, shoes or lower leg visible from the front and the rear at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at two hundred (200) feet; and
4. Reflective material and/or lights visible on each side of the bicycle or bicyclist and visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at three hundred (300) feet. The provisions of this Subsection shall not apply to motorized bicycles which comply with

National Highway Traffic and Safety Administration regulations relating to reflectors on motorized bicycles. (RSMo. §307.185)

SECTION 375.040: RIGHTS AND DUTIES OF BICYCLE AND MOTORIZED BICYCLE RIDERS

Every person riding a bicycle or motorized bicycle upon a street or highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle as provided by Chapter 304, RSMo., and this Title, except as to special regulations in this Chapter, and except as to those provisions of Chapter 304, RSMo., and this Title, which by their nature can have no application. (RSMo. §307.188)

SECTION 375.050: RIDING TO RIGHT—REQUIRED FOR BICYCLES AND MOTORIZED BICYCLES—MANDATORY USE OF BICYCLE PATH BY BICYCLES

Every person operating a bicycle or motorized bicycle at less than the posted speed or slower than the flow of traffic upon a street or highway shall ride as near to the right side of the roadway as safe, exercising due care when passing a standing vehicle or one proceeding in the same direction, except when making a left turn, when avoiding hazardous conditions, when the lane is too narrow to share with another vehicle, or when on a one-way street. Bicyclists may ride abreast when not impeding other vehicles. (RSMo. §307.190)

SECTION 375.060: BICYCLE TO OPERATE ON THE SHOULDER ADJACENT TO ROADWAY, WHEN—ROADWAY DEFINED

- A. A person operating a bicycle at less than the posted speed or slower than the flow of traffic upon a street or highway may operate as described in Section 375.050 of this Chapter or may operate on the shoulder adjacent to the roadway.
- B. A bicycle operated on a roadway, or the shoulder adjacent to a roadway, shall be operated in the same direction as vehicles are required to be driven upon the roadway.
- C. For purposes of this Section and Section 375.050, "roadway" means that portion of a street or highway ordinarily used for vehicular travel, exclusive of the berm or shoulder. (RSMo. §307.191, 2005)

SECTION 375.070: BICYCLE REQUIRED TO GIVE HAND OR MECHANICAL SIGNALS

The operator of a bicycle shall signal as required in Section 340.190 of this Title, except that a signal by the hand and arm need not be given continuously if the hand is needed to control or operate the bicycle. An operator of a bicycle intending to turn the bicycle to the right shall signal as indicated in Section 340.190 of this Title or by extending such operator's right arm in a horizontal position so that the same may be seen in front and in rear of the vehicle. (RSMo. §307.192, 2005)

SECTION 375.080: PENALTY FOR VIOLATION

Any person seventeen (17) years of age or older who violates any provision of this Chapter is guilty of an ordinance violation and, upon conviction thereof, shall be punished by a fine of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00). If any person under seventeen (17)

years of age violates any provision of this Chapter in the presence of a Police Officer, said officer may impound the bicycle or motorized bicycle involved for a period not to exceed five (5) days upon issuance of a receipt to the child riding it or to its owner. (RSMo. §307.193)

SECTION 375.090: MOTORIZED BICYCLES—LICENSE REQUIRED

- A. No person shall operate a motorized bicycle on any highways, streets or roads in this City unless the person has a valid license to operate a motor vehicle.
- B. No motorized bicycle may be operated on any public thoroughfare located within this City which has been designated as part of the Federal interstate highway system.
- C. Violation of this Section shall be deemed an ordinance violation. (RSMo. §307.195, 2010)

SECTION 375.100: EQUIPMENT REQUIRED

No person shall operate a motorized bicycle on any highways, streets or roads in this City unless it is equipped in accordance with the minimum requirements for construction and equipment of MOPEDS, Regulation VESC-17, approved July, 1977, as promulgated by the Vehicle Equipment Safety Commission. (RSMo. §307.196)

CHAPTER 380: LICENSING REQUIREMENTS

ARTICLE I. OPERATOR'S LICENSES

SECTION 380.010: DRIVING WHILE LICENSE SUSPENDED OR REVOKED

A person commits the offense of driving while revoked if such person operates a motor vehicle on a highway when such person's license or driving privilege has been canceled, suspended or revoked under the laws of this State or any other State and acts with criminal negligence with respect to knowledge of the fact that such person's driving privilege has been canceled, suspended or revoked. (RSMo. §302.321.1, 2005)

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

SECTION 380.020: OPERATION OF MOTOR VEHICLE WITHOUT PROPER LICENSE PROHIBITED—MOTORCYCLES—SPECIAL LICENSE

Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by Section 380.040, 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;
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. (RSMo. §§302.020.1, 302.720, 302.178)

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

SECTION 380.025: EFFECT OF REVOCATION—PENALTY

Any resident or non-resident whose license, right or privilege to operate a motor vehicle in this State has been suspended or revoked as provided in Sections 302.010—302.540, RSMo., shall not operate a motor vehicle in this State under a license, permit or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under Sections 302.010—302.540, RSMo. Violation of any provision of this Section is an ordinance violation and on conviction therefor a person shall be punished as prescribed by Section 302.321, RSMo. (RSMo. §302.200)

SECTION 380.030: PROHIBITED USES OF LICENSE

It shall be unlawful for any person to:

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. (RSMo. §§302.220, 302.301.3)

SECTION 380.040: EXEMPTIONS FROM LICENSE LAW

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.
(RSMo. §302.080)

ARTICLE II. VEHICLE LICENSING

SECTION 380.045: ANNUAL INSPECTIONS OF MOTOR VEHICLES

- A. The owner of every motor vehicle and the owner of every trailer required to submit such vehicle to an annual inspection of the mechanism and equipment in accordance with the provisions of Sections 307.350 to 307.390, RSMo., shall display a current and valid certificate of inspection and approval of such motor vehicle or trailer in the manner as prescribed by regulations established by the Superintendent of the Missouri State Highway Patrol.
- B. Any person who violates the provisions of this Section shall be subject to a fine not to exceed five hundred dollars (\$500.00) plus court costs. (CC 1994 §380.010; Ord. No. 452 §1, 8-20-90)

SECTION 380.050: 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 380.055: REGISTRATION OF MOTOR VEHICLES OPERATED FOR FIRST TIME IN STATE

Application for registration of a motor vehicle not previously registered in Missouri, operated for the first time on the public highways of this State, and previously registered in another State shall be made within thirty (30) days after the owner of such motor vehicle has become a resident of this State. (RSMo. §301.100)

SECTION 380.060: 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 or the State Highways and Transportation Commission and authorized by Section 301.140, RSMo. Each such plate shall be securely fastened to the motor vehicle or trailer 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 motor scooters 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 (3) 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. (RSMo. §301.130.5, 2004, 2007)

SECTION 380.070: 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. (RSMo. §301.320)

SECTION 380.080: 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 380.090: 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 applied for as provided in Section 301.190, RSMo. (RSMo. §301.190.7, 2007)

SECTION 380.100: 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. (RSMo. §301.210.4)

SECTION 380.110: 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, unless such possession is solely for charitable purposes; 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. (RSMo. §301.140.1, 2009)

SECTION 380.120: 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 proof of financial responsibility as required under Subsection (5) of Section 301.140, RSMo., and 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. (RSMo. §301.140.4, 2009)

SECTION 380.130: FALSE INFORMATION BY DEALER

No dealer shall advise any purchaser of a motor vehicle or trailer that such purchaser may drive such a motor vehicle or trailer without compliance with the foregoing license requirements.

ARTICLE III. FINANCIAL RESPONSIBILITY

SECTION 380.140: 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 registered, 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. No non-resident shall operate or permit another person to operate in this State a motor vehicle registered to such non-resident unless the non-resident maintains the financial responsibility which conforms to the requirements of the laws of the non-resident's State of residence. 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 or non-resident shall be in violation of this Subsection if he/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. A current 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/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. (RSMo. §§303.025 (2010), 303.160, 303.190)

**SECTION 380.150: DISPLAY OF FALSE EVIDENCE OF INSURANCE—PENALTY—
CONFISCATION OF FALSE EVIDENCE**

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 an ordinance violation. (RSMo. §303.178)

**SECTION 380.160: ALTERATION, PRODUCTION OR SALE OF INVALID INSURANCE
CARD**

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 an ordinance violation. (RSMo. §303.179)

ARTICLE IV. CITY LICENSE STICKERS

SECTION 380.170: LICENSING OF VEHICLES

- A. Every resident owner of a motor vehicle in the City of Flordell Hills, which shall be operated or driven upon the public streets of this City, shall obtain from the City Collector on or before the thirty-first (31st) day of December of each year a license to so operate or drive such motor vehicle, which license shall expire at Midnight on the thirty-first (31st) day of December of the following year. The license fee levied and collected on all motor vehicles, trailers, semi-trailers, motorcycles and motor scooters shall be three dollars fifty cents (\$3.50) per vehicle. The fee shall be payable upon application, provided that any such owner who acquires a motor vehicle after the thirtieth (30th) day of June or who becomes a resident of this City after the thirtieth (30th) day of June shall pay one-half (½) of the license fee for the remainder of the year applied for.
- B. Application for such license shall be made in writing to the City Collector upon a form provided by him/her, which form shall contain the date of an application, the make, style, year and motor number of the motor vehicle to be licensed and the name and address of the owner thereof. The owner shall exhibit to the Collector his/her certificate of ownership of the motor vehicle to be licensed and also his/her paid tax bill from the City of Flordell Hills showing that a personal property tax has been paid for the previous taxable year on the motor vehicle to be licensed. If the applicant is unable to produce such paid tax bill because of his/her failure to pay such tax, he/she shall forthwith pay the same or, if no assessment had been made on the motor vehicle in question, he/she shall apply to the St. Louis County Assessor for an assessment thereon and shall pay the tax due according to the assessment made together with interest and penalties before the motor vehicle license will be issued to him/her.
- C. Upon receipt of such application duly signed by the owner of such motor vehicle, the City Collector

shall issue to the applicant a transparent sticker license emblem, which emblem shall bear the name of the City of Flordell Hills, a serial number, the year and purpose for which it was issued and the issuing agent. It shall be the duty of the applicant to affix the emblem to the lower right-hand corner of the inside of the glass part of the windshield of the motor vehicle for which the same was issued, approximately one (1) inch from the right lower section of the frame of the windshield. No person shall drive, operate or cause to be driven or operated any motor vehicle, except a motorcycle, upon the streets of the City without the emblem being affixed to the windshield in the manner herein prescribed.

- D. In the event the owner of any motor vehicle, except a motorcycle, shall sell or dispose of the vehicle to the windshield of which has been affixed a license emblem, the owner shall destroy and remove the emblem before delivering or disposing of the vehicle.
- E. No motor vehicle license emblem shall be transferred to any other person, nor shall it be used for any vehicle other than the one for which it was issued.
- F. Whenever a license emblem has been lost or destroyed, or the owner shall sell or dispose of such vehicle and shall have destroyed the license emblem and desires to procure a new license emblem for the same or another vehicle, he/she shall deliver to the City Collector, under oath, satisfactory proof of its loss or destruction, and he/she shall produce his/her license receipt. Upon receipt of such proof, the Collector shall issue and deliver to the applicant a new license emblem.
- G. The applicant shall pay the sum of one dollar (\$1.00) for each new license emblem issued.
- H. The resident owner of any motor vehicle operated within the limits of the City of Flordell Hills who shall fail or refuse to comply with any of the provisions of this Section shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than one dollar (\$1.00) nor more than ten dollars (\$10.00) and each day that the violation shall so fail or refuse to comply with any of the provisions of this Article shall be considered a separate and distinct offense.
(CC 1994 §380.030; Ord. No. 248 §§1—8, 3-9-56)

CHAPTER 385: ABANDONED VEHICLES

SECTION 385.010: ABANDONED VEHICLES OR TRAILERS PROHIBITED

No person shall abandon any motor vehicle or trailer on the right-of-way of any public road or State highway as set out in Section 217.020 of this Code.

State Law Reference—For similar provisions, §577.080, RSMo.

SECTION 385.020: 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).

State Law Reference—For similar provisions, §304.151, RSMo.

SECTION 385.030: 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 interstate highway or freeway in an urbanized area of the City left unattended for ten (10) hours, or immediately if a Law Enforcement Officer determines that the abandoned property is a serious hazard to other motorists;
- b. Any interstate highway or freeway outside of an urbanized area of the City left unattended for twenty-four (24) hours, or after four (4) hours if a Law Enforcement Officer determines that the abandoned property is a serious hazard to other motorists;
- c. Any State highway, other than an interstate highway or freeway outside of an urbanized area, left unattended for more than twenty-four (24) hours;

provided that commercial motor vehicles referred to in Subsections (a—c) 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; or

- d. Any State highway, other than an interstate highway or freeway in an urbanized area, left unattended for more than ten (10) hours.

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 385.010 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 takes 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.
 8. Any abandoned property illegally left standing on the waters of this State as defined in Section 306.010, RSMo., where the abandoned property is obstructing the normal movement of traffic, or where the abandoned property has been unattended for more than ten (10) hours or is floating loose on the water.
 9. Any abandoned property for which the person operating such property or vehicle eludes arrest for an alleged offense for which the officer would have taken the offender into custody.
- 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.

State Law References—For similar provisions, §§304.155.1(2009), 304.155.3, RSMo.

SECTION 385.040: GENERAL PROVISIONS AND PROCEDURES

- A. *Payment Of Charges.* The owner of abandoned property removed as provided in this Chapter shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in Section 385.050.
- B. *Crime Inquiry And Inspection Report.* Upon the towing of any abandoned property pursuant to Section 385.030 or under authority of a Law Enforcement Officer or local governmental agency pursuant to Section 217.040, 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 tower who has online access to the Department of Revenue's records shall make an inquiry to determine the abandoned property owner and lienholder, if any, of record. In the event that the records of the Department of Revenue fail to disclose the name of the owner or any lienholder of

record, the tower shall comply with the requirements of Subsection (3) of Section 304.156, RSMo. If the tower does not have online access, 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 that does not have online access to the department's records and that is 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;
 9. The name of the towing company, the signature and printed name of the towing operator, and an indicator disclosing whether the tower has online access to the department's records; and
 10. 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 reposessor 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 Chapter 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 Chapter 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 Chapter 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 Chapter shall accept cash for payment of towing and storage by a registered owner or the owner's agent claiming the abandoned property.
- K. *Disposition Of Towed Property.* Notwithstanding the provisions of Section 301.227, RSMo., any towing company who has complied with the notification provisions in Section 304.156, RSMo., including notice that any property remaining unredeemed after thirty (30) days may be sold as scrap property, may then dispose of such property as provided in this Subsection. Such sale shall only occur if at least thirty (30) days have passed since the date of such notification, the abandoned property remains unredeemed with no satisfactory arrangements made with the towing company for continued storage, and the owner or holder of a security agreement has not requested a hearing as provided in Section 304.156, RSMo. The towing company may dispose of such abandoned property by selling the property on a bill of sale as prescribed by the Director of Revenue to a scrap metal operator or licensed salvage dealer for destruction purposes only. The towing company shall forward a copy of the bill of sale provided by the scrap metal operator or licensed salvage dealer to the Director of Revenue within two (2) weeks of the date of such sale. The towing company shall keep a record of each such vehicle sold for destruction for three (3) years that shall be available for inspection by law enforcement and authorized Department of Revenue officials. The record shall contain the year, make, identification number of the property, date of sale, and name of the purchasing scrap metal operator or licensed salvage dealer and copies of all notifications issued by the towing company as required in this Chapter. Scrap metal operators or licensed salvage dealers shall keep a record of the purchase of such property as provided in Section 301.227, RSMo. Scrap metal operators and licensed salvage dealers may obtain a junk certificate as provided in Section 301.227, RSMo., on vehicles purchased on a bill of sale pursuant to the Section.

State Law References—For similar provisions, §§304.155.5—6 (2004), 304.155.11—12(2004), 304.158.1, 304.158.5, 304.158.7, RSMo.

SECTION 385.050: 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 Chapter.
- 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 Chapter 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 100.220.
- 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 Chapter 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.

State Law References—For similar provisions, §§304.156.2, 304.158.6, 304.158.10, RSMo.

SECTION 385.060: 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.

State Law Reference—For similar provisions, §304.156, RSMo.

**CHAPTER 390: COMMERCIAL VEHICLES AND MOTOR CARRIERS—
SIZE AND WEIGHT REGULATIONS**

Cross Reference—As to when use of certain streets prohibited, §365.070 of this Title.

SECTION 390.010: RESTRICTIONS AS TO SIZE AND WEIGHT OF VEHICLES

- A. It shall be unlawful to operate on, over or across any street in this City any vehicle, the width of which, including load, is greater than ninety-six (96) inches, except clearance lights, rearview mirrors or other accessories required by Federal, State or City law or regulations, or the height of which, including load, is greater than fourteen (14) feet or the length of which, including load, is greater than forty (40) feet and no combination of such vehicles coupled together for a total or combined length including coupling in excess of sixty (60) feet shall be operated on said streets; and not to exceed two (2) vehicles shall be operated in combination. These restrictions as to length shall not apply to vehicles temporarily towing for repair purposes cars that have become disabled upon the street.
- B. It shall be unlawful for any person to drive or convey upon, over or across any public street, highway or other place in this City any engine, tractor, truck, wagon or vehicle of any kind that has a gross vehicle weight rating in excess of twenty-four thousand (24,000) pounds.
- C. It shall be unlawful to drive, convey or operate upon, over or across any improved public street or highway or other public place in this City any wagon, engine, tractor, truck or vehicle of any kind having in its wheels any clams, ridges, extensions, projections, bars, rods, curves, gutters or other contrivance that will cut or mash holes, gashes or crevices into the streets or otherwise tear up or injure or damage said streets or any part thereof.
- D. The Police Department may issue permits for the operation of vehicles exceeding the limits specified in Subsections (A) and (B) of this Section and for the operation of vehicles designated in Subsection (C) of this Section, said permit to specify the terms and conditions under which such vehicles may be operated and designate the street or streets over which such vehicles may be operated and the hours of the day between which such operation shall be permitted. Each applicant for a permit as herein provided shall first pay to the Collector a fee of one dollar (\$1.00), receipt for which shall be presented to the Police Department before such permit is issued.
- E. The Police Department shall have the right to post notices on each end of any bridge in this City stating the maximum load that may be permitted on such bridge, and whenever by reason of thawing of frost, or rains, or due to new construction or other reason any street in this City shall be in a soft condition, the maximum gross weights of any vehicles, including load, mentioned in this Section, including trucks, tractors, trailers, semitrailers and other vehicles therein mentioned to be operated on such street, may be limited by the Police Department in such manner as will preserve the street under such conditions; and Police Department shall give or cause to be given due notice thereof by posting notices at convenient and public places along and near such street subject to said regulations. It shall be unlawful for any person to fail to comply with the limitations or restrictions as to the use of such bridge or street as set forth in such notices.
- F. Any person violating the provisions of Subsections (A), (B), (C), (D) or (E) of this Section, whether operating under a permit or not, or who shall willfully or negligently damage a highway, street or bridge of this City 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; provided that such lien shall not be superior to any fully recorded or filed chattel,

mortgage or other lien previously attached to such vehicle; the amount of such damage may be recovered in an action in any court of competent jurisdiction in the name of the State to the use of the City of Flordell Hills. (CC 1994 §390.010; Ord. No. 176 §60, 11-11-49)

SECTION 390.020: PARKING REGULATIONS—PENALTY—EXCEPTION

- A. It is unlawful to park commercial vehicles and motor carriers in the City of Flordell Hills, Missouri.
- B. For the purposes of this Section, "*commercial vehicles*" are defined as vehicles having a load carrying capability of more than one (1) ton, and "*motor carriers*" are defined as trailers, tractor-trailers and flatbed vehicles having an aggregate length of twenty-two (22) feet or more when connected to a towing vehicle.
- C. Violators of Subsection (A) hereof shall be fined upon conviction at least one hundred dollars (\$100.00) but not more than five hundred dollars (\$500.00) for each violation.
- D. *Exceptions.* This Section shall not apply to any vehicle being used in connection with any construction or repair project being lawfully conducted within the City of Flordell Hills, or any vehicle engaged in making a delivery in Flordell Hills. (CC 1994 §390.020; Ord. No. 382 §§1—4, 3-21-77; Ord. No. 600, 7-18-05)

SECTION 390.030: USE OF STREETS RESTRICTED

- A. No tractor having a fifth-wheel or commercial type vehicle having a length of over twenty (20) feet shall be permitted on the streets of Flordell Hills except for local deliveries only.
- B. Upon conviction, the penalty for violating Subsection (A) shall be ten dollars (\$10.00) for the first (1st) offense, twenty dollars (\$20.00) for the second (2nd) offense and fifty dollars (\$50.00) for each additional offense. (CC 1994 §390.030; Ord. No. 408 §§1—2, 6-15-81)

SECTION 390.040: PROHIBITED PARKING

- A. Parking shall be prohibited on the following streets whenever snow or ice begins to fall until the snow or ice has been removed.

STREET	SIDE
Beldon	No parking 5700—5723 and 5601—5611 South side 5713—5759
Brandon	No parking on street
College	No parking on street
Gaylord	West
Glenboro	No parking on street
Greenhaven	No parking 7004—7041 No parking 7144—7152 North 7044—7141

STREET	SIDE
Lamont	South
Manette	South
Paisley	South
Ramsey	No parking on street
Seymour	South

- B. On each street designated by this Chapter as a snow route, the City shall post special signs at intervals indicating that a particular street is a snow route.
- C. Whenever any motor vehicle is parked in violation of this Section, such vehicle may be removed by the City or by a private towing company.
- D. Any person convicted of violation of this Section shall be punished by a fine of not more than five hundred dollars (\$500.00). (Ord. No. 620 §390.040, 10-27-08)

CHAPTER 393: TRAFFIC VIOLATIONS BUREAU

SECTION 393.005: ESTABLISHMENT

There is hereby established a Traffic Violations Bureau in the City of Flordell Hills to assist the Municipal Court with the clerical work of traffic violations. (CC 1994 §370.005; Ord. No. 460 §1, 5-20-91)

SECTION 393.010: 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 Traffic Violations Bureau shall have the option of paying such fine within the time specified in the notice of arrest at the Traffic 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 acknowledgment of conviction of the alleged offense, and the Bureau, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment thereof. (CC 1994 §370.010)

SECTION 393.020: DUTIES OF TRAFFIC VIOLATIONS BUREAU

The following duties are hereby imposed upon the Traffic Violations Bureau in reference to traffic offenses:

- 1. It shall accept designated fines, issue receipts, and represent in court such violators as are permitted and desire to plead guilty, waive court appearance and give power of attorney;
- 2. It shall receive and issue receipts for cash bail from the persons who must or wish to be heard in court, enter the time of their appearance on the court docket, and notify the arresting officer and witnesses, if any, to be present. (CC 1994 §370.020)

SECTION 393.030: TRAFFIC VIOLATIONS BUREAU TO KEEP RECORDS

The Traffic 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 Traffic Violations Bureau or the court and of the final disposition or present status of every case of violation of the provisions of said laws and ordinances. Such records shall be so maintained as to show all types of violations and the totals of each. Said records shall be public records. (CC 1994 §370.030)

SECTION 393.040: ADDITIONAL DUTIES OF TRAFFIC VIOLATIONS BUREAU

The Traffic 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. (CC 1994 §370.040)

SECTION 393.050: ESTABLISHMENT OF MINIMUM FINES

Fines for moving and non-moving violations shall be on file in the City Clerk's office. (CC 1994 §393.050; Ord. No. 460 §2, 5-20-91)

SECTION 393.060: DISPOSITION OF FINES AND FORFEITURES

All fines or forfeitures collected upon convictions or upon forfeitures of bail of any person charged with a violation of any of the provisions of this Title shall be paid into the City Treasury and deposited in the General Fund. (CC 1994 §370.060; Ord. No. 176 §69, 11-11-49)

SECTION 393.070: MOVING TRAFFIC VIOLATIONS, FAILURE TO PREPAY FINE OR APPEAR IN COURT, LICENSE SUSPENDED, PROCEDURE—REINSTATEMENT, WHEN

- A. *Definitions.* As used in this Section, the following terms shall have these prescribed meanings:

DIRECTOR: The Director of Revenue acting directly or through the Director's authorized officers and agents.

LICENSE: A license issued by a State to a person which authorizes a person to operate a motor vehicle.

MOVING VIOLATION: That character of traffic violation where at the time of violation the motor vehicle involved is in motion, except that the term does not include the driving of a motor vehicle without a valid motor vehicle registration license or violations of Sections 304.170 to 304.240, RSMo., inclusive, relating to sizes and weights of vehicles.

RECORD: Includes, but is not limited to, papers, documents, facsimile information, microphotographic process, electronically generated or electronically recorded information, digitized images deposited or filed with the Department of Revenue.

- B. If a Missouri resident charged with a moving traffic violation of this State or any County or municipality of this State fails to dispose of the charges of which the resident is accused through authorized prepayment of fine and court costs and fails to appear on the return date or at any subsequent date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed against the resident for any such violation within the period of time specified or in such installments as approved by the court or as otherwise provided by law, any court having jurisdiction over the charges shall within ten (10) days of the failure to comply inform the defendant by ordinary mail at the last address shown on the court records that the court will order the Director of Revenue to suspend the defendant's driving privileges if the charges are not disposed of and fully paid within thirty (30) days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the court shall notify the Director of Revenue of such failure and of the pending charges against the defendant. Upon receipt of this notification, the Director shall suspend the license of the driver, effective immediately, and provide notice of the suspension to the driver at the last address for the driver shown on the records of the Department of Revenue. Such suspension shall remain in effect until the court with the subject pending charge requests setting aside the non-compliance suspension pending final disposition, or satisfactory evidence of disposition of pending charges and payment of fine and court costs, if applicable, is furnished to the Director by the individual. Upon proof of disposition of charges and payment of fine and court costs, if applicable, and payment of the reinstatement fee as set forth in Section 302.304, RSMo., the Director shall return the license and remove the suspension

from the individual's driving record. The filing of financial responsibility with the Bureau of Safety Responsibility, Department of Revenue shall not be required as a condition of reinstatement of a driver's license suspended solely under the provisions of this Section. (Ord. No. 0222-2 §1, 2-22-10)

CHAPTER 395: PROCEDURE ON ARREST

SECTION 395.010: FORMS AND RECORDS OF TRAFFIC CITATIONS AND ARRESTS

- A. The City shall provide books containing uniform summons and complaints 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. (CC 1994 §375.010)

SECTION 395.020: 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 summons and complaint which shall be proceeded upon in accordance with Supreme Court Rule Number 37. (CC 1994 §375.020)

SECTION 395.030: UNIFORM SUMMONS AND COMPLAINTS 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 summons and complaint 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 uniform summons and complaint. (CC 1994 §375.030)

SECTION 395.040: 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 summons and complaint affixed to such motor vehicle within a period of five (5) days, the Traffic Violations Bureau shall send to the owner of the motor vehicle to which the uniform summons and complaint 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. (CC 1994 §375.040)

SCHEDULE I. SPEED LIMITS

The speed limit on any public street, except for emergency vehicles on emergency runs, in the City of Flordell Hills shall be thirty (30) miles per hour when properly posted, except on those streets listed below:

<i>Ord. No.</i>	<i>Location</i>	<i>Speed Limit</i>
176 §70, 48(c)	Congested districts, when signposted	20 mph
176 §70	College Avenue Jennings Road West Florissant Avenue	30 mph
292 §1	West Florissant Avenue between eastern and western boundaries of the City	35 mph
176 §48(d—f)	All City streets: A commercial motor vehicle having a rated live load capacity of more than 2 tons	20 mph

(CC 1994 Sch. I)

SCHEDULE II. PARKING RESTRICTIONS

Parking shall, on certain roads or streets or parts thereof, be prohibited or limited as described in this Schedule.

Table II-A. Prohibited Parking

<i>Ord. No.</i>	<i>Location</i>	<i>Hours/Days Prohibited</i>
176 §72	Brandon Drive, south side, between Gaylord Drive and Jennings Road	At all times
	Duryea Place, east and west side, within City boundaries	At all times
270 §1	Ramsey Drive, west side, between south curb line of West Florissant Avenue and north curb line of Manette Drive	At all times
289 §1	College Avenue, both sides, within 20 feet of West Florissant	At all times
	Strathmore Avenue, both sides, within 20 feet of West Florissant	At all times
294 §1	Brandon Drive, south side, between Glenboro Drive and Gaylord Drive	At all times
	Gaylord Drive, west side, between Brandon Drive and Glenboro Drive	At all times
	Glenboro Drive, north side, between Gaylord Drive and West Florissant	At all times
333 §1	Ramsey Drive, east side, between West Florissant and a point 40 feet southward	At all times
356a §1	Duryea Avenue, within 125 feet north of its intersection with West Florissant	At all times
411 §1	College Avenue, east side, from City's south boundary to Manette Avenue	At all times
480	7150 West Florissant Avenue west to College Avenue	At all times

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Schedule II. Parking Restrictions (cont)

Table II-A. Prohibited Parking (cont)

<i>Ord. No.</i>	<i>Location</i>	<i>Hours/Days Prohibited</i>
511	Lamont Drive, east side of Lamont, south of Greenhaven	At all times

(CC 1994 Sch. II, Tbl. II-A)

Table II-B. Two-Hour Parking

<i>Ord. No.</i>	<i>Location</i>	<i>Hours/Days Prohibited</i>
331 §1	Brandon Drive, north side, between Gaylord Drive and Glenboro Drive	2 hour parking between 8:00 A.M.—4:00 P.M. Monday through Friday
331 §1	Glenboro Drive, south side, between Gaylord Drive and the "No Parking to Corner" sign, 90 feet south of West Florissant Avenue	2 hour parking between 8:00 A.M.—4:00 P.M. Monday through Friday

(CC 1994 Sch. II, Tbl. II-B)

Table II-C. Limited Parking

<i>Ord. No.</i>	<i>Location</i>	<i>Hours/Days Prohibited</i>
453 §1	Brandon, north side from telephone pole to driveway	Prohibited parking from 6:30 A.M.—5:30 P.M. Monday through Saturday

(CC 1994 Sch. II, Tbl. II-C)

SCHEDULE III. STOP SIGNS

In accordance with Chapter 335 and when signs are erected giving notice thereof, the driver of any vehicle shall stop at the following locations:

<i>Ord. No.</i>	<i>Stop Sign Location</i>	<i>Time Restrictions (if any)</i>
176 §76	Brandon and Gaylord Drives Brandon Drive and Jennings Road College Avenue and West Florissant Avenue Duryea Place and West Florissant Avenue Elton Place and West Florissant Avenue Gaylord and West Florissant Avenue Glenboro Drive and West Florissant Avenue Greenhaven Drive and Jennings Road Harney Avenue and Jennings Road Jennings Road and West Florissant Avenue (major stop) Lamont and Greenhaven Drives Lamont and Roslyn Drives Manette and Gaylord Drives Manette and Ramsey Drives Mayfair and West Florissant Avenue Octavia and West Florissant Avenue Paisley and Ramsey Drives Paisley and Roslyn Drives Ramsey Drive and West Florissant Avenue Roslyn and Gaylord Drives Strathmore and West Florissant Avenue	
307 §1	Northeast corners of Beldon and Lamont Drives, westbound traffic on Lamont Northwest corners of Lamont and Ramsey Drives, southbound traffic on Ramsey Northwest corners of Gaylord and Roslyn Drives, southbound traffic on Gaylord	
308 §1	Northwest corner of College and Harney Avenues, southbound traffic East corner of College Avenue, south of Walkway, northbound traffic	
354	College Avenue at Eunice Avenue Southwest corner of Harney at College Southwest corner of Calvin at College	8:00 A.M.—4:00 P.M. Monday through Friday
362	Southeast corner of Beldon Avenue at Lamont Avenue, northbound traffic on Beldon	
404	Ramsey at Paisley, northbound traffic on Ramsey	

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Schedule III. Stop Signs (Con't)

<i>Ord. No.</i>	<i>Stop Sign Location</i>	<i>Time Restrictions (if any)</i>
462 §1	Gaylord Drive and Roslyn Drive Lamont Drive and Beldon Drive	
462 §1	Seymour Drive and Beldon Drive Seymour Drive and Roslyn Drive	
481	Gaylord Drive and Greenhaven Drive	
(CC 1994 Sch. III)		

SCHEDULE IV. ONE-WAY STREETS AND ALLEYS

In accordance with Sections 330.010 and 330.020 and when signs are erected giving notice thereof, no operator of a vehicle shall drive such vehicle in any direction other than lawful movement indicated by such signs.

