+THE MUNICIPAL CODE OF THE CITY OF ST. CHARLES

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THE GENERAL ORDINANCES

PUBLISHED BY ORDER OF THE CITY COUNCIL

Mayor
Sally A. Faith

City Council
Dave Beckering
Tom Besselman
Laurie Feldman
Michael Klinghammer
Bob Kneemiller
Bridget Ohmes
Mary Ann Ohms
Jerry Reese
Ron Stivison
Michael Weller

Director of Administration
Michael Spurgeon

City Clerk
Laura Whitehead

Assistant City Clerk
Kim Hudson

City Attorney
Michael Valenti

Assistant City Attorney
Meghan Pauly

ADOPTING ORDINANCE

insert adopting ordinance with update

CHARTER OF THE CITY OF SAINT CHARLES, MISSOURI

PREAMBLE
In order to provide for the government of the City of Saint Charles, and secure the benefits and advantages of constitutional home rule and of the constitution of the State of Missouri, the people of the City of Saint Charles, Missouri, adopt the following charter.

ARTICLE I. INCORPORATION, NAME AND BOUNDARIES

SECTION 1.1 INCORPORATION, NAME AND BOUNDARIES
The inhabitants of the City of Saint Charles, within the corporate limits as now established and on file in the office of the city clerk or as hereafter established in the manner provided by law, shall continue to be a municipal body politic and corporate in perpetuity, under the name of the City of Saint Charles.
(Approved by electorate, November 3, 1981)

ARTICLE II. POWERS

SECTION 2.1 POWERS
The city shall have all powers which the General Assembly of the State of Missouri has authority to confer upon any city, provided such powers are consistent with the Constitution of this State and are not limited or denied either by this charter or by statute. The city shall, in addition to its home rule powers, have all powers conferred by law.
(Approved by electorate, November 3, 1981)

SECTION 2.2 CONSTRUCTION

The powers of the city shall be liberally construed. The specific mention of a particular power in this charter shall not be construed as limiting the powers of the city.
(Approved by electorate, November 3, 1981)

ARTICLE III. THE COUNCIL

SECTION 3.1 WHERE POWERS VESTED

Except as this charter provides otherwise, all powers of the city shall be vested in the city council. The council shall provide for the exercise of these powers and for the performance of all duties and obligations imposed on the city by law.
(Approved by electorate, November 3, 1981)

SECTION 3.2 ELIGIBILITY

No person shall be a councilmember unless the person is at least 21 years of age prior to taking office, a citizen of the United States, an inhabitant of the city for two years next preceding the election, a qualified registered voter, and shall be a resident of the ward from which the person is elected six months next preceding the election. If a councilmember removes the councilmember's residency from the ward from which the councilmember is elected, the councilmember's office shall be immediately vacated.
(Approved by electorate, November 3, 1981)

SECTION 3.3 COMPOSITION, ELECTION AND TERMS

(a) Until the election in April 1995, there shall be a city council of two members from each ward nominated and elected by the qualified registered voters of their respective wards, as provided in Article IX. The councilmembers elected at the time of passage of this provision shall remain in office until the new councilmembers are sworn in after the election in April 1995. The councilmembers elected at the election in April 1993 shall serve for a term of two years.

(b) Beginning with the election in April 1995, there shall be a city council of one member from each ward nominated and elected by the qualified registered voters of their respective wards, as provided in Article IX. Beginning with the election in April 2007, each councilmember from wards one through five elected in April 2007 shall serve a four-year term and each councilmember from wards six through ten elected in April 2007 shall serve a three-year term. Beginning with the election in April 2011, each councilmember from wards one through five elected in April 2011 shall serve a three-year term.
(Approved by electorate, November 3, 1981; Amending Ord. 92-17 approved by electorate, April 7, 1992; Amending Ord. 06-190 approved by electorate, November 7, 2006)

SECTION 3.4 CITY COUNCIL WARDS

(a) Until the election in April 1995, there shall be five city council wards. Ward boundaries shall be established by ordinance following each decennial census and may be changed at other times. Wards shall comprise compact and contiguous territory and shall contain, as nearly as possible, an equal number of inhabitants.

(b) Beginning with the election in April 1995, there shall be ten city council wards. Ward boundaries shall be established by ordinance following each decennial census and may be changed at other times. Wards shall comprise compact and contiguous territory and shall contain, as nearly as possible, an equal number of inhabitants. The division of the city into ten wards shall be effective for the election in April 1995 and thereafter.
(Approved by electorate, November 3, 1981; Amending Ord. 92-17 approved by electorate, April 7, 1992)

SECTION 3.5 COMPENSATION AND EXPENSES

Except as provided in Article XV, the council may determine the compensation of councilmembers by ordinance, but no ordinance increasing such compensation shall become effective until the date of commencement of the terms of councilmembers elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six months. Councilmembers shall also receive their actual and necessary expenses incurred in the performance of their duties of office as provided by ordinance.
(Approved by electorate, November 3, 1981)

SECTION 3.6 PRESIDENT OF THE CITY COUNCIL

The members of the council at the first meeting following their election shall elect one of their members as president of the council who shall serve for a term of one year and who shall be presiding officer over the meetings of the council and shall vote as a member.
(Approved by electorate, November 3, 1981)

SECTION 3.7 PROHIBITIONS

(a) *Holding Other Office.* Except where authorized by law, or pursuant to an agreement between the city and another entity of government, no councilmember shall hold any other city office, city employment or other elected public office during the term for which the member was elected to the council, and no former councilmember shall hold any compensated appointive city office or city employment until one year after the expiration of the term for which the councilmember was elected to the council.

(b) *Appointments and Removals.* Neither the council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees, whom the mayor or any of the mayor's subordinates are empowered to appoint, but the council may express its views and fully and freely discuss with the mayor anything pertaining to appointment and removal of such officers and employees.

(c) *Interference with Administration.* Except for the purpose of inquiries and investigations under Section 3.13, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the mayor solely through the mayor,

or through the mayor's designee, or pursuant to rules established by the mayor and approved by [the mayor and] a majority of the entire council. Neither the council nor its members shall give orders to any such officer or employee, either publicly or privately. This section shall not be interpreted to prevent social interaction between the Council or its members and such officer or employee, so long as the social interaction is not related to city business.

(Approved by electorate, November 3, 1981; Amending Ord. 93-93 approved by electorate, April 6, 1994; Amending Ord. 03-333 approved by electorate on April 6, 2004, to be effective on April 3, 2007 Mayoral Election)

SECTION 3.8 VACANCIES; FORFEITURE OF OFFICE; FILLING OF VACANCIES

(a) *Vacancies.* The office of a councilmember shall become vacant upon the councilmember's death, resignation, removal from office in any manner authorized by law, or forfeiture of the office.

(b) *Forfeiture of Office.* A councilmember shall forfeit office if the councilmember (1) lacks at any time during the councilmember's term of office any qualification for the office prescribed by this charter or by law, (2) violates any express prohibition of this charter, (3) is convicted of a felony or a crime involving moral turpitude, (4) is in default to the city, (5) fails to attend three consecutive regular meetings of the council without being excused by the council, or (6) for any reason is absent from council meetings for a period longer than two consecutive months unless formally excused by an affirmative vote of 2/3 of the council members.

(c) *Filling of Vacancies.* In case of vacancy in the council, the mayor shall appoint a qualified person to fill the vacancy of the unexpired term, if the term is to expire within one hundred eighty days. If more than one hundred eighty days remain in the term, then the mayor shall appoint a person to fill the vacancy until a successor is elected at the next election at which the candidates for office have time to properly file for elected office pursuant to the election laws of the city and of the State of Missouri. No appointment to fill a vacancy in the council shall be effective until approved by a majority of the remaining members of the council.

(Approved by electorate, November 3, 1981; Amendment approved by electorate, August 4, 1992)

SECTION 3.9 CITY CLERK

(a) The council shall appoint and establish the compensation of an officer who shall have the title of city clerk. The city clerk shall keep the journal of council proceedings, authenticate by the city clerk's signature all ordinances and resolutions, and record them in full in a book kept for that purpose. The city clerk shall perform such other duties as may be required by law, by this charter, or by the council. The city clerk shall have the power to administer oaths. The city clerk shall hold office at the pleasure of the council.

(b) The city clerk shall direct and supervise the employees in the city clerk's office.

(Approved by electorate, November 3, 1981; Amendment approved by electorate, August 4, 1992)

SECTION 3.10 LEGISLATIVE PROCEEDINGS

(a) *Meetings.* The council shall meet regularly at least once each month at such times and places as the council may prescribe by ordinance. The mayor upon the mayor's own motion may, or at the request of three members of the council shall, call a special meeting of the council for a time not earlier than twenty-four hours after notice is given to all members of the council then in the city. Special meetings of the council may also be held at any time by the consent of all the members of the council, and such consent may be given either prior to or during the special meeting. No action by the council shall have legal effect unless the motion for the action and the vote by which it is disposed of take place at proceedings open to the public.

(b) *Rules and Journals.* The council shall determine its own rules and order of business. It shall cause a journal of its proceedings to be kept and this journal shall be open to public inspection.

(c) *Voting.* Voting shall be by roll call except on procedural motions, and the ayes and nays shall be recorded in the journal. In all roll call votes the names of the members of the council shall be called in alphabetical order and the name to be called first shall be advanced one position alphabetically in each successive roll call vote. A majority of members of the council shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in the manner and subject to the penalties prescribed by the rule of the council. Except as otherwise provided in this charter, the affirmative vote of a majority of the entire council shall be necessary to adopt any ordinance or resolution.

(d) *Form of Ordinances.* Proposed ordinances and resolutions shall be introduced in the council only in written or printed form. The enacting clause of all ordinances shall be: "Be It Ordained By the Council of the City of Saint Charles:" The enacting clause of all ordinances submitted by initiative shall be: "Be It Ordained By the People of the City of Saint Charles:".

No ordinance, except those making appropriations of money and those codifying or revising existing ordinances, shall contain more than one subject which shall be clearly expressed in its title. Ordinances making appropriations shall be confined to the subject matter of the appropriations.

(e) *Procedure.* Except in the case of emergency ordinances, every proposed ordinance shall be read by title in open council meeting two times before final passage, and at least one week shall elapse between introduction and final passage. A copy of each proposed ordinance shall be provided for each councilmember at the time of its introduction, and at least three copies shall be provided for public inspection in the office of the city clerk until it is finally adopted or fails of adoption. Persons interested in a proposed ordinance shall be given an opportunity to be heard before the council in accordance with such rules and regulations as the council may adopt. If the council adopts an amendment to a proposed ordinance which constitutes a change in substance, the proposed ordinance as amended shall be placed on file for public inspection in the office of the city clerk for one additional week before final passage.

(f) *Emergency Ordinances.* All emergency ordinances shall be read in full in open council meetings. An ordinance may be passed as an emergency measure on the day of its introduction if it contains a declaration describing in clear and specific terms the facts and reasons constituting the emergency and receives the vote of two-thirds of the members of

the council. An ordinance granting, reviewing or extending a franchise shall not be passed as an emergency ordinance.

(g) *Effective Date.* Every adopted ordinance shall become effective immediately upon passage, adoption and approval by the mayor, or at any later date specified therein except those ordinances excluded from referendum provisions which shall become effective on final passage and approval. Emergency ordinances shall become effective upon adoption or at any later date specified therein.

(h) *Veto Procedures.* Every ordinance or resolution adopted by the council shall be presented to the mayor for approval and if the mayor shall sign the same it shall be deemed approved and adopted. The mayor may return an unsigned ordinance or resolution with objections to the council by delivering it to the city clerk's office at least two days prior to the beginning of the next regular meeting of the council which meeting shall occur at least 13 days following the mayor's receipt and such ordinance or resolution shall stand vetoed and shall not take effect without the approval of the mayor unless adopted over the mayor's veto in the following manner: At the first regular meeting next following receipt by the city clerk of a disapproved ordinance or resolution the city clerk shall cause the objection of the mayor to be entered upon the journal of the council and the president of the council shall put to the council the question, "Shall the ordinance or resolution take effect the objections of the mayor notwithstanding?". The question may not be tabled for more than 14 days, and shall not be withdrawn. Should two-thirds of the members of the entire council cast their votes in favor of overriding the mayor's veto, the ordinance or resolution shall take effect, otherwise it shall not take effect. Should the mayor neither sign nor return with objections any ordinance or resolution at least two days prior to the beginning of the next regular meeting of the council which meeting shall occur at least 13 days following the mayor's receipt it shall be deemed approved and adopted. The mayor shall have the power to approve all or any part of any appropriation bill or the general appropriation of the city budget or veto any item or all of the same. The council may override such veto in the same manner as an ordinance or resolution provided three-fourths of the members cast their votes in favor of overriding the mayor's veto before the veto override shall be effective.

(Approved by electorate, November 3, 1981; Amendment approved by electorate, August 4, 1992)

SECTION 3.11 REVISION OF ORDINANCES

Within three years after adoption of this charter, all ordinances or resolutions of the city of a general and permanent nature shall be revised, codified and promulgated according to a system of continuous numbering and revision as specified by ordinance. A general codification or revision of the ordinances shall be required every 10 years thereafter.