<i>Ord. No.</i>	<i>Location</i>	<i>Direction</i>
702-1 §1, 5-17-10	Gaylord Drive, beginning from the intersection at West Florissant Avenue, southbound for 1 block (only) to the intersection of Gaylord Drive and Brandon Avenue	Southbound
702-1 §2, 5-17-10	Greenhaven Street along the northern border of Greenhaven Park in a westerly direction away from Jennings Station Road, but such imposition shall continue only to the western end of Greenhaven Park where the division of Greenhaven Street becomes 1 two-lane road	Westbound
702-1 §3, 5-17-10	Greenhaven Street, on the south side of Greenhaven Park, beginning at the division of Greenhaven Street at the western end of Greenhaven Park in an easterly direction until it terminates into the intersection of Jennings Station Road and Greenhaven Street	Eastbound

(CC 1994 Sch. IV)

SCHEDULE V. CROSSWALKS (STOP ZONES)

The City of Flordell Hills has authorized stop zones at the following crosswalk locations:

<i>Ord. No.</i>	<i>Location</i>
463	Crosswalks on Manette and Glenboro
	Crosswalk at Paisley
	Crosswalk at Lamont

(CC 1994 Sch. V)

SCHEDULE VI. TURNING REGULATIONS

Table VI-A. Right Turn Only

<i>Ord. No.</i>	<i>Location</i>
504	Gaylord onto west Florissant

TITLE IV. LAND USE

CHAPTER 400: GENERAL PROVISIONS

SECTION 400.005: PLANNING AND ZONING COMMISSION—ESTABLISHED

A City Zoning and Planning Commission is hereby established. Such Commission shall consist of five (5) members, who shall be property owners and residents of Flordell Hills, and appointed by the Mayor of the Board of Aldermen and approved by the Board of Aldermen. The term of office of the members of the Commission shall be five (5) years except the members of the first (1st) Commission appointed shall serve as follows: One (1) for one (1) year; one (1) for two (2) years; one (1) for three (3) years; one (1) for four (4) years; and one (1) for five (5) years. Thereafter, members shall serve for terms of five (5) years each. Vacancies shall be filled for unexpired terms only. Members may be removed by the Board of Aldermen for good cause shown. (CC 1994 §400.010; Ord. No. 180 Art. I §1, 7-21-50)

SECTION 400.010: COMPOSITION—TERMS—VACANCY—REMOVAL

There is hereby established within and for the City a Planning and Zoning Commission which shall consist of not more than fifteen (15) nor less than seven (7) members, including the Mayor, if the Mayor chooses to be a member; a member of the Board of Aldermen selected by the Board, if the Board chooses to have a member serve on the Commission; and not more than fifteen (15) nor less than five (5) citizens appointed by the Mayor and approved by the Board of Aldermen. The term of each of the citizen members shall be for four (4) years, except that the terms of the citizen members first (1st) 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. (RSMo. §89.320)

SECTION 400.020: COMPENSATION

All citizen members of the Planning and Zoning Commission shall serve without compensation.

SECTION 400.030: OFFICERS

The Planning and Zoning Commission shall elect a Chairman from among the citizen members. The term of the Chairman shall be for one (1) year with eligibility for re-election.

SECTION 400.040: MEETINGS—RULES—RECORDS

The Planning and Zoning Commission shall hold regular meetings and special meetings as they provide by rule, and shall adopt rules for the transaction of business, and keep a record of its proceedings. These records shall be public records.

SECTION 400.050: EXPENDITURES

The expenditures of the Planning and Zoning Commission, exclusive of grants and gifts, shall be within amounts appropriated for the purposes of the Board of Aldermen.

SECTION 400.060: DUTY OF PUBLIC OFFICIALS TO FURNISH

All public officials shall upon request furnish to the Planning and Zoning Commission, within a reasonable time, all available information it requires for its works.

SECTION 400.070: GENERAL POWERS

In general, the Planning and Zoning Commission shall have the power necessary to enable it to perform its functions and promote City planning. The Planning and Zoning Commission shall have the power to perform all of the functions of the Zoning Commission provided for in Chapter 89, RSMo., and shall have and perform all of the functions of a Planning Board as outlined in such Chapter.

CHAPTER 405: ZONING REGULATIONS

ARTICLE I. GENERAL PROVISIONS

SECTION 405.010: DEFINITIONS

For the purposes of this Chapter, certain terms and words are hereby defined. 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*" includes the word "*premises*" and the word "*shall*" is mandatory and not directory.

ACCESSORY BUILDING: A subordinate building or a portion of the main building the use of which is incidental to that of the dominant use of the building or premises.

ALLEY: A public thoroughfare which affords only a secondary means of access to abutting property.

BASEMENT: A story having part but not more than one-half ($\frac{1}{2}$) its height below grade. A "*basement*" is counted as a story for the purpose of height regulations, if subdivided and used for business or dwelling purposes by others than a janitor employed on the premises.

BUILDING: See "*Structure*" of this Section.

BUILDING, HEIGHT OF: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

CELLAR: A story having more than one-half ($\frac{1}{2}$) of its height below grade.

DISTRICT: Any section of the City of Flordell Hills for which the regulations governing the use of buildings and premises or the height and area of buildings are uniform.

DWELLING: Any building, or portion thereof, which is designed or used exclusively for residential purposes.

DWELLING, MULTIPLE: A building or portion thereof designed for or occupied by three (3) or more families.

DWELLING, SINGLE-FAMILY: A building designed for or occupied exclusively by one (1) family.

FAMILY: A group of one (1) or more persons occupying a premises and living as a single housekeeping unit.

FILLING STATION: Any building or premises used solely or principally for the storing, dispensing, sale or offering for sale at retail of any automobile fuels or oils.

FRONTAGE: All the property on one (1) side of a street or place between two (2) intersecting streets or places (crossing or terminating) measured along the line of the street or place, or if the street or place is dead-ended, then all of the property abutting on one (1) side between intersecting street or place and the dead-end of the street or place.

GARAGE, PRIVATE: An accessory building designed or used for the storage of not more than two (2) motor-driven vehicles owned and used by the occupants of the building to which it is accessory.

GRADE:

1. For buildings having walls adjoining one (1) street only, the elevation of the sidewalk at the center of the wall adjoining the street.
2. For buildings having walls adjoining more than the one (1) street, the average of the elevation of the sidewalk at the centers of all walls adjoining the streets.
3. For the buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street.

INSTITUTION: A building occupied by a non-profit corporation or a non-profit establishment for public use.

LOT: 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 upon an officially approved place.

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, DOUBLE FRONTAGE: A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The lines bounding a lot.

LOT OF RECORD: A lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder of St. Louis County, or a lot described by metes and bounds, the description of which has been recorded in the office of the County Recorder of St. Louis County.

NON-CONFORMING USE: Any building or land lawfully occupied by a use on or before July 21, 1950, or amendments thereto which does not conform after July 21, 1950, or amendments thereto with the use regulations of the district in which it is situated.

PLACE: An open unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.

STORY: That portion of a building, other than a basement, 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: All property dedicated or intended for public or private street purposes or subject to public easements therefor.

STREET LINE: A dividing line between a lot, tract or parcel of land and a contiguous street.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground.

YARD: An open space, other than a court, on the same lot with a building unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a "yard" for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the mean horizontal distance between the lot line and the main building shall be used.

YARD, FRONT: A yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line and the main building or any projections thereof, other than steps, unenclosed balconies and unenclosed porches.

YARD, REAR: A yard extending across the rear of a lot measured between lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension; 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 between the building and the side line of the lot and extending from the front lot line to the rear lot line. (CC 1994 §400.020; Ord. No. 180 Art. I §2, 7-21-50)

ARTICLE II. DISTRICT REGULATIONS

SECTION 405.020: DISTRICT REGULATIONS—ESTABLISHED

In order to classify, regulate and restrict the location of trades, industries, and the location of buildings designed for specified uses; to regulate and limit the height and bulk of buildings; to regulate and limit the intensity of the use of lots; and to regulate and determine the area of yards, courts and other open spaces within and surrounding such buildings, the City of Flordell Hills, Missouri, is hereby divided into districts of which there shall be three (3) in number known as:

1. "A" Single-Family Dwelling District.
2. "B" Single-Family Dwelling District.
3. "C" Commercial District. (CC 1994 §400.030; Ord. No. 180 Art. II §1, 7-21-50)

SECTION 405.030: DISTRICT MAP

The boundaries of the districts are shown upon a map which is incorporated herein as if fully set out and made a part of this Chapter, said map is designated as the "District Map". The District Map and all the notations, references and other information shown thereon are a part of this Chapter and have the same force and effect as if the District Map and all the notations, references and other

information shown thereon were all fully set forth or described herein, which District Map is properly attested and is on file with the Clerk of the City of Flordell Hills, Missouri. (CC 1994 §400.040; Ord. No. 180 Art. II §2, 7-21-50)

SECTION 405.040: ANNEXATIONS

All territory which may hereafter be annexed to the City of Flordell Hills shall be considered as being in the "A" Single-Family Dwelling District until otherwise changed by ordinance. (CC 1994 §400.050; Ord. No. 180 Art. II §3, 7-21-50)

SECTION 405.050: COMPLIANCE WITH DISTRICT REGULATIONS

Except as hereinafter provided:

1. No building shall be erected, converted or structurally altered nor shall any building or land be used which does not comply with all of the district regulations established by this Chapter for the district in which the building or land is located.
2. The minimum yards and other open spaces, including the intensity of use provisions contained in this Chapter for each and every building existing on or before July 21, 1950, or for any building hereafter erected or structurally altered, shall not be encroached upon or considered as yard or open space requirements or intensity of use requirements for any other building.
3. Every building hereafter erected or structurally altered shall be located on a lot, and in no case shall there be more than one (1) main building on a lot.
4. Off-street automobile parking space being maintained in connection with any existing main building or structure shall be maintained so long as said main building or structure remains, unless an equivalent number of such spaces are provided conforming to the requirements of the this Chapter; provided however, that this regulation shall not require the maintenance of more automobile parking than is required under this Chapter for a new building or structure identical to said existing building or structure. (CC 1994 §400.060; Ord. No. 180 Art. II §4, 7-21-50; Ord. No. 291 §1, 8-11-61)

ARTICLE III. "A" SINGLE-FAMILY DWELLING DISTRICTS

SECTION 405.060: GENERALLY

The regulations set forth in this Article, or set forth elsewhere in this Chapter when referred to in this Article, are the district regulations in the "A" Single-Family Dwelling District. (CC 1994 §400.070; Ord. No. 180 Art. III §1, 7-21-50)

SECTION 405.070: USE REGULATIONS

A building or premises shall be used only for the following purposes:

1. Single-family dwellings.
2. Municipally owned or operated parks and playgrounds.

3. Churches, but only when off-street parking is provided upon the lot or within three hundred (300) feet thereof, which space is adequate to accommodate one (1) car for every five (5) persons for which seating is provided in the main auditorium of the church and exclusive of the seating capacity of Sunday school or other special rooms.
4. Public schools, elementary and high, and educational institutions having a curriculum the same as ordinarily given in public schools.
5. Accessory buildings and uses customarily incident to the above uses, not involving the conduct of a business, including a private garage; provided however, that all such accessory buildings shall be constructed so as to form part of the main building, and except as provided by Section 505.010 of this Code, no garage or accessory building of any kind or description which is detached from the main building shall be permitted in any "A" Single-Family Dwelling District.
6. Church or public building bulletin board not exceeding ten (10) square feet in area and temporary signs not exceeding three (3) square feet in area appertaining to the lease, hire or sale of a building or premises. (CC 1994 §400.080; Ord. No. 180 Art. III §2, 7-21-50; Ord. No. 291 §1, 8-11-61)

SECTION 405.080: HEIGHT REGULATIONS

No building shall exceed two (2) stories or thirty-five (35) feet in height. (CC 1994 §400.090; Ord. No. 180 Art. III §3, 7-21-50)

SECTION 405.090: AREA REGULATIONS

A. *Front Yard.*

1. There shall be a front yard having a depth of not less than twenty (20) feet, unless forty percent (40%) or more of the frontage on one (1) side of the street between two (2) intersecting streets is improved with buildings that have observed a front yard line having a variation in depth of not more than six (6) feet, in which case no building shall project beyond the average front yard so established, but this regulation shall not be interpreted to require a front yard of more than thirty (30) feet.
2. Where lots have a double frontage, the required front yard shall be provided on both streets.
3. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot, except that the buildable width of such lot shall not be reduced to less than thirty-two (32) feet. No portion of a building used for accessory purposes shall project beyond the front yard line on either street.

B. *Side Yard.* There shall be a side yard on each side of a building having an aggregate measurement of not less than ten (10) feet, and in no case shall a building be placed closer than three (3) feet to any side lot line. Further, no building shall be constructed, the side line of which building is nearer than ten (10) feet to the side line of an adjacent building.

C. *Rear Yard.* There shall be a rear yard having a depth of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever amount is larger, but it need not exceed fifty (50) feet.

- D. *Intensity Of Use Of Lot.* Every lot shall have an area of not less than five thousand (5,000) square feet; except that if a lot has less area than herein required and the plat thereof has been duly recorded prior to July 21, 1950, in the Recorder's office of St. Louis County, Missouri, such lot may be used for a single-family dwelling. (CC 1994 §400.100; Ord. No. 180 Art. III §4, 7-21-50)

SECTION 405.100: SIGN REGULATIONS IN DISTRICT "A"

Except as otherwise permitted herein, in all "A" Single-Family Districts, no advertising sign or bulletin board of any character shall be permitted. This also includes advertising signs or bulletin boards which may be attached to, painted on or placed upon vehicles including trailers that are parked on private property or on a public street in proximity to such zoned property. (CC 1994 §400.110; Ord. No. 367, 5-1-72)

ARTICLE IV. "B" SINGLE-FAMILY DWELLINGS

SECTION 405.110: GENERALLY

The regulations set forth in this Article, or set forth elsewhere in this Chapter when referred to in this Article, are the district regulations in the "B" Single-Family Dwelling District. (CC 1994 §400.120; Ord. No. 180 Art. IV §1, 7-21-50)

SECTION 405.120: USE REGULATIONS

A building or premises shall be used only for the following purposes:

1. Any use permitted in the "A" Single-Family Dwelling District.
2. Accessory buildings and uses customarily incident to the above uses, not involving the conduct of a business, including a private garage, which may be detached from the main structure. Any accessory building shall not be located less than sixty (60) feet from the front lot line. (CC 1994 §400.130; Ord. No. 180 Art. IV §2, 7-21-50; Ord. No. 288 §1, 3-10-61)

SECTION 405.130: HEIGHT REGULATIONS

No building shall exceed two (2) stories or thirty-five (35) feet in height. (CC 1994 §400.140; Ord. No. 180 Art. IV §3, 7-21-50)

SECTION 405.140: AREA REGULATIONS

- A. *Front Yard.* There shall be a front yard having a depth of not less than twenty-five (25) feet unless forty percent (40%) or more of the frontage on one (1) side of the street between two (2) intersecting streets is improved with buildings that have observed a front yard line with a variation in depth of not more than six (6) feet; in which case no building shall project beyond the average front yard so established, but this regulation shall not be interpreted to require a front yard of more than fifty (50) feet.
- B. *Side Yard.* The side yard requirements are the same as those in the "A" Single-Family Dwelling District.

- C. *Rear Yard*. The rear yard requirements are the same as those in the "A" Single-Family Dwelling District.
- D. *Intensity Of Use Of Lot*. Each lot shall have an area of not less than five thousand (5,000) square feet, except that if a lot has less area than herein required and was of record on July 21, 1950, that lot may be used for any of the uses permitted by this Article. (CC 1994 §400.150; Ord. No. 180 Art. IV §4, 7-21-50)

SECTION 405.150: SIGN REGULATIONS IN DISTRICT "B"

Except as otherwise permitted herein, in all "B" Single-Family Districts, no advertising sign or bulletin board of any character shall be permitted. This also includes advertising signs or bulletin boards which may be attached to, painted on or placed upon vehicles including trailers that are parked on private property or on a public street in proximity to such zoned property. (CC 1994 §400.160; Ord. No. 367, 5-1-72)

ARTICLE V. "C" COMMERCIAL DISTRICTS

SECTION 405.160: GENERALLY

The regulations set forth in this Article, or set forth elsewhere in this Chapter when referred to in this Article, are the district regulations in the "C" Commercial District. (CC 1994 §400.170; Ord. No. 180 Art. V §1, 7-21-50)

SECTION 405.170: USE REGULATIONS

- A. A building or premises shall be used only for the following purposes:
 - 1. Any use permitted in the "A" and "B" Single-Family Dwelling Districts.
 - 2. Multiple dwellings.
 - 3. Bakery whose products are sold only at retail and only on the premises.
 - 4. Banks and office buildings.
 - 5. Barbershop or beauty parlor.
 - 6. Filling stations.
 - 7. Shoe repair shop.
 - 8. Restaurants.
 - 9. Sales or show room.
 - 10. Store or shop for the conduct of a retail business.
 - 11. Studio.

12. Tailor shop.
 13. Electric repair shop (limited to small appliances).
 14. Service establishments similar to others listed in this Article.
 15. Accessory buildings and uses customarily incident to the above uses, including signs and bulletin boards not exceeding forty (40) square feet in area pertaining to the lease, hire or sale of a building or premises, or to the advertisement of the business or any product sold on the premises, provided however, that no billboard or sign of a larger size or of any other character shall be permitted in the "C" Commercial District. Any advertising sign attached to the front of a building shall not project beyond the building for a distance of more than three (3) feet.
 16. Office.
 17. Retail rental self-service laundry shop, containing not more than thirty (30) machines, with not more than two (2) employees on duty at one time, provided no new building shall be erected for this purpose without providing one (1) off-street parking space for every six (6) machines installed in the shop.
 18. Residential or outpatient facilities for the treatment of alcohol or other drug abuse. Provided however, that no residential treatment facility shall be located any closer than one thousand three hundred (1,300) feet to any other such treatment facility, and that the building or structure used for any residential facility shall maintain an exterior appearance in reasonable conformance with the general standards of the area.
- B. Any building used primarily for any of the above enumerated purposes may have not more than forty percent (40%) of the floor area devoted to storage purposes incidental to such primary use. All material and equipment shall be confined to the interior of the building and shall not be stored on the premises outside the building. (CC 1994 §400.180; Ord. No. 180 Art. V §2, 7-21-50; Ord. No. 291 §1, 8-11-61; Ord. No. 456 §1, 4-15-91)

SECTION 405.180: HEIGHT REGULATIONS

No building shall exceed two (2) stores or thirty-five (35) feet in height. (CC 1994 §400.190; Ord. No. 180 Art. V §3, 7-21-50)

SECTION 405.190: AREA REGULATIONS

- A. *Front Yard.* There shall be a front yard having a depth of not less than twenty-five (25) feet unless forty percent (40%) or more of the frontage on one (1) side of the street between two (2) intersecting streets is improved with buildings that have observed a front yard line with a variation in depth of not more than six (6) feet; in which case no building shall project beyond the average front yard so established, but this regulation shall not be interpreted to require a front yard of more than fifty (50) feet.
- B. *Side Yard.* The side yard regulations for dwellings are the same as those in the "A" Single-Family Dwelling District. In all other cases a side yard is not required except on the side of a lot abutting on a dwelling district, in which case there shall be a side yard of not less than ten (10) feet.
- C. *Rear Yard.* There shall be a rear yard having a depth of not less than twenty (20) feet.

D. Intensity Of Use Of Lot.

1. A lot on which there is erected a multiple-dwelling shall contain an area of not less than twenty-five hundred (2,500) square feet per family.
2. Where a lot has less area than herein required and was of record on or before July 21, 1950, that lot may be used only for single-family dwelling purposes. (CC 1994 §400.200; Ord. No. 180 Art. V §4, 7-21-50)

SECTION 405.200: PARKING SPACE REGULATIONS

Whenever any building is erected, converted or structurally altered for commercial purposes or for use as a medical office building or clinic, there shall be provided one (1) parking space for every three hundred (300) square feet of floor area in the building. Such parking space shall be located on the same lot as the building. (CC 1994 §400.210; Ord. No. 180 Art. V §5, 7-21-50; Ord. No. 291 §1, 8-11-61)

ARTICLE VI. SUPPLEMENTAL REGULATIONS

SECTION 405.210: SUPPLEMENTAL REGULATIONS

The district regulations hereinafter set forth in this Article qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Chapter.

1. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, radio towers or necessary mechanical appurtenances may be erected to the height in accordance with existing or hereafter adopted ordinances of the City of Flordell Hills, Missouri.
2. In computing the depth of a rear yard where such yard opens on to an alley, one-half (1/2) of the alley width may be included as a portion of the rear yard.
3. Accessory buildings which are not part of the main building may be built in a rear yard within six (6) feet of the rear lot line, when their use is permitted. An accessory building which is not part of the main building shall not occupy more than thirty percent (30%) of the required rear yard.
4. An open unenclosed porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet.
5. No tight board fences shall be erected on any of the lots in the City of Flordell Hills, but all partition fences shall be constructed of wire or wood with openings aggregating fifty percent (50%). Such fences shall not extend in front of the building lines on any lot or be more than four (4) feet in height, nor shall any poplar trees be planted on any lot in the City. (CC 1994 §400.220; Ord. No. 180 Art. VI §1, 7-21-50; Ord. No. 183 §1, 10-13-50)

ARTICLE VII. NON-CONFORMING USES

SECTION 405.220: NON-CONFORMING USES

- A. The lawful use of land existing on or before July 21, 1950, may be continued, although such use does not conform to the provisions hereof, but if such use is discontinued, any future use of said premises shall be in conformity with the provisions of this Chapter.
- B. The lawful use of a building existing on or before July 21, 1950, may be continued, although such use does not conform to the provisions of this Chapter. A non-conforming use of a building shall not be extended in any manner or form. 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. The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.
- C. Whenever a non-conforming use of any building is voluntarily discontinued for a period of two (2) years, its use shall thereafter conform to the use regulations of the district in which it is located.
- D. No building whose use does not conform to the provisions of this Chapter, except when required to do so by law or ordinance, shall be enlarged, extended, reconstructed or structurally altered, unless such use is changed to a permitted use in the district in which such building or premises is located.
- E. No building which has been damaged by fire, explosion, act of God or the public enemy to the extent of more than sixty percent (60%) of its assessed value shall be restored except in conformity with the provisions of this Chapter.
- F. The Board of Aldermen may, by special permit after public hearing, authorize the rebuilding, alteration, reconstruction or location of any of the following buildings or uses in any district from which they are prohibited by this Chapter:
 - 1. Any public building erected and used by any department of the City, County, State or Federal Government.
 - 2. Hospitals, clinics and institutions; provided however, that such buildings occupy not over twenty-five percent (25%) of the total area of the lot 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 yard lines bordering on a dwelling district a distance of not less than two (2) feet for each foot of building height.
 - 3. Community building or recreation field.
 - 4. Private clubs.
 - 5. Roadside stands and recreational activities for temporary or seasonable periods.
 - 6. Before issuance of any special permit for any of the above buildings or uses, the Board of Aldermen shall refer the proposed application to the Zoning and Planning Commission, which Commission shall be given forty-five (45) days in which to make a report regarding the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the general welfare. No action shall be taken upon application for a proposed building or use above referred to until and unless the report of the Zoning and Planning Commission has been filed; provided however, that if no

report is received from the Zoning and Planning Commission within forty-five (45) days, it shall be assumed that approval of the application has been given by the said Commission. (CC 1994 §400.230; Ord. No. 180 Art. VII §§1—6, 7-21-50)

ARTICLE VIII. BOARD OF ADJUSTMENT

SECTION 405.230: ORGANIZATION

- A. A Board of Adjustment is hereby established. The word "*Board*", when used in this Article, 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 shall be for five (5) years, excepting that the five (5) members first appointed shall serve respectively for terms of one (1) year; two (2) years; three (3) years; four (4) years; and five (5) years; thereafter, members shall be appointed for terms of five (5) years each. Vacancies shall be filled for the unexpired term only. Members shall be removed for cause by the Mayor and the Board of Aldermen upon written charges and after public hearing.
- B. 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. (CC 1994 §400.240; Ord. No. 180 Art. VIII §1, 7-21-50)

SECTION 405.240: 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. (CC 1994 §400.250; Ord. No. 180 Art. VIII §2, 7-21-50)

SECTION 405.250: APPEALS TO THE BOARD

Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City of Flordell Hills affected by any decision of the Building Commissioner. Such appeal shall be taken within a reasonable time as shall be prescribed by the Board by general rule, by filing with the Building Commissioner and with the Board of Adjustment a notice of appeal specifying the grounds thereof and by paying a filing fee of one hundred dollars (\$100.00) to the Building Commissioner at the time the notice is filed, which the Building Commissioner shall forthwith pay over to the City Treasurer to the credit of the General Revenue Fund of the City of Flordell Hills. The Building Commissioner shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken.

1. 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/her that, by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent 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.

2. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof by publishing a notice of said appeal in a newspaper of general circulation in the City of Flordell Hills, said publication to be at least fifteen (15) days prior to the time for hearing of the appeal, 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. (CC 1994 §400.260; Ord. No. 180 Art. VIII §3, 7-21-50; Ord. No. 291 §1, 8-11-61; Ord. No. 412 §2, 10-19-81)

SECTION 405.260: JURISDICTION

When a property owner can show that a strict application of the terms of this Chapter relating to the construction or alteration of buildings or structures or the use of land will impose upon him/her practical difficulties or particular hardship, then the Board may consider and allow such variations to the strict application of the terms of this Chapter as are in harmony with its general purpose and intent when the Board is satisfied, under the evidence heard before it, that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable hardship or difficulty so great as to warrant a variation from the Comprehensive Plan and this Chapter. In conformity with these principles the Board shall also have jurisdiction in the following instances where an exception may be granted:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Building Commissioner in the enforcement of this Chapter.
2. To interpret the provisions of this Chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts accompanying and made a part of this Chapter, where the street layout actually on the ground varies from the street layout as shown on the map aforesaid.
3. 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.
4. To determine whether any proposed plant or establishment is obnoxious or offensive and not in accordance with the intent and spirit of this Chapter because of the emission of smoke, odor, noise or gas.
5. To permit the reconstruction of a non-conforming building which has been destroyed or partially destroyed by fire or other act of God where the Board shall find some compelling public necessity requiring a continuance of the non-conforming use, and in no case shall such a permit be issued if its primary function is to continue a monopoly.
6. To authorize a variance where by reason of exceptional narrowness, shallowness or shape of a specific piece of property of record, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any provision of this Chapter would result in peculiar and exceptional practical difficulties and particular hardship upon the owner of such property and amount to a practical confiscation of such property as distinguished from a mere inconvenience to such owner, provided such relief can be granted without substantial detriment to the public good and

without substantially impairing the general purpose and intent of the Comprehensive Plan as established by the regulations and provisions contained in this Chapter. (CC 1994 §400.270; Ord. No. 180 Art. VIII §4, 7-21-50)

SECTION 405.270: DETERMINATION BY THE BOARD

- A. In considering all appeals and all proposed variations to this Chapter, the Board shall, before making any finding in a specific case, first determine that the proposed variation will not constitute any change in the District Map and will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the public danger of fire and safety, or diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals and welfare of Flordell Hills.
- B. Every variation granted or denied by the Board shall be accompanied by a written finding of fact, based on sworn testimony and evidence, specifying the reason for granting or denying such variation.
- C. 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 ought to be made and to that end shall have all the powers of the Building Commissioner.
- D. 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 this Chapter or to effect any variation to this Chapter. (CC 1994 §400.280; Ord. No. 180 Art. VIII §§5—6, 7-21-50)

SECTION 405.280: PETITION TO CIRCUIT COURT

Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment may present to the Circuit Court of St. Louis County, Missouri, a petition duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds 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.

- 1. 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 not be 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.
- 2. 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 portion 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 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 conclusion 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 shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from. (CC 1994 §400.290; Ord. No. 180 Art. VIII §7, 7-21-50)

ARTICLE IX. CONSTRUCTION AND OCCUPANCY PERMITS

SECTION 405.290: CONSTRUCTION AND OCCUPANCY PERMITS

- A. No building shall hereafter be erected, reconstructed or structurally altered nor shall any work be started upon same until a construction permit for same has been issued by the Building Commissioner, which permit shall state that the proposed building complies with all the provisions of this Chapter.
- B. No land shall be occupied or used and no building hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a certificate is issued by the Building Commissioner stating that the building and use comply with the provisions of this Chapter. No change of use shall be made in any building or part thereof now or hereafter erected or structurally altered without a permit being issued therefor by the Building Commissioner. No permit shall be issued to make a change unless the changes are in conformity with the provisions of this Chapter.
- C. Nothing in this Article shall prevent the continuance of a non-conforming use as hereinbefore authorized unless a discontinuance is necessary for the safety of life or property.
- D. Certificates for occupancy shall be applied for coincidentally with the application for a construction permit and shall be issued within ten (10) days after the lawful erection, reconstruction or alteration of the building is completed. A record of all construction and occupancy permits shall be kept on file in the office of the Building Commissioner, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. (CC 1994 §400.300; Ord. No. 180 Art. IX §§1—4, 7-21-50)

Cross Reference—As to certificate of occupancy, §515.110.

ARTICLE X. BOUNDARIES OF DISTRICTS

SECTION 405.300: DISTRICT BOUNDARIES

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 shall apply:

1. The district boundaries are either streets or places unless otherwise shown, and where the designation on the map accompanying and made a part of this Chapter indicates the various districts are approximately bounded by street or place lines, said street or place shall be construed to be the boundary of such 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 lot lines and where the designation on the map accompanying and made a part of this Chapter indicates the various districts are approximately bounded by lot lines, said lot lines shall be

construed to be the boundary of such district unless said boundaries are otherwise indicated on the map. (CC 1994 §400.310; Ord. No. 180 Art. X §1, 7-21-50)

ARTICLE XI. PLATS

SECTION 405.310: PLATS

Applications for construction and occupancy permits shall be accompanied by a drawing or plat, in duplicate, showing the lot plan; the location of the building on the lot; accurate dimensions of building and lot and such other information as may be necessary to provide for the enforcement of these regulations. A careful record of the original copy of such applications and plats shall be kept in the office of the Building Commissioner. (CC 1994 §400.320; Ord. No. 180 Art. XI §1, 7-21-50)

ARTICLE XII. INTERPRETATION, PURPOSE AND CONFLICT

SECTION 405.320: INTERPRETATION, PURPOSE AND CONFLICT

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. It is not intended by this Chapter to interfere with or abrogate or annul any easements, covenants or other agreement between parties; provided however, that where this Chapter imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this Chapter shall govern. (CC 1994 §400.330; Ord. No. 180 Art. XII §1, 7-21-50)

ARTICLE XIII. AMENDMENTS

SECTION 405.330: AMENDMENTS

The Board of Aldermen may from time to time on its own motion or on petition, after at least fifteen (15) days' public notice and hearings as provided by law, amend, supplement or change, modify or repeal the boundaries or regulations herein or subsequently established after submitting same to the Zoning and Planning Commission for its recommendations and report. In case, however, that the Zoning and Planning Commission disapproves the change or of a protest against such change duly signed and acknowledged by the owners of thirty percent (30%) or more, either of the area of the land (exclusive of streets and places) included in such proposed change 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 shall not become effective except by the favorable vote of two-thirds ($\frac{2}{3}$) of all the members of the Board of Aldermen. Provided however, that before any action shall be taken as provided in this Section, the petitioner proposing or recommending such change in the zoning law shall deposit with the City Treasurer the sum of fifty dollars (\$50.00) to cover the approximate cost of this procedure. Provided further, however, that under no condition shall said sum or any part thereof be refunded for failure of said bill to be enacted into law. (CC 1994 §400.340; Ord. No. 180 Art. XIII, 7-21-50; Ord. No. 240 §1, 3-11-55)

ARTICLE XIV. ENFORCEMENT, VIOLATION AND PENALTY

SECTION 405.340: ENFORCEMENT, VIOLATION AND PENALTY

- A. It shall be the duty of the Building Commissioner to enforce this Chapter. Appeal from the decision of the Building Commissioner may be made to the Board of Adjustment as provided in Article VIII.
- B. The owner or agent of a building or premises in or upon which a violation of any provisions 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 owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violations shall exist shall be guilty of a 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) nor more than two hundred fifty dollars (\$250.00) for each and every day 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. Any such person, having been served with an order to remove any such violation, failing to comply with said order within ten (10) days after such notice or continuing to violate any provision 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).
(CC 1994 §400.350; Ord. No. 180 Art. XIV, 7-21-50)

TITLE V. BUILDING AND CONSTRUCTION

CHAPTER 500: BUILDING REGULATIONS

ARTICLE I. GENERAL PROVISIONS

SECTION 500.010: FIRE LIMITS

The fire limits of the City of Flordell Hills for purposes of this Chapter being the Building Code are hereby established to be all of the district zoned pursuant to Chapter 400 and all amendments thereof, as District "C". (CC 1994 §500.010; Ord. No. 189 §1, 6-8-51)

SECTION 500.015: SMOKE FREE ENVIRONMENT

There shall be no smoking of any kind allowed in any part or portion of any building or structure owned by the City of Flordell Hills at any time. (CC 1994 §500.015; Ord. No. 482 §500.015, 11-21-94)

SECTION 500.020: BUILDING PERMITS

- A. *Permit Required.* No person, firm or corporation shall erect, alter, enlarge or repair (except minor repairs) any building or structure intended to be used for the shelter, support or enclosure of persons, animals or chattels; nor erect any sign exceeding twenty (20) square feet; nor erect, reconstruct or alter any billboard having twenty-five (25) square feet or more surface; nor enclose any open shed or pavilion within the City of Flordell Hills without first obtaining a permit authorizing same from the Building Inspector.
- B. Application for permits shall be made in writing upon forms or blanks issued by the Building Inspector. All applications shall state clearly and fully the work proposed to be done, the cost thereof and shall be signed by the owner or his/her agent and filed by the Building Inspector. The Building Inspector may require that said application shall contain or be accompanied by a statement in writing, sworn to before a notary public, giving the full name and residence of the owner or owners of the ground and structure, building or shed upon which it is proposed to do any work, or, if the work is proposed to be done or executed by any person other than the owner or owners of the ground, then the Building Inspector may require a statement in writing, sworn to as aforesaid, giving the full name and the residence of such person or persons so acting as agent, lessee or in any representative capacity and that he/she or they are duly authorized by the owner or owners to perform said work. (CC 1994 §500.020; Ord. No. 124 §§1, 3, 2-8-46)

SECTION 500.025: ANNUAL RESIDENTIAL RENTAL PERMITS

- A. It shall be unlawful for any person, firm or corporation to rent either as owner, lessee, agent or manager of any residential unit within the City to any person(s), as the principal occupant(s), who are not the record owner(s) of the property without first obtaining an annual residential rental permit.

B. Applications—Renewals.

1. Application for an annual residential rental permit shall be made no later than April thirtieth (30th) of each calendar year for all residential property owned on April first (1st) of that year. For residential rental property acquired after April first (1st), a permit shall be obtained prior to permitting any occupancy or any offering of property for rent/lease.
2. Application shall be made by the owner of record to the Director of Public Works. Such application shall include the name, home address, telephone number and Social Security number or tax identification number of the owner of record for such residential rental property. The application shall also list, by street address, each and every parcel or unit of residential rental property owned by that individual(s), trust, partnership or corporation located in the City of Flordell Hills, Missouri. If the owner(s) of said residential rental property wishes to designate an agent to be responsible for said property and to accept notices and process, then the owner of record shall designate an agent on application together with the agent's name, home address and telephone number and the extent of the agent's authority to rent, manage and make expenditures of said property.
3. In the event of any change of circumstances subsequent to filing of an application that would result in a change in the information required by the application, the owner shall promptly file an amendment of such application on forms as specified by the Director of Public Works.
4. Annual residential rental permits shall be renewed annually by April thirtieth (30th). A new application shall be submitted upon a change of ownership of the rental unit.

C. Fees.

1. The annual residential rental permit fee for a single-family or duplex building shall be fifty dollars (\$50.00) for the first (1st) residential unit and ten dollars (\$10.00) for each additional unit owned by the same party.
2. The annual residential rental permit fee for a multi-family dwelling unit with more than two (2) units is one hundred dollars (\$100.00) for each building.

- D. Unless and until the annual residential rental permit application is filed by owner, all user fees due hereunder are paid in full, all taxes paid in full and outstanding fines imposed by the Flordell Hills Municipal Court for any housing or building code violations by such owner are paid in full, no residential rental permit shall be issued to such owner. Failure to obtain and maintain a valid annual residential rental permit for any residential unit shall constitute grounds for the revocation or cancellation of all current occupancy permits issued for any units of residential rental property of such owner and no new occupancy permits shall be issued for any units of residential rental property of such owner. (Ord. No. 615 §500.050, 5-19-08)

ARTICLE II. BUILDING CODE

SECTION 500.030: ADOPTION OF COUNTY BUILDING CODE

The St. Louis County Building Code(s) as amended by the County of St. Louis through date of last amendatory ordinance(s):

Building—Ord. No. 20311, 12-21-00

respectively is hereby adopted as the Building Code(s) of the City of Flordell Hills, Missouri, as is fully set out herein. (CC 1994 §500.030; Ord. No. 533 §1, **NEED DATE**)

SECTION 500.040: FEES

Certain fees for inspection, permits and reviews are established as follows:

Inspections, Permits and Reviews	Fees
Inspection—residential	\$45.00
Re-inspections	\$ 5.00 (1st re-inspection) \$ 20.00 (each additional re-inspection)
Inspection—commercial	\$75.00
Re-inspections	\$20.00 (1st re-inspection) \$20.00 (each additional re-inspection)
Occupancy	\$30.00
Occupancy (updated)	\$10.00
Building permit Includes scope of work review	\$30.00 first 1,000 \$ 4.00 each additional 1,000
Footing, foundation, framing, insulation and dry inspections, final (total of 6)	\$120.00 (added to building permit)
Residential storage shed	\$20.00
Excavation permit	\$15.00
Demolition Permit	\$185.00 (\$125.00 permit and \$60.00 inspection fee)
Inspections Tap destroy, excavation, final grading, driveway, sidewalk or parking area	\$30.00
Sign permit (attached) Must provide either a \$100,000,000.00 insurance policy and/or a surety bond. A sign erector's license must also be purchased.	\$1.00 per square foot plus \$50.00 (for 2 inspections)
Sign erector's license	\$150.00
Plan review	\$ 50.00

(CC 1994 §500.040; Ord. No. 455 §1, 4-15-91; Ord. No. 525 §500.040, 8-20-01; Ord. No. 616 §500.040, 5-19-08)

ARTICLE III. FIRE PREVENTION CODE

SECTION 500.050: BOCA FIRE PREVENTION CODE—ADOPTION

The BOCA Fire Prevention Code of 1993 is adopted in its entirety as the Flordell Hills Fire Prevention Code. (CC 1994 §500.050)

ARTICLE IV. ELECTRICAL CODE

SECTION 500.060: ADOPTION OF COUNTY CODE

The Saint Louis County Electrical Code as amended by the County of Saint Louis, Missouri, through date of last amendatory ordinances:

Electrical—County Ord. No. 21553 adopted September 17, 2003

(CC 1994 §500.060; Ord. No. 484, 2-20-95; Ord. No. 487 §1, 5-15-95; Ord. No. 500 §1, 12-15-97; Ord. No. 521 §1, 11-20-00; Ord. No. 532 §1, **NEED DATE**; Ord. No. 541 §1, **NEED DATE**)

SECTION 500.070: PERMIT AGREEMENT WITH ST. LOUIS COUNTY

- A. The issuance of all electrical permits and the execution of all electrical inspections shall be performed by the County through its Office of Electrical Inspection of the Public Works Department. All fees for permits and inspections shall be collected by said office in accordance with the ordinances of St. Louis County.
- B. The County shall retain two-thirds ($\frac{2}{3}$) of said fees and shall refund, quarterly, one-third ($\frac{1}{3}$) of said fees to municipality. (CC 1994 §500.070; Ord. No. 313 §§1—2, 1-8-65)

ARTICLE V. PLUMBING CODE

SECTION 500.080: ADOPTION OF COUNTY CODE

The St. Louis County Plumbing Code(s) as amended by the County of St. Louis through date of last amendatory ordinance(s):

Plumbing—Ord. No. 20312, 12-21-00

respectively is hereby adopted as the Plumbing Code(s) of the City of Flordell Hills, Missouri, as is fully set out herein. (CC 1994 §500.080; Ord. No. 483, 2-20-95; Ord. No. 487 §1, 5-15-95; Ord. No. 501 §1, 12-15-97; Ord. No. 510 §1, 11-16-98; Ord. No. 522 §1, 5-21-01; Ord. No. 524 §1, 8-20-01)

SECTION 500.090: PERMIT AGREEMENT WITH ST. LOUIS COUNTY

- A. The issuance of all plumbing permits and the execution of all plumbing inspections shall be performed by the County through its Office of Plumbing Inspection of the Public Works Department. All fees for permits and inspections shall be collected by said office in accordance with the ordinances of St. Louis County.
- B. The County shall retain two-thirds ($\frac{2}{3}$) of said fees and shall refund, quarterly, one-third ($\frac{1}{3}$) of said fees to municipality. (CC 1994 §500.090; Ord. No. 315 §§1—4, 1-8-65)

ARTICLE VI. MECHANICAL CODE

SECTION 500.100: ADOPTION OF COUNTY CODE

The St. Louis County Mechanical Code(s) as amended by the County of St. Louis through date of last amendatory ordinance(s):

Mechanical—Ord. No. 20694, 11-12-01

respectively is hereby adopted as the Mechanical Code(s) of the City of Flordell Hills, Missouri, as is fully set out herein. (Ord. No. 531 §1, **NEED DATE**; Ord. No. 534 §1, 5-20-02)

ARTICLE VII. MISCELLANEOUS PROVISIONS

SECTION 500.110: STANDARDS FOR SEISMIC DESIGN

All construction in the City shall comply with the requirements of Sections 319.200 through 319.207, RSMo., and any amendments thereto, relating to earthquake and seismic construction requirements. (CC 1994 §500.100)

SECTION 500.120: REGISTRATION OF VACANT RESIDENTIAL STRUCTURES

- A. Every parcel of residential property improved by a residential structure or commercial property improved by a structure containing multiple dwelling units, that is vacant and has been vacant for at least six (6) months and is characterized by violations of the Housing Code shall be registered as a vacant residential structure and shall be subject to the registration fee.
- B. There is hereby established and assessed a semi-annual fee in the amount of forty dollars (\$40.00) imposed on all owners of property covered under this Section.
 - 1. It shall be unlawful for any owner of property registered pursuant to this Section to fail to pay the registration fee imposed for such property. Any person found guilty of failing to pay any required fee shall be punished as provided by Section 500.130. (Ord. No. 614 §500.060, 5-19-08)

ARTICLE VIII. PENALTY

SECTION 500.130: PENALTY

Any person convicted of violating any of the provisions of Articles I—VII shall be punished by a fine not to exceed five hundred dollars (\$500.00) and costs or imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment. (CC 1994 §500.110)

ARTICLE IX. MISCELLANEOUS CONSTRUCTION REGULATIONS

SECTION 500.140: STORAGE BUILDINGS

- A. *Authority To Construct.* There is hereby created the right of owners and occupiers of residential property to erect and maintain on their property storage sheds which are in accordance with the provisions of this Section.
- B. *Maximum Dimensions.* Storage sheds shall have a maximum floor space of eighty (80) square feet and shall be less than nine (9) feet in height, provided that no dimension of length or width shall exceed ten (10) feet.
- C. *Base.* Storage sheds shall be constructed upon and affixed to a concrete base having a minimum depth of four (4) inches, being reinforced with number 10 wire having a maximum opening of six by six (6 x 6) inches and made of at least five (5) sack cement mixture.
- D. *Doors.* The sheds shall be provided with a door opening having a width not exceeding one-half ($\frac{1}{2}$) the width of the wall on which located.
- E. *Drainage.* The sheds shall be constructed and provided with drainage means to prevent concentrated flow of water on adjacent property.
- F. *Locks.* The sheds shall be kept locked at all times except when an adult is present and using the contents of the shed.
- G. *Location.* The sheds shall be located at least ten (10) feet from the residential building and at least four (4) feet away from any property line.
- H. *Materials Required To Be Stored.* All highly flammable liquids and materials shall be stored in the sheds and it shall be unlawful to store any highly flammable liquids and materials in the residence when a shed exists on the property. No materials or equipment shall be stored outside shed.
- I. *Construction And Maintenance.* The shed shall be constructed of metal (commercially available metal sheds are preferred) or in accordance with the Building Code applicable to the construction of residences. They shall be kept in good repair and condition.
- J. *Building Permit Required And Fee.* No shed shall be erected without having first obtained a building permit from the Building Commissioner after submitting and receiving approval of plans and paying a fee of ten dollars (\$10.00).
- K. *Enforcement Provisions And Notice.* The owners and occupiers of the premises shall each be charged with complying with the provisions of this Section and the Marshal shall have the power to issue summonses for violations. A certification by the Marshal that the Marshal has attached a

notice of violation and summons to the front door of the premises shall be deemed to be sufficient service of notice to owners and occupants alike.

- L. *Violations And Penalties.* Failure to comply with the provisions of this Section shall upon conviction be penalized by the assessment of a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00). (CC 1994 §505.010; Ord. No. 406 §§1—12, 10-20-80)

SECTION 500.150: PARKING AREAS INCLUDING DRIVEWAYS—REQUIREMENTS

- A. All parking areas constructed, reconstructed or repaired, whether as a public parking area or as a driveway, shall be paved of the materials in this Section.
- B. For the purpose of building parking areas, the ground shall be compact. A bed of rock five (5) inches deep, meeting the specifications employed in regular street construction, shall be applied, after which a premixed asphaltic material shall be applied over the rock base to a depth of two (2) inches after roller compaction.
- C. All work of constructing, reconstructing or repairing parking areas as herein described shall be done under the supervision of the Street Commissioner.
- D. Any person who shall fail, neglect or refuse to construct, reconstruct or repair any parking area, as herein described, in accordance with the provision of this Section shall be deemed guilty of a misdemeanor and shall be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) for each offense. (CC 1994 §505.020; Ord. No. 261 §§1—4, 9-13-57)

CHAPTER 505: DANGEROUS BUILDINGS

SECTION 505.010: PURPOSE AND SCOPE

It is the purpose of this Chapter to provide a just, equitable and practicable method for the repairing, vacation or demolition of buildings or structures that may endanger the life, limb, health, property, safety or welfare of the occupants of such buildings or the general public, and this Chapter shall apply to all dangerous buildings, as herein defined, that now are in existence or that may hereafter exist in the City of Flordell Hills, Missouri.

SECTION 505.020: DANGEROUS BUILDINGS DEFINED

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

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

SECTION 505.030: DANGEROUS BUILDINGS DECLARED NUISANCE

All dangerous buildings or structures, as defined by Section 505.020 of this Chapter, are hereby declared to be public nuisances and shall be repaired, vacated or demolished as provided herein.

SECTION 505.040: STANDARDS FOR REPAIR, VACATION OR DEMOLITION

The following standards shall be followed in substance by the Building Inspector and the Building Commissioner in ordering repair, vacation or demolition of any dangerous building.

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

SECTION 505.050: BUILDING INSPECTOR

The _____ shall be the Building Inspector(s) within the meaning of this Chapter.

SECTION 505.060: DUTIES OF BUILDING INSPECTOR—PROCEDURE AND NOTICE

The Building Inspector(s) shall have the duty under this Chapter to:

1. Inspect or cause to be inspected, as often as may be necessary, all residential, institutional, assembly, commercial, industrial, garage, special or miscellaneous occupancy buildings for the purpose of determining whether any conditions exist that render such place to be a dangerous building when he/she has reasonable grounds to believe that any such building is dangerous.
2. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this Chapter, and the Building Inspector determines that there are reasonable grounds to believe that such building is dangerous.
3. Inspect any building, wall or structure reported by the Fire or Police Departments of this City as probably existing in violation of this Chapter.
4. Notify the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in the building or structure, as shown by the land records of the Recorder of Deeds of St. Louis County, of any building or structure found by him/her to be a dangerous building or structure within the standards set forth in Section 505.020. Such notice shall be in writing and shall be given either by personal service or by certified mail, return receipt requested, or if service

cannot be had by either of these modes of service, then service may be had by publication in a newspaper qualified to publish legal notices for two (2) consecutive weeks.

The notice required shall state that:

- a. The owner must vacate, vacate and repair, or vacate and demolish said building and clean up the lot or property on which the building is located in accordance with the terms of the notice and this Chapter.
- b. The occupant or lessee must vacate said building or have it repaired in accordance with the notice and remain in possession.
- c. The mortgagee, agent or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of St. Louis County may, at his/her own risk, repair, vacate or demolish the building and clean up the property or have such work done;

provided that any person notified under this Subsection to repair, vacate or demolish any building or clean up the property shall be given such reasonable time not exceeding thirty (30) days to commence the required work.

5. The notice provided for in this Section shall state a description of the building or structure deemed dangerous, a statement of the particulars that make the building or structure a dangerous building, a statement indicating that as a dangerous building said building or structure constitutes a nuisance, and an order requiring the designated work to be commenced within the time provided for in the above Subsection.
6. Report in writing to the City Building Commissioner the non-compliance with any notice to vacate, repair, demolish, clean up the property or upon the failure to proceed continuously with the work without unnecessary delay.
7. Appear at all hearings conducted by the Building Commissioner and testify as to the condition of dangerous buildings.
8. Immediately report to the Building Commissioner concerning any building found by him/her to be inherently dangerous and that he/she determined to be a nuisance per se. The Building Commissioner may direct that such building be marked or posted with a written notice reading substantially as follows:

"This building has been found to be a dangerous building by the Building Inspector. This notice is to remain on this building and/or property until it is repaired, vacated or demolished and the property is cleaned up in accordance with the notice that has been given the owner, occupant, lessee, mortgagee or agent of this building and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of St. Louis County. It is unlawful to remove this notice until such notice is complied with."

Provided however, that the order by the Building Commissioner and the posting of said notice shall not be construed to deprive all persons entitled thereto by this Chapter to the notice and hearing prescribed herein.

SECTION 505.070: BUILDING COMMISSIONER

The _____ shall act as Building Commissioner under this Chapter.

SECTION 505.080: DUTIES OF THE BUILDING COMMISSIONER

The Building Commissioner shall have the powers and duties pursuant to this Chapter to:

1. Supervise all inspections required by this Chapter and cause the Building Inspector to make inspections and perform all the duties required of him/her by this Chapter. Upon receiving a complaint or report from any source that a dangerous building exists in the City, the Building Commissioner shall cause an inspection to be made forthwith. If the Building Commissioner deems it necessary to the performance of his/her duties and responsibilities imposed herein, the Building Commissioner may request an inspection and report be made by any other City department or retain services of an expert whenever the Building Commissioner deems such service necessary.
2. Upon receipt of a report from the Building Inspector indicating failure by the owner, lessee, occupant, mortgagee, agent or other persons(s) having an interest in said building to commence work of reconditioning or demolition within the time specified by this Chapter or upon failure to proceed continuously with work without unnecessary delay, hold a hearing giving the affected parties full and adequate hearing on the matter.
3. Give written notice of said hearing, either by personal service or by certified mail, return receipt requested, or if service cannot be had by either of those modes of service, then by publication in a newspaper qualified to publish legal notices, at least ten (10) days in advance of the hearing date, to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of St. Louis County who may appear before the Building Commissioner on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the Building Inspector's notice as provided herein. Any party may be represented by counsel and all parties shall have an opportunity to be heard.
4. Make written findings of fact from the evidence offered at said hearing as to whether or not the building in question is a dangerous building within the terms of Section 505.020 of this Chapter.
5. If the evidence supports a finding based upon competent and substantial evidence that the building or structure is a dangerous building and a nuisance and detrimental to the health, safety or welfare of the residents of the City, the Building Commissioner shall issue an order based upon its findings of fact commanding the owner, occupant, mortgagee, lessee, agent or other persons(s) having an interest in said building as shown by the land records of the Recorder of Deeds of St. Louis County to repair, vacate or demolish any building found to be a dangerous building and to clean up the property, provided that any person so notified shall have the privilege of either repairing or vacating and repairing said building, if such repair will comply with the ordinances of this City, or may vacate and demolish said dangerous building at his/her own risk to prevent the acquiring by the City of the lien against the land where the dangerous building stands. If the evidence does not support a finding that a building or structure is a dangerous building or a nuisance or detrimental to the health, safety or welfare of the residents of the City, no order shall be issued.

6. If the owner, occupant, mortgagee or lessee fails to comply with the order within thirty (30) days, the Building Commissioner shall cause such building or structure to be repaired, vacated or demolished and the property cleaned up as the facts may warrant. If the Building Commissioner or other designated officer or officers issues an order whereby the building or structure is demolished, secured or repaired, or the property is cleaned up, the cost of performance shall be certified to the City Clerk or officer in charge of finance who shall cause a special tax bill or assessment therefor against the property to be prepared and collected by the City Collector or other official collecting taxes, unless the building or structure is demolished, secured or repaired by a contractor pursuant to an order issued by the City and such contractor files a mechanic's lien against the property where the dangerous building is located. The contractor may enforce this lien as provided in Sections 429.010 to 429.360, RSMo. Except as provided in Section 505.090, at the request of the taxpayer the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from the date of its issuance shall be deemed a personal debt against the property owner and shall also be a lien on the property until paid. Said tax bill or assessment shall bear interest at a rate of eight percent (8%) per annum until paid. (RSMo. §67.410)

SECTION 505.090: INSURANCE PROCEEDS—HOW HANDLED

- A. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, the following procedure is established for the payment of up to twenty-five percent (25%) of the insurance proceeds as set forth in this Subsection. This Subsection shall apply only to a covered claim payment that is in excess of fifty percent (50%) of the face value of the policy covering a building or other structure:
 1. The insurer shall withhold from the covered claim payment up to twenty-five percent (25%) of the covered claim payment and shall pay such monies to the City to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under this Chapter.
 2. The City shall release the proceeds and any interest that has accrued on such proceeds received under Subdivision (1) of this Subsection to the insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after receipt of such insurance monies, unless the City has instituted legal proceedings under the provisions of Subsection (6) of Section 505.080. If the City has proceeded under the provisions of Subsection (6) of Section 505.080, all monies in excess of that necessary to comply with the provisions of Subsection (6) of Section 505.080 for the removal, securing, repair and clean up of the building or structure and the lot on which it is located, less salvage value, shall be paid to the insured.
- B. If there are no proceeds of any insurance policy as set forth in Subsection (A) of this Section, at the request of the taxpayer the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from the date of its issuance shall be a lien on the property and a personal debt against the property owner(s) until paid.
- C. This Section shall apply to fire, explosion or other casualty loss claims arising on all buildings and structures.

- D. This Section does not make the City a party to any insurance contract, and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.
- E. The Building Commissioner may certify that in lieu of payment of all or part of the covered claim payment under Subsection (A) that it has obtained satisfactory proof that the insured has removed or will remove the debris and repair, rebuild or otherwise make the premises safe and secure. In this event, the Building Commissioner shall issue a certificate within thirty (30) days after receipt of proof to permit covered claim payment to the insured without the deduction pursuant to Subsection (A) of this Section. It shall be the obligation of the insured or other person making the claim to provide the insurance company with the written certificate provided for in this Subsection. (RSMo. §67.414)

SECTION 505.100: APPEAL

Any owner, occupant, lessee, mortgagee, agent or any other person(s) having an interest in a dangerous building as shown by the land records of the Recorder of Deeds of St. Louis County may appeal such decision to the Circuit Court of St. Louis County, as provided for in Sections 536.100 to 536.140, RSMo., if a proper record as defined in Section 536.130, RSMo., is maintained of the hearing provided for in Section 505.080 hereof. Otherwise, the appeal shall be made pursuant to the procedures provided for in Section 536.150, RSMo. (RSMo. §67.430)

SECTION 505.110: EMERGENCIES

In cases where it reasonably appears that there is immediate danger to the health, life, safety or welfare of any person unless a dangerous building, as defined herein, is immediately repaired, vacated or demolished and the property is cleaned up, the Building Inspector shall report such facts to the Building Commissioner and the Building Commissioner may cause the immediate repair, vacation or demolition of such dangerous building. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in Sections 505.080 and 505.090. (RSMo. §67.440)

SECTION 505.120: VIOLATIONS—DISREGARDING NOTICES OR ORDERS

The owner, occupant or lessee in possession of any dangerous building who shall fail to comply with the order to repair, vacate or demolish said building given by the Building Commissioner or who shall fail to proceed continuously without unnecessary delay; and any person removing any notices provided for in this Chapter; and any person violating any other provisions of this Chapter shall be guilty of an ordinance violation and upon conviction thereof shall be punished as set forth in Section 100.220 of this Code. Each day that a person fails to comply with an order of the Building Commissioner may be deemed a separate offense. (RSMo. §67.420)

CHAPTER 510: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE I. SIDEWALKS, CURBS AND GUTTERS

SECTION 510.010: DUTY OF OWNER

It shall be the duty of every owner of real estate to keep sidewalks, curb and gutter and driveway entrances adjacent to his/her property and in the City of Flordell Hills in good repair at all times and free from irregularities and offsets in the surface thereof which may render the same unsafe for use. (CC 1994 §510.010; Ord. No. 238 §1, 10-8-54)

SECTION 510.020: CONFORMANCE WITH GRADE OF STREET

All sidewalks, curb and gutter and driveway entrances constructed, reconstructed or repaired in the City of Flordell Hills shall be of concrete and shall conform to the established grade of the street. All sidewalks shall be not less than four (4) feet in width. (CC 1994 §510.020; Ord. No. 238 §2, 10-8-54)

SECTION 510.030: STREET COMMISSIONER TO SUPERVISE

All work for constructing, reconstructing or repair of sidewalks, curb and gutter and driveway entrances shall be done under the supervision of the Street Commissioner. (CC 1994 §510.030; Ord. No. 238 §3, 10-8-54)

SECTION 510.040: CONTRACTOR'S LICENSE REQUIRED

No person shall do the work of constructing, reconstructing or repairing of any sidewalk, curb and gutter or driveway entrances in the City of Flordell Hills without first having obtained a contractor's license so to do and the violation of this Section shall constitute a misdemeanor. Such license shall be issued by the Street Commissioner on payment of a fee of five dollars (\$5.00) and shall be good during the calendar year for which issued, subject to revocation by the Board of Aldermen for failure to observe any of the provisions of this Chapter relating to the construction, reconstruction or repairs of sidewalks, curb and gutter and driveway entrances. At the time of obtaining such license, said contractor shall give bond to the City of Flordell Hills in the sum of five hundred dollars (\$500.00) to be approved by the Street Commissioner conditioned that he/she will comply with all laws and ordinances of the City of Flordell Hills relating to sidewalks, maintaining warning signs and protection while the work is in progress to hold the City and property owner harmless from all claims, demands and actions against it or them arising out of said work, to replace any faulty work and remove all debris and clean up after said work is completed. The Street Commissioner shall keep a record of permits issued hereunder in a permanent book and he/she shall pay over all permit fees collected hereunder when received to the City Treasurer. (CC 1994 §510.040; Ord. No. 238 §4, 10-8-54)

SECTION 510.050: CONDEMNATION OF EXISTING SIDEWALKS

The Board of Aldermen may, by ordinance or resolution, condemn defective sidewalks, order their removal and provide for the construction of new sidewalks in the place of walks so condemned and removed as provided in this Chapter. (CC 1994 §510.050; Ord. No. 238 §5, 10-8-54)