(Approved by electorate, November 3, 1981)

SECTION 3.12 JUDGE OF QUALIFICATIONS

The council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public

hearing on demand. Decisions made by the council under this section shall be subject to review by the courts.
(Approved by electorate, November 3, 1981)

SECTION 3.13 INVESTIGATIONS

The council may make investigations into the affairs of the city and the conduct of any city department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the council shall be guilty of a misdemeanor and punished as may be prescribed by ordinance.
(Approved by electorate, November 3, 1981)

SECTION 3.14 INDEPENDENT AUDIT

The council shall provide for an independent audit of all city accounts at least annually. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. A copy of the report prepared by the certified public accountant or firm of such accountants shall be kept in the city clerk's office and shall be open to public inspection.
(Approved by electorate, November 3, 1981)

SECTION 3.15 TAXES LEVIED FOR THE OPERATION OF PUBLIC PARKS

The city council shall have power, as provided by law, to levy taxes for the operation of public parks and recreation grounds and facilities, and such taxes shall replace the special tax heretofore levied for parks under authority of RSMo §90.500, 1978 and the power to levy such special tax shall cease upon the adoption of this charter. All revenues derived from the taxes hereafter levied for the operation of public parks and recreation grounds and facilities shall be deposited with the director of finance and be subject to disbursement solely for use of the parks and recreational grounds and facilities and in the same manner as is provided for the disbursement of other funds of the city.
(Approved by electorate, November 3, 1981)

SECTION 3.16 APPOINTMENT OF COUNCILMEMBERS TO BOARDS AND COMMISSIONS

Board members and commission members who are required to be councilmembers shall be appointed by a majority of the city council for one (1) year terms.
(Ord. 98-470 approved by electorate, April 7, 1998)

SECTION 3.17 ADMINISTRATION OF OATHS

The administration of the oath of office of a Council member may be made by any person

authorized by law to administer oaths.
(Ord. 06-206 approved by electorate, November 7, 2006)

ARTICLE IV. MAYOR

SECTION 4.1 THE MAYOR

The executive power in the city shall be vested in a mayor who shall be recognized as the head of the city government for all legal and ceremonial purposes and by the Governor of Missouri for all purposes of military law. The mayor shall devote full-time to the duties of the office. The mayor shall not at any time while serving in office carry on any trade, occupation, business or enterprise for personal pecuniary profit or gain during the normal business hours of the City of St. Charles.
(Approved by electorate, November 3, 1981; Amending Ord. 03-333 approved by electorate on April 6, 2004, to be effective on April 3, 2007 Mayoral Election)

SECTION 4.2 MAYOR; ELECTION, TERM AND QUALIFICATIONS

The mayor shall be elected by the qualified registered voters of the city at-large at the regular municipal election. The mayor shall hold office for a term of four years. The mayor shall be a qualified registered voter of the city, shall have been a resident of the city for the two years immediately preceding the election, and shall be at least 30 years of age at the time the mayor assumes office.
(Approved by electorate, November 3, 1981)

SECTION 4.3 MAYOR; POWERS AND DUTIES

The mayor shall have the following powers and duties and shall perform the following functions in addition to those conferred upon the mayor by other portions of this charter and by all the general statutes of the State of Missouri:

(a) *Participation in Council Meetings.* The mayor shall not be a member of the council, but shall have the right to participate in the deliberations at all the meetings of the council.
(b) *Power of Veto.* The mayor shall have the power of veto in respect to ordinances and resolutions adopted by the council, and when invoked, this power shall be exercised pursuant to the provisions of this charter.
(c) *Execution of Laws, Provisions of the Charter, Ordinances, Resolutions, Motions, Rules and Regulations.* The mayor shall take care that the laws, provisions of this charter, ordinances, resolutions, motions of the council, rules and regulations of the city be faithfully executed. The mayor may require oral or written reports and opinions from the directors of all executive departments of the city or from the directors of other departments, boards, and commissions of the city, except the judge of the municipal court.
(d) *Administration of Departments.* The mayor, or designee, shall direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this charter or by law.

(e) *Appointments and Removal Power.* With the approval of a majority vote of the entire council, the mayor shall appoint all department directors, except as otherwise provided by this charter. Department directors shall be chosen on the basis of qualifications, with special reference to experience in or knowledge of the duties performed by the particular department, and such further qualifications that may be required by ordinances, or by this charter. The mayor may suspend or remove all city employees, including department directors and appointed administrative officers provided under this charter, except as otherwise provided by law, this charter or the personnel code to be adopted pursuant to this charter.

(f) *Appointment of Boards and Commissions.* Except as provided in Section 3.16 of this charter, the mayor shall have the power to appoint members of all boards and commissions provided for in the administrative code with the approval of a majority of the entire city council unless otherwise required by law.
(Approved by electorate, April 7, 1998)

(g) *Administration of Oaths.* The mayor shall have the power to administer oaths and affirmations and shall commission all officers of the city except as otherwise provided in this charter.

(h) *Execution of Documents.* The mayor shall sign all proclamations and executive orders and the mayor, or the mayor's designee, shall sign on behalf of the city all instruments, contracts, agreements, leases, deeds, mortgages and other instruments binding the city or conveying an interest in property or other right of the city to any other corporation, association, legal entity or natural person.

(i) *Messages to Council.* The mayor shall from time to time deliver to the council orally, or in writing, messages suggesting to the council possible legislation and advising on matters which the mayor deems should be called to the attention of the council.

(j) *Report of Financial Condition of City.* The mayor shall keep the council fully apprised as to the financial condition and future needs of the city and make such recommendations to the council concerning the affairs of the city as the mayor deems desirable.

(k) *Finance and Administrative Report.* The mayor shall submit to the council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year.

(l) *Other Reports.* The mayor shall submit to the council such other reports as may be requested by the council concerning the operations of city departments, offices and agencies subject to the mayor's direction and supervision.

(m) *Budget and Capital Program.* Each year the mayor shall submit a budget for the ensuing year and a five-year capital program for consideration of the council as required by sections 8.3 and 8.4 of this charter.

(n) *Remission of Fine or Jail Sentence.* The mayor shall have the power, upon a proper showing, to remit a fine or jail sentence imposed upon any person other than the mayor by the municipal court.
(Approved by electorate, November 3, 1981; Amending Ord. 03-333 approved by electorate on April 6, 2004, to be effective on April 3, 2007 Mayoral Election)

SECTION 4.4 COMPENSATION OF MAYOR

Compensation of the mayor shall be established by ordinance. The council shall not change the compensation of any mayor, except by September 1, next prior to the election

of the mayor, to take effect at the beginning of the next term of office for mayor. (Approved by electorate, November 3, 1981; Amending Ord. 03-333 approved by electorate on April 6, 2004, to be effective on April 3, 2007 Mayoral Election)

SECTION 4.5 MAYOR--VACANCY; FORFEITURE OF OFFICE; FILLING OF VACANCIES

(a) The office of mayor shall be deemed vacant or forfeit for the same reason that the councilmembers' office shall be deemed vacant or forfeit under section 3.8 of this charter. If a vacancy occurs in the office of mayor, the president of the council as mayor pro-tem shall have all the powers and perform all the duties of the office until a special municipal election is called for the purpose of electing a mayor. Said election shall be called within 30 days of the occurrence of the vacancy, except when the vacancy occurs within the six months immediately preceding the expiration of the mayor's term, the mayor pro-tem shall continue to act as mayor until a mayor is elected at the regular election.

(b) Whenever the mayor transmits to the president of the city council a written declaration that the mayor is unable because of absence from the city or other disability to discharge the powers and duties of the office of mayor, the president shall exercise the powers and duties of the office of mayor, as the mayor pro-tem, until the mayor transmits to the mayor pro-tem a written declaration that the inability no longer exists.

(c) Whenever two-thirds of the members of the city council declare that the mayor is unable because of disability to discharge the powers and duties of the office of mayor, the president of the city council shall immediately exercise the powers and duties of the office of mayor, as the mayor pro-tem. Thereafter, when the mayor transmits to the mayor pro-tem a written declaration that no inability exists, the mayor shall resume the powers and duties of the office of mayor, unless a majority of the members of the city council transmit within 48 hours to the mayor pro-tem their written declaration that the mayor is unable to discharge the powers and duties of the office of mayor. Thereupon, the council shall meet within 48 hours to decide the issue. If the council determines by two-thirds vote of the members of the council that the mayor is unable to discharge the powers and duties of the office of mayor then the mayor pro-tem shall continue to exercise the powers and duties of the office of mayor as the mayor pro-tem until a new mayor is elected, or until the council determines that the inability does not exist. When the council fails to determine, as described above, that the mayor is unable to discharge the powers and duties of the office of mayor, the mayor shall resume the powers and duties of that office.

(d) As acting mayor, the mayor pro-tem shall have the veto power and shall vote as a councilmember.

(Approved by electorate, November 3, 1981; Amendment approved by electorate, April 7, 1987; Amendment approved by electorate, August 4, 1992)

SECTION 4.6 PROHIBITION; HOLDING OTHER PUBLIC OFFICE

Except where authorized by law, or pursuant to an agreement between the city and another entity of government, the mayor shall not hold any other city office, city employment or other elected public office during the term for which the mayor was elected as the mayor, and no former mayor shall hold any compensated appointive city

office or city employment until one year after the expiration of the term for which the former mayor was elected as mayor.
(Approved by electorate, November 3, 1981)

ARTICLE V. DIRECTOR OF ADMINISTRATION

SECTION 5.1 DIRECTOR OF ADMINISTRATION--APPOINTMENT, QUALIFICATIONS

There shall be a director of administration who shall be appointed by the mayor with the approval of a majority of the entire council. The director of administration shall serve for an indefinite term and the council shall establish the director of administration's compensation and conditions for employment. The director of administration shall be chosen on the basis of executive and administrative qualifications, with special reference to experience in or knowledge of public administration, and such further qualifications that may be required by ordinances, or by this charter. The director of administration shall be a resident within six months after appointment. The director of administration must remain a resident of the city as long as the director of administration is acting in the capacity of director of administration. The director of administration must be at least 21 years of age and must devote full time to duties as director of administration.
(Approved by electorate, November 3, 1981; Amending Ord. 03-333 approved by electorate on April 6, 2004, to be effective on April 3, 2007 Mayoral Election)

SECTION 5.2 REMOVAL OF DIRECTOR OF ADMINISTRATION

The director of administration may be removed by executive order of the mayor with the approval of a majority vote of the entire council.
(Approved by electorate, November 3, 1981; Amendment approved by electorate, August 4, 1992; Amending Ord. 03-333 approved by electorate on April 6, 2004, to be effective on April 3, 2007 Mayoral Election)

SECTION 5.3 POWERS AND DUTIES OF DIRECTOR OF ADMINISTRATION

The director of administration shall be responsible to the mayor for the administration of all city affairs placed in the director of administration's charge by the mayor or under this charter. The director of administration shall be the principal managerial aide to the mayor and shall perform such duties as may be assigned by the mayor. Subject to the direction of the mayor, duties shall include supervision of all departments, officers and employees of the city, advice to the mayor on all administrative matters and performance of other duties as assigned by the mayor or this charter.
(Approved by electorate, November 3, 1981; Amending Ord. 03-333 approved by electorate on April 6, 2004, to be effective on April 3, 2007 Mayoral Election)

ARTICLE VI. MUNICIPAL COURT

SECTION 6.1 THE MUNICIPAL COURT--JURISDICTION

There shall be a municipal court which shall have jurisdiction to hear and determine all cases arising under this charter or the ordinances of the city, and to assess punishment as therein provided. There shall be the right of appeal to the circuit court. The municipal court may punish contempt of court by fine not exceeding fifty dollars or by imprisonment not exceeding ten days, or both. It may enforce its orders and judgments as a court of record may, and render final judgment on any forfeited bond or recognizance returnable to such court, subject to appeal as in other cases.
(Approved by electorate, November 3, 1981)

SECTION 6.2 THE MUNICIPAL COURT--JUDGE

The municipal court shall be presided over by one or more judges, as determined by ordinance, each of whom shall be elected for a term of four years. Each judge shall be a resident and qualified registered voter of the city, a licensed member of the bar of this state, and shall have been in active practice for at least three years. Each judge shall receive compensation as determined by ordinance. Whenever the municipal judge is temporarily absent or unable to act, the mayor shall appoint an eligible person to act during such absence or disability. Whenever the office of municipal judge becomes vacant for any reason, the mayor with the approval of a majority of the city council shall appoint an eligible person for the unexpired term. The judge or judges shall have the power to employ as many clerks as the council shall deem necessary, and shall have the power to remove such clerks. The judges may make rules affecting the court's administration not inconsistent with the rules of the supreme court and with the rules of the judicial circuit of which the municipal court is a division.
(Approved by electorate, November 3, 1981; Amending Ord. 98-470 approved by electorate, February 2, 1999)

SECTION 6.3 THE MUNICIPAL COURT--MARSHAL

The chief of police and the chief of police's subordinates shall serve as marshal and deputy marshals, respectively, of the municipal court and shall enforce its orders, judgments and decrees.

(Approved by electorate, November 3, 1981)

SECTION 6.4 THE MUNICIPAL COURT--PROCEEDINGS

The forms of complaints and the conduct of all proceedings in the municipal court shall be as prescribed by law or ordinance.

(Approved by electorate, November 3, 1981)

ARTICLE VII. ADMINISTRATIVE ORGANIZATION

SECTION 7.1 ADMINISTRATIVE CODE

Within 12 months after the adoption of this charter, the council shall adopt by ordinance an administrative code providing a complete plan of organization and structure for the city government. The administrative code may authorize the mayor to promulgate regulations dealing with questions of organization and structure. The administrative code and any regulations adopted shall be approved by ordinance and consistent with this charter.

The administrative code shall provide for at least the following departments: Finance Department, Public Works Department, Fire Department, Police Department, Department of Law, and the following boards and commissions: Board of Adjustment, Planning and Zoning Commission, Parks and Recreation Board, and Police and Fire Personnel Board. Additional departments, boards, and commissions may be created by ordinance. Nothing in this charter shall prevent the council from combining the police and fire departments into a Department of Public Safety.

All boards and commissions shall have such powers and perform such duties as are prescribed by law or by charter, and if not so prescribed, then such as shall be prescribed by ordinance.

(Approved by electorate, November 3, 1981; Amending Ord. 06-206 approved by electorate, November 7, 2006; Amending Ord. 03-333 approved by electorate on April 6, 2004, to be effective on April 3, 2007 Mayoral Election)

Cross Reference--As to administration, see Title I of the Municipal Code.