SECTION 510.060: OWNER NOTIFIED WHEN CONSTRUCTION ORDERED—OWNER TO CAUSE WORK TO BE DONE

Whenever the Board of Aldermen shall by ordinance order the construction, reconstruction or repair of any concrete sidewalk or curb or gutter or driveway entrance, including necessary grading and filling, the City Clerk shall make out a written notice to the owner or owners of the property lying along or adjacent to such sidewalk to have the same constructed, reconstructed or repaired and the necessary grading or filling done as the case may be, which notice shall be served by the City Marshal by delivering a copy thereof to said property owner or owners or his/her or their representatives. If such owner or owners or his/her or their representatives are not residents of the City or the City Marshal shall make return that he/she is unable to find such owner or owners or his/her or their representatives within the City, the City Clerk shall cause the notice to be published in the newspaper doing the City printing for at least one (1) week. If such owner or owners or his/her or their representatives, fail or refuse to begin the work specified in such notice within fifteen (15) days after being served as aforesaid or after the last publication of such notice, the City Clerk shall notify the Board of Aldermen who may order the Street Commissioner to cause the work to be done. The cost of such work shall be levied as a special assessment and special tax bills issued therefor in the manner provided by law. (CC 1994 §510.060; Ord. No. 238 §6, 10-8-54)

SECTION 510.070: REFUSAL TO DO WORK—MISDEMEANOR

Any person who shall fail, neglect or refuse to construct, reconstruct or repair any sidewalk lying along or adjacent to his/her property, after having been notified to do such work as herein provided, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) for each offense. (CC 1994 §510.070; Ord. No. 238 §7, 10-8-54)

SECTION 510.080: CITY TO DO WORK—WHEN

No formality shall be required for repairing or reconstruction of sidewalks and making assessments therefor; but the Board of Aldermen, without notice to the property owner, may order the Street Commissioner to cause such work to be done and the Street Commissioner shall keep an account of the cost thereof and report the same to the Board of Aldermen for assessment. (CC 1994 §510.080; Ord. No. 238 §8, 10-8-54)

SECTION 510.090: REPORT TO BOARD OF COST

When the Street Commissioner or other proper officer or committee has made report to the Board of Aldermen of the cost of the construction, reconstruction or repair of any sidewalk or sidewalks in the City of Flordell Hills under the provisions of this Chapter, the Board of Aldermen in its discretion may levy said cost as a special assessment against each lot and piece of ground abutting said sidewalk and each such lot and piece of ground shall be liable for its part of the cost of the work done or made along or in front of such lot or piece of ground as reported to the Board of

Aldermen, and the City Collector shall issue separate tax bills therefor against each such lot or piece of ground as reported to the Board of Aldermen for its share of the cost. (CC 1994 §510.090; Ord. No. 238 §9, 10-8-54)

SECTION 510.100: ESTIMATE OF COST—BIDS

- A. Where a sidewalk has been condemned and is to be replaced with a new walk or where a petition of any ten (10) or more citizens of the City of Flordell Hills is received for the construction of a new sidewalk where no sidewalk had previously existed in the City of Flordell Hills, the Board of Aldermen in its discretion shall make a contract for the construction of such sidewalk, including grading therefor, with or without curbing, along the street, avenue or other public highway or part thereof involved. Such contract shall be let to the lowest and best bidder upon plans and specifications filed therefor by the Street Commissioner with the City Clerk, not less than one (1) week's advertisement for bids thereon being made in some newspaper published in the City. Before the advertising for bids, an estimate of cost of the work shall be made by the Street Commissioner and submitted to the Board of Aldermen and no contract shall be made for the work at a price exceeding such estimate.
- B. When, on proper advertisement as herein provided, no bid is received for the construction of sidewalks, the Board of Aldermen may order the Street Commissioner to cause the work to be done. In such case, the Street Commissioner shall keep an accurate account of the amount expended for labor and materials, including grading and filling, opposite each lot or piece of ground and present such account to the Board of Aldermen as provided in this Chapter. (CC 1994 §510.100; Ord. No. 238 §10, 10-8-54)

SECTION 510.110: MATERIALS TO BE USED

All sidewalks, alleys and street crossings and entrances to private driveways shall be constructed, reconstructed and repaired of the materials in this Chapter. (CC 1994 §510.110; Ord. No. 238 §11, 10-8-54)

SECTION 510.120: SIDEWALKS—MATERIALS

For the purpose of building sidewalks, the earth shall be excavated deep enough to hold a bed of concrete four (4) inches thick. Where sidewalks are built in the City of Flordell Hills and where the earth adjoining the sidewalks on the street side when finished is higher than the sidewalk, it shall be sloped to curb line. If at any place a fill is necessary upon which to construct a sidewalk, it shall be made by the contractor and shall be properly compacted before the sidewalk is laid. The concrete must be made of Meramec gravel (clean, sharp, free from dirt and dust) and must be mixed with sand and Portland cement of some brand having a well-established reputation, to be mixed in the following proportions, to wit: One (1) of cement, three (3) of sand and five (5) of gravel. This mixture must be carefully sprinkled and mixed before being put in and firmly tamped to a level surface. The surface of the walk shall be finished with a wooden float bringing about a uniform surface. There shall be a pitch of one-fourth ($\frac{1}{4}$) inch to the foot toward the curb from the inside line of the walk. The concrete must be laid between strong, straight forms and must be divided into sections not more than six (6) feet long. The finished work must be carefully protected and barricaded so as to prevent damage to the newly constructed work and so as to prevent damage or injury from frost, heat and rain. (CC 1994 §510.120; Ord. No. 238 §12, 10-8-54)

SECTION 510.130: ALLEYS, STREET CROSSINGS AND ENTRANCES TO DRIVEWAYS—MATERIALS

For the purpose of building alley and street crossings and entrances to private driveways, the earth shall be excavated deep enough to hold a bed of concrete six (6) inches thick with a smooth surface; the same materials shall be used as provided for in building sidewalks to be used in the following proportions, to wit: One (1) of cement, three (3) of sand and five (5) of gravel. This mixture must be carefully sprinkled and mixed before being put in place and must be firmly tamped to a level surface. The finished work must be carefully protected and barricaded so as to prevent damage to the newly constructed work and so to prevent damage or injury from frost, heat and rain. (CC 1994 §510.130; Ord. No. 238 §13, 10-8-54)

SECTION 510.140: COMBINATION CURB AND GUTTERS—MATERIALS

For the purpose of building combination curb and gutters, the earth shall be excavated to the proper width and depth. The gutter shall consist of a bed of concrete six (6) inches thick. The foundation course shall consist of one (1) part of Portland cement of some well-known brand, three (3) parts of clean, sharp Meramec sand and five (5) parts of Meramec gravel of the proper size, all properly mixed and wet to a proper temper and tamped to proper shape and thickness one-half (½) inch below top of templates. The finishing coat is to consist of one (1) part of Portland cement of some well-known brand and one (1) part of Meramec sand (not too fine or coarse) all properly mixed and troweled to an even surface and brush finished. All blocks are to be eight (8) feet long and to be parted by using one-fourth (¼) inch thick metal parting strips or templates of the shape and size of plan furnished by the Street Commissioner. After completion of curb and gutter, earth shall be filled in behind curb to height of same, leveling off earth between sidewalk and curb, so that there will be a gradual slope from the sidewalk to the top of the curb. (CC 1994 §510.140; Ord. No. 238 §14, 10-8-54)

SECTION 510.150: USING MATERIALS OTHER THAN THOSE REQUIRED HEREIN—MISDEMEANOR

Any person constructing, reconstructing or repairing or causing to be constructed, reconstructed or repaired, sidewalks, alley and street crossings, entrances to private driveways and curb and gutters, in the manner of the materials other than provided for in this Chapter, shall be guilty of a misdemeanor and shall be punished by a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) for each offense. Each and every day any sidewalk, alley and street crossings, entrances to private driveways and curb and gutters constructed, reconstructed or repaired in violation of the provisions and specifications of this Chapter is allowed to remain, shall constitute a separate offense. (CC 1994 §510.150; Ord. No. 238 §15, 10-8-54)

SECTION 510.160: FORM OF SPECIAL TAX BILL

Whenever the Board of Aldermen shall assess special taxes against any lot or piece of ground for making or repairing sidewalks and sidewalk curbing, for paving, macadamizing, curbing or guttering any streets, alleys, avenue or highway or repairing the same or for any costs or expense incurred by the City for a public purpose and chargeable by tax bill, the City Clerk shall make out a separate special tax bill against each lot or piece of ground assessed showing the name of the owner, the description of the lot or piece of ground assessed, the date and amount of the tax bill, the purpose for which it was issued, the contractor or City in whose favor same was issued, the number of the

ordinance authorizing the issuance of the bill and the rate of interest the tax bill bears. The City Clerk shall record each tax bill in a special book provided for that purpose and kept by him/her in his/her office. Said tax bills shall be signed and certified as correct by the Mayor, countersigned by the City Clerk and the Seal of the City impressed thereon. (CC 1994 §510.160; Ord. No. 238 §16, 10-8-54)

SECTION 510.170: TAX BILLS DELIVERED TO WHOM

If the work of improvement was done by contract, the tax bills when issued therefor and recorded shall be delivered to the contractor who did the work and if the work was done by the City, the special tax bills shall be delivered to the City Collector and the City Clerk shall charge him/her therewith. (CC 1994 §510.170; Ord. No. 238 §17, 10-8-54)

SECTION 510.180: TAX BILL TO BE LIEN

Special tax bills shall be a lien against the lot or piece of ground described therein until paid and shall bear interest after thirty (30) days from date of issue at the rate of eight percent (8%) per annum. (CC 1994 §510.180; Ord. No. 238 §18, 10-8-54)

SECTION 510.190: BOARD OF ALDERMEN MAY BRING SUIT FOR UNPAID TAX BILLS

The Board of Aldermen may direct suit to be brought on all unpaid tax bills due to the City. All special tax bills shall be assignable and collectible in any action brought in the name of the City to the use of the holder thereof; but the City shall not in any event be liable for any cost that may accrue in such action. Such special tax bills shall in any action thereon be prime facie evidence of the regularity of the proceedings for such special assessment, of the validity of the bill, of the doing of the work and the furnishing of the materials charged for and of the liability of the property to the charge stated in the bill. (CC 1994 §510.190; Ord. No. 238 §19, 10-8-54)

SECTION 510.200: PAYMENT MADE TO CITY COLLECTOR

Anyone desiring to pay any special tax bill may pay the same to the City Collector who shall make out duplicate reports therefor, one (1) of which shall be delivered to the person paying the tax bill and the other shall be filed with the City Clerk. If the tax bill so paid is due to the City, the amount so collected shall be turned over to the City Treasurer to the credit of the General Revenue Fund. If the tax bill is not due to the City, the City Collector shall pay the amount to the owner or holder of the tax bill on presentation of the same to him/her. (CC 1994 §510.200; Ord. No. 238 §20, 10-8-54)

SECTION 510.210: TAX BILL—WHEN PAID

When any tax bill has been paid and presented to the City Clerk or when the City Collector has filed a copy of duplicate payment report herein provided for with the City Clerk, the City Clerk shall note on the record the satisfaction of such tax bill with the date of such satisfaction and thereafter such tax bill shall be considered as canceled. (CC 1994 §510.210; Ord. No. 238 §21, 10-8-54)

ARTICLE II. EXCAVATIONS

SECTION 510.220: PERMIT REQUIRED

No person, firm, association, partnership or corporation shall make or cause to be made any excavation; encroachment on; lay, locate, erect, remove, maintain or repair any conduit, pole, pole line, wire or wires, main, pipe, conductor, sewer, tramway or drain within, upon, over or across; or move any building or other structure upon, over or across any street, avenue, boulevard, road, alley, highway, sidewalk or public easement without first having filed an application with and obtained a permit therefore from the Street Commissioner of the City of Flordell Hills. (CC 1994 §515.010; Ord. No. 228 §1, 11-13-53)

SECTION 510.230: STREET COMMISSIONER TO REVIEW APPLICATIONS

All applications for permits required under the provisions of this Chapter shall be referred to the Street Commissioner for his/her review and recommendation and if the Street Commissioner finds that the applicant has complied with all the requirements of this Chapter and all other ordinances, laws and regulations of the City of Flordell Hills, then the permit or permits may be issued. (CC 1994 §515.020; Ord. No. 228 §2, 11-13-53)

SECTION 510.240: DEPOSIT REQUIRED

No person, firm, association, partnership or corporation shall receive any permit to excavate in or under any street, avenue, boulevard, road, alley, highway, sidewalk or public easement until such person, firm, association, partnership or corporation shall have first deposited with the Street Commissioner a sum as set by him/her, which deposit shall remain with the City Treasurer until such street, avenue, boulevard, road, alley, highway, sidewalk or public easement in or under which the excavation has been made shall have been restored to as good condition as it was previous to such excavation being made and until the City Treasurer is notified by the Street Commissioner that such restoration has been made. (CC 1994 §515.030; Ord. No. 228 §3, 11-13-53)

SECTION 510.250: RESTORATION TO PREVIOUS CONDITION

In the event that the person, firm, association, partnership or corporation making such excavation shall delay or refuse, after due notice from the Street Commissioner, to restore such street, avenue, boulevard, road, alley, highway, sidewalk or public easement in or under such excavation has been made to as good condition as it was previous to such excavation, it shall be the duty of the Street Commissioner to make such restoration, the expense thereof to be defrayed by said deposit and the balance thereof, if any, after all lawful charges against it have been made, shall be returned to the person, firm, association, partnership or corporation making such deposit. (CC 1994 §515.040; Ord. No. 228 §4, 11-13-53)

SECTION 510.260: STANDING DEPOSIT WITH CITY

Any person, firm, association, partnership or corporation having occasion to make frequent excavations in or under the streets, avenues, boulevards, roads, alleys, highways, sidewalks or public easements in the City of Flordell Hills may in lieu of the deposit required in Section 510.240 of this Chapter keep a standing deposit with the City Treasurer of the sum of one hundred dollars (\$100.00) to cover the restoration of any street, avenue, boulevard, road, alley, highway, sidewalk or public

easement where such excavation shall not exceed the width of the said street, avenue, boulevard, road, alley, highway, sidewalk or public easement in which such excavations are made, which said deposit shall be subject to all the conditions of Sections 510.030 and 510.040 of this Chapter, except that said deposit shall at all times be maintained at one hundred dollars (\$100.00). (CC 1994 §515.050; Ord. No. 228 §5, 11-13-53)

SECTION 510.270: STANDING BOND WITH CITY

Any person, firm, association, partnership or corporation having occasion to make frequent excavations and any person, firm, association, partnership or corporation making excavations exceeding in length the width of the street, avenue, boulevard, road, alley, highway, sidewalk or public easement in or under which such excavations are made shall, in lieu of the deposit required by Sections 510.030 and 510.050 of this Chapter, keep a standing bond in the sum of two thousand dollars (\$2,000.00) on file with the City Treasurer, to be approved by the Mayor, conditioned to restore such streets, avenues, boulevards, roads, alleys, highways, sidewalks and public easements as required in Sections 510.030, 510.040 and 510.050 of this Chapter. (CC 1994 §515.060; Ord. No. 228 §6, 11-13-53)

SECTION 510.280: FEE FOR PERMIT

The Street Commissioner shall collect for the granting of each permit required under the provisions of this Chapter a fee of five dollars (\$5.00) which fee shall be paid into the City Treasury to the credit of the General Revenue Fund. (CC 1994 §515.070; Ord. No. 228 §7, 11-13-53)

SECTION 510.290: APPLICATION FOR DIFFERENT TYPES OF WORK

- A. An application shall be filed for each single service connection or pole installation and for each driveway installation. However, should it be the applicant's intention to make more than one (1) service cut or install more than one (1) pole or construct more than one (1) driveway without the limits of any one (1) block, then and in that event an application may be filed covering the entire work intended under any one (1) of the operations mentioned above.
- B. Service connections when installed concurrently with installation of main, by applicant for main installation, will not require a separate permit.
- C. When water mains, gas mains, trunk and lateral sewers, telephone or power poles or conduits are to be installed continuously for a distance greater than one (1) block, a permit may be obtained by filing an application for any one (1) of these operations.
- D. The placing of pole lines proposing to serve an entire subdivision of record may be undertaken under one (1) permit, provided however, that such pole lines are installed in easements in the rear of lots.
- E. A permit will be issued upon application for the moving of each individual house or structure.
- F. When an emergency excavation is made, a permit for each excavation must be secured within forty-eight (48) hours of starting the work. (CC 1994 §515.080; Ord. No. 228 §8, 11-13-53)

SECTION 510.300: WORK MUST BE STARTED WITHIN THIRTY DAYS

- A. Every effort must be made by the person, firm, association, partnership or corporation holding a permit to execute the work at the time designated in the application to avoid the revocation of said permit.
- B. Permits will be revoked thirty (30) days after the date of issuance, if work is not started within that period, unless for good cause shown applicant is granted an extension of time by the Street Commissioner.
- C. Applicant may apply for a permit on work contemplated but for which the time of starting has not been definitely determined, in which event the issuance of permit will be withheld until applicant gives notice of the date that the work is proposed to start. Such notice shall be given in writing and shall be accompanied by a fee for it and cash guaranty if required and a self-addressed, stamped envelope. In the event applicant cannot determine the date upon which work will be started, but is certain that the date will be within a period of thirty (30) days, then and in that event a permit will be issued pending written or telephone notice from applicant as to the date for starting. (CC 1994 §515.090; Ord. No. 228 §9, 11-13-53)

SECTION 510.310: ADDITIONAL REQUIREMENTS FOR EXCAVATION

- A. Plans and elevations, if required, shall be submitted with the application for all uses other than service connections and the moving of buildings.
- B. No public way shall be obstructed so as to inconvenience traffic, whether vehicular or pedestrian, contrary to these conditions without special permission of the Street Commissioner.
- C. Installation of fixtures, such as, but not limited to, poles, wires, sewers, conduits, mains, shall be completed and maintained under the supervision of the Street Commissioner where same are located across or along any public way.
- D. The fixtures, with relation to public ways, shall be located as shown on the plan attached to the application.
- E. Sewers shall be installed under the condition that the City of Flordell Hills reserves the right to install catch basins and connections and make such extensions of sewers as the City may deem necessary and advisable for the proper drainage of public ways.
- F. The length of ditch to be left open at any one time shall be determined by the Street Commissioner and all excavated materials from the trench shall be piled on the outside of said trench, that is, the side nearest the property line, unless instructed by the Street Commissioner to make other disposition of the excavated materials so as not to inconvenience traffic, and all debris and surplus materials after installation of the fixtures has been made shall be removed from the road to the satisfaction of the Street Commissioner, leaving the street, road or highway ditches open.
- G. The backfilling or refilling of trenches in roadways or where they intersect lines of traffic must be refilled as soon as the fixture is installed, all of the refilling around and above the top of the fixture to be thoroughly tamped as it is put into the trench, assuring ninety-five percent (95%) compaction as determined by standard compaction tests and the top eight (8) inches to be filled with large size macadam. Ditches outside of street crossings shall be refilled as soon as the fixture is laid and settled by tamping or flooding with water, the amount of water being sufficient to thoroughly settle the earth around the fixture in the trench and carry down all the dirt used in the first (1st) backfilling, assuring ninety-five percent (95%) compaction. The top twelve (12) inches of backfill

on the ditch shall be of dry material and shall be placed to the satisfaction of the Street Commissioner.

- H. Driveways leading into lots on any street or highway shall be bridged and kept passable and open at all times so as to afford residents ingress and egress and any damage done to fixtures under said driveways shall be repaired by and at the expense of the applicant causing such damage.
- I. At all intersections of private and public roads crossed by any trench, bridges shall be properly and sufficiently constructed, said bridges to be not less than sixteen (16) feet wide, so as to accommodate two (2) lines of traffic. Backfilling at these locations shall be done immediately after fixtures are installed so as to require the use of bridges for the shortest time possible. No public way shall be closed to traffic, provisions being made at all times for use of same by traveling public.
- J. Culverts, masonry or concrete bridges of all descriptions shall be properly protected and repaired if encountered and disturbed and must be left in as good condition as found.
- K. Whenever practicable, utility underground fixtures shall be laid out less than fifteen (15) feet from the centerline of the street, avenue, boulevard, road or highway and in the center of any alley or public easement unless otherwise directed by the Street Commissioner, as in the case of necessary deflections caused by curves, bridges, abutments or other anomalous conditions. (CC 1994 §515.100; Ord. No. 228 §§10—20, 11-13-53)

SECTION 510.320: FENCING REQUIREMENTS

Every applicant who shall make or cause to be made any excavation in or adjoining any street, avenue, boulevard, road, alley, highway, sidewalk or public easement shall cause the same to be fenced in with substantial fence not less than three (3) feet high and so placed as to prevent persons, animals or vehicles from falling into said excavations and every applicant making or causing to be made any such excavation and every applicant who shall occupy or cause to be occupied any portion of any street, avenue, boulevard, road, alley, highway, sidewalk or public easement with building materials or any obstruction shall cause two (2) red lights to be securely and conspicuously posted on or near such excavation, building material or obstruction; provided such obstruction does not exceed ten (10) feet in length and if more than ten (10) feet and less than fifty (50) feet, three (3) red lights, one (1) on each end and one (1) in the center shall be so placed and one (1) additional light for each additional twenty-five (25) feet or part thereof and shall keep such lights burning during the entire night. Any applicant who shall occupy or cause to be occupied any portion of any street, avenue, boulevard, road, alley, highway, sidewalk or public easement with building material shall bridge or pipe the side ditch of same in such manner as to allow the free passage of water. (CC 1994 §515.110; Ord. No. 228 §21, 11-13-53)

SECTION 510.330: REPLACEMENT OF PAVEMENT

- A. Applicant shall comply with the following specifications for the replacement of pavement over excavations made in all streets, avenues, boulevards, roads, alleys, sidewalks or highways other than those having an existing pavement constructed of concrete.
- B. After the backfill has been thoroughly and substantially compacted, a proper subgrade shall be prepared and upon which shall be placed a course of macadam having a depth of not less than seven (7) inches. This course shall be choked with screenings so as to properly fill all voids and interstices, after it shall be thoroughly compacted by rolling with a power roller or by hand tamping. The screening shall be broomed in by hand or flushed with water, or both, in order that a proper bond may be obtained. In lieu of binding with screenings the macadam may be bound by applying

not less than three (3) gallons of eighty-five (85) to one hundred (100) penetration asphalt heated to a temperature of not less than two hundred seventy-five degrees Fahrenheit (275°F). After the base course has been thoroughly bound and compacted, a two (2) inch course of penetration macadam shall be placed thereon and properly rolled and compacted with a power roller. As an alternative, a two (2) inch plant six (6) asphaltic concrete surface may be constructed, all to be done in accordance with City specifications.

- C. The reconstructed pavement shall conform to the contours of the existing surface of the roadway, be true to line and grade and present a finished workmanship appearance. (CC 1994 §515.120; Ord. No. 228 §22, 11-13-53)

SECTION 510.340: CUTS MADE IN CONCRETE

All cuts made in concrete pavements shall be vertical and follow a straight line. Care shall be exercised to avoid breaking out of triangular and irregular shaped pieces adjacent to contraction and expansion joints. Cuts shall be vertical and made so as to avoid breaking or spalling the underside of the pavement. Before reconstructing pavement in cuts, the subgrade shall be prepared in accordance with these conditions and the edges of the existing pavement shall be cleaned and freed of all earth and foreign matter. The pavement shall be reconstructed in accordance with the St. Louis County standard specifications for concrete pavement and when completed shall form a perfect bond with the existing pavement. Reinforcing may be omitted provided, in lieu thereof, the reconstructed pavement shall be a thickness three (3) inches greater than the existing pavement. Before final replacement of pavement as provided above, temporary repairs shall be made consisting of brick or asphaltic concrete. (CC 1994 §515.130; Ord. No. 228 §23, 11-13-53)

SECTION 510.350: APPLICANT TO REPAIR DISTURBED AREAS

- A. The applicant shall be required to repair all pavements, edges of pavements and shoulders damaged as a result of a diversion of traffic.
- B. All applicants will be required to maintain the trench and such pavements as are disturbed through the installation of fixtures for a period of six (6) months from the date of completion, during which period said applicants shall make all necessary repairs within ten (10) days after being notified by the Street Commissioner. (CC 1994 §515.140; Ord. No. 228 §§24—25, 11-13-53)

SECTION 510.360: ELECTRIC, TELEPHONE OR TELEGRAPH WIRES

- A. Poles suspending electric, telephone or telegraph wires or poles for any other purpose shall not be placed so as to obstruct any street, avenue, boulevard, road, alley, public easement or highway or private entrance or to prevent the safe, proper or convenient use thereof. All electric, telephone, telegraph wire or wires for any other purpose shall be firmly suspended from substantial poles so as not to endanger life or property.
- B. Any applicant desiring to install electric, telephone or telegraph poles or poles for any other purpose upon any street, avenue, boulevard, road, alley, public easement or highway where the right-of-way lines are not definitely established on the ground shall cause to be made a survey establishing such lines as are necessary to determine the correct right-of-way lines and file a plat of such survey with application. (CC 1994 §515.150; Ord. No. 228 §§26—27, 11-13-53)

SECTION 510.370: APPLICANT VIOLATING LAW

No applicant shall do or cause to be done any work on, or any use of, public ways in violation of the law or conditions of permit, nor shall fail to properly protect all existing fixtures and installations encountered. (CC 1994 §515.160; Ord. No. 228 §28, 11-13-53)

SECTION 510.380: SEWER LINES

Any applicant or owner placing or causing to be placed any sewer or drain under any City street, avenue, boulevard, road, alley, sidewalk, public easement or highway shall be required, in addition to the applicable conditions hereinbefore and hereafter set forth, to maintain said sewer or drain and repair same when notified by the Street Commissioner to do so. (CC 1994 §515.170; Ord. No. 228 §29, 11-13-53)

SECTION 510.390: WRITTEN ACCEPTANCE—WHEN

Whenever the Street Commissioner shall deem it necessary, written acceptance of any or all applicable conditions of this Chapter may be required of applicants contemplating work under or upon any street, avenue, boulevard, road, alley, sidewalk, public easement or highway. (CC 1994 §515.180; Ord. No. 228 §30, 11-13-53)

SECTION 510.400: MOVING OF A BUILDING

- A. The transportation of buildings and structures along and over said public ways shall be governed by specific conditions which will be provided in pursuance of each application.
- B. Any owner, upon five (5) days' notice so to do, shall at its own expense cut, remove, lower or change any electric wire, transmission line, telephone or telegraph lines or wires or the feed and the trolley wires of any interurban or electric railroad or change the location of same or move or remove any poles bearing such lines, wires or cables for the purpose of permitting the transportation of the over-dimensions buildings or equipment. Upon like notice the owner shall, at his/her own expense, lower, raise, remove, change or alter in any manner the location or maintenance of any conduits, poles, pole lines, wires, mains, pipes, conductors, sewers, drains, tramways or other objects within or under or over the right-of-way of any public way if at any time it shall become necessary because of a change in the grade or for any other purpose whatsoever made necessary by reason of the widening, moving, repairing, construction, reconstruction or maintenance of such public way. (CC 1994 §515.190; Ord. No. 228 §§31—32, 11-13-53)

SECTION 510.410: VIOLATION AND PENALTY

Any person, firm, association, partnership or corporation violating any provision of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than five dollars (\$5.00) and not more than one hundred dollars (\$100.00) for each violation and each day that the violation continues shall be considered a separate offense. (CC 1994 §515.200; Ord. No. 228 §33, 11-13-53)

ARTICLE III. REGULATIONS CONCERNING POLES, WIRES AND CONDUITS

SECTION 510.420: PERMIT REQUIRED

No person, company or corporation shall erect or cause to be erected any poles or pole or string any wire or lay any conduit in the streets, alleys or public places of this City for the purpose of carrying on a telegraph or telephone business or for supplying electric current for light, heat or power purposes without having first obtained a permit from the Street Commissioner or general permission by contract with the City of Flordell Hills. (CC 1994 §517.010; Ord. No. 267 §1, 1-10-58)

SECTION 510.430: APPLICATION FOR PERMIT

Any person, company or corporation desiring a permit to erect any such pole or poles shall file an application with the Street Commissioner for such permit, accompanied with a plat upon a suitable scale, showing the route of their proposed line or lines, the name of the street or streets to be occupied or if an alley or alleys, the number of the block and also the location of each pole. Upon the filing of such application and plat, if such applicant is duly authorized to do business in the City and if the erection of such pole or poles and if the placing of wire, guy wires, tubes or cables thereon will not interfere with the rights of the public or be contrary to the provisions of the ordinances of the City, the Street Commissioner may grant a permit for the erection of such pole or poles to be issued and signed as above provided. (CC 1994 §517.020; Ord. No. 267 §2, 1-10-58)

SECTION 510.440: BOARD OF ALDERMEN—RIGHTS AND RESPONSIBILITIES

The Board of Aldermen and the Mayor shall, after having given five (5) days' written notice to all parties interested, have the right at any time to direct any alteration in the location of poles and the height at which wires and guy wires may be run, erected or maintained under permits granted under the provisions of this Chapter; and if any such alteration be ordered, any person, company or corporation, which has erected or is maintaining the poles or wires where such alteration has been ordered, shall, within five (5) days thereafter, commence such alteration and complete the same without unnecessary delay and upon failure so to do shall be deemed guilty of a misdemeanor. (CC 1994 §517.030; Ord. No. 267 §3, 1-10-58)

SECTION 510.450: REQUIREMENTS FOR POLES

All such poles erected or maintained by permission under this Chapter shall be sound, not less than thirty (30) feet in length, planted not less than five (5) feet in the ground, not less than five (5) inches in diameter at the upper end, shall be straight, shapely, of uniform size, neatly dressed and thoroughly painted white or of such color as may be directed by the Board of Aldermen and shall not be placed so as to in any manner obstruct the ordinance of the streets or alleys or to interfere with or damage the curbs, gutters, water lines, gas pipes, streets, alleys, driveways, trees or other public or private property on the line of any street or alley where such poles shall be erected. All such poles shall be placed between the curb and the sidewalk. All wires and guy wires, tubes or cables carrying currents shall be strung on such poles not less than twenty (20) feet above the surface of the ground. (CC 1994 §517.040; Ord. No. 267 §4, 1-10-58)

SECTION 510.460: ATTACHING WIRES ETC., TO TREES OR BUSHES

No person, for the purpose of placing or maintaining wires or lines of poles or for any other purpose connected with the construction and maintenance of telegraph, telephone or other electric lines, shall climb any tree by the use of spurs or of any instrument which shall pierce such tree or in any way injure, cut, trim, deface or destroy any trees or in the branch of any tree or any shrub or plant or fixture or ornament or utility in any street, road, alley or public place of said City or attach any crossbar or other fixture to any such tree without a written permit from the Mayor, and all such work shall be done under the direction, supervision and control of the Street Commissioner or other person designated for that purpose by the Board of Aldermen. (CC 1994 §517.050; Ord. No. 267 §5, 1-10-58)

SECTION 510.470: REPAIR OF STREETS WHEN DAMAGE DONE

Whenever any streets, alley, sidewalk, curb or gutter shall be disturbed or injured in the erection of any pole or poles in pursuance of this Chapter, it shall be the duty of the owner of such pole or poles, on the completion of the work, to immediately restore and repair such street, alley, sidewalk, curb or gutter so disturbed or injured to the satisfaction of the Street Commissioner. (CC 1994 §517.060; Ord. No. 267 §6, 1-10-58)

SECTION 510.480: COMBINING WIRES ON ALREADY EXISTING POLES

In case any persons, association or corporation, duly authorized to do business in this City, desiring to place along or across any of the streets, alleys or public places of the City of Flordell Hills wires, tubes or cables conveying electricity for the production of light, heat or power, shall file with the Board of Aldermen the written consent of any other telegraph or telephone company or other electric light or power company doing business in the City of Flordell Hills to the placing of such wires, tubes or cables upon the poles of said telegraph, telephone, electric light or power company situated in the streets, alleys or public places named in such application, the Board of Aldermen is hereby authorized at its discretion to grant a permit for such occupancy of the poles of such other telegraph, telephone, electric light or power company with such restriction, regulations and qualifications as may be prescribed by said Board. (CC 1994 §517.070; Ord. No. 267 §7, 1-10-58)

SECTION 510.490: UNLAWFUL WIRES, ETC.