SECTION 7.2 PARKS AND RECREATION BOARD

The parks and recreation board shall be appointed by the mayor with the approval of the city council. The board shall consist of nine members chosen from the residents of the city at large who shall be over twenty-one (21) years of age and with other qualifications as may be established by ordinance. No member of the city government shall be a parks and recreation board member. Members shall serve three-year terms, with three appointments expiring each year. An appointment to fill a vacancy shall be made only

for the unexpired vacant term. Members shall serve until a successor has been appointed, approved and sworn in. The Mayor shall appoint a member to the parks and recreation board within thirty days after the expiration of a current member's term or sixty days after a vacancy and shall continue to propose alternative members for appointment every forty-five days after city council action thereon until a member is approved by the city council. Nothing contained in this provision shall limit the number of terms which may be served by any member. Members may be removed during their term by either the mayor with the approval of the council or by a four-fifths (4/5) majority vote of the entire council.
All taxes collected from the tax for parks and recreation noted in Section 3.15 of this charter; all revenues received from the general operation of parks and recreation grounds, facilities and programs; any bond issue proceeds, donations, grant monies, Metropolitan Park and Recreation District sales tax distributed by St. Charles County in the form of grant revenue sharing funds, and non-designated allocations from other city funds which are designated for park and recreation purposes; and the interest earned from any fund balances resulting therefrom shall be used solely for the purposes of parks, recreation and related facilities as the budget and capital improvement plan is exclusively approved and/or amended by the parks and recreation board for the sources of taxes and revenues described in this section; notwithstanding Article VIII of this charter. The parks and recreation board shall review and consider any modifications to the parks and recreation budget and capital improvement program that may be recommended by the Mayor, Council or City Administrator during their procedural roles as described within Article VIII of this charter; however, the ultimate approval of all such expenditures shall remain with the parks and recreation board.
The director and assistant director of parks and recreation shall be appointed and may be disciplined, including but not limited to removal, by a majority of the entire Parks and Recreation Board. The parks and recreation board shall set the compensation for the director and assistant director and all other persons employed by the parks and recreation department. The board may authorize other positions necessary for the operation of the parks and recreation department and may appoint and discipline, including but not limited to removal, persons in those positions, or may delegate the authority to appoint and discipline. The manner of appointments or discipline shall be governed by the personnel code as provided in Section 7.9 of this charter, to the extent that the personnel code is consistent with this section. The parks and recreation board shall direct and supervise the administration of the parks and recreation department.
The parks and recreation board shall have the authority to purchase and to approve contracts for services, materials, supplies and equipment necessary for the operations of the parks and recreation department. The acquisition, improvement, transfer, exchange, lease from or to others, and the disposal of park land or the facilities thereon shall not be done without the approval of the parks and recreation board.
The parks and recreation board shall make and adopt such bylaws, policies, rules and regulations for its own guidance and for the government of the parks and of the recreation programs of the city. The terms of this Section shall supersede and prevail over any and all conflicting language contained in this Charter.
(Approved by electorate, November 3, 1981; Amending Ord. 01-3 approved by electorate, April 3, 2001; Amending Ord. 06-201 approved by electorate, November 11, 2006)

SECTION 7.3 DEPARTMENT OF FINANCE

The head of the department of finance shall be the director of finance. The director of finance shall have knowledge of municipal accounting and taxation, and shall have experience in budgeting and financial control.
(Approved by electorate, November 3, 1981)

SECTION 7.4 DIRECTOR OF FINANCE--DUTIES

Subject to the executive power of the mayor, the director of finance shall have charge of the administration of financial affairs of the city, and to that end the director of finance shall have authority and be required to:

(a) *Accounting System.* Maintain a general accounting system for the city and each of its departments and offices; exercise financial control over the same; keep such books and records and submit such financial statements to the mayor and the council as they may require.
(b) *Forms.* Prescribe the forms of all financial records, receipts, vouchers, bills and claims used by all departments and offices of the city.
(c) *Disbursement of Monies.* Supervise and be responsible for the disbursement of all monies of the city, and have control over all expenditures to insure that they are proper and that appropriations are not exceeded.
(d) *Expenditures.* Certify, before any contract, order, or other document is executed by which the city would incur financial obligation, that the expenditure is within the purpose of the appropriation and the work program contemplated thereby, and that there is a sufficient unencumbered balance in the appropriation account and in the proper fund to pay the obligation.
(e) *Approve Payments.* Preaudit and approve before payment all bills, invoices, payrolls, and other evidences of claims against the city, and draw and sign checks for the payment of all such valid claims, with countersignature by the mayor.
(f) *Audit Accounts.* Inspect and audit any accounts or records of financial transactions which may be maintained in the director of finance's department and in any other department or office of the city.
(g) *Collect Revenues.* Collect or provide for the collection of all taxes, special assessments, license fees, and other revenues or monies due the city from any source whatsoever; and receive from the various departments and offices all fees, revenues, and monies collected by them.
(h) *Treasurer.* Serve as treasurer for the city, and deposit all funds coming into the director of finance's custody in such depositories as may be designated by the city council. All such funds shall be secured in accordance with law and ordinance.
(i) *Investments.* Make and have custody of all investments of the city, including those held in a fiduciary capacity, under such regulations as the council may prescribe.
(j) *Budget.* Compile the information required for preparing the budget, and assist the mayor in its preparation.
(k) *Assessment of Taxable Property.* Arrange for the assessment of all taxable property within the city in the manner provided by the council and in accordance with law.
(l) *Other Duties.* Perform such other duties as may be prescribed by the mayor.
(Approved by electorate, November 3, 1981; Amending Ord. 03-333 approved by electorate on April 6, 2004, to be effective on April 3, 2007 Mayoral Election)

SECTION 7.5 DIVISION OF PURCHASES

There shall be a purchasing agent, who may be the mayor or someone appointed by the mayor. Pursuant to regulations established by ordinance, the purchasing agent shall contract for, purchase, store, and distribute all services, supplies, materials, and equipment required by any department or office of the city, except boards and commissions which may be exempt by law from such regulations.

The council may establish regulations under which the purchase of designated materials and equipment may be exempt from central purchasing regulations.

(Approved by electorate, November 3, 1981; Amending Ord. 92-68 approved by electorate, August 4, 1992; Amending Ord. 06-206 approved by electorate, November 7, 2006; Amending Ord. 03-333 approved by electorate on April 6, 2004, to be effective on April 3, 2007 Mayoral Election)

SECTION 7.6 DEPARTMENT OF LAW--CITY ATTORNEY; APPOINTMENT, QUALIFICATIONS AND COMPENSATION

There shall be a department of law, the head of which shall be known as the city attorney. A city attorney shall be appointed by the mayor with the consent of a majority of the entire council. The city attorney may be removed by executive order of the mayor with the approval of a majority vote of the entire council, or by three-fourths vote of the entire city council on its own initiative. The city attorney shall be a licensed member of the bar of this state and shall have been in active practice for at least five years. The city attorney shall receive compensation as determined by ordinance.

(Approved by electorate, November 3, 1981; Amending Ord. 99-33 approved by electorate, April 6, 1999; Amending Ord. 03-333 approved by electorate on April 6, 2004, to be effective on April 3, 2007 Mayoral Election)

SECTION 7.7 CITY ATTORNEY--DUTIES

The city attorney shall represent the city in all legal matters in which it is a party, or is interested. The city attorney shall advise the council, any committee or member thereof, the mayor, the director of administration, department heads, and the boards and commissions concerning any legal questions affecting the city's interest, and shall perform such other legal services as may be requested by the council. The city attorney shall prosecute and defend all actions originating or pending before the municipal court.

(Approved by electorate, November 3, 1981; Amending Ord. 03-333 approved by electorate on April 6, 2004, to be effective on April 3, 2007 Mayoral Election)

SECTION 7.8 SPECIAL COUNSEL

The city council shall have the power to employ special legal counsel as it deems necessary. The compensation of special counsel shall be determined by the city council.

(Approved by electorate, November 3, 1981)

SECTION 7.9 PERSONNEL SYSTEM

Within 12 months after the adoption of this charter, the council shall adopt by ordinance a personnel code providing a comprehensive personnel system for city officers and employees. The personnel code shall provide that all appointments and promotions of classified city employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence. The personnel code may authorize the mayor or a personnel board, if one be established, to promulgate regulations dealing with personnel matters. The personnel code and any regulations promulgated pursuant thereto shall be consistent with this charter.
(Approved by electorate, November 3, 1981; Amending Ord. 03-333 approved by electorate on April 6. 2004, to be effective on April 3, 2007 Mayoral Election)

Cross Reference--As to personnel code, see Ch. 130 of the Municipal Code.

ARTICLE VIII. FINANCIAL PROCEDURES

SECTION 8.1 BUDGET

The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the council may require. The budget shall indicate in separate sections:

(a) *Expenditures.* Proposed expenditures for current operations during the ensuing fiscal year and the method of financing such expenditures.
(b) *Capital Expenditures.* Proposed capital expenditures during the ensuing fiscal year and the proposed method of financing such expenditure.
(c) *City Owned Utilities.* Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the city and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.
(d) *Total Expenditures.* The total proposed expenditures shall not exceed the total of estimated income.

(Approved by electorate, November 3, 1981)

SECTION 8.2 FISCAL YEAR

The fiscal year of the city shall begin on the first day of January and end on the last day of December.
(Approved by electorate, November 3, 1981; Amending Ord. approved by electorate, April 6, 1999, effective 1-1-01)

SECTION 8.3 SUBMISSION OF BUDGET

At least 90 days prior to the end of the fiscal year the mayor shall submit to the council a budget for the ensuing fiscal year and an accompanying written message unless otherwise provided by ordinance. The accompanying written message may contain a summary of the budget. Upon receipt of the budget from the mayor, the city council shall conduct

budget reviews of each department and fund of the city.
(Approved by electorate, November 3, 1981; Amendment approved by electorate, August 4, 1992; Amending Ord. 99-8 approved by electorate, April 6, 1999, effective 1-1-01; Amending Ord. 03-333 approved by electorate on April 6, 2004, to be effective on April 3, 2007 Mayoral Election)

SECTION 8.4 CAPITAL PROGRAM

(a) *Submission to Council.* The mayor shall prepare and submit to the council a five-year capital program at least three months prior to the final date for submission of the budget.
(b) *Contents.* The capital program shall include:
    (1) Clear general summary of its contents;
    (2) A list of all capital improvements which are proposed to be undertaken during the three fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
    (3) Cost estimates, method of financing and recommended time schedules for each such improvement; and
    (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.
(Approved by electorate, November 3, 1981; Amending Ord. 99-8 approved by electorate, April 6, 1999, effective 1-1-01; Amending Ord. 03-333 approved by electorate on April 6, 2004, to be effective on April 3, 2007 Mayoral Election)

SECTION 8.5 COUNCIL ACTION ON BUDGET

(a) *Notice and Hearing.* The council shall publish in one or more newspapers of general circulation in the city a general summary of the budget and a notice stating:
    (1) The time and places where copies of the message and budget are available for inspection by the public; and
    (2) The time and place, not less than two weeks after such publication, for a public hearing on the budget.
(b) *Amendment Before Adoption.* After the public hearing, the council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income.
(c) *Adoption.* The budget ordinance and the appropriations ordinance approving the expenditures provided in the budget shall be adopted by the affirmative vote of a majority of the members of the council and approved by the mayor not later than the last day of the fiscal year. The deadline for vote by the council and approval by the mayor shall be extended by one day for each day the mayor fails to meet the deadline prescribed in Section 8.3 of this charter.
    During the period of extension the budget and appropriations of the previous fiscal year shall be deemed to be rebudgeted and reappropriated until the new budget and

appropriations are finally adopted and approved. If the council shall not have passed the budget and appropriations ordinances by the times prescribed in this section, the budget as submitted by the mayor and the budget and appropriations ordinances shall be deemed to have been adopted.

If a budget ordinance and an appropriation ordinance have been adopted by the council but not approved by the mayor by the last day of the fiscal year, or within any time extension, or if the mayor has vetoed the budget ordinance and appropriation ordinance, then the budget and appropriations of the previous fiscal year shall be deemed to be rebudgeted and reappropriated until either the mayor approves the budget, the veto is overridden, or a new budget is adopted and approved.

(Approved by electorate, November 3, 1981; Amending Ord. 99-8 arrived by electorate, April 6, 1999, effective 1-1-01)

SECTION 8.6 COUNCIL ACTION ON CAPITAL PROGRAM

(a) *Notice and Hearing.* The council shall publish in one or more newspapers of general circulation in the city a general summary of the capital program and a notice stating:
   (1) The times and places where copies of the capital program are available for inspection by the public; and
   (2) The time and place, not less than two weeks after such publication, for a public hearing on the capital program.

(b) *Adoption.* The council by resolution shall adopt the capital program with or without amendment after the public hearing and on or before the last day of the last month of the current fiscal year.

(Approved by electorate, November 3, 1981)

SECTION 8.7 PUBLIC RECORDS

Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the city.

(Approved by electorate, November 3, 1981)

SECTION 8.8 AMENDMENTS AFTER ADOPTION--SUPPLEMENTAL APPROPRIATIONS

If during the fiscal year the mayor certifies that there are available for appropriation revenues in excess of those estimated in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

(Approved by electorate, November 3, 1981)

SECTION 8.9 AMENDMENTS AFTER ADOPTION--REDUCTION OF APPROPRIATIONS

If at any time during the fiscal year it appears probable to the mayor that the revenues available will be insufficient to meet the amount appropriated, the mayor shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken by the mayor and recommendations as to any other steps to be taken. The

council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

SECTION 8.10 AMENDMENTS AFTER ADOPTION--TRANSFER OF APPROPRIATIONS

At any time during the fiscal year the mayor may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency. Upon written request by the mayor, the council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.
(Approved by electorate, November 3, 1981)

SECTION 8.11 AMENDMENTS AFTER ADOPTION--EMERGENCY APPROPRIATIONS; EFFECTIVE DATE

The supplemental appropriations and reduction or transfer of appropriations authorized in sections 8.8, 8.9, and 8.10 may be made effective immediately upon adoption and may be made by emergency ordinance in accordance with the provisions of section 3.10(f) of this charter.
(Approved by electorate, November 3, 1981)

SECTION 8.12 TAX RATES AND TAX ROLLS

The council shall by ordinance set the tax rates and levy on the various classes of property, and the levy so established shall be certified by the city clerk to the appropriate official, who shall compute the taxes and extend them upon the tax rolls.
(Approved by electorate, November 3, 1981; Amending Ord. 99-8 approved by electorate, April 6, 1999, effective 1-1-01)

Cross Reference--As to taxation, finance and revenue, Ch. 140; as to general business licensing and taxation, see Ch. 605.

SECTION 8.13 SALE OF BONDS

Except as otherwise required by law or this charter, all bonds issued by the city shall be sold as prescribed by city ordinance.
(Approved by electorate, November 3, 1981)

ARTICLE IX. NOMINATION AND ELECTIONS

SECTION 9.1 CITY ELECTIONS

(a) *Regular Elections.* Regular city elections shall be held on the first Tuesday in April.
(b) *Primary Election for Mayor.* The city primary election, if needed, for the office of Mayor shall be held on the first Tuesday after the first Monday in February.
(c) *Special Elections.* The council may by resolution order special elections, fix the time for

such elections, and provide for holding such elections.