All wires, guy wires, tubes, cables, poles or other fixtures, erected, constructed or maintained in violation of the provisions of any ordinance of the City or of any permit shall be deemed an obstruction to and an encroachment upon the public highways of said City and subject to the penalties of this Code. (CC 1994 §517.080; Ord. No. 267 §8, 1-10-58)

SECTION 510.500: PARTIAL COMPENSATION

Every person, firm or corporation erecting or maintaining telephone poles or poles of electric light or power companies, wires, tubes or cables on the streets, alleys or public places of the City as compensation in part for the use of such streets, alleys or public places shall, within twenty (20) days after written notice, signed by the Mayor, provide and furnish free of charge space on one (1) crossarm or other appliance suitable for the purpose, on each pole heretofore or hereafter erected in said City, for the use of said City for the City's electric wires, its fire alarm, telegraph or police

signal wires. If any such company, firm, corporation or person, shall fail or refuse to furnish such space on such crossarm, its or his/her permit shall be revoked and canceled. (CC 1994 §517.090; Ord. No. 267 §9, 1-10-58)

SECTION 510.510: SUBJECT TO CHAPTER

All wires, guy wires, cables, tubes and poles used for any of the purposes aforesaid shall be constructed, erected and maintained in such manner and under such regulations as the Board of Aldermen may by ordinance or resolution direct, and all persons, companies and corporations carrying on a telegraph or telephone business or supplying electric current, heat or power shall be subject to all the provisions of this Article and to all ordinances which may hereafter be enacted for the regulation or taxation of said companies, corporations or persons or their property, and nothing herein contained shall be construed as releasing them from any obligation assumed or duty or obligation imposed by any ordinance of said City. (CC 1994 §517.100; Ord. No. 267 §10, 1-10-58)

SECTION 510.520: CITY RIGHTS

The City reserves the right to alter, amend or repeal any of the foregoing Sections of this Article. (CC 1994 §517.110)

SECTION 510.530: VIOLATIONS AND PENALTIES

Any company or corporation, or any person or any president, manager, superintendent or officer in charge of any corporation or company and every employee of any company or corporation or person who shall violate or fail to comply with the provisions of this Chapter shall be deemed guilty of a misdemeanor and each and every day any wire, tube, cable or pole shall be suffered to remain in such condition or situation as to constitute a violation of this Chapter shall constitute a separate offense. (CC 1994 §517.120; Ord. No. 267 §11, 1-10-58)

CHAPTER 515: HOUSING

SECTION 515.010: DEFINITIONS

A. The following definitions shall apply in the interpretation and enforcement of this Chapter:

BASEMENT: A portion of a building located underground in part but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

CELLAR: A portion of a building located underground in part or in whole and having one-half ($\frac{1}{2}$) or more than one-half ($\frac{1}{2}$) its clear floor-to-ceiling height below the average grade of the adjoining ground.

COMMISSIONER: The Building Commissioner of the City of Flordell Hills.

DWELLING: Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants; provided that temporary housing as hereinafter defined shall not be regarded as a dwelling.

DWELLING UNIT: Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

EXTERMINATION: The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized legal pest elimination methods approved by the St. Louis County Health Department.

GARBAGE: The animal and vegetable waste and residue resulting from the handling, preparation, cooking and consumption of food.

HABITABLE ROOM: A room or enclosed floor space used or intended to be used by human beings for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets and storage spaces.

INFESTATION: The presence, within or around a dwelling, of any insects, rodents or other pests.

MULTIPLE-DWELLING: Any building, structure or dwelling containing more than two (2) dwelling units.

OCCUPANT: Any person over one (1) year of age living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit or rooming unit.

OPERATOR: Any person who has charge, care or control of a building or part thereof, in which dwelling units or rooming units are let.

ORDINARY MINIMUM WINTER CONDITIONS: The temperature fifteen degrees Fahrenheit (15°F) above the lowest recorded temperature for the previous ten (10) year period.

OWNER: Any person who, alone or jointly or in common with others:

1. Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
2. Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any agent or representative of the owner shall be bound to comply with the provisions of this Chapter, and of rules and regulations adopted pursuant thereto, to the same extent as if he/she were the owner.

PERSON: Any individual, firm, corporation, association or partnership.

PLUMBING: Includes all of the following supplied facilities and equipment: Gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

RUBBISH: Combustible and non-combustible waste materials, except garbage; and the term shall include the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, derelict automobiles, inoperative machinery, tin cans, metals, mineral matter, glass, crockery and dust.

SUPPLIED: Paid for, furnished or provided by or under the control of the owner or operator.

TEMPORARY HOUSING: Any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utilities system on the same premises for more than thirty (30) consecutive days.

- B. *Meaning Of Certain Words.* Whenever the words "*dwelling*", "*dwelling unit*", "*rooming house*", "*rooming unit*", "*premises*" are used in this Chapter, they shall be construed as though they were followed by the words "or any part thereof". (CC 1994 §520.010; Ord. No. 400 §1, 9-17-79)

SECTION 515.020: INSPECTION OF DWELLINGS, DWELLING UNITS AND PREMISES

The Commissioner is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units and premises located within the City of Flordell Hills in order that he/she may perform his/her duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections, the Commissioner is hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units and premises. The owner or occupant of every dwelling and dwelling unit or the person in charge thereof shall give the Commissioner free access to such dwelling and dwelling unit and its premises at all reasonable times for the purpose of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof or his/her agent or employee access to any part of such dwelling or dwelling unit or its premises at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Chapter or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this Chapter. (CC 1994 §520.020; Ord. No. 400 §2, 9-17-79)

SECTION 515.030: ENFORCEMENT—SERVICE OF NOTICES AND ORDERS—HEARINGS

- A. Whenever the Commissioner has made a determination upon the basis of evidence presented to him/her or of which he/she has knowledge that there has been a violation of any provisions of this Chapter or of any rule or regulation adopted pursuant thereto, he/she shall serve notice of such alleged violation to the person or persons responsible therefor as hereinafter provided. Such notice shall:
1. Be in writing.
 2. Include a statement of the charge made and the alleged violation together with a statement of the corrective action required to cure the alleged violation.
 3. Grant a reasonable time for the performance of any act it requires.
 4. Be served upon the owner or his/her agent or the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such owner or agent or upon such occupant, if a copy thereof is served upon him/her personally; or if a copy thereof is sent by registered mail to his/her last known address; or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice; or if he/she is served with such notice by any other method authorized or required under the laws of this State.
 5. Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Chapter and with rules and regulations adopted pursuant thereto.
- B. Any person aggrieved by any notice which has been issued in connection with the enforcement of any provision of this Chapter or of any rule or regulation adopted pursuant thereto may demand and shall upon such demand be granted a hearing on the matter before the Commissioner; provided that such person shall file in the office of the Commissioner a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the day the notice was served. Upon receipt of such petition the Commissioner shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show cause why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten (10) days after the day on which the petition was filed; provided that upon application of the petitioner, the Commissioner may continue the date of the hearing for a reasonable time beyond such ten (10) day period, if in his/her judgment the petitioner has submitted a good and sufficient reason for such postponement.
- C. Upon such hearing the Commissioner shall sustain, modify or withdraw the notice, depending upon his/her finding as to whether the provisions of this Chapter and of the rules and regulations adopted pursuant thereto have been complied with. If the Commissioner sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to Subsection (A) of this Section shall become an order if a written petition for a hearing is not filed in the office of the Commissioner within ten (10) days after such notice is served. After a hearing in the case of any notice suspending any permit required by this Chapter or by any rule or regulation adopted pursuant thereto, when such notice has been sustained by the Commissioner, the permit shall be deemed to have been revoked. Any such permit which has been suspended by a notice shall be deemed to be revoked if a petition for hearing is not filed in the office of the Commissioner within ten (10) days after such notice is served.
- D. The proceedings at such hearing, including the findings and decision of the Commissioner, shall be summarized, reduced to writing and entered as a matter of public record in the office of the

Commissioner. Such record shall also include a copy of every notice or order issued in connection with that matter. Any person aggrieved by the decision of the Commissioner may seek relief therefor in any court of competent jurisdiction as provided by law.

- E. Whenever the Commissioner finds that an emergency exists which requires immediate action to protect the public health, he/she may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he/she deems necessary to meet the emergency. Notwithstanding the other provisions of this Chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Commissioner shall be afforded a hearing as soon as possible. After such hearing, depending upon his/her finding as to whether the provisions of this Chapter and of the rules and regulations adopted pursuant thereto have been complied with, the Commissioner shall continue such or in effect or modify it or revoke. (CC 1994 §520.030; Ord. No. 400 §3, 9-17-79)

SECTION 515.040: ADOPTION OF RULES AND REGULATIONS BY THE COMMISSIONER

The Commissioner is hereby authorized to make and, after a public hearing has been held in accordance with the laws governing the conduct of public hearings by the Commissioner, to adopt such written rules and regulations as may be necessary for the proper enforcement of the provisions of this Chapter; provided that such rules and regulations shall not be in conflict with the provisions of this Chapter. The Commissioner shall file a certified copy of all rules and regulations which he/she may adopt with the City Clerk. Such rules and regulations shall have the same force and effect as the provisions of this Chapter, and the penalty for violation of the provisions of this Chapter, as hereinafter provided. (CC 1994 §520.040; Ord. No. 400 §4, 9-17-79)

SECTION 515.050: MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following requirements:

1. Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewer system approved by the Commissioner.
2. Every dwelling unit (except as otherwise permitted under Subsection (4) of this Section) shall contain a fully enclosed room which affords privacy to a person within said room and which is equipped with a flush water closet and lavatory basin in good working condition and properly connected to a water and sewer or sewage disposal system approved by the Commissioner.
3. Every dwelling unit shall contain within a room which affords privacy to a person within said room a bathtub or shower in good working condition and properly connected to a water and sewer system approved by the Commissioner.
4. Every kitchen sink, lavatory basin and bathtub or shower required under the provisions of this Section shall be properly connected with both hot and cold water lines.
5. Every dwelling unit shall be supplied with adequate rubbish storage facilities.
6. Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers.

7. Every dwelling shall have supplied water-heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required under the provisions of Subsection (4) of this Section and are capable of heating water to such a temperature as to permit a reasonably adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than one hundred twenty degrees Fahrenheit (120°F). Such supplied water-heating facilities shall be capable of meeting the requirements of this Subsection when the dwelling or dwelling unit heating facilities required under the provisions of this Chapter are not in operation.
8. Every dwelling unit shall have safe, unobstructed means of egress leading to safe and open space at ground level as required by law. (CC 1994 §520.050; Ord. No. 400 §5, 9-17-79)

SECTION 515.060: MINIMUM STANDARDS FOR LIGHT, VENTILATION AND HEATING

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

1. Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be ten percent (10%) of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light obstruction structures are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least fifteen percent (15%) of the total floor area of such room.
2. Every habitable room shall have at least one (1) window or skylight which can readily be opened and closed or such other device as will adequately ventilate the room. The total of openable window area in every habitable room shall be equal to at least forty-five percent (45%) of the minimum window area size as required in this Chapter, except where there is supplied some other device affording adequate ventilation and approved by the Commissioner.
3. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in Subsections (1) and (2), except that no window or skylight shall be required in adequately ventilated bathrooms and water closet compartments equipped with a ventilation system which is kept in continuous operation approved by the Commissioner.
4. Where there is electric service available from power lines which are not more than three hundred (300) feet away from a dwelling, every habitable room of such dwelling shall contain at least two (2) separate floor or wall-type electric convenience outlets and one (1) supplied ceiling-type electric light fixture; and every water closet compartment, bathroom, laundry room, furnace room and public hall shall contain at least one (1) supplied ceiling or wall-type electric light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition and shall be connected to the source of electric power in a safe manner.
5. Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working condition and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in every dwelling unit located therein to a

temperature of at least seventy degrees Fahrenheit (70°F), at a distance three (3) feet above floor level, under ordinary minimum winter conditions.

6. Every public hall and stairway in every multiple dwelling containing five (5) or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four (4) dwelling units may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed instead of full-time lighting.
7. During that portion of each year when the Commissioner deems it necessary for protection against mosquitoes, flies and other insects, every door opening directly from a dwelling unit to outdoor space shall have supplied screens and self-closing device; and every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens.
8. Every basement or cellar window used or intended to be used for ventilation and every other opening to a basement which might provide an entry for rodents shall be supplied with a screen or such other device as will affectively prevent their entrance.
9. Every owner, agent and manager of any house, flat, apartment or other building who rents, leases, lets or hires, where permitted to do so by law, such house, flat, apartment, room or other premises as living quarters on terms, express or implied, including the furnishing of heat to tenants or occupants thereof, shall and is hereby required to maintain, unless the terms of the agreement are to the contrary, during the months of September, October, November, December, January, February, March, April and May of each year sufficient heat in the premises so rented as living quarters and occupied as same to produce a temperature at a point four and one-half (4½) feet above the floor on an inside wall of not less than seventy degrees Fahrenheit (70°F) during the hours between 7:00 A.M. and 10:30 P.M. of each day and shall maintain a temperature of not less than sixty degrees Fahrenheit (60°F) at the above described point from 10:30 P.M. until 7:00 A.M. of each day and it shall be the duty of every such owner, agent and manager and of every janitor, foreman or other employee whose duty it is to operate the furnace or heating plant in such premises to maintain such heat as aforesaid and as in this Subsection defined and set out. (CC 1994 §520.060; Ord. No. 400 §6, 9-17-79)

**SECTION 515.070: GENERAL REQUIREMENTS RELATING TO THE SAFE AND
SANITARY MAINTENANCE OF PARTS OF DWELLINGS AND
DWELLING UNITS**

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

1. Every foundation, floor, wall, ceiling and roof shall be reasonably weather-tight, water-tight and rodent-proof, shall be capable of affording privacy and shall be kept in good repair.
2. Every window, exterior door and basement hatchway shall be reasonably weather-tight, water-tight and rodent-proof and shall be kept in sound working condition and good repair.
3. Every inside and outside stair, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair.

4. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions.
5. Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
6. Every supplied facility, piece of equipment or utility which is required under this Chapter shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.
7. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this Chapter to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him/her, except for such temporary interruption as may be necessary while actual repairs or alteration are in process or during temporary emergencies when discontinuance of service is approved by the Commissioner.
8. No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is clean, sanitary and fit for human occupancy. (CC 1994 §520.070; Ord. No. 400 §7, 9-17-79)

SECTION 515.080: MINIMUM SPACE, USE AND LOCATION REQUIREMENTS

No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

1. Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first (1st) occupant thereof and at least one hundred (100) additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.
2. In every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor space and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor space for each occupant thereof. No part of the living room, kitchen or dining room may be counted as part of the required space for sleeping purposes.
3. No dwelling or dwelling unit containing two (2) or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one (1) sleeping room can be had only by going through another; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment.
4. At least one-half ($\frac{1}{2}$) of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet; and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
5. No cellar space shall be used as a habitable room or dwelling unit.

6. No basement space shall be used as a habitable room or dwelling unit unless:
 - a. The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness;
 - b. The total of window area in each room is equal to at least the minimum window area sizes as required in Section 515.060, Subsection (1) of this Chapter;
 - c. The total of openable window area in each room is equal to at least the minimum as required under Section 515.060, Subsection (2) of this Chapter, except where there is supplied some other device affording adequate ventilation and approved by the Commissioner. (CC 1994 §520.080; Ord. No. 400 §8, 9-17-79)

SECTION 515.090: RESPONSIBILITIES OF OWNERS AND OCCUPANTS

- A. Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
- B. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he/she occupies and controls.
- C. Every occupant of a dwelling or dwelling unit shall dispose of all his/her rubbish in a clean and sanitary manner by placing it in rubbish containers as required by Section 515.050 of this Chapter.
- D. Every occupant of a dwelling or dwelling unit shall dispose of all his/her garbage and any other organic waste which might provide food for rodents in a clean and sanitary manner by placing it in the garbage disposal facilities or garbage storage containers required by Section 515.060 of this Chapter. It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units in a dwelling containing more than four (4) dwelling units and for all dwelling units located on premises where more than four (4) dwelling units share the same premises. In all other cases it shall be the responsibility of the occupant to furnish such facilities or containers.
- E. Every occupant of a dwelling or dwelling unit shall be responsible for hanging all screens and double or storm doors and windows whenever the same are required under the provisions of this Chapter or of any rule or regulations adopted pursuant thereto, except where the owner has agreed to supply such service.
- F. Every occupant of a dwelling containing a single-dwelling unit shall provide for the extermination of and exterminate any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall provide for and perform such extermination whenever his/her dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this Subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonable insect-proof condition, extermination shall be provided for and performed by the owner. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination thereof shall be provided for and performed by the owner.
- G. Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a working, clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

- H. Every owner-occupant of a dwelling or dwelling unit shall be responsible for the upkeep and maintenance of the exterior of the dwelling and premises thereof in a condition of good repair including, but not limited to, paint, siding, gutters and downspouts, shutters, shingles and roofing, doors, windows and screens and other appurtenances visible to the public. (CC 1994 §520.090; Ord. No. 400 §9, 9-17-79)

SECTION 515.100: DESIGNATION OF UNFIT DWELLINGS AND PROCEDURE FOR CONDEMNATION

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

1. Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Commissioner:
 - a. One which is so damaged, decayed, dilapidated, insanitary, unsafe or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public;
 - b. One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public;
 - c. One which because of its general condition or location is insanitary or otherwise dangerous to the health or safety of the occupants or of the public.
2. Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the Commissioner shall be vacated within a reasonable time as ordered by the Commissioner.
3. No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Commissioner. The Commissioner shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.
4. No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in Subsection (3) hereof.
5. Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the Commissioner under the procedure set for in Section 515.030 of this Chapter. (CC 1994 §520.100; Ord. No. 400 §10, 9-17-79)

SECTION 515.110: CERTIFICATE OF OCCUPANCY

It shall be unlawful for any person, firm or corporation to hereafter occupy or for any owner or agent thereof to permit the occupation of any building or addition thereto or part thereof or any dwelling unit therein for any purpose until a certificate of occupancy has been issued by the Commissioner. Every new or successive person, firm or corporation wishing to occupy a building or dwelling for which a prior occupancy permit has been issued must obtain a certificate of

occupancy pertaining to the revised status of occupancy. The certificate of occupancy so issued shall state that said occupancy complies with all of the provisions of this Chapter. Every occupant over the age of eighteen (18) years must sign the application. It shall be unlawful for any person or persons eighteen (18) years of age or over who have not signed the application for certificate of occupancy, except those under eighteen (18) years of age at the time said certificate was issued, to occupy any dwelling for which a certificate of occupancy has been issued. The fee for said occupancy permit shall be fifty dollars (\$50.00) for each dwelling unit. It shall be unlawful for any person knowingly to make any false statement in his/her application for an occupancy permit as to the names, ages, relationship or number of occupants who will occupy the premises. (CC 1994 §520.110; Ord. No. 400 §11, 9-17-79)

Cross Reference—As to occupancy permits when buildings are changed, §405.290 of this code.

SECTION 515.120: TRANSFER OF OWNERSHIP

It shall be unlawful for the owner of any dwelling or dwelling unit, upon whom a notice of violation or compliance order has been served, to sell, transfer, mortgage, lease or otherwise dispose of said dwelling or dwelling unit to another until the provisions of the notice of violation or compliance order has been complied with or until such owner shall first furnish to the transferee, mortgagee, grantee or lessee a true copy of any such notice of violation or compliance order issued by the Building Commissioner. A transferee, mortgagee, grantee or lessee who has received actual or constructive notice of the existence of a notice of violation or compliance order shall be bound by such notice as of the date of the transfer without further service or notice upon such person. (CC 1994 §520.120; Ord. No. 400 §12, 9-17-79)

SECTION 515.130: PENALTIES FOR VIOLATION

Any person who shall violate any provision of this Chapter, or any provision of any rule or regulation adopted by the Commissioner pursuant to authority granted by this Chapter, shall upon conviction be punished by a fine of not less than five dollars (\$5.00) or more than one hundred dollars (\$100.00); and each day's failure to comply with any such provision shall constitute a separate violation. (CC 1994 §520.130; Ord. No. 400 §13, 9-17-79)

SECTION 515.140: CONFLICT OF CHAPTERS—EFFECT OF PARTIAL INVALIDITY

- A. In any case where a provision of this Chapter is found to be in conflict with a provision of any zoning, building, fire, safety or health Chapter or code of the City of Flordell Hills existing on September 17, 1979, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this Chapter is found to be in conflict with a provision of any other Chapter or code of the City of Flordell Hills existing on September 17, 1979 which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Chapter shall be deemed to prevail and such other Chapters or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Chapter.
- B. If any Section, Subsection, paragraph, sentence, clause or phrase of this Chapter should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Chapter, which shall remain in full force and effect; and to this end the provisions of this Chapter are hereby declared to be severable. (CC 1994 §520.140; Ord. No. 400 §14, 9-17-79)

CHAPTER 520: SIGNS

ARTICLE I. GENERAL PROVISIONS

SECTION 520.010: PERMIT REQUIRED

No display sign shall hereafter be erected or attached to, suspended from or supported on a building or structure until a permit for the same has been issued by the Building Commissioner. (CC 1994 §525.010; Ord. No. 237 §1, 7-9-54)

SECTION 520.020: EXEMPTION

The provisions of this Article, except as to safety, shall not apply to a sign not more than two (2) feet in height, on or over a show window or door of a business establishment, announcing, without display or elaboration, only the name of the proprietor and the nature of his/her business; nor to a sign not exceeding one (1) square foot of display surface on a residence building stating merely the name and profession of an occupant; nor to a sign, not exceeding ten (10) square feet of display surface, on a public building giving the name and nature of the occupancy and information as to the conditions of use or admission; nor to a wall sign not exceeding two and one-half (2½) square feet of display surface, nor a ground sign, advertising in either case the sale or rental of the premises upon which it is maintained; nor to street signs erected by the municipality; nor to temporary signs or banners authorized by the Board of Aldermen. (CC 1994 §525.020; Ord. No. 237 §2, 7-9-54)

SECTION 520.030: ALTERATIONS

- A. *Structural.* No display sign shall hereafter be altered, rebuilt, enlarged, extended or relocated except in conformity with the provisions of this Article.
- B. *Movable Parts.* The changing of movable parts of signs that are designed for changes or the repainting of display matter shall not be deemed to be alterations within the meaning of this Section. (CC 1994 §525.030; Ord. No. 237 §3, 7-9-54)

SECTION 520.040: EXISTING SIGNS

Nothing in this Article shall require the removal or discontinuance of a legally existing display sign that is not altered, rebuilt, enlarged, extended or relocated. (CC 1994 §525.040; Ord. No. 237 §4, 7-9-54)

SECTION 520.050: CONSTRUCTION

- A. *Wall Signs.*
 - 1. Display signs placed against the exterior walls of buildings shall not extend more than six (6) inches outside of the wall surface.

2. Such signs shall not exceed one hundred fifty (150) square feet in area and must be made of incombustible materials, provided that moldings and cappings may be of wood. All such electrical signs shall be constructed of incombustible materials.
3. Such signs shall not extend beyond the top or ends of the wall surface on which they are placed.

B. *Projecting Signs.*

1. Display signs fastened to, suspended from or supported by a building or structure so as to project therefrom at an angle shall not extend more than nine (9) feet beyond the wall of the building on which they are fastened; provided that display signs not exceeding twenty-four (24) inches high, supported directly on marqueses may extend to the permissible outer limits of such marqueses.
2. Such signs shall not exceed one hundred (100) square feet in area and must be made of incombustible materials, provided that moldings and cappings may be of wood. All such electric signs shall be constructed of incombustible materials.
3. A clear space of not less than eight (8) feet shall be provided below all parts of such signs.

C. *Ground Signs.*

1. Display signs shall not exceed fifteen (15) feet in height above the ground on which they rest.
2. Such signs shall not be erected in front of any building line nor in any instance nearer than fifteen (15) feet from the street line of a public right-of-way, nor shall such signs be erected nearer than five (5) feet to any building nor to any lot line.
3. Such signs shall not exceed forty (40) square feet in area. All such electric signs shall be constructed of incombustible materials.
4. An open space at least two (2) feet high shall be maintained between the bottom of the sign and the ground; provided that necessary supports extending through such space and the filling of such space with lattice or slats leaving at least fifty percent (50%) of the space open shall not be prohibited.

D. *Roof Signs.*

1. Display signs that are placed above or supported on the top of a building or structure shall be constructed of incombustible materials, provided that moldings and cappings may be of wood.
2. Such signs shall be set back at least eight (8) feet from the building line and shall not be more than twenty-five (25) feet high above that part of the roof on which they rest.
3. Such signs shall not exceed two hundred (200) square feet in area. All such electric signs shall be constructed of incombustible materials.
4. An open space of not less than six (6) feet shall be maintained below the bottom of the sign, except for necessary vertical supports.
5. Roof display signs shall be used only for advertising the business of the occupant of the building on which such display signs are erected. (CC 1994 §525.050; Ord. No. 237 §5, 7-9-54)

SECTION 520.060: LOCATION

No display sign shall be so placed as to obstruct or interfere with a required doorway or other required means of egress. (CC 1994 §525.060; Ord. No. 237 §6, 7-9-54)

SECTION 520.070: STABILITY

Display signs shall be so constructed that they will withstand a wind pressure of at least thirty (30) pounds per square foot of surface and will be otherwise structurally safe and shall be securely anchored or otherwise fastened, suspended or supported so that they will not be a menace to persons or property. (CC 1994 §525.070; Ord. No. 237 §7, 7-9-54)

SECTION 520.080: ILLUMINATION

Display signs illuminated by electricity or equipped in any way with electric devices or appliances shall conform, with respect to wiring and appliances, to the provisions of the ordinance relating to electrical control. (CC 1994 §525.080; Ord. No. 237 §8, 7-9-54)

SECTION 520.090: GROUNDING

Adequate provision shall be made for grounding metallic parts of roof signs exposed to lightning. (CC 1994 §525.090; Ord. No. 237 §9, 7-9-54)

SECTION 520.100: VIOLATION—PENALTY

Any person who shall violate any of the provisions of this Article or who shall fail, neglect or refuse to comply with any order of the Building Commissioner made pursuant thereto shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than one dollar (\$1.00) nor more than one hundred dollars (\$100.00); each twenty-four (24) hours of maintaining any prohibited condition shall constitute a separate and distinct offense. (CC 1994 §525.100; Ord. No. 237 §10, 7-9-54)

ARTICLE II. MISCELLANEOUS PROVISIONS**SECTION 520.110: REAL ESTATE SIGNS**

- A. Parties wishing to sell, rent, lease or otherwise transfer any interest in and to their real estate are authorized to display on their property a real estate sign so indicating.
- B. In "A" Single-Family Dwelling Districts and "B" Single-Family Dwelling Districts, such sign shall not exceed eighteen (18) inches in height or twenty-four (24) inches in width and may be prominently displayed on the property. In "C" Commercial Districts, such sign shall not exceed forty (40) square feet and may be prominently displayed on the property.

- C. Any sign which exceeds the size limitations of Subsection (B) above shall be deemed unlawful and shall subject the placer and owner of the sign to a penalty of ten dollars (\$10.00) for each day the sign is displayed on the premises. (CC 1994 §525.110; Ord. No. 461 §§2—4, 11-18-91)

SECTION 520.120: CERTAIN SIGNS AND BANNERS PROHIBITED

It shall be unlawful for any person, firm, company, corporation or organization to cause or permit any sign or banner to be placed or erected on any residential or multiple dwelling real property in the City of Flordell Hills except church, school, governmental agency, eleemosynary institution, signs and banners or individual name plates which identify residents of the particular real property and real estate "For Sale" signs. (CC 1994 §525.120; Ord. No. 423 §2, 3-21-83)

TITLE VI. BUSINESS AND OCCUPATION

CHAPTER 600: ALCOHOLIC BEVERAGES

SECTION 600.005: PURPOSE

Alcohol is, by law, an age-restricted product that is regulated differently than other products. The provisions of this Chapter establish vital regulation of the sale and distribution of alcoholic beverages in order to promote responsible consumption, combat illegal underage drinking, and achieve other important policy goals such as maintaining an orderly marketplace composed of licensed alcohol producers, importers, distributors and retailers. (RSMo. §311.015, 2007)

SECTION 600.010: DEFINITIONS

When used in this Chapter, the following words shall have the following meanings:

AMUSEMENT PLACE: Any establishment whose business building contains a square footage of at least six thousand (6,000) square feet, and where games of skill commonly known as billiards, volleyball, indoor golf, bowling or soccer are usually played or has a dance floor of at least twenty-five hundred (2,500) square feet or any outdoor golf course with a minimum of nine (9) holes, and which has annual gross receipts of at least one hundred thousand dollars (\$100,000.00) of which at least fifty thousand dollars (\$50,000.00) of such gross receipts is in non-alcoholic sales.

CLOSED PLACE: A place where all doors are locked and where no patrons are in the place or about the premises.

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. 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.

LIGHT WINES: An intoxicating liquor consisting of wine containing not in excess of fourteen percent (14%) of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables.

MALT LIQUOR: An intoxicating liquor containing alcohol not in excess of five percent (5%) by weight manufactured from pure hops or pure extract of hops, or pure barley malt, or wholesome grains or cereals, and wholesome yeast, and pure water.

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, where the package and/or container(s) describes the contents thereof as intoxicating liquor. "Original package" shall also be construed and held to refer to any package containing three (3) or more standard bottles of beer.