(d) *Conduct of Elections.* All city elections shall be governed by the provisions of the charter and applicable state law. The council by ordinance may further regulate elections, subject to the provisions of the charter and applicable state law.
(Approved by electorate, November 3, 1981; Amendment approved by electorate, April 7, 1992; Amendment approved by electorate, August 6, 1996)

Cross Reference--As to municipal elections, Ch. 105.

SECTION 9.2 NOMINATIONS BY PETITION

(a) *Nominations.* Nominations of candidates for all elective offices shall be by petition. Petitions for ward councilmembers shall be signed by not less than 25 qualified registered voters who are entitled to vote for the candidate so nominated. Petitions for officials elected by the entire city shall be signed by not less than 100 qualified registered voters of the city. No voter shall sign more than one nominating petition for the same office, and should a voter do so, the voter's signature shall be void except as to the first filed of the petitions signed by the voter for the office concerned. The signatures shall be executed in ink or indelible pencil. Each signer shall indicate next to the signature the date of signing and the place of the signer's residence, giving the street and number or other description sufficient to identify the signer's place of residence. The council by ordinance shall designate the appropriate form for nominating petitions and for acceptance of nominations to offices.

(b) *Filing and Acceptance.* Petitions for nomination for elective office shall be filed with the city clerk. The opening date for filing petitions for nomination for all offices except Mayor shall be 8:00 a.m. on the 12th Tuesday prior to the regular election, and the closing date for filing the petition for nomination for all offices except Mayor shall be 5:00 p.m. on the 11th Tuesday prior to the regular election. The opening date for filing petitions for nomination for the office of Mayor shall be 8:00 a.m. on the 12th Tuesday prior to the primary election date, and the closing date for filing the petitions for nomination for the office of Mayor shall be 5:00 p.m. on the 11th Tuesday prior to the primary election date.

(c) *Procedure After Filing.* Within five days after the filing of a nominating petition, the election authorities shall notify the candidate and the person who filed the petition whether or not it is sufficient. If a petition is found insufficient, the election authorities shall return it immediately to the person who filed it with a statement certifying wherein it is found insufficient. Within the regular time for filing petitions, such a petition may be amended and filed again as a new petition or a different petition may be filed for same candidate. The election authorities shall keep on file all petitions found sufficient at least until the expiration of the term for which the candidates are nominated in those petitions.
(Approved by electorate, November 3, 1981; Amendment approved by electorate, November 7, 1989; Amendment approved by electorate, August 6, 1996; Amending Ord. 99-2 approved by electorate, April 6, 1999)

SECTION 9.3 PREPARATION OF BALLOTS

The names of candidates for elective offices shall be printed on ballots without party designation. The order upon which the candidates' names appear on the ballot shall be

determined by lottery supervised by the city clerk. At least one notice of election shall be published in a newspaper of general circulation, which notice shall contain the names of candidates to be elected. The conduct of election within the city shall conform as close as practicable with the state election law for non-partisan elections.
(Approved by electorate, November 3, 1981; Amendment approved by electorate, April 7, 1992)

SECTION 9.4 DETERMINATION OF ELECTION RESULTS

(a) *Number of Votes.* Every qualified registered voter shall be entitled to vote for candidates at-large and to vote for one candidate for ward councilmember to represent the ward in which the qualified registered voter resides.

(b) *Returns; Canvass.* The council shall canvass the election returns and declare the results of any municipal election, regular, primary, or special, at a meeting to be held not later than one week following such election which meeting shall be open to the public and to which all candidates have been invited. The names of the two candidates receiving the highest number of votes in the mayoral primary election shall be placed on the ballot for the regular election. The candidate receiving the highest number of votes for each office at the regular election shall be declared elected and inducted into office at a meeting to occur not later than two weeks following that election.

(c) *Tie Vote.* If at any regular municipal election there shall be no choice between candidates by reason of two or more having received an equal number of votes, the council shall proceed to determine the election by lot between the candidates receiving the most votes at the meeting at which the canvassing of the election occurs. If at any mayoral primary election there can be no determination of the two candidates receiving the most votes by reason of two or more having received an equal number of votes, then the two candidates whose names shall appear on the ballot at the regular election shall be determined by lot at the meeting at which the canvassing of the election occurs. If the tie occurs between those receiving the highest number of votes, the names of those candidates shall appear on the ballot. If the tie occurs between those receiving the second highest number of votes, then the names of all those receiving the second highest number of votes shall appear on the ballot at the regular election, in addition to the candidate in the mayoral primary who received the highest number of votes.
(Approved by electorate, November 3, 1981; Amendment approved by electorate, August 6, 1996)

ARTICLE X. INITIATIVE, REFERENDUM AND RECALL

SECTION 10.1 GENERAL AUTHORITY

(a) *Initiative.* The qualified registered voters of the city shall have power to propose ordinances to the council and, if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes, zoning or salaries of city officers or employees.

No proposed initiative ordinance shall contain more than one subject which shall be clearly expressed in its title.

(b) *Referendum.* The qualified registered voters of the city shall have power to require reconsideration by the council of any adopted ordinance and, if the council fails to repeal an ordinance so reconsidered, to approve or reject it at a city election, provided that such power shall not extend to the budget or capital program, any emergency ordinance, any ordinance levying a special assessment or providing for the issuance of special tax bills, or any ordinance relating to zoning, appropriation of money, or levy of taxes.

(c) *Recall.* Any official elected by popular vote may be removed by the voters qualified to vote for the official's successor for malfeasance in office except as hereinafter provided, such power to be known as the recall. No official elected by popular vote shall be subject to recall within six (6) months from induction into office or during the last six (6) months of the official's term; and if the official is retained in office upon any recall election, the official shall not be subject to recall within a period of twelve (12) months thereafter. (Approved by electorate, November 3, 1981; Amending Ord. 06-202 approved by electorate, November 7, 2006)

SECTION 10.2 COMMENCEMENT OF PROCEEDINGS; PETITIONERS' COMMITTEE; AFFIDAVIT

Any five (5) qualified registered voters may commence initiative, referendum or recall proceedings, provided they are qualified to vote for the official's successor, by filing with the city clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance, or citing the ordinance to be reconsidered, or specifying the name of the elected official to be recalled and a general statement of the substance of the grounds for recall.

Promptly after the affidavit of the petitioners' committee is filed the clerk shall issue the appropriate petition blanks to the petitioners' committee. Only petition blanks issued by the City Clerk may be circulated.

(Approved by electorate, November 3, 1981; Amending Ord. 06-202 approved by electorate, November 7, 2006)

SECTION 10.3 PETITIONS

(a) *Number of Signatures.* Initiative and referendum petitions shall be signed by qualified registered voters of the city equal in number to at least 10 per cent of the total number of qualified registered voters registered to vote at the last regular city election. A recall petition shall be signed by qualified registered voters qualified to vote for the official's successor equal to 20 per cent of the total number of qualified registered voters registered to vote at the last regular city election.

(b) *Form and Content.* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be preceded by the date signed and followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed, the ordinance sought to be

reconsidered, or and a general statement of the substance of the grounds for recall of an elected official.

(c) *Affidavit of Circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed, the ordinance sought to be reconsidered, or a general statement of the substance of the grounds for a recall of an elected official. Such affidavit shall be notarized. Only registered voters of the County of St Charles may circulate petitions for initiative, referendum or recall. Violation of this section shall subject the violator to a penalty as prescribed by ordinance and invalidate the petition signature.

(d) *Time for Filing Referendum Petitions.* Referendum petitions must be filed within 30 days after adoption by the council of the ordinance sought to be reconsidered. Initiative and recall petitions must be filed within six months of the formation of the petitioners' committee.

(Approved by electorate, November 3, 1981; Amending Ord. 99-2 approved by electorate, April 6, 1999; Amending Ord. 06-202 approved by electorate, November 7, 2006)

SECTION 10.4 PROCEDURE AFTER FILING

(a) *Certificate of Clerk; Amendment.* Within twenty days after the petition is filed, the city clerk shall deliver the petition to the election authority who shall determine its sufficiency and shall certify its sufficiency to the council. If it is certified insufficient, the clerk shall promptly send a copy of the certificate to the petitioners' committee by registered mail.

A person may remove their name from the petition by filing a form with the clerk prior to the enactment of the ordinance fixing a date for holding an election.

A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within two days after receiving the copy of the sufficiency certificate and files a supplementary petition upon additional papers issued by the City Clerk, and labeled supplementary petitions, within ten days after receiving the copy of such certificate. Such supplementary petition shall comply with requirements of subsections (b) and (c) of section 10.3 and within ten days after it is filed the clerk shall deliver the petition to the election authority who shall determine its sufficiency and shall certify its sufficiency to the council. The clerk shall promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or requires council review under subsection (b) of this section within the time required, the clerk shall promptly present the certificate to the council and the certificate shall then be a final determination as to the sufficiency of the petition.

(b) *Council Review.* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two days after receiving the copy of such certificate, file a request that it be reviewed by the council. The council shall review

the certificate at its next meeting following the filing of such request and approve or disapprove it, and the council's determination shall then be a final determination as to the sufficiency of the petition.

(c) *Court Review; New Petition.* A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose. (Approved by electorate, November 3, 1981; Amending Ord. 06-202 approved by electorate, November 7, 2006)

SECTION 10.5 REFERENDUM PETITIONS; SUSPENSION OF EFFECT OF ORDINANCE

When a referendum petition is filed with the city clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when: (a) there is a final determination of insufficiency of the petition; or (b) the petitioners' committee withdraws the petition; or (c) the council repeals the ordinance; or (d) upon the affirmative vote of the voters on the ordinance.
(Approved by electorate, November 3, 1981; Amending Ord. 06-202 approved by electorate, November 7, 2006)

SECTION 10.6 ACTION ON PETITIONS

(a) *Action by Council.* When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative ordinance in the manner provided in Article III or reconsider the referred ordinance by voting its repeal. If the council fails to adopt a proposed initiative ordinance without any change in substance within 60 days or fails to repeal the referred ordinance within 30 days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the qualified registered voters of the city.

(b) *Submission to Voters.* The vote of the city on a proposed or referred ordinance shall be held not later than one year from the date of the final determination as to the sufficiency of the petitions. If no regular city election is to be held within the period prescribed in this subsection, the council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

(c) *Withdrawal of Petitions.* An initiative, referendum or recall petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the city by filing with the city clerk a request for withdrawal signed by at least four members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(d) *Recall Election.* When a recall petition has been certified to the city council as sufficient by the city clerk, the city council shall fix a date for holding the election at the next available April, August or November election. If such office becomes vacant prior to the election, such election shall be cancelled, and the vacancy shall be filled as provided in this charter.

(e) *Recall Ballot.* The Ballot shall be in the following form:

SHALL (Name/Title) BE REMOVED FROM OFFICE?
(Approved by electorate, November 3, 1981; Amending Ord. 06-202 approved by electorate, November 7, 2006)

SECTION 10.7 RESULTS OF ELECTION

(a) *Initiative.* If a majority of the qualified registered voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(b) *Referendum.* If a majority of the qualified voters voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

(c) *Recall.* If a majority of the qualified registered voters voting in such recall election shall vote in favor of the recall, then a vacancy shall exist. Such vacancy shall be filled as provided in this charter. If a majority of the qualified registered voters voting in such election shall vote against the recall, the elected officer shall continue in office. Any such person who has been recalled shall be ineligible to serve in the city in any capacity at any time during the remainder of the term for which the person was originally elected.
(Approved by electorate, November 3, 1981; Amending Ord. 06-202 approved by electorate, November 7, 2006)

SECTION 10.8 CONDUCT OF INITIATIVE REFERENDUM AND RECALL ELECTIONS

Notice of initiative, referendum and recall elections shall be given, the elections conducted, the returns canvassed, and the results declared in all respects as are other city elections.
(Approved by electorate, November 3, 1981)

ARTICLE XI. FRANCHISES

SECTION 11.1 GRANTING OF FRANCHISES

All franchises and renewals, extensions and amendments thereof shall be granted only by ordinance. No such ordinance shall be adopted within less than thirty days after application therefor has been filed with the council, nor until a full public hearing has been held thereon. No exclusive franchises shall ever be granted, and no franchise shall be granted for a longer term than 20 years. No such franchise shall be transferable directly or indirectly, except with the approval of the council expressed by ordinance after a full public hearing.
(Approved by electorate, November 3, 1981)

Cross Reference--As to cable television, see Ch. 670.

SECTION 11.2 RIGHT OF REGULATION

All franchises, whether it be so provided in the ordinance or not, shall be subject to the right of the council to:

(a) *Misuse and Non-use.* Repeal the same for misuse or non-use, or for failure to comply therewith.

(b) *Efficiency.* Require proper and adequate extension of plant and service and the maintenance thereof at the highest practicable standards of service and quality of products, and prevent unjust discrimination in service or rates.

(c) *Non-Discrimination.* Establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.

(d) *Audit of Accounts.* Make an independent audit and examination of accounts at any time, and require reports annually.

(e) *Service to Public.* Require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof.

(f) *Use of Public Thoroughfares.* Control and regulate the use of the city streets, alleys, bridges, and public places, and the space above and beneath them.

(g) *Rates and Charges.* Regulate rates, fares and charges and make readjustments thereof from time to time if the same are not regulated by the state.

(h) *Other Regulations.* Impose such other regulations from time to time as it may determine to be conducive to the safety, welfare and accommodation of the public.

(Approved by electorate, November 3, 1981)

SECTION 11.3 REVOCABLE PERMITS

Temporary permits for the operation of public utilities, or like permits for a period not to exceed two years but subject to being renewed for a period not to exceed one year and subject to amendment, alteration, or revocation at any time at the will of the council may be granted only by ordinance on such terms and conditions as the council shall determine. Such permits shall in no event be construed to be franchises, or extensions or amendments of franchises.

(Approved by electorate, November 3, 1981)

SECTION 11.4 OPERATION BEYOND FRANCHISE PERIOD

Any operation of a public utility by a franchise holder, with the tacit permission of the city, beyond the period for which the franchise was granted, shall under no circumstances be construed as a renewal or extension of such franchise. Any such operation shall at most be regarded as a mere temporary permit, subject, like other permits, to amendment, alteration, or revocation at any time at the will of the council.