PERSON: An individual, association, firm, joint stock company, syndicate, partnership, corporation, receiver, trustee, conservator, or any other officer appointed by any State or Federal court.

PREMISES: Includes that portion of any building in which a licensee hereunder has his/her place of business and any additional building or portion thereof used in connection therewith, and the entire lot or lots, parcel or parcels of land on which said buildings are situated, or which are used in connection with said buildings.

RESORT: Any establishment having at least thirty (30) rooms for the overnight accommodation of transient guests having a restaurant or similar facility on the premises at least sixty percent (60%) of the gross income of which is derived from the sale of prepared meals or food, or means a restaurant provided with special space and accommodations where, in consideration of payment, food, without lodging, is habitually furnished to travelers and customers, and which restaurant establishment's annual gross receipts immediately preceding its application for a license shall not have been less than seventy-five thousand dollars (\$75,000.00) per year with at least fifty thousand dollars (\$50,000.00) of such gross receipts from non-alcoholic sales, or means a seasonal resort restaurant with food sales as determined in Subsection (2) of Section 311.095, RSMo. Any facility which is owned and operated as a part of the resort may be used to sell intoxicating liquor by the drink for consumption on the premises of such facility and, for the purpose of meeting the annual gross food receipts requirements of this definition, if any facility which is a part of the resort meets such requirement, such requirement shall be deemed met for any other facility which is a part of the resort.

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. (RSMo. §§311.020, 311.030, 311.095, 311.096, 311.097, 311.098, 311.200, 311.290; CC 1994 §600.010; Ord. No. 132 §2, 8-13-46)

SECTION 600.015: SALE BY THE DRINK DEFINED

The sale of any intoxicating liquor except malt liquor, in the original package, in any quantity less than fifty (50) milliliters shall be deemed "*sale by the drink*" and may be made only by a holder of a retail liquor dealer's license and, when so made, the container in every case shall be emptied and the contents thereof served as other intoxicating liquors sold by the drink are served. (RSMo. §311.100)

SECTION 600.020: LICENSE REQUIRED—CLASSES OF LICENSES

- A. No person shall sell or offer for sale intoxicating liquor in the City of Flordell Hills without a currently valid liquor license issued by the City. A separate liquor license shall be required for each of the categories and subcategories of liquor sales in which the licensee desires to engage as set forth herein.
- B. *General Licenses.* Any person possessing the qualifications and meeting the requirements of this Chapter may apply for the following licenses to sell intoxicating liquor:
 - 1. *Package liquor—malt liquor only:* Sales of malt liquor at retail in the original package not for consumption on the premises where sold. This license may include Sunday sales from 9:00 A.M. to Midnight.
 - 2. *Package liquor—all kinds:* Sales of all kinds of intoxicating liquors in the original package at retail not for consumption on the premises where sold, including sales as set forth in Subsection (B)(1) of this Section.

3. *Liquor by the drink—malt liquor/light wine only:* Sales of malt liquor and light wines at retail by the drink for consumption on the premises where sold, including sales as set forth in Subsections (B)(1) and (4) of this Section.
 4. *Malt liquor by the drink:* Sales of malt liquor at retail by the drink for consumption on the premises. This license may include Sunday sales from 9:00 A.M. to Midnight.
 5. *Liquor by the drink—all kinds:* Sales of intoxicating liquor of all kinds at retail by the drink for consumption on the premises where sold, including package sales as set forth in Subsection (B)(2) of this Section.
- C. *Sunday Sales.* Any person who is licensed under the provisions of this Chapter or who otherwise possesses the qualifications and meets the requirements of this Chapter may apply for the following licenses to sell intoxicating liquor on Sundays between the hours of 9:00 A.M. and Midnight:
1. *Package liquor—all kinds:* Sales of liquor of all kinds in the original package at retail not for consumption on the premises where sold.
 2. *Liquor by the drink—restaurant bar:* Sales of liquor of all kinds by the drink at retail for consumption on the premises of any restaurant bar.
 3. *Liquor by the drink—amusement place:* Sales of liquor of all kinds by the drink at retail for consumption on the premises of any amusement place.
 4. *Liquor by the drink—place of entertainment:* Sales of liquor of all kinds by the drink at retail for consumption on the premises of any place of entertainment.
- D. *Permits.*
1. *Temporary permit for sale by drink.* Any person who possesses the qualifications, meets the requirements and complies with the provisions of Section 600.030(C) below may apply for a special permit to sell intoxicating liquor for consumption on premises where sold.
 2. *Tasting permit—retailers.* Any person who is licensed to sell intoxicating liquor in the original package at retail under Subsections (B)(2) and (C) of this Section above may apply for a special permit to conduct wine, malt beverage and distilled spirit tastings on the licensed premises; however, nothing in this Section shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.
 3. *Tasting permit—winery, distiller, manufacturer, etc.*
 - a. Any winery, distiller, manufacturer, wholesaler or brewer or designated employee may provide and pour distilled spirits, wine or malt beverage samples off a licensed retail premises for tasting purposes provided no sales transactions take place. For purposes of this Subsection (D)(3), a "*sales transaction*" shall mean an actual and immediate exchange of monetary consideration for the immediate delivery of goods at the tasting site.
 - b. Notwithstanding any other provisions of this Chapter to the contrary, any winery, distiller, manufacturer, wholesaler or brewer or designated employee may provide, furnish or pour distilled spirits, wine or malt beverage samples for customer tasting purposes on any temporary licensed retail premises as described in Sections 311.218, 311.482, 311.485,

311.486 or 311.487, RSMo., or on any tax exempt organization's licensed premises as described in Section 311.090, RSMo. (RSMo. §§311.090, 311.095, 311.096, 311.097, 311.098, 311.293, 2003; 311.297, 2007)

SECTION 600.030: LICENSE REGULATIONS

- A. *Package Sales, Limitations.* No license shall be issued for the sale of intoxicating liquor in the original package, not to be consumed upon the premises where sold, except to a person engaged in, and to be used in connection with, the operation of one (1) or more of the following businesses: a drug store, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery or delicatessen store, nor to any such person who does not have and keep in his/her store a stock of goods having a value according to invoices of at least one thousand dollars (\$1,000.00), exclusive of fixtures and intoxicating liquors. Under such license, no intoxicating liquor shall be consumed on the premises where sold nor shall any original package be opened on the premises of the vendor except as otherwise provided in this Chapter or law.
- B. *Newly-Opened Restaurant Bars Or Amusement Places.*
1. Any new restaurant bar having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 9:00 A.M. and Midnight on Sunday for a period not to exceed ninety (90) days if the restaurant bar can show a projection of annual business from prepared meals or food consumed on the premises of at least fifty percent (50%) of the total gross income of the restaurant bar for the year or can show a projection of annual business from prepared meals or food consumed on the premises which would exceed not less than two hundred thousand dollars (\$200,000.00). The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.
 2. Any new amusement place having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 9:00 A.M. and Midnight on Sunday for a period not to exceed ninety (90) days if the amusement place can show a projection of gross receipts of at least one hundred thousand dollars (\$100,000.00) of which at least fifty thousand dollars (\$50,000.00) of such gross receipts are in non-alcoholic sales for the first (1st) year of operation. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.
- C. *Temporary Permit For Sale By Drink—Certain Organizations.*
1. The City Clerk may issue a permit for the sale of intoxicating liquor for consumption on premises where sold to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for sale at a picnic, bazaar, fair or similar gathering. The permit shall be issued only for the day or days named therein and it shall not authorize the sale of intoxicating liquor for more than seven (7) days by any such club or organization.
 2. If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor on that day beginning at 11:00 A.M.
 3. At the same time that an applicant applies for a permit under the provisions of this Subsection, the applicant shall notify the Director of Revenue of the holding of the event by certified mail and by such notification shall accept responsibility for the collection and payment of any applicable sales tax.

4. No provision of law or rule or regulation of the City shall be interpreted as preventing any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the permit holder at such picnic, bazaar, fair or similar gathering.

D. *Operating Hours, Days.*

1. No person having a license issued pursuant to this Chapter nor any employee of such person shall sell, give away or permit the consumption of 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. on Sunday and 6:00 A.M. on Monday upon or about his/her premises, except as otherwise authorized and licensed for Sunday sales. Any person licensed to sell intoxicating liquor by the drink shall keep a closed place during the aforementioned prohibited times.
2. 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.

E. *Number Of Licenses Limited.*

1. Sales of all kinds of intoxicating liquor by the drink at retail for consumption on the premises where sold. There shall not be more than three (3) licenses issued.
2. No license for the sale at retail of any and all kinds of intoxicating liquor in the original package shall be granted or issued when the granting thereof shall increase the number of such licenses outstanding and in force at that time to more than one (1) for each _____ inhabitants, or fraction thereof, residing within the City as shown by the last decennial census of the United States.
3. *Determining the number of licenses allowed.* For purposes of determining the number of licenses allowed by this Section, the issuance of licenses shall be counted as follows:
 - a. The issuance of a license as provided in Section 600.020(B)(2) of this Chapter (Package liquor—all kinds) shall be counted as being commensurate with the issuance of one (1) license for every subcategory of package liquor provided in Section 600.020(B)(1).
 - b. The issuance of a license as provided in Section 600.020(B)(5) of this Chapter (Liquor by the drink—all kinds) shall be counted as being commensurate with the issuance of one (1) license for every subcategory of liquor by the drink provided in Sections 600.020(B)(3) and (B)(4).

F. *General License Regulations.*

1. Each license issued hereunder shall be conspicuously posted on the premises for which the license has been issued.
2. A separate license shall be required for each place of business. 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.

3. 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 Chapter, may make application and the Clerk 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. Whenever one (1) or more members of a partnership withdraws from the partnership, the Clerk, 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.
4. In the event any licensee desires to change the location of his/her place of business in the City, it shall be necessary for him/her to file an application in the same manner as herein provided for an original application, except that no additional fee shall be charged and the amended license, describing the new location, shall be issued immediately upon the approval of the application by the Board. Any change of location of the enterprise prior to issuance of such an amended license shall constitute a violation of this Section. (RSMo. §§311.097.3, 322.098.3, 311.200, 311.290, 311.298, 311.482; CC 1994 § 600.020(2); Ord. No. 132 §3, 8-13-46)

SECTION 600.035: SALES OF LIQUOR PROHIBITED NEAR SCHOOLS AND CHURCHES

- A. No license shall be granted for the sale of intoxicating liquor, as defined in this Chapter, within _____ feet of any school, church or other building regularly used as a place of religious worship, unless the applicant for the license shall first obtain the consent in writing of the Board of Aldermen, except that when a school, church or place of worship shall hereafter be established within _____ feet of any place of business licensed to sell intoxicating liquor, the license shall not be denied for this reason. Such consent shall not be granted until at least ten (10) days' written notice has been provided to all owners of property within _____ feet of the proposed licensed premises.
- B. Subsection (A) of this Section shall not apply to a license issued by the Supervisor of Alcohol and Tobacco Control for the sale of intoxicating liquor pursuant to Section 311.218, RSMo., or to a license issued to any church, school, civic, service, fraternal, veteran, political or charitable club or organization which has obtained an exemption from the payment of Federal taxes.
- C. Subsection (A) of this Section shall not apply to any premises holding a license issued before January 1, 2004, by the Supervisor of Alcohol and Tobacco Control for the sale of intoxicating liquor. To retain a license under this Subsection, the licensed premises shall not change license type, amend the legal description, or be without a liquor license for more than ninety (90) days. (RSMo. §311.080, 2005)

SECTION 600.040: SCHEDULE OF LICENSE FEES

- A. The following categories and subcategories of licenses shall be issued upon compliance with the provisions of this Chapter and payment of the license fee indicated:
 1. *General licenses.*

a. Malt liquor—original package	\$ 75.00
b. Intoxicating liquor (all kinds)—original package	150.00
c. Malt liquor—by drink	75.00

d. Malt liquor and light wines—by drink	75.00
e. Intoxicating liquor (all kinds)—by drink	450.00
2. <i>Sunday sales.</i> (Additional fees)	
a. Intoxicating liquor—original package	300.00
b. Restaurant bars	300.00
c. Amusement places	300.00
d. Liquor by the drink—charitable organizations	300.00
3. <i>Permits.</i>	
a. Temporary permit—by the drink for certain organizations (7 days max.)	37.50
b. Tasting permit	37.50
c. Caterers	15.00
	per each calendar day

- B. Of the license fee to be paid for any such license, the applicant shall pay as many twelfths (12ths) 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). (RSMo. §§311.097, 311.180, 311.200, 311.220, 2003)

SECTION 600.042: TERM OF LICENSE

The annual fees payable hereunder shall be due and payable in advance on the sixteenth (16th) day of September of each year, provided that licensees who shall commence business after September sixteenth (16th) for any year shall apply for and be granted a license for part of a year to the September sixteenth (16th) following and shall pay therefore one-twelve (1/12) the annual fee for every month or part thereof from date of issuance to September sixteenth (16th) thereafter. All licenses shall expire on September fifteenth (15th) of each year. (CC 1994 §600.120; Ord. No. 131 §28, 8-13-46; Ord. No. 132 §14, 8-13-46)

SECTION 600.045: TEMPORARY LOCATION FOR LIQUOR BY THE DRINK, CATERERS—PERMIT—FEE REQUIRED

- A. The City may issue a temporary permit to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this Chapter who furnish provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises, but not including a "*festival*" as defined in Chapter 316, RSMo. The temporary permit shall be effective for a period not to exceed one hundred sixty-eight (168) consecutive hours and shall authorize the service of alcoholic beverages at such function, occasion or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption. For every permit issued pursuant to the provisions of this Section, the permittee shall pay to the City an amount as set out in Section 600.040(3)(c) above, or fraction thereof, for which the permit is issued.

- B. Except as provided in Subsection (C), all provisions of the Liquor Control Law and the ordinances, rules and regulations of the City, in which is located the premises in which such function, occasion or event is held, shall extend to such premises and shall be in force and enforceable during all the time that the permittee, its agents, servants, employees or stock are in such premises. Except for Missouri-produced wines in the original package, the provisions of this Section shall not include the sale of packaged goods covered by this temporary permit.
- C. Notwithstanding any other law to the contrary, any caterer who possesses a valid State and valid local liquor license may deliver alcoholic beverages in the course of his/her catering business. A caterer who possesses a valid State and valid local liquor license need not obtain a separate license for each City the caterer delivers in, so long as such City permits any caterer to deliver alcoholic beverages within the City.
- D. To assure and control product quality, wholesalers may, but shall not be required to, give a retailer credit for intoxicating liquor with an alcohol content of less than five percent (5%) by weight delivered and invoiced under the catering permit number, but not used, if the wholesaler removes the product within seventy-two (72) hours of the expiration of the catering permit issued pursuant to this Section. (RSMo. §311.485, 2005)

SECTION 600.046: LICENSEE TO COMPLY WITH OTHER PROVISIONS FOR BUSINESS

Nothing herein contained shall exempt the licensee from the provisions of any other regulation providing for the licensing of merchants or dealers in goods other than intoxicating liquors, and the license herein required and the fees provided shall be separate from and in addition to any license or fees provided by other regulation for business other than the sale of intoxicating liquors. (CC 1994 §600.090; Ord. No. 132 §11, 8-13-46)

SECTION 600.047: CLERK TO SUBMIT—LICENSEE'S RESPONSIBILITIES

Upon the filing of application for license hereunder, the City Clerk shall submit same to the Board of Aldermen as soon as convenient, and the Board of Aldermen shall, in their sound discretion in case all laws and ordinances have been complied with, order the issuance of license for a period of one (1) year. A separate license shall be required for each place of business of the applicant. License shall be signed by the Mayor of the Board of Aldermen and City Clerk, shall contain the name of the licensee, a description of the place licensed, the class of sales permitted thereunder, the amount of the fee, the date of expiration of said license and other data deemed pertinent, and no license shall be deemed to authorize sales at any place other than that described therein. License shall be posted and maintained by the licensee in a conspicuous place in the premises licensed for the sale of intoxicating liquor. (CC 1994 §600.110; Ord. No. 132 §13, 8-13-46)

SECTION 600.050: APPLICATION FOR LICENSE AND RENEWAL

- A. *Filing Of An Application.* Each application for an original or renewal license shall be filed with the City Clerk on a form to be provided by the City, signed and sworn to by the applicant. Each application shall be accompanied by a proper remittance reflecting the appropriate license fee made payable to the City.
- B. *Qualifications.* Neither the applicant nor any officer, director or shareholder of a corporate applicant shall have been convicted of a felony or of any distribution, sale or possession of any controlled substances or dangerous drugs. The applicant shall present with the application a bona fide sale contract or option duly executed, which may be subject to the applicant obtaining a liquor license,

or a bona fide lease duly executed by the lessor, or an option for a lease duly executed, subject to the applicant obtaining a liquor license, covering the property for which a liquor license is requested. If the applicant is a corporation, the petition shall set forth all of the above information with respect to the managing officer or officers, identifying such officer or officers. The application shall further state the full name of the corporation, its date of incorporation, its registered agent and registered address, the names and addresses of all shareholders of the corporation, and whether said corporation operates any other business or controls or is controlled by any other corporation or business and, if so, the application shall further state the name of such controlled or controlling corporation or business, its registered agent and registered address, and the location of all businesses operated by it and the name and address of any such businesses with a liquor license, whether within or without the City; and the application shall also state if such controlling corporation or any controlled corporation is doing business under a fictitious name, and the address where said business is located. The Board of Aldermen also may request such additional information of an applicant as it may deem necessary for it to make a determination with respect to the issuance of a liquor license.

- C. Upon approval of any application for a license, the Clerk shall grant the applicant a license to conduct business in the City for a term to expire with the thirtieth (30th) day of June next succeeding the date of such license, unless such license be revoked or suspended for cause before the expiration of such time.
- D. Applications for renewal of licenses must be filed on or before the first (1st) day of May of each calendar year. Such renewal application shall be reviewed by the Board at its next meeting. Upon approval of the majority of the Board and payment of the license fee provided herein, the Clerk shall renew the license. In the event that any person residing or conducting businesses within two hundred (200) feet of the applicant's place of business shall file a written protest against the renewal of such license, the Board shall conduct a hearing on the application for license renewal as provided in this Subsection. (RSMo. §311.060)

SECTION 600.060: MINORS

A. *Persons Eighteen Years Of Age Or Older May Sell Or Handle Intoxicating Liquor, When.*

- 1. Except as otherwise provided in this Section, no person under the age of twenty-one (21) years shall sell or assist in the sale or dispensing of intoxicating liquor.
- 2. In any place of business licensed in accordance with this Chapter, persons at least eighteen (18) years of age may stock, arrange displays, operate the cash register or scanner connected to a cash register, accept payment for, and sack for carry-out intoxicating liquor. Delivery of intoxicating liquor away from the licensed business premises cannot be performed by anyone under the age 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.
- 3. In any distillery, warehouse, wholesale distributorship or similar place of business which stores or distributes intoxicating liquor but which does not sell intoxicating liquor at retail, persons at least eighteen (18) years of age may be employed and their duties may include the handling of intoxicating liquor for all purposes except consumption, sale at retail, or dispensing for consumption or sale at retail. Any wholesaler licensed pursuant to this Chapter 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.
- 4. 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 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.

B. *Sales To Minor—Exceptions.*

1. No licensee, his/her employee or any other person shall procure for, sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one (21) years, except that this Section shall not apply to the parent or guardian of the minor nor 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 such intoxicating liquor to such person by a duly licensed physician. No person shall be denied a license or renewal of a license issued under this Chapter solely due to a conviction for unlawful sale or supply to a minor while serving in the capacity as an employee of a licensed establishment.
2. Any owner, occupant or other person or legal entity with a lawful right to the exclusive use and enjoyment of any property who knowingly allows a person under the age of twenty-one (21) to drink or possess intoxicating liquor or knowingly fails to stop a person under the age of twenty-one (21) from drinking or possessing intoxicating liquor on such property, unless such person allowing the person under the age of twenty-one (21) to drink or possess intoxicating liquor is his/her parent or guardian, is guilty of an ordinance violation.
3. It shall be a defense to prosecution under this Subsection if:
 - a. The defendant is a licensed retailer, club, drinking establishment or caterer or holds a temporary permit, or an employee thereof;
 - b. The defendant sold the intoxicating liquor to the minor with reasonable cause to believe that the minor was twenty-one (21) or more years of age; and
 - c. To purchase the intoxicating liquor, the person exhibited to the defendant a driver's license, Missouri non-driver's identification card, or other official or apparently official document containing a photograph of the minor and purporting to establish that such minor was twenty-one (21) years of age and of the legal age for consumption of intoxicating liquor.

C. *Misrepresentation Of Age By Minor To Obtain Liquor—Use Of Altered Driver's License, Passport Or I.D. Cards, Penalties.*

1. No person under the age of twenty-one (21) years shall represent, for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, that he/she has attained the age of twenty-one (21) years, except in cases authorized by law.
2. In addition to Subsection (C)(1) of this Section, no person under the age of twenty-one (21) years shall use 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.

D. *Minors In Possession Of Intoxicating Liquor.*

1. No person under the age of twenty-one (21) years shall purchase or attempt to purchase, or have in his/her possession, any intoxicating liquor as defined in Section 600.010 or shall be

visibly in an intoxicated condition as defined in Section 577.001, RSMo., or shall have a detectable blood alcohol content of more than two-hundredths of one percent (.02%) or more by weight of alcohol in such person's blood.

2. The provisions of this Subsection shall not apply to a student who:
 - a. Is eighteen (18) years of age or older;
 - b. Is enrolled in an accredited college or university and is a student in a culinary course;
 - c. Is required to taste, but not consume or imbibe, any beer, ale, porter, wine or other similar malt or fermented beverage as part of the required curriculum; and
 - d. Tastes a beverage under Subsection (D)(2)(c) of this Section only for instructional purposes during classes that are part of the curriculum of the accredited college or university.

The beverage must at all times remain in the possession and control of any authorized instructor of the college or university, who must be twenty-one (21) years of age or older. Nothing in this Subsection may be construed to allow a student under the age of twenty-one (21) to receive any beer, ale, porter, wine or other similar malt or fermented beverage unless the beverage is delivered as part of the student's required curriculum and the beverage is used only for instructional purposes during classes conducted as part of the curriculum.

3. Any person under the age of twenty-one (21) years who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor, or who is visibly in an intoxicated condition as defined in Section 577.001, RSMo., shall be deemed to have given consent to 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. The implied consent to submit to the chemical tests listed in this Subsection shall be limited to not more than two (2) such tests arising from the same arrest, incident or charge. Chemical analysis of the person's breath, blood, saliva or urine shall be performed according to methods approved by the State Department of Health and Senior Services by licensed medical personnel or by a person possessing a valid permit issued by the State Department of Health and Senior Services for this purpose. The State Department of Health and Senior Services shall approve satisfactory techniques, devices, equipment or methods to be considered valid and shall establish standards to ascertain the qualifications and competence of individuals to conduct analyses and to issue permits which shall be subject to termination or revocation by the State Department of Health and Senior Services. 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. Upon the request of the person who is tested, full information concerning the test shall be made available to such person. "Full information" is limited to the following:
 - a. The type of test administered and the procedures followed;
 - b. The time of the collection of the blood or breath sample or urine analyzed;
 - c. The numerical results of the test indicating the alcohol content of the blood and breath and urine;
 - d. The type and status of any permit which was held by the person who performed the test;

- e. If the test was administered by means of a breath-testing instrument, the date of performance of the most recent required maintenance of such instrument.

"Full information" does not include manuals, schematics or software of the instrument used to test the person or any other material that is not in the actual possession of the State. Additionally, "full information" does not include information in the possession of the manufacturer of the test instrument. (RSMo. §§311.300 (2009); 311.310 (2009); 311.325 (2009))

SECTION 600.065: BURDEN OF PROOF ON VIOLATOR CONCERNING MANUFACTURER-SEALED CONTAINER

For purposes of determining violations and prosecution under this Chapter or any rule or regulation of the Supervisor of Alcohol and Tobacco Control, 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 no 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. (RSMo. §311.325.2)

SECTION 600.070: MISCELLANEOUS OFFENSES

- A. *Unlawful For Licensed Retailer To Purchase From Other Than Licensed Wholesaler.* It shall be unlawful for any licensee to purchase any intoxicating liquor except from, by or through a duly licensed wholesale liquor dealer in this State. It shall be unlawful for such retail liquor dealer to sell or offer for sale any intoxicating liquor purchased in violation of the provisions of this Section.
- B. *Packaging, Labeling.* Any retailer licensed pursuant to this Chapter shall not:
 - 1. Sell intoxicating liquor with an alcohol content of less than five percent (5%) by weight to the consumer in an original carton received from the wholesaler that has been mutilated, torn apart or cut apart; or
 - 2. Repackage intoxicating liquor with an alcohol content of less than five percent (5%) by weight in a manner misleading to the consumer or that results in required labeling being omitted or obscured.
- C. *Mixing Liquor With Drugs Prohibited.* No licensee or any other person shall for any purpose whatsoever mix or permit or cause to be mixed with any intoxicating liquor kept for sale, sold or supplied by him/her as a beverage any drug or form of methyl alcohol or impure form of alcohol.
- D. *Unlawful To Sell Unlabeled Liquor—Penalty.* It shall be unlawful for any person to sell any intoxicating liquor which has not been inspected and labeled according to the provisions of the Liquor Control Law of Missouri, and any such person upon conviction shall have his/her license revoked and shall be ineligible to receive any subsequent liquor license for a period of two (2) years thereafter.
- E. *Only Those Liquors Authorized By License To Be Kept On Premises.*
 - 1. It shall be unlawful for any licensee licensed for the sale of intoxicating liquor at retail by the drink for consumption on the premises to keep 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

licensee.

2. Any retailer licensed pursuant to this Chapter shall not:

- a. Sell intoxicating liquor with an alcohol content of less than five percent (5%) by weight to the consumer in an original carton received from the wholesaler that has been mutilated, torn apart or cut apart; or
- b. Repackage intoxicating liquor with an alcohol content of less than five percent (5%) by weight in a manner misleading to the consumer or that results in required labeling being omitted or obscured.

F. *Persons Apparently Intoxicated Not To Be Provided With Intoxicating Liquor.* It shall be unlawful for any licensee or his/her employee or agent to sell or supply intoxicating liquor, or permit such to be sold or supplied, to a habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor.

G. *Drinking In Public Places Prohibited.*

1. For purposes of this Section, the term "*public place*" shall mean any public street, highway, alley, sidewalk, thoroughfare or other public way of the City, or any parking lot.
2. No person shall drink or ingest any intoxicating liquor in or on any public place.
3. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor while in or upon any public place.
4. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor while within or on any motor vehicle while the same is being operated upon, or parked or standing in or upon, any public place. Any person operating a motor vehicle shall be deemed to be in possession of an open container contained within the motor vehicle he/she has control of whether or not he/she has actual physical possession of the open container. (RSMo. §§311.280, 311.310, 311.330, 311.340, 311.600)

SECTION 600.080: WARNING SIGN DISPLAYED—LIQUOR LICENSES

Any person who is licensed to sell or serve alcoholic beverages at any establishment shall place on the premises of such establishment a warning sign as described in this Section. Such sign shall be at least eleven (11) inches by fourteen (14) inches and shall read "WARNING: Drinking alcoholic beverages during pregnancy may cause birth defects". The licensee shall display such sign in a conspicuous place on the licensed premises. (RSMo. §311.299)

SECTION 600.090: ADMINISTRATION OF LAW—LICENSE SUSPENSION/REVOCATION

A. *Suspension Or Revocation Of License—When—Manner.* The Board may suspend or revoke the license of any person for cause shown. In such cases the City Clerk shall schedule a hearing before the Board not less than ten (10) days prior to the effective date of revocation or suspension, and prior to the hearing the Clerk shall give not less than ten (10) days' written notice specifying grounds for the suspension or revocation thereof to the licensee of the grounds upon which the license is sought to be revoked or suspended and the time, date and place of the hearing. Notice may be accomplished by personal delivery, U.S. mail or by posting on the licensed premises. The hearing

shall be conducted in accordance with Section 600.100 of this Chapter.

- B. *Grounds For Suspension Or Revocation.* A license may be suspended or revoked for any of the following reasons:
1. Violating any of the provisions of either this Chapter, Chapter 311, RSMo., or any ordinance of the City;
 2. Failing to obtain or keep a license from the State Supervisor of Alcohol and Tobacco Control;
 3. Making a false affidavit in an application for a license under this Chapter;
 4. Failing to keep an orderly place or house;
 5. Selling, offering for sale, possessing or knowingly permitting the consumption on the licensed premises of any kind of intoxicating liquors, the sale, possession or consumption of which is not authorized under the license;
 6. Selling, offering for sale, possessing or knowingly permitting the consumption of any intoxicating liquor which has not been inspected and labeled according to the laws of the State of Missouri; or
 7. Selling, giving or otherwise supplying intoxicating liquor to:
 - a. Any person under the age of twenty-one (21) years,
 - b. Any person during unauthorized hours on the licensed premises,
 - c. A habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor, or
 - d. Any person on the licensed premises during a term of suspension as ordered by the Board.
- C. *Automatic Revocation/Suspension.* A license shall be revoked automatically if the licensee's State liquor license is revoked or if the licensee is convicted in any court of any violation of Chapter 311, RSMo., or of any felony violation of Chapter 195, RSMo., in the course of business. A license shall be suspended automatically if the licensee's State liquor license is suspended, and the suspension shall be for a term not less than that imposed by the State.
- D. *Effect Of Suspension.* No person whose license shall have been suspended by order of the Board shall sell or give away any intoxicating liquor during the time such suspension is in effect. Any licensee desiring to keep premises open for the sale of food or merchandise during the period of suspension shall display the Board's order of suspension in a conspicuous place on the premises so that all persons visiting the premises may readily see the same.

SECTION 600.100: HEARINGS UPON SUSPENSION OR REVOCATION OF LICENSES

- A. *Testimony—Evidence.* Hearings before the Board shall be in the nature of informal investigations. Testimony of witnesses and other evidence pertinent to the inquiry may be taken in such hearings, and all proceedings in such hearings shall be recorded. Any person residing or conducting a business within two hundred (200) feet of the proposed establishment shall have the right to produce witnesses and testimony.

- A. *Hearing Officer. (Alternate)* Hearings may be had before the Board of Aldermen or before a hearing officer appointed by the Board who shall be an attorney licensed to practice law in the State of Missouri. If held before a hearing officer, he/she shall report to the Board findings of fact, conclusions of law and recommendations. The Board may accept, modify or refuse to accept the report of the hearing officer or any portion thereof.
- B. *Witnesses—How Summoned.* Subpoenas may be issued by the Board for any person whose testimony is desired at any hearing. Such subpoenas may be served and returns thereon made by any agent and in the same manner as provided by law for the service of subpoenas in civil suits in the Circuit Courts of this State. The Board also may issue subpoenas duces tecum requiring the production of documents or other items pertaining to the subject of the inquiry.
- C. *Witnesses To Be Sworn.* Before any witness shall testify in any such hearing, he/she shall be sworn by the City Clerk to tell the truth and nothing but the truth.
- D. *Decision—Suspension Or Revocation.* If the evidence supports a finding that the license should be revoked or suspended pursuant to Section 600.090 of this Chapter, the Board shall issue a written order which shall include specific findings of fact setting forth the grounds for the action taken. If the evidence fails to support a finding that the license should be revoked or suspended, then no such order shall be issued.
- E. *Appeal.* Any applicant or licensee aggrieved by a decision of the Board may appeal such decision to the Circuit Court as provided in Chapter 536, RSMo., provided such appeal is filed within thirty (30) days of the date of the Board's decision. The Board may delay the implementation of its order pending appeal.

CHAPTER 605: BUSINESS REGULATIONS

ARTICLE I. IN GENERAL

SECTION 605.010: LICENSE REQUIRED

It shall be unlawful for any person, firm or corporation to engage in any business or occupation in the City of Flordell Hills without having first applied for and obtained a license to conduct such business or occupation from the City Clerk and without paying the license fee therefor, all as provided for in this Chapter.

SECTION 605.020: LICENSE APPLICATION AND ISSUANCE

- A. All applications for the licenses required herein shall be made to the City Clerk on appropriate forms provided for that purpose by the City. All licenses issued by the City Clerk shall be in such form as is provided by the Board of Aldermen; provided however, that such license shall bear the signature of the Mayor of the Board of Aldermen and the City Clerk, the date of issuance thereof and the date of expiration, as well as any additional information that may be required by the Board of Aldermen.
- B. Each applicant for a business license under this Chapter shall submit a statement from the Missouri Department of Revenue pursuant to Section 144.083.4, RSMo., stating no tax is due, which statement is a prerequisite to the issuance or renewal of a City business license. The statement required by this Section shall be dated within ninety (90) days of submission of the business license application or renewal application. (RSMo. §144.083.4)

SECTION 605.030: LICENSE FEES

The following businesses and occupations shall pay annual license fees as indicated except that any business or occupation for which a twenty-five dollar (\$25.00) annual license fee is indicated shall pay annual license fees of fifty dollars (\$50.00) if there were more than four (4) and fewer than twenty (20) persons regularly employed or associated in such business during the preceding license year; shall pay an annual license fee of seventy-five dollars (\$75.00) if there were more than nineteen (19) and fewer than fifty (50) persons regularly employed or associated in such business during the preceding year; shall pay an annual license fee of one hundred dollars (\$100.00) if there were more than forty-nine (49) and fewer than one hundred (100) regularly employed or associated in such business during the preceding license year; shall pay an annual license fee of two hundred fifty dollars (\$250.00) if there were one hundred (100) or more regular employees or associates in such business during the preceding license year; and provided that the license for a new business shall be based upon an estimate of regular employees or associates in such business during the license year:

<i>Business or Occupation</i>	<i>License Fee Per Annum</i>
Agents for sale of any commodities	\$ 5.00 per day
Amusement and amusement device parlors	250.00 per year
Amusement device, per device	25.00 per year
Auctioneers	10.00 per day

Banks	250.00 per year
Barbers	25.00 per year
Beauty parlors	25.00 per year
Billiard and pool room and other tables	20.00 per table
Bill posters	50.00 per year
Bowling alleys	10.00 per alley, per year
Brokers in real estate and real estate agents	100.00 per year
Brokers, insurance	100.00 per year
Brokers, stocks and bonds	100.00 per year
Cleaners	100.00 per year
Dancing studios established	25.00 per year
Insurance agent	50.00 per year
Insurance company	100.00 per year
Laundromats	100.00 per year
Massage parlors	1,000.00 per year
Masseuses and masseurs	200.00 per year
Office building	15.00 per office, per year
Photographer	25.00 per year
Plumbers and drain layers	50.00 per year
Public halls and public buildings	50.00 per year
Spiritualists, clairvoyants, mediums, palmists and fortune tellers	250.00 per year

All other businesses and occupations not heretofore listed shall be required to pay a minimum license fee of twenty-five dollars (\$25.00) per year, provided that the business or occupation shall be allowed use of the premises, place or location according to all other ordinances of the City of Flordell Hills. (CC 1994 §605.140; Ord. No. 321 §2, 2-14-66; Ord. No. 385 §1, 12-19-77; Ord. No. 389 §1, 6-19-78)

SECTION 605.040: NON-TRANSFERABLE—SEPARATE LOCATIONS

The payment of the amounts specified in Section 605.030 hereof, and the issuance of the license therein provided for, shall not be construed to permit the transfer of the said license to any other person, firm or corporation, nor shall it be construed to permit the person, firm or corporation to whom it shall be issued to carry on the business for which the license is obtained at more than one (1) store, place or stand at the same time within the City of Flordell Hills, but a separate license and a similar fee shall be charged for each store, place or stand within the said City, where any person, firm, corporation or co-partnership is engaged in two (2) or more lines of business, trades or avocations, at the same time or place, only one (1) license shall be obtained, which shall be at the rate specified for the line of business, trade or avocation bearing the highest rating of the classes in which such person, firm, corporation or co-partnership is engaged. (CC 1994 §605.170; Ord. No. 304 §5, 6-14-63)

SECTION 605.050: TERM OF LICENSE

The term of the licenses issued pursuant to the provisions of this Chapter shall be from January first (1st) to December thirty-first (31st) of the same year. In the event any licensee hereunder shall commence business on or after July first (1st), the City Clerk shall issue such license at the rate of one-half (½) of the license fee for such six (6) month period of July first (1st) to December thirty-first (31st) or fraction thereof.

SECTION 605.060: RENEWAL APPLICATIONS

All applications for renewal of a license provided for herein shall be filed no later than December first (1st) of each year.

SECTION 605.070: DISPLAY OF LICENSE

Each license issued by the City under the provisions of this Chapter shall be carefully preserved and shall be displayed in a conspicuous place in the place of business authorized to be conducted by said license. If there is no place of business, said license shall be carried on the licensee's person.

SECTION 605.080: PERSONS NOT TO BE CHARGED FOR BUSINESS LICENSE

- A. No person following for a livelihood the profession or calling of minister of the gospel, duly accredited Christian Science practitioner, teacher, professor in a college, priest, lawyer, certified public accountant, dentist, chiropractor, optometrist, chiropodist, or physician or surgeon in this City shall be taxed or made liable to pay any municipal or other corporation tax or license fee of any description whatever for the privilege of following or carrying on such profession or calling, and after December 31, 2003, no investment funds service corporation as defined in Section 143.451, RSMo., may be required to pay any such license fee in excess of twenty-five thousand dollars (\$25,000.00) annually, any law, ordinance or Charter to the contrary notwithstanding.
- B. No person following for a livelihood the profession of insurance agent or broker, veterinarian, architect, professional engineer, land surveyor, auctioneer, or real estate broker or salesman in this City shall be taxed or made liable to pay any municipal or other corporation tax or license fee for the privilege of following or carrying on his/her profession unless that person maintains a business office within the City of Flordell Hills. (RSMo. §71.620, 2003)

SECTION 605.090: REVOCATION OF LICENSE—GROUNDS

Any license issued by the City pursuant to the provisions of this Chapter may be revoked by the Board of Aldermen for any of the following reasons, as well as for any other reasons specified in this Chapter:

- 1. Any failure to comply with or any violation of any provisions of this Chapter or any other ordinance of the City regulating the business, occupation or activity licensed, or the Statutes of the State of Missouri by any licensee.
- 2. Violation of the terms and conditions upon which the license was issued.
- 3. Failure of the licensee to pay any tax or obligation due to the City.
- 4. Any misrepresentation or false statement in the application for a license required herein.
- 5. Failure to display the license required herein.

Revocation of any license shall be in addition to any other penalty or penalties which may be imposed pursuant to these provisions.

SECTION 605.100: REVOCATION OF LICENSE—PROCEDURE

In any case in which a complaint has been made to the Board of Aldermen, or in which the Board of Aldermen have on their own determined that cause may exist for the revocation of a license under the provisions of this Chapter, the following procedures shall be followed:

1. The Board of Aldermen shall set a date for a hearing to consider the question of revocation.
2. At least ten (10) days prior to said hearing, written notice shall be mailed to the licensee by registered mail, return receipt requested, to his/her last known address as shown in the records of the City Clerk advising the licensee of the time, date and place of hearing and of the reason for considering the revocation of his/her 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 business.
4. At the hearing set by the Board of Aldermen, the Board of Aldermen shall hear all relevant and material evidence justifying the retention of the license.
5. The licensee may be present in person and/or by his/her attorney and may present evidence.
6. After hearing the evidence presented, the Board of Aldermen shall vote on the issue of whether the subject license shall be revoked.
7. The affirmative vote of a majority of the Board of Aldermen shall be necessary to revoke any license.

SECTION 605.110: VIOLATION AND PENALTY

Any person, firm or corporation or co-partnership who shall exercise or attempt to exercise any of the occupations, trades or avocations, or who shall carry on, or engage in, or attempt to carry on or engage in any of the businesses as specified in Section 605.030 hereof in the City of Flordell Hills without first paying the tax therein levied and obtaining a license therefor shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00), and the Board of Aldermen of the City of Flordell Hills shall, if they deem the circumstances sufficient to warrant such action, have the right to revoke the existing license of the offender or to refuse to issue a new license to such offender. In addition to the above penalties, any person, firm or corporation or co-partnership who is required to take out a license, or any such person whose license has expired, and notice has been given by the License Collector, shall, if not paid within ten (10) days after such tax is due, pay a penalty of two dollars (\$2.00), and for every ten (10) days thereafter, two dollars (\$2.00) shall be added as a penalty, until the party required to take out such license shall have complied with the provisions regulating licenses in this Article. This penalty shall be collected with the license by the License Collector and paid to the City of Flordell Hills. (CC 1994 §605.180; Ord. No. 316 §1, 5-14-65)

ARTICLE II. MERCHANTS' LICENSES

SECTION 605.120: MERCHANT—TERM DEFINED

Whoever shall deal in the selling of any goods, wares or merchandise at any store, stand or place

occupied for that purpose within the City of Flordell Hills is hereby declared to be a "*merchant*", except as is or may be otherwise provided by ordinance or Statute. (CC 1994 §605.010; Ord. No. 133 §1, 8-13-46)

SECTION 605.130: LICENSE REQUIRED

Every person defined to be a merchant by Section 605.120 shall, before doing or offering to do the business of such, procure from the City Collector a license therefor under the provisions of this Chapter, and if he/she shall, within the City of Flordell Hills, sell or offer for sale any goods, wares or merchandise without first complying with the provisions of this Chapter, he/she shall be deemed guilty of a misdemeanor and, on conviction thereof, be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for each offense. (CC 1994 §605.020; Ord. No. 133 §2, 8-13-46)

SECTION 605.140: LICENSE NOT ASSIGNABLE OR TRANSFERABLE

No license shall be assignable or transferable. (CC 1994 §605.030; Ord. No. 133 §3, 8-13-46)

SECTION 605.150: STATEMENT OF MERCHANT

The City Collector or his/her deputies shall, after the first (1st) day of September and before the first (1st) day of October in each year, call on each and every person defined by this Article to be a merchant and notify him/her to furnish, and it shall be the duty of such person, whether so notified or not, to furnish said Collector a statement of the aggregate amount of all sales made by him/her during the fiscal year immediately preceding the first (1st) day of September of each year, which statement shall be made in writing and delivered to the Collector, verified by the affidavit of the merchant or officer of the corporation making it, if residing in the City of Flordell Hills; if not then by some credible person duly authorized to do so, and the amount of the license due thereon shall be paid to the Collector at his/her office on or before the first (1st) day of October of each year. (CC 1994 §605.040; Ord. No. 133 §4, 8-13-46)

SECTION 605.160: RATE—TIME OF PAYMENT

There shall be levied and collected on or before the first (1st) day of October of each year a license, which shall be paid to the City Collector every year by the merchant, mercantile firm or corporation, one dollar (\$1.00) on each one thousand dollars (\$1,000.00) or fractional part thereof, of sales made by such merchant, mercantile firm or corporation at each store, stand or place occupied for that purpose within the corporate limits of the City of Flordell Hills; provided that no license shall be issued under the provisions of this Chapter for a less sum than twenty-five dollars (\$25.00), which sum shall be paid by each merchant, mercantile firm or corporation doing a business of twenty-five thousand dollars (\$25,000.00) or less per annum. (CC 1994 §605.050; Ord. No. 133 §5, 8-13-46; Ord. No. 244 §1, 9-9-55)

SECTION 605.170: BLANK LICENSES, FORM, ISSUANCE

It shall be the duty of the City Collector to furnish blank licenses, which shall be in the following form:

The State of Missouri, to all who shall see these presents, greeting: Know ye that

_____ is hereby authorized to vend goods, wares and merchandise at any one (1) place within said County for twelve (12) months ending the ____ day of _____, next.

In testimony, I, _____, Clerk of the County Commission of _____ County, have affixed the Seal of said commission, this ____ day of _____, 20__.

(CC 1994 §605.060)

SECTION 605.180: LICENSES ISSUED TO CORRESPOND WITH STUB

The blank licenses provided for in Section 605.170 shall be bound in book form, with suitable stubs on which shall be made and entered the amount of tax or license collected in accordance with the statements filed as provided in Section 605.150. (CC 1994 §605.070; Ord. No. 133 §7, 8-13-46)

SECTION 605.190: BOND

When any merchant, mercantile firm or corporation shall commence business in the City of Flordell Hills, Missouri, after the first (1st) day of October in any year, he/she or they shall take out a merchant's license therefor, but before any such license shall be issued to him/her or them, he/she or they shall execute a bond to the City of Flordell Hills, with two (2) or more sufficient sureties, who shall be freeholders at the time, or deposit with the City Collector bonds of the City of Flordell Hills or other securities of equal value conditioned that he/she or they will, on or before the first (1st) day of October next following, furnish to the City Collector a statement, verified as required by this Article, of the aggregate amount of all sales made by him/her or them between the date upon which he/she or they commenced business and the close or end of his/her or their fiscal or calendar year immediately preceding the first (1st) day of September next succeeding, and that he/she or they will pay to the City Collector the license due according to the provisions of this Article, which bond or securities shall be of such sum as the City Collector may deem sufficient to protect the City's interest and shall be approved by him/her and his/her approval endorsed thereon. Upon such statements there shall be paid the same license as other merchants pay, and every such merchant, mercantile firm or corporation who shall fail or neglect to perform or fulfill the conditions of the bond executed by him/her or them, as herein provided, shall be deemed to have forfeited said bond, and in that event it shall be the duty of the City Collector to cause suit to be instituted thereon against the principals and all such securities of such bond in the court having competent jurisdiction or make sale of the securities deposited with him/her instead of a bond, at public sale, after having given ten (10) days' notices thereof in a newspaper of general circulation in the City of Flordell Hills, Missouri. (CC 1994 §605.080; Ord. No. 133 §8, 8-13-46)

SECTION 605.200: ACCOUNT SALES TO BE OPEN TO INSPECTION

It shall be the duty of each merchant, mercantile firm or corporation to keep a proper book and enter in ink an account of all sales made by him/her or them, which account shall always be open to the inspection of the City Collector to verify the returns made by him/her. The statements or returns made to the City Clerk under the requirements of this Article shall not be made public nor shall they be subject to the inspection of any person except the City Treasurer and the members of the Board of Aldermen. (CC 1994 §605.090; Ord. No. 133 §9, 8-13-46)

SECTION 605.210: PENALTY FOR FAILURE TO MAKE STATEMENT OR PAY LICENSE

In case any person, mercantile firm or corporation shall fail, neglect or refuse to deliver the

statement herein required and pay the license levied by this Article on or before the first (1st) day of October in each year, he/she or they shall be deemed guilty of a misdemeanor and upon conviction shall be fined as provided for in Section 605.130. The City Collector shall report all delinquencies to the Board of Aldermen for such action as may be deemed advisable. (CC 1994 §605.100; Ord. No. 133 §10, 8-13-46)

SECTION 605.220: MERCHANTS' LICENSE DOES NOT AUTHORIZE DRAM SHOP

This Article relating to merchants' licenses shall not be construed to authorize any person to sell intoxicating liquors. (CC 1994 §605.110; Ord. No. 133 §11, 8-13-46)

SECTION 605.230: PENALTY FOR MAKING FALSE STATEMENT

Whoever shall make or file with the City Clerk, under the provisions of this Article, a false statement under oath shall, on conviction thereof, forfeit his/her license and pay a fine not exceeding one hundred dollars (\$100.00); and it shall be the duty of the City Clerk to carefully examine all statements filed with him/her and to prosecute all violations of this Article according to law; provided that before instituting any such prosecution, he/she shall give the merchant an opportunity of explaining the statement and correcting it if inadvertently made; and if it shall appear to the City Collector that such false statement was willfully and corruptly made, he/she shall report all the facts to the grand jury. (CC 1994 §605.120; Ord. No. 133 §12, 8-13-46)

ARTICLE III. MISCELLANEOUS BUSINESS REGULATIONS

SECTION 605.240: PAWNSHOPS—RECEIPT FOR PLEDGED PROPERTY CONTENTS

- A. At the time of making any secured personal credit loan, the lender shall execute and deliver to the borrower a receipt for and describing the tangible personal property subjected to the security interest to secure the payment of the loan. The receipt shall contain the following:
1. The name and address of the pawnshop;
 2. The name and address of the pledgor, the pledgor's description and the driver's license number, military identification number, identification certificate number or other official number capable of identifying the pledgor;
 3. The date of the transaction; and
 4. An identification and description of the pledged goods, including serial numbers if reasonable available.
- B. The pawnbroker is required to furnish local law enforcement authorities with copies of information contained in subparagraphs (1) to (4) of Subsection (A) of this Section. (Ord. No. 507, 9-21-98)

CHAPTER 610: PEDDLERS AND SOLICITORS

SECTION 610.010: DEFINITIONS

As used in this Chapter, the following words have the meaning indicated:

CANVASSER: A person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident for the primary purpose of:

1. 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, or
2. Distributing a handbill or flyer advertising a non-commercial event or service.

PEDDLER: A person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident for the primary purpose of attempting to sell a good or service. A "peddler" does not include a person who distributes handbills or flyers for a commercial purpose, advertising an event, activity, good or service that is offered to the resident for purchase at a location away from the residence or at a time different from the time of visit. Such a person is a "solicitor".

(Comment: A person who passes out menus for a restaurant would not be a peddler, because the resident ordinarily orders off the menu at a time when the visitor has left. Similarly, a person passing out flyers advertising a sale at a nearby venue would not be a peddler, because the resident ordinarily would need to go to the other venue to make a purchase. An individual passing out flyers saying "tomorrow we will come to your house and for \$5 will paint your house number along the curb" would not be a peddler, because the sale would occur after the visit. However the people who show up tomorrow would need a peddler's permit.)

SOLICITOR: A person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident for the primary purpose of:

1. Attempting to obtain a donation to a particular patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, charitable, political or religious purpose, even if incidental to such purpose there is the sale of some good or service, or
2. Distributing a handbill or flyer advertising a commercial event or service.

SECTION 610.020: EXCEPTION

This Chapter shall not apply to a Federal, State or local government employee or a public utility employee in the performance of his/her duty for his/her employer.

SECTION 610.030: PERMIT REQUIRED FOR PEDDLERS AND SOLICITORS, AVAILABLE FOR CANVASSERS

No person shall act as a peddler or as a solicitor within the City without first obtaining a permit in accordance with this Chapter. A canvasser is not required to have a permit but any canvasser wanting a permit for the purpose of reassuring City residents of the canvasser's good faith shall be issued one upon request.

(Comment: Some Cities exempt people having a County peddler's or solicitor's license from getting a local permit. Because the regulation of this activity involves serious risk of going "too far" in regulating activities protected by the First Amendment to the Constitution, it seems advisable not to have the City regulation entangled with regulations from any other local government. Ask your lawyer what he/she thinks and follow her/his advice.)

SECTION 610.040: FEE

The fee for the issuance of each permit shall be:

1. For a peddler acting on behalf of a merchant otherwise licensed to do business within the City: No fee.
2. For a peddler acting on behalf of a merchant not otherwise licensed to do business within the City: A fee of \$_____ per day.

(Comment: The daily fee for a peddler acting for an out-of-town business should not be proportionally higher than the annual fee for an in-town business license for fear of creating an unreasonable restraint of trade. A fee of \$5 per day might be acceptable in many Cities.)

3. For a solicitor, including a commercial solicitor advertising an event, activity, good or service for purchase at a location away from the residence: No fee.
4. For a canvasser requesting a permit: No fee.

SECTION 610.050: APPLICATION FOR PERMIT

Any person or organization, formal or informal, may apply for one (1) or more permits by completing an application form at the office of the issuing officer during regular office hours.

SECTION 610.060: CONTENTS OF APPLICATION

The applicant, person or organization shall provide the following information:

1. Name of applicant.
2. Number of permits required.
3. The name, physical description and photograph of each person for which a permit is requested. In lieu of this information, a driver's license, State identification card, passport or other government-issued identification card issued by a government within the United States containing this information may be provided and a photocopy taken.

4. The permanent and, if any, local address of the applicant.
5. The permanent and, if any, local address of each person for whom a permit is requested.
6. A brief description of the proposed activity related to this permit. Copies of literature to be distributed may be substituted for this description at the option of the applicant.
7. Date and place of birth for each person for whom a permit is requested and, if available, the social security number of such person.
8. A list of all infraction, offense, misdemeanor and felony convictions of each person for whom a permit is requested for the seven (7) years immediately prior to the application.
9. The motor vehicle make, model, year, color and State license plate number of any vehicle which will be used by each person for whom a permit is requested.
10. If a permit is requested for a peddler:
 - a. The name and permanent address of the business offering the event, activity, good or service, i.e., the peddler's principal.
 - b. A copy of the principal's sales tax license as issued by the State of Missouri, provided that no copy of a license shall be required of any business which appears on the City's annual report of sales tax payees as provided by the Missouri Department of Revenue.
 - c. The location where books and records are kept of sales which occur within the City and which are available for City inspection to determine that all City sales taxes have been paid.
11. If a permit is requested for a solicitor:
 - a. The name and permanent address of the organization, person or group for whom donations or proceeds are accepted.
 - b. The web address for this organization, person or group or other address where residents having subsequent questions can go for more information.
12. Any other information the applicant wishes to provide, perhaps including copies of literature to be distributed, references to other municipalities where similar activities have occurred, etc.

SECTION 610.070: ISSUANCE OF PERMIT

The permit(s) shall be issued promptly after application but in all cases within eight (8) business hours of completion of an application, unless it is determined within that time that:

1. The applicant has been convicted of a felony or a misdemeanor involving moral turpitude within the past seven (7) years,
2. With respect to a particular permit, the individual for whom a permit is requested has been convicted of any felony or a misdemeanor involving moral turpitude within the past seven (7) years, or

3. Any statement upon the application is false, unless the applicant can demonstrate that the falsehood was the result of excusable neglect.

(Comment: Our earlier solicitor's model ordinance permitted seven (7) days for investigation. That ordinance was written before the Internet had become so ubiquitous and before Police had access to special computers to check criminal history. Eight (8) business hours ought to be enough time for an investigation.)

SECTION 610.080: INVESTIGATION

During the period of time following the application for one (1) or more permits and its issuance, the City shall investigate as to the truth and accuracy of the information contained in the application. If the City has not completed this investigation within the eight (8) business hours provided in Section 610.070, the permit will nonetheless be issued subject, however, to administrative revocation upon completion of the investigation. If a canvasser requests a permit, the investigation will proceed as described above, but if the City refuses to issue the permit (or revokes it after issuance), the canvasser will be advised that the failure to procure a permit does not prevent him/her from canvassing the residents of the City.

SECTION 610.090: DENIAL—ADMINISTRATIVE REVOCATION

If the issuing officer denies, or upon completion of an investigation revokes, the permit to one (1) or more persons, he/she shall immediately convey the decision to the applicant orally and shall within sixteen (16) working hours after the denial prepare a written report of the reason for the denial which shall be immediately made available to the applicant. Upon receipt of the oral notification and even before the preparation of the written report, the applicant shall have at his/her option an appeal of the denial of his/her application before the following tribunal:

(Note: The City or Village should select one (1) or more of the following. Consult with your lawyer before deciding.)

1. The Board of Aldermen at its next regular meeting or, if the next regular meeting is more than ten (10) days from the denial of the application, at a special meeting to be held within that ten (10) day period, due notice of which is to be given to the public and the applicant.
2. Before the Municipal Court of the City, provided that such a hearing will be scheduled within ten (10) days of the request, due notice of which is to be given to the public and the applicant.
3. Before an administrative tribunal or hearing board as established by City Code, provided that such a hearing will be scheduled within ten (10) days of the request, due notice of which is to be given to the public and the applicant.

SECTION 610.100: HEARING ON APPEAL

If the applicant requests a hearing under Section 610.090, the hearing shall be held in accordance with the Administrative Procedure Act of the State of Missouri and review from the decision (on the record of the hearing) shall be had to the Circuit Court of the County in which the City is located. The hearing shall also be subject to the Missouri open meetings and records law.

(Comment: The Missouri APA establishes venue differently than what is provided here. It is debatable if the City can change the law of venue as established by Statute, but prior versions of this ordinance have

attempted to do so and I haven't deviated from that practice. Another comment: Earlier versions of this ordinance used the phrase "a felony or a misdemeanor involving moral turpitude". It wasn't clear if what was intended to apply to "any felony" or to a "felony involving moral turpitude". I have changed the wording to say "any felony", if you intend the alternative meaning, you should change the wording.)

SECTION 610.110: DISPLAY OF PERMIT

Each permit shall be, when the individual for whom it was issued is acting as a peddler or solicitor, worn on the outer clothing of the individual as so to be reasonably visible to any person who might be approached by said person.

SECTION 610.120: VALIDITY OF PERMIT

A permit shall be valid within the meaning of this Chapter for a period of six (6) months from its date of issuance or the term requested, whichever is less.

(Note to municipality: The six (6) month validity period is not written in stone. You could select a longer or shorter time, as long as a judge thinks you are "reasonable".)

SECTION 610.130: REVOCATION OF PERMIT

In addition to the administrative revocation of a permit, a permit may be revoked for any of the following reasons:

1. Any violation of this Chapter by the applicant or by the person for whom the particular permit was issued.
2. Fraud, misrepresentation or incorrect statement made in the course of carrying on the activity.
3. Conviction of any felony or a misdemeanor involving moral turpitude within the last seven (7) years.
4. Conducting the activity in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

The revocation procedure shall be initiated by the filing of a complaint by the City Attorney or the issuing officer pursuant to the State Administrative Procedure Act and a hearing before the tribunal identified in Section 610.090 above.

(Comment: The reason I didn't have the administrative revocation handled through the tribunal is that the State APA has some delays built into it, and the revocation won't take place until after the hearing. Prior versions of this ordinance included the administrative revocations under the State APA procedure. I think that was a mistake and have allowed for a summary revocation procedure in that one (1) instance. Obviously other lawyers think differently. Follow the advice of the lawyer you are paying.)

SECTION 610.140: DISTRIBUTION OF HANDBILLS AND COMMERCIAL FLYERS

In addition to the other regulations contained herein, a solicitor or canvasser leaving handbills or commercial flyers about the community shall observe the following regulations:

1. No handbill or flyer shall be left at or attached to any sign, utility pole, transit shelter or other structure within the public right-of-way. The Police are authorized to remove any handbill or flyer found within the right-of-way.
2. No handbill or flyer shall be left at or attached to any privately owned property in a manner that causes damage to such privately owned property.
3. No handbill or flyer shall be left at or attached to any of the property having a "no solicitor" sign of the type described in Section 610.150(1) and (2).
4. Any person observed distributing handbills or flyers shall be required to identify himself/herself to the Police (either by producing a permit or other form of identification). This is for the purpose of knowing the likely identity of the perpetrator if the City receives a complaint of damage caused to private property during the distribution of handbills or flyers.

SECTION 610.150: GENERAL PROHIBITIONS

No peddler, solicitor or canvasser shall:

1. Enter upon any private property where the property has clearly posted in the front yard a sign visible from the right-of-way (public or private) indicating a prohibition against peddling, soliciting and/or canvassing. Such sign need not exceed one (1) square foot in size and may contain words such as "no soliciting" or "no solicitors" in letters of at least two (2) inches in height. The phrase "no soliciting" or "no solicitors" shall also prohibit peddlers and canvassers.
2. Remain upon any private property where a notice in the form of a sign or sticker is placed upon any door or entrance way leading into the residence or dwelling at which guests would normally enter, which sign contains the words "no soliciting" or "no solicitors" and which is clearly visible to the peddler, solicitor or canvasser.
3. Use or attempt to use any entrance other than the front or main entrance to the dwelling or step from the sidewalk or indicated walkway (where one exists) leading from the right-of-way to the front or main entrance, except by express invitation of the resident or occupant of the property.
4. Remove any yard sign, door or entrance sign that gives notice to such person that the resident or occupant does not invite visitors.
5. Enter upon the property of another except between the hours of 9:00 A.M. and 8:00 P.M. in the hours of Central Standard Time and 9:00 A.M. and 9:30 P.M. in the hours of Central Daylight Time.

(Comment: These hours are from the earlier St. Louis County model ordinance. I think they are too restrictive. I would like 7:00 A.M. to 10:00 P.M. better. Talk to your lawyer about what hours he/she is prepared to defend in court and do what that lawyer advises.)

Except that the above prohibitions shall not apply when the peddler, solicitor or canvassers has an express invitation from the resident or occupant of a dwelling allowing him/her to enter upon any posted property.

SECTION 610.160: VIOLATION TO BE PROSECUTED AS TRESPASS

Any person violating any part of this Chapter shall have committed a trespass on such property and shall be prosecuted under the general trespass ordinance of the City. The penalty for such violation shall be the same as for any other trespass.

(Comment: Earlier versions of this ordinance had a specific penalty for violations contained in it. I prefer to emphasize that the City is not imposing additional obligations on peddlers, solicitors and canvassers ... merely providing guidance about what will not be prosecuted as trespass. Do what your lawyer says!)

CHAPTER 615: MASSAGE PARLORS

SECTION 615.010: DEFINITIONS

The following words, when used in this Chapter, shall have the meanings set out herein:

APPLICANT: Any person who applies for a permit as required by this Chapter.

CITY: The City of Flordell Hills, Missouri.

EMPLOYEE: Any person, other than a masseur or masseuse, who renders any service to the permittee, who receives compensation or any consideration, and who has no physical contact with the permittee's customers or clients.

MASSAGE: Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external parts of the body, for medical or hygienic purposes, with the hands or with the aid of any mechanical or electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, unguents or other similar preparations commonly used in this practice.