(Approved by electorate, November 3, 1981)

ARTICLE XII. GENERAL PROVISIONS

SECTION 12.1 PERSONAL FINANCIAL INTEREST

Any city officer or employee who has a substantial financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract with the city or in the sale of any land, material, supplies or services to the city or to a contractor supplying the city shall make known that interest and shall refrain from voting upon or otherwise participating in the officer's or employee's capacity as a city officer or employee in the making of such sale or in the making or performance of such contract. Any city officer or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit the office or position. Violation of this section with the knowledge express or implied of the person or corporation contracting with or making a sale to the city shall render the contract or sale voidable by the mayor or the city council. (Approved by electorate, November 3, 1981)

SECTION 12.2 PROHIBITIONS

(a) *Activities Prohibited.*

(1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any city position or appointive city administrative office because of race, sex, political or religious opinions or affiliations.

(2) No person shall willfully make any false statement, certification, mark, rating or report in regard to any test, certification or appointment under the personnel provisions of this charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

(3) No person who seeks appointment or promotion with respect to any city position or appointive city administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with the person's test, appointment, proposed appointment, promotion or proposed promotion.

(b) *Penalties.* Any person who by self or with others willfully violates any of the provisions of paragraphs [(a)](1) through (3) [above] shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine as may be provided by ordinance. (Approved by electorate, November 3, 1981)

SECTION 12.3 NOTICE OF SUITS

No action shall be maintained against the city for or on account of an injury growing out of alleged negligence of the city unless notice shall first have been given in writing to the mayor within ninety days of the occurrence for which said damage is claimed, stating the place, time, character and circumstances of the injury, and that the person so injured will claim damages therefor from the city.
(Approved by electorate, November 3, 1981)

SECTION 12.4 OFFICIAL BONDS

All officers and employees of the city who receive, disburse, or are responsible for city

funds, and such other officers and employees as the council by ordinance may designate, shall, within such time after election or appointment as may be fixed by ordinance, and before entering upon the discharge of their duties, give bond to the city in such sums and with such sureties as shall be prescribed by ordinance, and subject to approval by the council, conditioned upon the faithful and proper performance of their duties and for the prompt accounting for and paying over to the city of all monies belonging to the city that may come into their hands. The city shall pay the premiums on all such bonds.
(Approved by electorate, November 3, 1981)

SECTION 12.5 CHARTER AMENDMENT

Amendments to this charter may be framed and submitted to the qualified registered voters by a commission in the manner provided by law and the constitution for framing and submitting a complete charter. Amendments may also be proposed by the council or by petition of not less than ten per cent of the qualified registered voters of the city, filed with the city clerk setting forth the proposed amendment. The council shall at once provide by ordinance that any amendment so proposed shall be submitted to the qualified registered voters at the next election held in the city not less than sixty days after its passage, or at a special election held as provided by law and the constitution for a charter. Any amendment approved by a majority of the qualified registered voters voting thereon shall become a part of the charter at the time and under the conditions fixed in the amendment; sections or articles may be submitted separately or in the alternative and determined as provided by law and the constitution for a complete charter.
(Approved by electorate, November 3, 1981)

SECTION 12.6 PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

(a) *Improvements.* The procedure for making, altering, vacating or abandoning a public improvement shall be governed by general ordinance, consistent with applicable state law.

(b) *Special Assessments.* The procedure for levying, collecting and enforcing the payment of special assessments for public improvements or special tax bills evidencing such assessments shall be governed by general ordinance, consistent with applicable state law.
(Approved by electorate, November 3, 1981)

SECTION 12.7 PROOF OF ORDINANCE

Any ordinance may be proved by a copy thereof certified by the city clerk under the seal of the city; or, when printed and published by authority of the city, it shall be received in evidence in all courts, or other places, without further proof of authenticity.
(Approved by electorate, November 3, 1981)

SECTION 12.8 SEVERABILITY

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstances is held invalid, the application of the charter and its provisions to other

persons or circumstances shall not be affected thereby.
(Approved by electorate, November 3, 1981)

SECTION 12.9 NOUNS AND PRONOUNS
The city clerk shall remove all masculine nouns and pronouns from the text of this Charter, and replace them with gender-neutral nouns and pronouns.
(Approved by electorate, August 4, 1992)

ARTICLE XIII. LICENSING, TAXATION, AND REGULATION OF BUSINESS, OCCUPATIONS, PROFESSIONS, VOCATIONS, AND OTHER ACTIVITIES OR THINGS

SECTION 13.1 OBJECTS OF LICENSING, TAXATION, AND REGULATION
The council shall have power by ordinance to license, tax, and regulate all business, occupations, professions, vocations, activities, or things whatsoever set forth and enumerated by the statutes of this state now or hereafter applicable to constitutional charter cities, or cities of the first, second, third, or fourth class, or of any population group, and which any such cities are now or may hereafter be permitted by law to license, tax, and regulate. In addition, the council shall have power by ordinance to license, tax, and regulate the following businesses, occupations, professions, vocations, activities or things: accountants, bookkeepers, inventory services, addressing services, billing services, telephone answering services, data processing services, and public stenographer services, advertising agencies, designers, taxidermists, ticket or travel agencies, radio or television advertising agencies, audio-visual producers, recording studios, agricultural and farm machinery agents, directory agents, photography agents, ambulance or hearse services, appliance repair, associations and clubs, barge lines, building specialists, blasting services, sanitation engineers, septic tank installation removal and cleaning, landscaping, lawn maintenance, tree cutting, paving, well drilling, window cleaning, sign painting, snow removal, swimming pool repair and cleaning, demolition, consultant, counselor, appraiser, engineers, exterminators, furniture repair and stripping, guard and patrol services, mail order businesses, motor repair, newspaper offices, novelties, packing and crating services, peddlers, pollution controllers, produce dealers, research labs, meteorologists, medical examiners, embalmers, stands in public places, translators and interpreters, radio or television stations, and vending machines.
(Approved by electorate, November 3, 1981; Amendment approved by electorate, April 7, 1987)

Cross Reference--As to business regulations, Title VI; as to general business licensing and taxation, Ch. 605.

ARTICLE XIV. TRANSITIONAL PROVISIONS

SECTION 14.1 PERSONNEL SYSTEM

An employee holding a city position at the time this charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position but in all other respects shall be subject to the personnel system established pursuant to Section 7.9.

(Approved by electorate, November 3, 1981)

SECTION 14.2 ORDINANCES TO REMAIN IN FORCE

All ordinances, regulations and resolutions in force at the time this charter takes effect, which are not inconsistent with the provisions of this charter, shall remain and be in force until altered, modified or repealed by or under authority of this charter or ordinance.

(Approved by electorate, November 3, 1981)

SECTION 14.3 PENDING ACTIONS AND PROCEEDINGS

No action or proceeding, civil or criminal, pending at the time this charter shall take effect, brought by or against the city or any office, department, agency or officer thereof, shall be affected or abated by the adoption of this charter or by anything herein contained.

(Approved by electorate, November 3, 1981)

SECTION 14.4 CONTINUANCE OF CONTRACTS, PUBLIC IMPROVEMENTS AND TAXES

All contracts entered into by the city, or for its benefit, prior to the taking effect of this charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws. All taxes and assessments levied or assessed, all fines and penalties imposed, and all other obligations owing to the city which are uncollected at the time this charter becomes effective shall continue in full force and effect and shall be collected as if no change had been made.

(Approved by electorate, November 3, 1981)

ARTICLE XV. SCHEDULE

SECTION 15.1 ELECTION TO ADOPT CHARTER

This charter shall be submitted to a vote of the qualified registered voters of the City of Saint Charles at an election to be held on the 3rd day of November, 1981. The election shall be administered by the officials now charged with the responsibility for the conduct of city elections.

(Approved by electorate, November 3, 1981)

SECTION 15.2 TIME OF TAKING FULL EFFECT

This charter shall be in full effect for all purposes on and after the date and time of the first meeting of the city council elected in April, 1982.
(Approved by electorate, November 3, 1981)

SECTION 15.3 INCUMBENT ELECTED CITY OFFICIALS

All elected officials in office on the date this charter is adopted shall continue in office for the duration of the term to which they were elected.
(Approved by electorate, November 3, 1981)

SECTION 15.4 TEMPORARY ORDINANCES

At its first meeting or at any meeting held within 60 days thereafter, the council may adopt temporary ordinances to deal with cases in which there is an urgent need for prompt action in connection with the transition of government and in which the delay incident to the appropriate ordinance procedure would probably cause serious hardship or impairment of effective city government. Every temporary ordinance shall be plainly labeled as such but shall be introduced in the form and manner prescribed for ordinances generally. A temporary ordinance may be considered and may be adopted with or without amendment or rejected at the meeting at which it is introduced. A temporary ordinance shall become effective upon adoption or at such later time preceding automatic repeal under this subsection as it may specify, and the referendum power shall not extend to any such ordinance. Every temporary ordinance, including any amendments made thereto after adoption, shall automatically stand repealed as of the 91st day following the date on which it was adopted, and it shall not be readopted, renewed or otherwise continued except by adoption in the manner prescribed in section 3.10 for ordinances of the kind concerned.
(Approved by electorate, November 3, 1981)

SECTION 15.5 PURPOSE OF SCHEDULE

The purpose of the foregoing provisions is to provide a transition from the present government of the City of Saint Charles, Missouri, to the new government provided for in this charter and to inaugurate the new government under the provisions of this charter. They shall constitute a part of this charter only to the extent and for the time required to accomplish that aim.
(Approved by electorate, November 3, 1981)

TITLE I. GOVERNMENT CODE

CHAPTER 100: GENERAL PROVISIONS

ARTICLE I. GENERAL CODE PROVISIONS

SECTION 100.010: TITLE OF CODE
This codification of ordinances by and for the City of St. Charles shall be designated as the Code of Ordinances of the City of St. Charles and may be so cited. (R.O. 2009 §10.01)

SECTION 100.020: DEFINITIONS AND RULES OF CONSTRUCTION
For the purposes of this Code, the following definitions and rules of construction shall apply unless the context clearly indicates or requires a different meaning.
BOND: When a bond is required, an undertaking in writing in such form and with such sureties as may be satisfactory to the Mayor is sufficient unless otherwise required by State law or this Code.
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"* shall mean the City of St. Charles, Missouri.
CITY COUNCIL: The words *"City Council"* or *"the Council"* shall mean the City Council of the City of St. Charles, Missouri.
COMPUTATION OF TIME: The time within which an act is to be done shall be computed by excluding the first (1st) and including the last day. If the last day is Sunday or a legal holiday, it shall be excluded.
CORPORATE LIMITS OR CITY LIMITS: Whenever the words *"corporate limits", "corporation limits"* or *"City limits"* are used, they shall mean the legal boundary of the City of St. Charles, Missouri.
COUNTY: The words *"the County"* or *"this County"* shall mean the County of St. Charles, Missouri.
COURT: The Municipal Court of the City.
DEFINITIONS: Unless otherwise expressly provided, definitions given within a Title, Chapter, Article, Section or Subsection apply only to words or phrases used in such Title, Chapter, Article, Section or Subsection.
DELEGATION OF AUTHORITY: Whenever a provision appears requiring an officer or the head of a department of the City to do some act or make certain inspections, it is to be construed to authorize the head of the department to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or Section designate otherwise.
DESIGNEE: Following an official of the City, means the authorized agent, employee or representative of such official.
ENVIRONMENTAL HEALTH/HUMANE DEPARTMENT: The Office of Community

Services.
GENDER: When any subject matter, party or person is described or referred to by words importing the singular number or the masculine gender, several matters and persons, and females as well as males, and bodies corporate as well as individuals, are included.
INTERPRETATION: In the interpretation and application of any provision of this Code, it shall be held to be the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than another more general provision imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.
JOINT AUTHORITY: Words importing joint authority to three (3) or more persons shall be construed as authority to a majority of the persons, unless otherwise declared in the law giving the authority.
KEEPER OR PROPRIETOR: Natural persons, firms, associations, corporations, clubs and partnerships, whether acting by themselves or through a servant, agent or employee.
LIBERAL CONSTRUCTION: All general provisions, terms, phrases and expressions contained in this code shall be liberally construed in order that the true intent and meaning of the City Council may be fully carried out.
MONTH: A calendar month.
NAME OF OFFICER: Whenever the name of an officer is given, it shall be construed as though the words "of the City of St. Charles" were added.
NON-TECHNICAL AND TECHNICAL WORDS: 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.
NUMBER: A word importing the singular number only may extend and be applied to several persons or things as well as to one (1) person or thing.
OATH: An affirmation in all cases in which, by law, 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".
OWNER: 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 AND 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 PLACE: Any place where the public is permitted or invited to go or congregate, a place of common resort, a place where the public has a right to go and be. *"Public places"* include, but are not limited to, streets, roadways, alleys, sidewalks, parks, cemeteries, beaches, school yards, parking lots, boats, barges, business and commercial establishments (whether for profit or not-for-profit and whether open to the public at large or where entrance is limited by a cover charge or membership requirement), bottle

clubs, hotels, motels, restaurants, nightclubs, country clubs, cabarets and meeting facilities utilized by any religious, social, fraternal or similar organizations.
PUBLIC WAY: Any street, alley, boulevard, parkway, highway, sidewalk or other public thoroughfare.
REAL PROPERTY: Including the terms *"premises", "real estate"* or *"lands",* shall be deemed to be co-extensive with lands, tenements and hereditaments.
RESIDENCE: The place adopted by a person as his/her place of habitation and to which, whenever he/she is absent, he/she has the intention of returning. When a person eats at one place and sleeps at another, the place where such person sleeps shall be deemed his/her residence.
REVISED STATUTES OR RSMo.: The Revised Statutes of Missouri, as amended.
SEAL: The Seal of the City of St. Charles.
SHALL AND MAY: The word *"shall"* as used in this Code is mandatory; *"May"* is permissive or discretionary.
SIDEWALK: The portion of the street between the curb line and the adjacent property line intended for the use of pedestrians.
SIGNATURE OR SUBSCRIPTION: Where the written signature or subscription of any natural person is required, the proper handwriting of such person or his/her mark, when such person cannot write, shall be intended.
STATE: The State of Missouri.
STREET: Any public way, highway, street, avenue, boulevard, parkway, alley or other public thoroughfare and each of such words shall include every other of them.
TANGIBLE PERSONAL PROPERTY: Goods, chattels and all personal property except intangible personal property.
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.
TENSE: Words used in the past or present tense include the future as well as the past and present.
WEEK: Seven (7) days.
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".* (R.O. 2009 §10.02; CC 1981 §1-2; Ord. No. 87-96, 5-12-87; Ord. No. 87-97, 5-12-87; Ord. No. 91-51, 3-8-91; Ord. No. 03-122, 5-27-03)

State Law Reference--Construction of statutes generally, §§1.020--1.210, RSMo.

SECTION 100.030: JURISDICTION OF CODE
Unless otherwise provided in this Code, this Code shall apply to acts performed within the corporate limits of the City. The provisions of this Code shall also apply to acts performed outside the corporate limits and up to the limits prescribed by law where the law confers power on the City to regulate such particular acts outside the corporate limits. (R.O. 2009 §10.03; CC 1981 §1-3)

SECTION 100.040: CATCHLINES OF SECTIONS

The catchlines of the several Sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the Section and shall not be deemed or taken to be titles of such Sections, nor as any part of the Section, nor, unless expressly so provided, shall they be so deemed when any of such Sections, including the catchlines, are amended or re-enacted. (R.O. 2009 §10.04; CC 1981 §1-4)

SECTION 100.050: PROVISIONS CONSIDERED AS CONTINUATIONS OF EXISTING ORDINANCES

The provisions appearing in this Code, insofar as they are the same as those of the Revised Ordinances of 1965 and Revised Ordinances of 1980 and ordinances existing at the time of the effective date of this Code, shall be considered as continuation thereof and not as new enactments. (R.O. 2009 §10.05; CC 1981 §1-5)

SECTION 100.060: SEVERABILITY

It is hereby declared to be the intention of the City Council that the Sections, paragraphs, sentences, clauses and phrases of this Code are severable and if any phrase, clause, sentence, paragraph or Section of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and Sections of this Code since the same would have been enacted by the City Council without the incorporation in this Code of any such unconstitutional phrase, clause, sentence, paragraph or Section. (R.O. 2009 §10.06; CC 1981 §1-6)

SECTION 100.070: AMENDMENTS TO CODE

A. All ordinances passed subsequent to this Code, which amend, repeal or in any way affect this Code, may be numbered in accordance with the numbering system of this Code and printed for inclusion herein or, in the case of repealed Chapters, Sections and Subsections or any part thereof by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby and the subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code and subsequent ordinances numbered or omitted are readopted as a new Code by the City Council.
B. Amendments to any of the provisions of this Code should be made by amending such provisions by specific reference to the Section of this Code in substantially the following language: "That Section _____ of the Code of Ordinances of the City of St. Charles, Missouri, is hereby amended to read as follows: (Set out new provisions in full)"
C. When the City Council desires to enact an ordinance of a general and permanent nature on a subject not heretofore existing in the Code, which the City Council desires to incorporate into the Code, a Section in substantially the following language shall be made a part of the ordinance:
"Section ____. It is the intention of the City Council and it is hereby ordained that the provisions of this Chapter shall become and be made a part of the Code of Ordinances of

the City of St. Charles, Missouri, and the Sections of this Chapter may be renumbered to accomplish such intention."

D. All Titles, Chapters, Articles or Sections of this Code desired to be repealed should be specifically repealed by Section number or Chapter number, as the case may be. (R.O. 2009 §10.07; CC 1981 §1-7)

SECTION 100.080: SUPPLEMENTATION OF CODE

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

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

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

1. Organize the ordinance material into appropriate subdivisions;
2. Provide appropriate catchlines, headings and titles for Sections and other Subsections of the Code printed in the supplement and make changes in such catchlines, headings and titles;
3. Assign appropriate numbers to Sections and other Subsections to be inserted in the Code and, where necessary to accommodate new material, change existing Section or other Subsection numbers;
4. Change the words "this ordinance" or words to the same meaning to "this Chapter", "this Article", "this Subsection", etc., as the case may be or to "Sections to _____" (inserting Section numbers to indicate the Sections of the Code which embody the substantive Sections of the ordinance incorporated into the Code); and
5. Make other non-substantive changes necessary to preserve the original meaning of ordinance Sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code. (R.O. 2009 §10.08; CC 1981 §1-8)

SECTION 100.090: MAINTENANCE OF COPIES OF CODE

A. The City Clerk shall keep three (3) copies of this Code. These copies shall be printed or otherwise mounted to withstand heavy usage and preserved by the City Clerk in a book or binder in looseleaf form or in such other form as the City Council may consider most expedient, so that all amendments thereto and all general ordinances hereafter passed may be inserted in their appropriate places in such volumes and all Sections of this Code

or ordinances repealed from time to time may be extracted therefrom for the purpose of maintaining said three (3) copies in such condition that they will show all general ordinances passed up to date at any time in such manner that ready reference may be had thereto.

B. In determining whether or not any ordinance hereafter passed, or any part thereof, shall be inserted in such volume and in determining the form, Chapter, Article or Section which shall be taken out, if any doubt arises, the City Clerk shall be guided by the advice of any regular or special City Counselor. (R.O. 2009 §10.09; CC 1981 §1-9)

SECTION 100.100: ORGANIZATION OF CODE

The ordinances in this Code are organized into Titles, Chapters, Articles, Sections and Subsections as identified in the following definitions:

CHAPTER: Organizes the information that is contained within a Title.

SUBSECTION: Separates a Section into paragraphs, designated by letters and numbers as follows:

A. First division.
1. Second division.
a. Third division.
(1) Fourth division.

SECTION: The basic unit of a Code designated by the symbol "§".

ARTICLE: Itemizes the information found in a Chapter by breaking it into smaller parts according to subject matter.

TITLE: The largest unit of organization in this Code. Titles divide ordinances by broad subject matter into the following categories:

1. Government Code;
2. Public Health, Safety and Welfare;
3. Traffic Code;
4. Land Use;
5. Building and Construction;
6. Business and Occupation;
7. Utilities. (R.O. 2009 §10.10)

SECTION 100.110: OFFICIAL TIME

A. *Designated.* United States standard or daylight savings time for the zone in which the City is located shall be the official time of the City.

B. *Referred To In Ordinances, Notices, Documents And The Like.* When reference is made to any time without qualification in any ordinance, resolution or order heretofore passed or which may be passed hereafter by the City Council or in any official notice, advertisement or document of the City or in any contract to which the City is a party, it shall be understood to refer to the official time of the City as described in Subsection (A) of this Section.

C. *Application.* In all ordinances, resolutions or orders of the City Council and in all official notices, advertisements or documents of the City and in all contracts to which the City is a party relating to the time of performance of any act by any officer or department of the City or relating to the time within which any rights shall accrue or determine or within

which any act shall or shall not be performed by any person, it shall be understood and intended that the time shall be the official time of the City as prescribed in Subsection (A) of this Section.

D. *Public Timepieces.* All clocks or other timepieces in or upon public buildings or other premises maintained at the expense of the City shall be set and run according to the official time as provided in Subsection (A) of this Section. It is hereby made the duty of the officer or other person having control and charge of any such building and premises to see that the clocks or other timepieces are set and run in accordance with official time. (R.O. 2009 §10.11; CC 1981 §1-11)

SECTION 100.120: PUBLICATION OF CODE--EVIDENCE

When the Code shall be printed and bound, it shall be deemed a sufficient publication of all ordinances contained therein and they shall be received in evidence without further proof in all cases, suits or proceedings had, instituted or prosecuted under the provisions thereof and in pleading any ordinance or part of ordinance in prosecutions and proceedings had by virtue of any of the provisions thereof, it shall be sufficient to designate the number of the Section or Chapter under which the action is instituted or proceedings had. (R.O. 2009 §10.12; CC 1981 §1-12)

State Law Reference--Admission of printed copies of ordinances as evidence, §490.240, RSMo.

SECTION 100.130: PRISONERS MAY BE WORKED

In case any person is found guilty and sentenced by the Municipal Judge for violation of this Code or any other ordinance of the City, whether the punishment be by fine or imprisonment, or by both, such person may be put to work and required to perform labor on the public streets or highways or other public works or buildings of the City and the City shall have power and be authorized and required to have or cause all such prisoners to work out the full number of days for which they have been sentenced and in case the defendant has sufficient property out of which to make the money fine and costs against the defendant and the same shall remain unpaid, the defendant shall be required to do and perform such labor on the streets, highways or other public buildings or public works of the City, as his/her health and strength will permit, not exceeding eight (8) hours per day and for such work and labor the person so employed shall be allowed, exclusive of his/her board, the sum of ten dollars ($10.00) per day, which amount shall be credited on such fine and costs. Such labor shall be done at the direction and under the supervision of the Mayor. The officer or person in charge of such prisoner while so employed may impose such restraints as may be reasonably necessary to prevent the escape of the prisoner while so employed. (R.O. 2009 §10.13; CC 1981 §1-14)

SECTION 100.140: PROSECUTION WHERE DIFFERENT PROVISIONS EXIST FOR SAME OFFENSE

In all cases where the same offense may be made punishable or shall be created by different clauses or Sections of the ordinances of the City, the prosecuting officer may elect under which to proceed, but not more than one (1) recovery shall be had against the

same person for the same offense. (R.O. 2009 §10.14; CC 1981 §1-15)

SECTION 100.150: PENALTY

A. Whenever in this Code or in any ordinance of the City any act is prohibited or is made or declared to be unlawful or an offense or the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor, except where a specific statutory penalty is provided for, the violation of any such provision shall be punished by a fine not exceeding five hundred dollars ($500.00) or by imprisonment not exceeding three (3) months or both such fine and imprisonment, as may be just for any offense, recoverable with cost of suit; provided however, that where the City and the State both prescribe the same offense, the penalty for violating the City provision shall be the same as is set by Statute.
B. Each act of violation and every day upon which a violation occurs or continues shall constitute a separate offense.
C. The failure of any officer or employee of the City to perform any official duty imposed by this Code shall not subject such officer or employee to the penalty imposed by this Section unless a penalty is specifically provided. (R.O. 2009 §10.99; CC 1981 §1-13)

State Law Reference--Limitation on penalty, §77.590, RSMo.

ARTICLE II. CITY STANDARDS

SECTION 100.160: CITY LOGO AND SEAL

A. *Description.* The logo and seal of the City shall consist of a circular shape in the foreground and surrounded in the background by an eight (8) point compass rose. The diameter of the four (4) cardinal points of the compass rose shall be no smaller than one and one-half (1½) inches by one and one-half (1½) inches. The circular shape in the foreground shall be divided into four (4) quadrants. The northeast quadrant shall contain a fleur de lis, once used as the armorial emblem of French sovereigns. The southeast quadrant shall contain a depiction of two (2) building structures representative of historic Main Street. The southwest quadrant shall contain two (2) leaves. The northwest quadrant shall contain a depiction of a river that is representative of the Missouri River. The four (4) quadrants of the circular shape shall be surrounded by a scroll that is inscribed with the words "CITY OF SAINT CHARLES - EST. 1809". A banner shall drape across the bottom of the circle, touching the southeast and southwest ordinal points and shall be inscribed with the word "MISSOURI".
B. *Custodian--Use.* The City Clerk shall keep the Seal of the City in his/her office and shall affix the same to all instruments of writing of whatsoever nature, when required by ordinance, resolution or order of the City Council or on direction of the Mayor. The City Clerk is also authorized to affix the Seal of the City to copies of all records and documents, whenever thereto required by any person and for such services such person shall pay to the City fifty cents ($.50) for each certificate. (R.O. 2009 §11.01; CC 1981 §1-10; Ord. No. 10-29 §1, 2-19-10)

State Law Reference--City seal authorized, §77.010, RSMo.

SECTION 100.170: OFFICIAL CITY TREE

The Redbud, scientifically designated as Cercis Canadensis, is declared to be the arboreal emblem of the City of St. Charles and the City shall recognize it as the official City tree and encourage its cultivation on account of the beauty of its flower and foliage. (R.O. 2009 §11.02; Ord. No. 03-156, 7-8-03)

SECTION 100.180: OFFICIAL CITY FLOWER

The Purple Coneflower, scientifically designated as Echinacea Purpurea (Asteraceae), is declared to be the floral emblem of the City of St. Charles and the City shall recognize it as the official flower of the City and encourage its cultivation on account of the beauty of its flower and foliage. (R.O. 2009 §11.03; Ord. No. 03-218, 9-3-03)

CHAPTER 105: ELECTIONS

Cross Reference--As to nomination and elections, charter art. IX.

SECTION 105.010: WARD BOUNDARIES

A. The City is hereby divided into ten (10) wards, designated as shown on the ward map attached to Ordinance No. 09-163, passed September 1, 2009, and which are generally described as follows:

1. *First ward.* All that part of the City lying within the following described area: Beginning at the corporate limits line and the County line between Saint Charles County and Saint Louis County; thence southwestwardly along the above described corporate limits line to the extended centerline of First Capitol Drive; thence westward along the centerline of First Capitol Drive to the centerline of Kingshighway; thence northeastwardly along the centerline of Kingshighway to the centerline of Randolph Street; thence east along the centerline of Randolph Street to the centerline of North Fifth Street; thence northwestwardly along the centerline of North Fifth Street to the point at which it merges with the southeastern Norfolk and Southern Railroad right-of-way and follows the right-of-way northwestwardly to the southern right-of-way line of Missouri Highway 370; thence northwestwardly along the southern right-of-way line of Missouri Highway 370 to the extension of the centerline line of Boschertown Road; thence northeastwardly along the centerline of Boschertown Road to the centerline of Fox Hill Road; thence southeastwardly along the centerline of Fox Hill Road to the extension of the northern boundary line of the Stable Ridge Estates subdivision and the corporate limits line; thence northeastwardly along the northern boundary line of the Stable Ridge Estates subdivision to the northwestern boundary line of the Stable Ridge Manor subdivision; thence northeastwardly along the boundary line of the Stable Ridge Manor subdivision to the northwestern boundary line of parcel known as 3445 North Highway 94; thence northeastwardly along the boundary line of parcel known as 3445 North Highway 94 to the corporate limits line and back to the point of beginning, less and except all properties within unincorporated St. Charles County, Missouri.