MASSAGE ESTABLISHMENT: Any establishment having a fixed place of business, wherein massage is given, engaged in or carried on, or permitted to be given, engaged in, or carried on, for any form of consideration.

MASSEUR OR MASSEUSE: Any person who administers to another person, for any form of consideration, massage.

OUTCALL MASSAGE SERVICE: Any business not licensed as a massage establishment under the provisions of this Chapter wherein massage is given, engaged in or carried on, or permitted to be given, engaged in, or carried on, for any form of consideration, not at a fixed location but at a location designated by the masseur or masseuse, customer or client.

PERMITTEE: Any person receiving a permit to operate a massage establishment or outcall massage service under the provisions of this Chapter.

PERSON: Any individual, co-partnership, firm, association, company, corporation or combination of individuals of whatever form or character. (CC 1994 §615.010; Ord. No. 388 §1, 6-19-78)

SECTION 615.020: PROVISIONS NOT APPLICABLE—TO WHOM

The provisions of this Chapter shall not apply to hospitals, nursing homes, sanitariums, persons holding an unrevoked certificate of entitlement to practice the healing arts under the laws of the State of Missouri, barbers and beauticians duly licensed by the State of Missouri, athletic trainers, or persons working under the direction and control of such persons or in any such establishments. (CC 1994 §615.020; Ord. No. 388 §2, 6-19-78)

**SECTION 615.030: PERMIT REQUIRED—MESSAGE ESTABLISHMENT—OUTCALL
MESSAGE SERVICE**

- A. It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the City, the operation of a massage establishment or outcall massage service as herein defined without first having obtained a permit duly issued by the City as set forth herein.
- B. Application for a permit to engage in the business of a massage establishment or outcall massage service shall be obtained from the City and shall contain the following information:
 - 1. The two (2) previous addresses (if any) within the three (3) years immediately prior to the present address of the applicant;
 - 2. Written proof that the individual or partnership applicant is over the age of eighteen (18) years;
 - 3. Individual or partnership applicant's height, weight, color eyes, hair and sex;
 - 4. Two (2) portrait photographs at least two (2) inches by two (2) inches;
 - 5. Businesses, occupations or employments of the applicant for the three (3) years immediately preceding the date of the application;
 - 6. The history of applicant in the operation of a massage establishment, outcall massage service or similar business or occupation;
 - 7. All criminal convictions other than misdemeanor traffic convictions and lawful pardons and rehabilitative activity related thereto;
 - 8. The name and address of each masseur, masseuse or employee who is currently, or to the knowledge of applicant will be, employed in such establishment or service, or work as an independent contractor therein, and the terms and conditions of such employment or contract;
 - 9. If the applicant is a corporation, the name and address of the officers and directors of said corporation and of each stockholder of the corporation. Each of the aforementioned officers, directors and stockholders shall be required to furnish the same information as the individual or partnership applicant stated herein. (CC 1994 §615.030; Ord. No. 388 §3, 6-19-78)

**SECTION 615.040: MESSAGE ESTABLISHMENT PERMIT—FEE—INVESTIGATION—
STANDARDS FOR ISSUANCE—REVIEW**

- A. All applications for a massage establishment or outcall massage service permit shall be accompanied by a filing and investigation fee of two hundred fifty dollars (\$250.00), no part of which shall be refundable.
- B. Upon receipt of said application, the Mayor of the City shall refer the application to the City Building Commissioner, the Police Department and the St. Louis Department of Community Health and Medical Care. Each of these referees shall within thirty (30) days from the date of said application review records or make an inspection of the premises proposed to be used as a massage establishment or outcall massage service and shall make a written recommendation to the Mayor concerning compliance with the respective requirements.
- C. The City shall issue said permit if it is found:

1. The operation, as proposed by applicant, complies or would comply with all applicable laws and ordinances including, but not limited to, the City's building code, zoning laws and health regulations;
2. Applicant, or if applicant is a corporation, the officers, directors and stockholders as stated herein, be of good moral character.

Otherwise, said permit shall be denied. In the event of denial, notification and reasons for denial shall be set forth in writing and shall be sent to the applicant by means of certified mail or hand delivery at the next regular Board of Aldermen meeting.

- D. An appeal may be taken by any aggrieved party to the Circuit Court of St. Louis County pursuant to the provisions of Section 536.150, RSMo. (CC 1994 §615.040; Ord. No. 388 §4, 6-19-78)

SECTION 615.050: DISPLAY OF PERMITS—WRITTEN LISTING

- A. The permittee shall display the massage establishment or outcall massage service permit issued in an open and conspicuous location on the premises or in the principal place of business.
- B. The permittee shall maintain a written listing of all masseurs, masseuses or employees, whether employed by him/her or as independent contractors. Such written list shall be available for inspection during regular business hours. (CC 1994 §615.050; Ord. No. 388 §5, 6-19-78)

SECTION 615.060: SUSPENSION OR REVOCATION OF PERMIT

- A. Any massage establishment's or outcall massage service's permit issued under this Chapter shall be subject to suspension for up to ninety (90) days or revocation by the Mayor for violation of any provision of this Chapter or for any grounds that would warrant the denial of the issuance of such permit in the first (1st) instance.
- B. The permittee shall be entitled to a hearing before the Board of Aldermen prior to the suspension or revocation of any permit under this Chapter. At such hearing evidence will be received for the purpose of determining whether or not such permit shall be suspended or revoked or whether the permit may be retained.
- C. The permittee shall be notified by certified mail or hand delivery of the decision of the Board of Aldermen. Said decision shall be accompanied by findings of fact and conclusions of law.
- D. An appeal may be taken by any aggrieved party to the Circuit Court of St. Louis County in accordance with the provisions of Chapter 536.100, et seq., RSMo. (CC 1994 §615.060; Ord. No. 388 §6, 6-19-78)

SECTION 615.070: SANITATION REQUIREMENTS—RULES AND REGULATIONS

- A. The Director of the Department of Community Health and Medical Care of St. Louis County is authorized to promulgate reasonable rules and regulations pertaining to the sanitary requirements for the operation of massage establishments and outcall massage services.
- B. Permittee shall comply with all reasonable rules and regulations which have been or may be promulgated by the St. Louis County Department of Community Health and Medical Care pertaining

to the operation of massage establishments or outcall massage services. (CC 1994 615.070; Ord. No. 388 §7, 6-19-78)

SECTION 615.080: TRANSFER OF PERMIT

No massage establishment or outcall massage service permit shall be transferrable except upon first having obtained a new permit from the City pursuant to all the requirements for a new application and shall be accompanied by a filing and investigation fee of two hundred fifty dollars (\$250.00), no part of which shall be refundable. The application for such transfer shall contain the same information as required herein for an initial application for such permit. (CC 1994 §615.080; Ord. No. 388 §8, 6-19-78)

SECTION 615.090: HOURS OF OPERATION

Any massage establishment or outcall massage service located in the City shall not be open, nor conduct operation, between the hours of 11:00 P.M. and 6:00 A.M. (CC 1994 §615.090; Ord. No. 388 §9, 6-19-78)

SECTION 615.100: PENALTIES

Any person who violates any of the provisions of this Chapter shall, upon conviction, be sentenced to not more than a five hundred dollar (\$500.00) fine. (CC 1994 §615.100; Ord. No. 388 §10, 6-19-78)

SECTION 615.110: MASSAGE ESTABLISHMENTS—LIMITATIONS ON LOCATION

- A. No massage establishment permit, as hereinafter set forth, shall be issued to any such proposed operation which shall be located less than one thousand (1,000) feet from the property line of any property on which there is located an elementary, junior high school, high school, vocational high school, church or synagogue.
- B. No massage establishment permit, as hereinafter set forth, shall be issued to any such proposed operation which shall be located less than one thousand (1,000) feet from the property line of any property on which there is located another massage establishment. (CC 1994 §615.110; Ord. No. 388 §11, 6-19-78)

CHAPTER 620: AMUSEMENT CENTERS

SECTION 620.010: DEFINITIONS

As used in this Chapter, the following words shall have the meanings set out herein:

AMUSEMENT CENTER AND PENNY ARCADE: Any establishment which provides five (5) or more mechanical amusement devices for use or operation by the public.

MECHANICAL AMUSEMENT DEVICE: Any machine which, upon the insertion of a coin, slug, token, plat, disc or any other insertion device, may be operated by the public for use as a game, entertainment or amusement of any kind or description whatever.

PERSON: Any individual, co-partnership, firm, association, company, corporation or combination of individuals of whatever form or character. (CC 1994 §620.010; Ord. No. 391 §1, 7-17-78)

SECTION 620.020: PROVISIONS NOT APPLICABLE—TO WHOM

The provisions of this Chapter shall not be applicable to any person having set up in his/her private residence one (1) or more mechanical amusement devices when employed for his/her own private use or for the use of his/her family, nor clubs where mechanical amusement devices are used exclusively by club members and upon which no charge for playing is made, nor to business establishments or other public places which may have five (5) or more mechanical amusement devices for use or operation by the public, but whose gross revenue from the operation of such mechanical amusement devices does not exceed twenty-five percent (25%) of its total gross revenue. (CC 1994 §620.020; Ord. No. 391 §2, 7-17-78)

SECTION 620.030: LICENSE REQUIRED

It shall be unlawful for any person to operate or to permit to be operated on any premises in the City an amusement center or penny arcade without first securing a license duly issued as set forth herein. (CC 1994 620.030; Ord. No. 391 §3, 7-17-78)

SECTION 620.040: REQUIREMENTS FOR LICENSE—TERM

- A. An application for the operation of an amusement center or penny arcade in the City shall be obtained from the City Clerk.
- B. Each such application shall be verified and shall contain the name of the proposed operator (if a partnership, the names of all partners, and if a corporation, the names of all officers and stockholders), the proposed location of the amusement center or penny arcade, and the number and types of machines to be provided. Such application shall be accompanied by accurately scaled and fully dimensioned plans of the premises showing the proposed location of the machines.
- C. Each such application shall be accompanied by an application fee of two hundred fifty dollars (\$250.00), no part of which shall be returnable.

- D. Each such application shall be referred by the Mayor to the Chief of Police who shall investigate the character and fitness of the proposed operator as well as any other persons listed as having an interest in the proposed license, and who shall file a report within sixty (60) days.
- E. Such license shall be issued by the Mayor unless he/she finds one (1) or more of the following:
 - 1. Intentional misstatements or misleading statements of fact in the application;
 - 2. The proposed operation would not comply with all applicable ordinances;
 - 3. Any parties interested in the proposed business have been convicted of any violation of Statute or ordinance involving moral turpitude or have previously had a business license suspended or revoked. Provided, that if the Mayor shall find that the conduct of such parties subsequent to the aforesaid conviction, suspension or revocation has been such as to indicate fitness to operate a business, and that permitting such applicant to conduct such an operation would not be contrary to the public interest, he/she may issue said license;
 - 4. Failure to pay the required application fee.
- F. The term of said license shall be for one (1) year from the date of issuance and may be renewed as provided herein.
- G. Each applicant shall be notified by mail or by hand delivery of the issuance or non-issuance of a license.
- H. If the Mayor does not issue a license, the reasons for his/her not doing so shall be in writing and shall accompany the notice of non-issuance.
- I. The Mayor's determination of non-issuance may be appealed under the provisions of Section 536.150 RSMo., 1969. (CC 1994 620.040; Ord. No. 391 §4, 7-17-78)

SECTION 620.050: DISPLAY OF LICENSE

The license issued herein by the Mayor shall be prominently displayed within the premises of the amusement center. (CC 1994 §620.050; Ord. No. 391 §5, 7-17-78)

SECTION 620.060: RENEWAL PROCEDURE

- A. Within thirty (30) days of the expiration of the license, a licensee may apply for renewal thereof on such applications as shall be provided by the Clerk.
- B. Renewal applications shall contain the name, address and license number of the licensee's operation, and further, licensee shall indicate any changes from the information furnished at the time of the original application.
- C. An application for renewal shall be accompanied by a renewal application fee of one hundred fifty dollars (\$150.00), no part of which shall be returnable.
- D. The license shall be renewed if it is found that said operation shall have been conducted in accordance with all applicable laws and ordinances.

- E. If the Mayor does not renew said license, the procedure set forth in Section 620.070 herein shall be followed. (CC 1994 §620.060; Ord. No. 391 §6, 7-17-78)

SECTION 620.070: SUSPENSION OR REVOCATION—PROCEDURE

- A. The Mayor may suspend for a period up to ninety (90) days or revoke a license heretofore issued, if he/she finds one (1) or more of the following:
1. Intentional misstatements or misleading statements of fact in the application, not discovered until after the issuance of such license.
 2. Permitting such conduct as would constitute a violation of any Statutes or ordinances pertaining to consumption or possession of alcoholic beverages by a minor or any Statutes or ordinances pertaining to possession of controlled substances of narcotics on the premises of such operation.
- B. In the event the Mayor revokes such license, licensee shall be entitled to a hearing before the Municipal Court upon notice duly given ten (10) days prior to the date of such hearing. The decision of the court and the reasons therefor shall be set by certified mail or hand delivered to licensee. (CC 1994 §620.070; Ord. No. 391 §7, 7-17-78)

SECTION 620.080: MISCELLANEOUS REGULATIONS—CONDUCT PROHIBITED

- A. No person under the age of fourteen (14) years shall be permitted on the premises of any amusement center or penny arcade unless accompanied by his/her parent or legal guardian.
- B. No alcoholic beverages shall be permitted on the premises of an amusement center or penny arcade.
- C. No firearms shall be permitted on the premises of an amusement center or penny arcade.
- D. No narcotics or controlled substances under the laws of the United States or the State of Missouri shall be permitted on the premises of an amusement center or penny arcade.
- E. At least one (1) supervisor of at least eighteen (18) years of age, employed by the operator, shall be on duty at all times and be present on the premises of an amusement center and penny arcade.
- F. An amusement center or penny arcade may not operate between the hours of 11:00 P.M. and 6:00 A.M. of the following day, except on Fridays and Saturdays, when they may not operate between the hours of 12:00 Midnight to 6:00 A.M. the next day, all times official County time. (CC 1994 §620.080; Ord. No. 391 §8, 7-17-78)

CHAPTER 625: UTILITIES

ARTICLE I. ELECTRICAL SERVICE

SECTION 625.010: GROSS RECEIPTS TAX IMPOSED

- A. There is hereby levied upon all persons, firms or corporations, now or hereafter engaged in the business of furnishing or supplying electricity, electrical service or power within the City of Flordell Hills, an annual license or occupational tax amounting to the sum of five percent (5%) of the gross receipts derived from the carrying on of such business within the City.
- B. The term "*gross receipts*" means the aggregate amount of all sales and charges of the commodities or services hereinabove described in the City of Flordell Hills during any period, less discounts, credits, refunds, sales taxes and uncollectible accounts actually charged off. (CC 1994 §625.010: Ord. No. 263 §1, 9-13-57; Ord. No. 420 §1, 6-21-82; Ord. No. 436, 5-19-86; Ord. No. 469 §1, 10-19-92)

SECTION 625.020: FILING SWORN STATEMENT

It shall be the duty of every person, firm or corporation engaged in any businesses described in this Article, hereinabove set forth, to file with the City Collector of the City of Flordell Hills:

On or before the fifteenth (15th) day of July of each year a sworn statement showing the gross receipts derived from the transaction of such business in the City during the previous calendar year and at such time pay to the City Collector the tax thereon as hereinbefore set forth. The license granted on the payment of such tax shall be issued to cover the current calendar year.

Thereafter, on or before the fifteenth (15th) day of July of each year, an annual sworn statement showing the gross receipts derived from the said business for the previous calendar year shall be filed on aforesaid and at such time the taxpayer shall pay to the Collector the tax thereon as hereinabove set forth at the rate of five percent (5%) per annum and the license granted on the payment of such tax shall be issued to cover the next ensuing current calendar year. (CC 1994 §625.020; Ord. No. 263 §2, 9-13-57)

SECTION 625.030: COLLECTOR AUTHORIZED TO INVESTIGATE FOR ACCURACY

The City Collector or any auditor employed by the City of Flordell Hills shall be and are hereby authorized to investigate the correctness and accuracy of the statement so filed and for that purpose shall have access at all reasonable times to the books, documents, papers and records of any person making such return in order to ascertain the accuracy thereof. (CC 1994 §625.030; Ord. No. 263 §3, 9-13-57)

SECTION 625.040: TAX IN LIEU OF ANY OTHER LICENSE TAX

The tax herein required to be paid shall be in lieu of any other occupational or license tax required of any person, firm or corporation engaged in any of the businesses described in this Article, but nothing herein contained shall be so construed as to exempt any such person, firm or corporation from the payment to the City of the tax which the City levies upon the real or personal property belonging to any such person, firm or corporation nor the tax required of merchants or manufacturers, if any, for the sale of anything other than the commodity or service herein specified, nor shall the tax herein required exempt any such person, firm or corporation from the payment of any tax which may be lawfully required other than occupational or license tax. (CC 1994 §625.040; Ord. No. 263 §4, 9-13-57)

SECTION 625.050: VIOLATION AND PENALTY

Any person, firm or corporation engaged in any business to which this Article applies who shall violate any of the provisions thereof shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense and every day such violation continues shall be deemed a separate offense. (CC 1994 §625.050; Ord. No. 263 §5, 9-13-57)

ARTICLE II. EXCHANGE TELEPHONE SERVICE

SECTION 625.060: LICENSE TAX

- A. Every person, firm, company or corporation now or hereafter engaged in the business of furnishing exchange telephone service in the City of Flordell Hills, Missouri, shall pay to said City as an annual license tax five percent (5%) of the gross receipts derived from the furnishing of such service with said City as hereafter set forth.
- B. The term "*gross receipts*" means the aggregate amount of all sales and charges of the commodities or services hereinabove described in the City of Flordell Hills during any period, less discounts, credits, refunds, sales taxes and uncollectible accounts actually charged off. (CC 1994 §625.060; Ord. No. 373 §1, 11-4-74; Ord. No. 420 §1, 6-21-82; Ord. No. 436, 5-19-86; Ord. No. 469 §1, 10-19-92)

SECTION 625.070: FILING SWORN STATEMENT

All such persons, firms, companies or corporations mentioned in Section 625.060 hereof shall file with the City Clerk of the said City on or before the thirty-first (31st) day of July 1975 a sworn statement of gross receipts derived by such person, firm, company or corporation from the furnishing of such service during the period from January first (1st) to June 30, 1975, and on or before the thirty-first (31st) day of January and the thirty-first (31st) day of July of each calendar year thereafter a similar statement of gross receipts derived by such person, firm, company or corporation from the furnishing of such service during the preceding six (6) month period ending December thirty-first (31st) and June thirtieth (30th), respectively. At the time of filing any such statement, the person, firm, company or corporation involved shall pay to the City Collector of the said City five percent (5%) of such gross receipts. The telephone company shall have the privilege of crediting such sums as may be due hereunder with any unpaid balance due said company for telephone service rendered or facilities furnished to said City. (CC 1994 §625.070; Ord. No. 373 §2, 11-4-74)

SECTION 625.080: PAYMENT IN LIEU OF OTHER TAXES

The payments required by the provisions of this Article shall be in lieu of all other excises, charges, exactions, rentals, impositions or other license or occupation taxes heretofore imposed upon any person, firm, company or corporation engaged in the business described in Section 625.060 hereof; but nothing herein contained shall be construed to exempt such person, firm, company or corporation from any general or special ad valorem tax imposed upon the public generally by said City. (CC 1994 §625.080; Ord. No. 373 §4, 11-4-74)

SECTION 625.090: UTILITY TO MOVE WIRES ON REQUEST

All such persons, firms, companies or corporations mentioned in Section 625.060 on the request of any person shall remove or raise or lower its wires temporarily to permit the moving of houses or any bulky structures. The expense of such temporary removal, raising or lowering of wires shall be paid by the party or parties requesting such raising or lowering of wires, and payment in advance may be required. Not less than forty-eight (48) hours' advance notice shall be given to arrange for any such temporary wire changes. (CC 1994 §625.090; Ord. No. 373 §5, 11-4-74)

SECTION 625.100: RIGHT TO TRIM TREES, ETC.

The right is hereby granted to all such persons, firms, companies or corporations mentioned in Section 625.060 of this Article to trim trees, brush or hedges upon and overhanging the streets, alleys, sidewalks and public places of the City, so as to prevent such foliage from coming in contact with telephone wires and cables, all of said trimming to be done under the supervision and direction of the Board of Aldermen of the City or of any City Official to whom said duties have been or may be delegated. (CC 1994 §625.100; Ord. No. 373 §6, 11-4-74)

ARTICLE III. WATER OR WATER SERVICE

SECTION 625.110: GROSS RECEIPTS TAX

- A. There is hereby levied upon all persons, firms or corporations, now or hereafter engaged in the business of furnishing or supplying water or water service within the City of Flordell Hills, an annual license or occupational tax amounting to the sum of five percent (5%) of the gross receipts derived from the carrying on of such business within the City.
- B. The term "*gross receipts*" means the aggregate amount of all sales and charges of the commodities or services hereinabove described in the City of Flordell Hills during any period, less discounts, credits, refunds, sales taxes and uncollectible accounts actually charged off. (CC 1994 §625.110; Ord. No. 264 §1, 9-13-57; Ord. No. 420 §1, 6-21-82; Ord. No. 436, 5-19-86; Ord. No. 469 §1, 10-19-92)

SECTION 625.120: SWORN STATEMENT

It shall be the duty of every person, firm or corporation engaged in any business described in this Article, hereinabove set forth, to file with the City Collector of the City of Flordell Hills:

On or before the fifteenth (15th) day of July of each year a sworn statement showing the gross receipts derived from the transaction of such business in the City during the previous calendar year and at such time pay to the City Collector the tax thereon as hereinbefore set forth. The license granted on the payment of such tax shall be issued to cover the current calendar year.

Thereafter, on or before the fifteenth (15th) day of July of each year, an annual sworn statement showing the gross receipts derived from the said business for the previous calendar year shall be filed on aforesaid and at such time the taxpayer shall pay to the Collector the tax thereon as hereinabove set forth at the rate of five percent (5%) per annum and the license granted on the payment of such tax shall be issued to cover the next ensuing current calendar year. (CC 1994 §625.120; Ord. No. 264 §2, 9-13-57)

SECTION 625.130: COLLECTOR AUTHORIZED TO INVESTIGATE ACCURACY

The City Collector or any auditor employed by the City of Flordell Hills shall be and are hereby authorized to investigate the correctness and accuracy of the statement so filed and for that purpose shall have access at all reasonable times to the books, documents, papers and records of any person making such return in order to ascertain the accuracy thereof. (CC 1994 §625.130; Ord. No. 264 §3, 9-13-57)

SECTION 625.140: TAX IN LIEU OF ANY OTHER LICENSE TAX

The tax herein required to be paid shall be in lieu of any other occupational or license tax required of any person, firm or corporation engaged in any of the businesses described in this Article, but nothing herein contained shall be so construed as to exempt any such person, firm or corporation from the payment to the City of any tax which the City levies upon the real or personal property belonging to any such person, firm or corporation nor the tax required of merchants or manufacturers, if any, for the sale of anything other than the commodity or service herein specified, nor shall the tax herein required exempt any such person, firm or corporation from the payment of any tax which may be lawfully required other than an occupational or license tax. (CC 1994 §625.140; Ord. No. 264 §4, 9-13-57)

SECTION 625.150: VIOLATION AND PENALTY

Any person, firm or corporation engaged in any business to which this Article applies who shall violate any of the provisions hereof shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense and every day such violation continues shall be deemed a separate offense. (CC 1994 §625.150; Ord. No. 264 §5, 9-13-57)

ARTICLE IV. GAS OR GAS SERVICE

SECTION 625.160: GROSS RECEIPTS TAX

- A. There is hereby levied upon all persons, firms or corporations, now or hereafter engaged in the business of furnishing or supplying gas or gas service within the City of Flordell Hills, an annual license or occupational tax amounting to the sum of five percent (5%) of the gross receipts derived from the carrying on of such business within the City.

- B. The term "*gross receipts*" means the aggregate amount of all sales and charges of the commodities or services hereinabove described in the City of Flordell Hills during any period, less discounts, credits, refunds, sales taxes and uncollectible accounts actually charged off. (CC 1994 §625.160; Ord. No. 262 §1, 9-13-57; Ord. No. 420 §1, 6-21-82; Ord. No. 436, 5-19-86; Ord. No. 469 §1, 10-19-92)

SECTION 625.170: FILING SWORN STATEMENT

It shall be the duty of every person, firm or corporation engaged in any businesses described in this Article, hereinabove set forth, to file with the City Collector of the City of Flordell Hills:

On or before the fifteenth (15th) day of July each year a sworn statement showing the gross receipts derived from the transaction of such business in the City during the previous calendar year and at such time pay to the City Collector the tax thereon as hereinbefore set forth. The license granted on the payment of such tax shall be issued to cover the current calendar year.

Thereafter, on or before the fifteenth (15th) day of July of each year, an annual sworn statement showing the gross receipts derived from the said business for the previous calendar year shall be filed on aforesaid, and at such time the taxpayer shall pay to the Collector the tax thereon as hereinabove set forth at the rate of five percent (5%) per annum and the license granted on the payment of such tax shall be issued to cover the next ensuing current calendar year. (CC 1994 §625.170; Ord. No. 262 §2, 9-13-57)

SECTION 625.180: COLLECTOR AUTHORIZED TO INVESTIGATE FOR ACCURACY

The City Collector or any auditor employed by the City of Flordell Hills shall be and are hereby authorized to investigate the correctness and accuracy of the statement so filed and for that purpose shall have access at all reasonable times to the books, documents, papers and records of any person making such return in order to ascertain the accuracy thereof. (CC 1994 §625.180; Ord. No. 262 §3, 9-13-57)

SECTION 625.190: TAX IN LIEU OF ANY OTHER LICENSE TAX

The tax herein required to be paid shall be in lieu of any other occupational or license tax required of any person, firm or corporation engaged in any of the businesses described in this Article, but nothing herein contained shall be so construed as to exempt any such person, firm or corporation from the payment to the City of any tax which the City levies upon the real or personal property belonging to any such person, firm or corporation nor the tax required of merchants or manufacturers, if any, for the sale of anything other than the commodity or service herein specified, nor shall the tax herein required exempt any such person, firm or corporation from the payment of any tax which may be lawfully required other than an occupational or license tax. (CC 1994 §625.190; Ord. No. 262 §4, 9-13-57)

SECTION 625.200: VIOLATION AND PENALTY

Any person, firm or corporation engaged in any business to which this Article applied who shall violate any of the provisions hereof shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than five

hundred dollars (\$500.00) for each offense and every day such violation continues shall be deemed a separate offense. (CC 1994 §625.200; Ord. No. 262 §5, 9-13-57)

CHAPTER 630: MOTOR FUEL DEALERS

SECTION 630.010: DEFINITIONS

For the purposes of this Chapter "*motor fuel*" means and includes gasoline and every other volatile and inflammable liquid ordinarily, practically or commercially usable in internal combustion engines for the generating of power. It does not, however, include kerosene, oil or distillates. (CC 1994 §610.010; Ord. No. 144 §1, 8-8-47)

SECTION 630.020: LICENSE REQUIRED

No person, firm, partnership or corporation shall store for sales, delivery or other purposes or engage in carrying on or conducting the business of selling any motor fuel in the City of Flordell Hills, St. Louis County, Missouri, either in the capacity of a filling station, gasoline station, public garage, repair shop or a wholesale, bulk or other station of any character whatsoever, nor shall any person, firm, partnership or corporation transport motor fuel and sell same in or from any barrel, tank, wagon or any other container in the City of Flordell Hills, St. Louis County, Missouri, without first having obtained a license from the City Collector of the City of Flordell Hills, St. Louis County, Missouri. (CC 1994 §610.020; Ord. No. 144 §2, 8-8-47)

SECTION 630.030: LICENSE FEE

Every person, firm, partnership or corporation engaged in any of the businesses defined in Section 630.020 shall pay to the City Collector a monthly license fee, on the eighth (8th) day of each month for the preceding month, and the amount of said monthly license fee to be paid to the City Collector by the said person, firm, partnership or corporation shall be determined at a sum equal to one-half cent (\$.005) per gallon of motor fuel sold by such person, firm, partnership or corporation during the preceding month, provided however, that where the license fee of one-half cent (\$.005) per gallon upon the sale of such motor fuel shall have been paid by a previous vendor, such payment shall be sufficient, the intention of this Section being that the fee shall be paid but once. (CC 1994 §610.030; Ord. No. 144 §3, 8-8-47)

SECTION 630.040: RECORDS OF RECEIPTS TO BE KEPT

Every person, firm, partnership or corporation engaged in any of the businesses hereinabove described shall keep an accurate record of all receipts and sales of motor fuel showing the number of gallons received and the number of gallons sold and shall each month, on or before the eighth (8th) day of each month, file with the City Collector of the City of Flordell Hills, St. Louis County, Missouri, a sworn statement of the number of gallons of motor fuel sold. (CC 1994 §610.040; Ord. No. 144 §4, 8-8-47)

SECTION 630.050: COLLECTOR AUTHORIZED TO INVESTIGATE FOR CORRECTNESS

The City Collector of the City of Flordell Hills, St. Louis County, Missouri, or the Gasoline Inspector of said City, or anyone thereafter authorized or designated by the City Board of Aldermen of the City of Flordell Hills, St. Louis County, Missouri, shall be and he/she hereby is authorized

to investigate the correctness and accuracy of the returns of reports required and, for that purpose, shall have access at all reasonable times to the books, documents and reports bearing on the number of gallons of motor fuel received or sold and may appoint a temporary inspector or require the assistance of the City Clerk in a proper investigation whenever he/she desires. (CC 1994 §610.050; Ord. No. 144 §5, 8-8-48)

SECTION 630.060: REFUSAL TO PROVIDE REPORT—VIOLATION

Every person, firm, partnership or corporation refusing or neglecting to make the report or return provided for in Section 630.040 hereof, or making any false or fraudulent report or return, or interfering with the City Collector or the Gasoline Inspector or inspectors hereinabove provided for the performance of their duties shall be deemed guilty of a misdemeanor, and upon conviction thereof the offender shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for each offense. (CC 1994 §610.060; Ord. No. 144 §6, 8-8-47)

SECTION 630.070: EXEMPT FROM LICENSE FEE—WHEN

All persons, firms, partnerships or corporations who shall by the provisions of this Chapter be required to pay the license fee for the storing, selling or transportation of motor fuel shall be considered to be exempted from requiring the payment of a license fee for the sale of merchandise and materials on the basis of a graduated sales of merchandise tax so far as the sales of motor fuel are concerned, and such payment made under the provisions of this Chapter shall be deemed to be sufficient, it being the intention of this Chapter that a license fee by the said person, firm, partnership or corporation shall be paid but once. (CC 1994 §610.070; Ord. No. 144 §7, 8-8-47)