2. *Second ward.* All that part of the City lying within the following described area: Beginning at the corporate limits line and the County line between Saint Charles County and Saint Louis County; thence southerly along the corporate limits line to the centerline of Interstate Highway 70 right-of-way; thence westerly along the centerline of Interstate Highway 70 right-of-way to the extension of the eastern boundary line of the Charwood Estates Subdivision; thence northeasterly along the eastern boundary line of Charwood Estates Subdivision to the southern boundary line of the Oak Leaf Mobile Home Park; thence southeasterly along the southern boundary line of Oak Leaf Mobile Home Park to the eastern boundary line of Oak Leaf Mobile Home Park; thence northeasterly along the eastern boundary line of Oak Leaf Mobile Home Park and its extension to the centerline of West Clay Street; thence easterly along the centerline of West Clay Street to the centerline of First Capitol Drive; thence northeasterly along the centerline of First Capitol Drive to the centerline of the abandoned First Capitol Drive (now part of Lindenwood University); thence northeasterly and southeasterly along the centerline of the abandoned First Capitol Drive (now part of Lindenwood University) to the centerline of First Capitol Drive; thence easterly along the centerline of First Capitol Drive and its extension to the County line between Saint Charles County and Saint Louis County and back to the point of beginning.
3. *Third ward.* All that part of the City lying within the following described area: Beginning at the corporate limits line and the County line between Saint Charles County and Saint Louis County at the centerline of Interstate 70; thence westward along the centerline of Interstate Highway 70 to the centerline of Missouri State Highway 94; thence southwesterly along the centerline of Missouri Highway 94 to the centerline of Pralle Lane; thence southeasterly along the centerline of Pralle Lane to the extension of the southeastern boundary line of Collier Corporate Center Subdivision; thence southwestwardly along the southeastern boundary line of Collier Corporate Center Subdivision to the northeastern boundary line of Blanchette Business Center Subdivision; thence generally southeastwardly, southwestwardly and northwestwardly along the southern boundary line of Blanchette Business Center Subdivision to the corporate limits line; thence southerly and northerly meandering along the corporate limits line back to the point of beginning, less and except all properties within unincorporated St. Charles County, Missouri.
4. *Fourth ward.* All that part of the City lying within the following described area: Beginning at the intersection of Missouri State Highway 94 and Interstate Highway 70; thence northwestwardly along the centerline of Interstate Highway 70 to the extension of the centerline of Hawks Nest Drive; thence southwestwardly along the extension of the centerline of Hawks Nest Drive to the northern property line of Saint Charles Commons Block 2, Evans survey part of lot 18 and 19 known as Walgreens; thence southwesterly along the property line of Saint Charles Commons Block 2, Evans survey part of lot 18 and 19 known as Walgreens extending to the centerline of Zumbehl Road; thence extending from the centerline of Zumbehl Road westward to the northeastern property line of Saint Charles Commons Block 2, Evans survey part of lot 18 and 19 known as the Saint Charles Police Station; thence westward along the northern property line of

Saint Charles Commons Block 2, Evans survey part of lot 18 and 19 known as the Saint Charles Police Station to the northeastern corner of the Bogey Crossing Subdivision; thence southwestwardly along the northern boundary line of Bogey Crossing Subdivision to the northeastern corner of Buckingham Green Subdivision; thence generally southwestwardly along the boundary line of Buckingham Green Subdivision to the northwestern boundary line of Meadow Park Subdivision; thence southwestwardly along the northwestern boundary line of Meadow Park Subdivision to the eastern property line of Graystone #1 Lot 32; thence northwestwardly along the eastern property line of Graystone #1 Lot 32 to the eastern boundary line of North Village Subdivision; thence northward along the eastern boundary line of North Village Subdivision to the centerline of Bogey Estates Drive; thence generally south along the centerline of Bogey Estates Drive to the northeastern property line of #150 Bogey Estates Drive; thence westward along the southern boundary line of #150 Bogey Estates Drive to the centerline of Muegge Road; thence southeastwardly along the centerline of Muegge Road to the extension of the northern boundary line of Saint Charles Crossing Subdivision; thence southwestwardly along the boundary line of Saint Charles Crossing Subdivision to the northeastern corner of the Heatherton Condominium Subdivision; thence southwestwardly along the boundary line of Heatherton Condominium Subdivision to northeastern corner of the Echo Valley Subdivision; thence southwestwardly along the boundary line of Echo Valley Subdivision to the centerline of McClay Road; thence generally westward along the centerline of McClay Road to the extension of the eastern property line of 2785 McClay Road; thence northwestwardly and southwestwardly along the property lines of 2785 McClay Road to the northeast corner of the property line of 2795 McClay Road; thence along the northern property line of 2795 McClay Road to the centerline of Hackmann Road; thence generally south along the centerline of Hackmann Road to the centerline of McClay Road; thence southeastwardly along the centerline of Hackmann Road to the centerline of S Old Highway 94; thence southerly along the centerline of S Old Highway 94 to the centerline of State Highway 94 right-of-way; thence northeastwardly along the centerline of State Highway 94 right-of-way to the corporate limits line; thence meandering southerly and easterly along the corporate limit lines to the southwestern boundary line of the Blanchette Business Center Subdivision; thence northeastwardly and northwestwardly along the boundary line of the Blanchette Business Center Subdivision to the southwestern corner of the Collier Corporate Center Subdivision; thence northeastwardly along the Collier Corporate Center southeastern boundary line and its extension to the centerline of Pralle Lane; thence northwestwardly along the centerline of Pralle Lane to the centerline of Missouri Highway 94 right-of-way; thence meandering northeastwardly along the centerline of Missouri Highway 94 right-of-way to the point of beginning, less and except all properties within unincorporated St. Charles County, Missouri.

5. *Fifth ward.* All that part of the City lying within the following described area: Beginning at the northeastern corner of Buckingham Green Subdivision; thence generally southwestwardly along the boundary line of Buckingham Green Subdivision to the northwestern boundary line of Meadow Park Subdivision;

thence southwestwardly along the northwestern boundary line of Meadow Park Subdivision to the eastern property line of Graystone #1 Lot 32; thence northwestwardly along the eastern property line of Graystone #1 Lot 32 to the eastern boundary line of North Village Subdivision; thence northerly along the eastern boundary line of North Village Subdivision to the centerline of Bogey Estates Drive; thence generally south along the centerline of Bogey Estates Drive to the northeastern property line of #150 Bogey Estates Drive; thence westward along the southern boundary line of #150 Bogey Estates Drive extending to the centerline of Muegge Road; thence southeastwardly along the centerline of Muegge Road to the extension of the northern boundary line of Saint Charles Crossing Subdivision; thence southwestwardly along the boundary line of Saint Charles Crossing Subdivision to the northeastern corner of the Heatherton Condominium Subdivision; thence southwestwardly along the boundary line of Heatherton Condominium Subdivision to northeastern corner of the Echo Valley Subdivision; thence southwestwardly along the boundary line of Echo Valley Subdivision to the centerline of McClay Road; thence generally westerly along the centerline of McClay Road to the extension of the eastern property line of 2785 McClay Road; thence northwestwardly and southwestwardly along the property lines of 2785 McClay Road to the northeast corner of the property line of 2795 McClay Road; thence along the northern property line of 2795 McClay Road to the centerline of Hackmann Road; thence generally south along the centerline of Hackmann Road to the centerline of S Old Highway 94; thence southerly along the centerline of S Old Highway 94 to the centerline of State Highway 94 right-of-way and the corporate limits line; thence meandering northwestwardly, southerly and northeastwardly along the corporate limits line to the northwest corner of a parcel presently known as 2221 Muegge Road; thence northeastwardly along the northwest property line of the parcel presently known as 2221 Muegge Road to the centerline of Muegge Road; thence northwestwardly along the centerline of Muegge Road to the extension of the centerline of Old Muegge Road; thence north along the centerline of Old Muegge Road to the extension of the northwest corner of Oxford Crossing Subdivision; thence northwardly and eastwardly along the northern boundary line of Oxford Crossing Subdivision to the northeastern corner of Shagbark Estates Subdivision; thence generally southerly along the eastern boundary line of Shagbark Estates to the northeastern corner of Scarsdale Subdivision boundary line; thence southeastwardly along the Scarsdale Subdivision boundary line to the northern boundary line of Country Club Corners; thence northeasterly along the northern and eastern boundary lines of Country Club Corners and extending to the centerline of Country Club Road; thence southeastwardly along the centerline of Country Club Road to the extension of the western property line of the parcel presently known as 116 Berlekamp; thence northeastwardly and southwestwardly around the property line of the parcel presently known as 116 Berlekamp extending to the centerline of Country Club Road; thence southeastwardly along the centerline of Country Club Road to the extension of the southwestern boundary line of Shadow Wood Subdivision; thence northeastwardly along the northern boundary line of Shadow Wood Subdivision to the southwestern

boundary line of Bogey Hills Estates; thence northeastwardly and southeastwardly along the northern and eastern boundary line of Shadow Wood Subdivision to and back to the point of beginning, less and except all properties within unincorporated St. Charles, County, Missouri.

6. *Sixth ward.* All that part of the City lying within the following described area: Beginning at the intersection of the centerlines of Zumbehl Road and Campus Drive along the corporate limits line; thence southerly, westerly and northerly along the meanderings of the corporate limits line to the southern right-of-way line of Ehlmann Road; thence northeastwardly along the southern right-of-way line of Ehlmann Road to the extension of the western boundary line of Bluffstone Estates Subdivision; thence north and southeastwardly along the boundary line of Bluffstone Estates Subdivision to the southeastern corner of parcel presently known as Roberts Cars; thence meandering along the property line of the above described parcel to the northern boundary line of the Oak Trails Subdivision; thence southwestwardly along the above described boundary line to the extension of the property line of parcel presently known as Survey 291, Lot 3 - Ehlmann tract; thence north and northwestwardly along the property line of the last described parcel to the corporate limits line; thence generally southwestwardly along the corporate limits line to the centerline of Muegge Road; thence northwestwardly along the centerline of Muegge Road to the extension of the centerline of Old Muegge Road; thence northerly along the centerline of Old Muegge Road to the extension of the northwest corner of Oxford Crossing Subdivision; thence eastwardly along the northern boundary line of Oxford Crossing Subdivision to the northeastern corner of Shagbark Estates; thence generally southerly along the eastern boundary line of Shagbark Estates to the southeastern corner of Wellington Manor Subdivision boundary line; thence northeasterly along the above described boundary line to the centerline of Country Club Road; thence southeasterly along the centerline of Country Club Road to the extension of the northern boundary line of the Ivy Meadows Plat #3 Subdivision; thence westerly, southerly and easterly around the boundary line of the above described Subdivision to the southwestern right-of-way line of Country Club Road; thence southeastwardly along the southwestern right-of-way line of Country Club Road to the extension of the property line presently known as St. Elizabeth Ann Seton Church; thence northeastwardly along the above described property line to the corporate limits line; thence northwestwardly and southeastwardly along the corporate limits line to the southwestern boundary line of the Villages of Bogey Hills Apartments; thence northeastwardly along the above described boundary line to the northwestern corner of property presently known as the Saint Charles Police Station; thence extending from the above described corner to the southeastern corner of property presently known as Saint Charles Commons Block 2, Evans survey part of lot 18 and 19 Walgreens tract; thence northeasterly along the above described property line to the centerline of Hawks Nest Drive; thence northeastwardly along the centerline of Hawks Nest Drive and its extension to Interstate Highway 70 centerline; thence northwestwardly along the centerline of Interstate Highway 70 to the centerline of Cole Creek; thence northwestwardly along the centerline of Cole Creek to the

northeast corner of the parcel currently know as 2900 West Clay Street (Lowes Tract); thence southwestwardly along the northern property line (and its extension) of the parcel currently know as 2900 West Clay Street (Lowes Tract) to the centerline of Zumbehl Road; thence northerly and northwestwardly along the centerline of Zumbehl Road to the point of beginning, less and except all the properties within unincorporated St. Charles County, Missouri.

7. *Seventh ward.* All that part of the City lying within the following described area: Beginning at the intersection of the centerlines of Elm Street and North Kingshighway; thence northeastwardly along the centerline of North Kingshighway to the centerline of Randolph Street; thence southeasterly along the centerline of Randolph Street to the centerline of North Fifth Street; thence northwestwardly along the centerline of North Fifth Street to the point at which it merges with the southeastern boundary of the Norfolk and Southern Railroad right-of-way and follows the right-of-way northwestwardly to the southern right-of-way line of Missouri Highway 370 to its intersection with the north right-of-way line of North Randolph Street; thence northwestwardly along above described right-of-way to the northeastern corner of the Village Duchesne Subdivision; thence southwestwardly and southeastwardly along the Village Duchesne Subdivision boundary line to the southeastern corner of Indian Hills Subdivision; thence southwestwardly along the Indian Hills Subdivision southern boundary line to the southeastern corner of Elm Point Place Subdivision; thence northwesterly along the southern boundary of above described Subdivision to the centerline of Elm Street; thence southeasterly along the centerline of Elm Street to the point of beginning.
8. *Eighth ward.* All that part of the City lying within the following described area: Beginning at the southern line of Missouri Highway 370 right-of-way and the extension of the north right-of-way line of North Randolph Street; thence northwesterly along above described right-of-way to the northeastern corner of the Village Duchesne Subdivision; thence southwestwardly and southeastwardly along the Village Duchesne Subdivision boundary line to the southeastern corner of Indian Hills Subdivision; thence southwestwardly along the Indian Hills Subdivision southern boundary line to the southeastern corner of Elm Point Place Subdivision; thence northwestwardly along the southern boundary of above described Subdivision to the centerline of Elm Street; thence northwestwardly along the centerline of Elm Street to its intersection with the southern right-of-way line of Old Elm Point Road; thence southwestwardly along the above described right-of-way line to the northwestern corner of the Edgemont Subdivision; thence southeastwardly along the western boundary line of Edgemont Subdivision to the centerline of Hastings Way Drive; thence southwestwardly along the centerline of Hastings Way Drive to the southeastern corner of Runnymede Subdivision lot 53; thence generally northerly along the eastern property lines of lots 53--60 Runnymede Subdivision to the northeastern corner of lot 60 of above described Subdivision; thence southwesterly along the northern property line of lot 60 to the centerline of Collingwood Drive; thence from the centerline of Collingwood Drive to the extension of the northern property line of Runnymede lot 30; thence from the northern property line of the

above described parcel generally southwesterly along the western property lines of lots 30--38 to the northwestern property corner of lot #38 Runnymede Subdivision; thence southeasterly along the western property line of the above described property to the centerline of Clarendon Lane; thence southerly from the centerline of Clarendon Lane to the extension of the northwestern property line of #39 Runnymede Subdivision; thence southeasterly along the western property line of #39 Runnymede Subdivision to the northern boundary line of Lake Forest Subdivision; thence southwestwardly and westward along the northern boundary line of the above described Subdivision to the northern boundary line of Hineman Woods Estates and Hineman Subdivisions; thence westward along the above described Subdivisions to the northern boundary line of Westborough Estates Subdivision; thence westerly along the northern boundary line (and its extension) of Westborough Estates Subdivision to the centerline of Warwick Drive; thence southerly along the centerline of Warwick Drive to the centerline of Zumbehl Road; thence southerly along the centerline of Zumbehl Road to the extension of the northern property line of St Cletus Catholic Church; thence westward and northward along the above described property line and the corporate limits line to the northeastern corner of parcel presently known as Roberts Cars; thence southwestwardly along the southern boundary of the Norfolk and Southern Railroad to the extension of the property line of parcel presently known as Survey 291, Lot 3 Ehlmann tract; thence meandering north and southwestwardly along the property line of the last described parcel to the corporate limits line; thence northerly and easterly along the corporate limits line to the centerline of Boschertown Road; thence southwestwardly along the centerline of Boschertown Road extending to the south right-of-way line of Missouri Highway 370; thence eastwardly along the above described right-of-way to the point of beginning, less and except all properties within unincorporated St. Charles County, Missouri.

9. *Ninth ward.* All that part of the City lying within the following described area: Beginning at the centerline of Interstate Highway 70 and First Capitol Drive; thence northwesterly along the centerline of Interstate Highway 70 to the centerline of Cole Creek; thence meandering generally northeastwardly along the centerline of Cole Creek to the northeast corner of the parcel currently known as 2900 West Clay Street (Lowes Tract); thence southwestwardly along the northern property line (and its extension) of the parcel currently known as 2900 West Clay Street (Lowes Tract) to the centerline of Zumbehl Road; thence northerly and northwestwardly along the centerline of Zumbehl Road to the extension of the southwestern property line of Saint Charles West High School; thence easterly along the above described property line and its extension to Droste Road; thence generally southeasterly along the centerline of Droste Road to the centerline of South Duchesne Drive; thence northeastwardly along the centerline of South Duchesne Drive to the centerline of Elm Street; thence southeastwardly along the centerline of Elm Street to the centerline of Kingshighway; thence southwestwardly along the centerline of Kingshighway to the centerline of the abandoned First Capitol Drive (now part of Lindenwood University); thence northwest and southwestwardly along the centerline of abandoned First Capitol Drive (now part of Lindenwood University) to the centerline of First Capitol

Drive; thence southeasterly along the centerline of First Capitol Drive to the centerline of West Clay Street; thence westerly along the centerline of West Clay Street to the extension of the eastern boundary line of Oak Leaf Mobile Home Park; thence southwesterly along the eastern boundary line of Oak Leaf Mobile Home Park to the southern boundary line of Oak Leaf Mobile Home Park; thence northwesterly along the southern boundary line of Oak Leaf Mobile Home Park to the eastern boundary line of Charwood Estates Subdivision; thence southwesterly along the eastern boundary line of Charwood Estates Subdivision and its extension to the centerline of Interstate Highway 70 right-of-way and back to the point of beginning.

10. *Tenth ward.* All that part of the City lying within the following area: Beginning at the intersection of the centerlines of S. Duchesne Drive and Elm Street; thence northerly along the centerline of Elm Street to its intersection with the southern right-of-way line of Old Elm Point Road; thence southwestwardly along the above described right-of-way line to the northwestern corner of the Edgemont Subdivision; thence southeastwardly along the western boundary line of Edgemont Subdivision to the centerline of Hastings Way Drive; thence southwestwardly along the centerline of Hastings Way Drive to the southeastern corner of Runnymede Subdivision lot 53; thence generally northerly along the eastern property lines of lots 53--60 Runnymede Subdivision to the northeastern corner of lot 60 of above described Subdivision; thence southwestwardly along the northern property line of lot 60 to the centerline of Collingwood Drive; thence from the centerline of Collingwood Drive to the extension of the northern property line of Runnymede lot 30; thence from the northern property line of the above described parcel generally southwestwardly along the western property lines of lots 30--38 to the northwestern property corner of lot 38 Runnymede Subdivision; thence southeastwardly along the western property line of the above described property to the centerline of Clarendon Lane; thence southerly from the centerline of Clarendon Lane to the extension of the northwestern property line of #39 Runnymede Subdivision; thence southeastwardly along the western property line of #39 Runnymede Subdivision to the northern boundary line of Lake Forest Subdivision; thence westward along the northern boundary line of the above described Subdivision to the northern boundary line of Hineman Woods Estates and Hineman Subdivisions; thence westward along the above described Subdivisions to the northern boundary line of Westborough Estates Subdivision; thence westerly along the northern boundary line (and its extension) of Westborough Estates Subdivision to the centerline of Warwick Drive; thence southerly along the centerline of Warwick Drive to the centerline of Zumbehl Road; thence southerly along the centerline of Zumbehl Road to the western extension of the southern property line of Saint Charles West High School; thence easterly along the above described property line to the centerline of Droste Road; thence southerly along the centerline of Droste Road to the centerline of South Duchesne Drive: thence northeastwardly along the centerline of South Duchesne Drive to the point of beginning, less and except all properties within unincorporated St. Charles County, Missouri.

B. Upon each annexation of land into the City, the land being annexed shall be assigned to

the appropriate ward or wards and the ward boundaries shall be deemed amended to include the area annexed without the necessity of changing the general descriptions contained in this Section. (R.O. 2009 §38.01; CC 1981 §8-1; Ord. No. 3303, 7-7-65; Ord. No. 73-6, 2-6-73; Ord. No. 81-93, 11-17-81; Ord. No. 82-89, 12-22-82; Ord. No. 85-8, 1-30-85; Ord. No. 91-259, 12-17-91; Ord. No. 92-4, 1-8-92; Ord. No. 94-235, 9-7-94; Ord. No. 03-81, 4-7-03; Ord. No. 09-163, 9-3-09)

Cross Reference--As to city council wards, charter §3.4.

State Law Reference--Authority of cities of the third class to establish wards, §77.030, RSMo.

Editor's Note--The charter amendment approved April 7, 1992, changed the five wards of the city to ten wards, with one member of the council representing each ward beginning April 1995.

SECTION 105.020: WHEN ELECTIONS HELD

On the first (1st) Tuesday after the first (1st) Monday in April of every year an election shall be held by the qualified voters of the City for the various elective officers of the City. (R.O. 2009 §38.02; CC 1981 §8-2; Ord. No. 97-361, 10-22-97)

SECTION 105.030: NOMINATION OF CANDIDATES

Electors may nominate candidates for public office to be filled by election within the City. The nominations for elective office shall be made by filing a certificate of nomination executed with the formalities prescribed for the execution of an instrument affecting real estate. The City Clerk shall make available to any person desiring to be nominated who shall request the same personally or in writing on his/her behalf at the office of the City Clerk. (R.O. 2009 §38.05; CC 1981 §8-5; Ord. No. 80-88, 8-13-80)

SECTION 105.040: FORMS FOR NOMINATION AND ACCEPTANCE

A. The forms designated to be utilized in the City for nominating petitions and for acceptance of nominations to elective City offices shall be substantially the same composition as the attached forms which are on file in the City offices and shall consist of the following:
   1. Certificate of nomination form;
   2. Signature form;
   3. Signature form and declaration of candidacy form;
   4. Affidavit form (to be executed by the circulator of the petition who is not a notary public and notarized by a notary public); and
   5. Notary statement (to be executed by the circulator of the petition provided the circulator is a notary public).

B. Any forms submitted other than the forms designated herein shall be null and void and shall not be accepted for nomination of any person to an elective office in the City. (R.O. 2009 §38.07; CC 1981 §8-8.1; Ord. No. 82-77, 11-17-82)

Editor's Note--The forms described in this section are available in the office of the city clerk.

SECTION 105.050: ONE NOMINEE FOR EACH OFFICE

A. No person shall join in nominating more than one (1) nominee for each office to be filled; and no person shall accept a nomination to, or be published as a candidate for, more than one (1) office.

B. No certificate of nomination shall contain the name of more than one (1) candidate for each office to be filled. (R.O. 2009 §38.08; CC 1981 §8-9)

Cross Reference--As to penalty, §100.150.

CHAPTER 110: CITY COUNCIL

Cross References--As to city clerk, charter §3.9; as to city council wards, charter §3.4; as to compensation and expenses, charter §3.5; as to corrupt allowance of claims, §115.100; as to eligibility, charter §3.2; as to independent audit, charter §3.14; as to investigations, charter §3.13; as to judge of qualifications, charter §3.12; as to legislative proceedings, charter §3.10; as to prohibitions, charter §3.7; as to revision of ordinances, charter §3.11; as to taxes levied for the operation of public parks, charter §3.15; as to vacancies--forfeiture of office--filling of vacancies, charter §3.8; as to where powers vested, charter §3.1.

ARTICLE I. GENERAL PROVISIONS

SECTION 110.010: COMPOSITION

There shall be a City Council of one (1) member from each of the ten (10) wards, nominated and elected by the qualified registered voters of their respective wards, as provided in Article IX of the City Charter. (R.O. 2009 §30.01)

Cross Reference--As to composition, election and terms, charter §3.3.

SECTION 110.020: QUALIFICATIONS AND TERMS

No person shall be Council member unless he/she is at least twenty-one (21) years of age prior to taking office, a citizen of the United States, an inhabitant of the City for two (2) years next preceding his/her election, a qualified registered voter and shall be a resident of the ward from which he/she is elected six (6) months next preceding his/her election. If a Council member removes his/her residency from the ward from which he/she is elected, his/her office shall be immediately vacated. 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. (R.O. 2009 §30.02; CC 1981 §2-23; Ord. No. 86-2, 1-7-86; Ord. No. 89-40, 2-23-89)

Cross Reference--As to penalty, §100.150.

SECTION 110.030: PRESIDENT, VICE PRESIDENT AND TEMPORARY VICE PRESIDENT

A. *President.*
   1. The members of the Council at the first (1st) meeting following their election shall elect one (1) of their members as President of the Council who shall serve for a term of one (1) year and who shall be Presiding Officer over the meetings of the Council and shall vote as a member.
   2. The election shall be by preprinted ballots listing all Council members. A ballot shall be signed by the Council member casting that ballot, shall be collected and counted by the City Clerk and shall be kept by the City Clerk as open documents available for public inspection. The President shall be elected by a majority of those members present and voting.

B. *Vice President.* After the Council members have selected a President, they shall select a Vice President using the same procedures required for selection of the President. The Vice President shall perform the functions of the President in the absence of the President, except when the President has appointed a temporary replacement as provided by ordinance. When the Vice President is fulfilling the functions of President, the Vice President shall have all of the powers and duties of the President, including the power to appoint a temporary replacement. The Vice President shall hold the office for one (1) year.

C. *Temporary Vice President.*
   1. In the event of the absence or incapacity of both the President and Vice President, the Council may select one (1) of its members to serve as temporary Vice President.
   2. In the event of an emergency and of the absence or incapacity of both the President and Vice President, the next Council member in the line of succession, who is neither absent nor incapacitated, shall serve as Vice President until the Vice President returns, or is no longer incapacitated, or until a Council member higher in the line of succession returns, or is no longer incapacitated, or until the Council selects a temporary Vice President, whichever occurs first.
   3. Following any election in which a Council member is elected and following the appointment to fill a vacancy in any position of Council member, the City Clerk shall determine by lottery the line of succession for temporary Vice President and shall announce the results to the Council at its next regular Council meeting following the lottery. (R.O. 2009 §30.03; CC 1981 §2-25; Ord. No. 86-2, 1-7-86; Ord. No. 01-219, 9-21-01; Ord. No. 01-268, 11-30-01)

Cross Reference--As to president of the city council, charter §3.6.

SECTION 110.040: MEETINGS

A. The regular or stated meetings of the City Council shall be held on the first (1st) and third (3rd) Tuesdays of each month at 7:00 P.M. or as soon thereafter as practicable in the Council Chamber in the City Hall Building, 200 North Second Street.

B. The City Council, at a previous meeting and upon two-thirds (€) vote of the members present, may dispense with a meeting or set a different date. Notice of such action shall be posted in the City Hall Building and a copy given to newspapers published within the City.

C. The Mayor upon his/her own motion may, or at the request of three (3) members of the Council, shall call a special meeting of the Council for a time not earlier than twenty-four (24) hours after notice is given to all members of the Council then in the City. Special meetings of the Council may also be held at any time by the consent of all the members of the Council, and such consent may be given either prior to or during the special meeting. (R.O. 2009 §30.05; CC 1981 §2-22; Ord. No. 86-2, 1-7-86; Ord. No. 86-91, 4-18-86; Ord. No. 92-269, 11-12-92)

SECTION 110.050: KEEP JOURNAL--ENFORCE RULES

The Council shall cause to be kept a journal of its proceedings, and the "yeas" and "nays" of the members shall be entered on any question at the desire of any two (2) members. The Council may prescribe and enforce such rules as may be necessary to secure the attendance of its members and the expeditious transaction of its business. (R.O. 2009 §30.08; CC 1981 §2-26; Ord. No. 86-2, 1-7-86)

SECTION 110.060: POWER TO COMPEL ATTENDANCE OF WITNESSES AND PRODUCTION OF PAPERS

By a two-thirds (€) vote of its members, except when otherwise provided by ordinance, the Council may compel the attendance of witnesses and the production of papers relating to any subject under consideration in which the interest of the City is involved and to that end may authorize subpoenas to be issued by the City Clerk and require the Chief of Police or any Police Officer to serve the same. The President of the Council is hereby authorized to administer oaths or affirmations to such witnesses. (R.O. 2009 §30.09; CC 1981 §2-27; Ord. No. 86-2, 1-7-86)

SECTION 110.070: VOTES REQUIRED TO ADOPT AN ORDINANCE, RESOLUTION OR MOTION

A. Except as otherwise provided in the Charter, the affirmative vote of a majority of the entire Council shall be necessary to adopt an ordinance, resolution or motion.
B. Nothing in this Section shall prohibit a requirement of the affirmative vote of more than a majority of the entire Council to adopt an ordinance, resolution or motion.
C. For purposes of this Section, the words *"entire Council"* shall mean ten (10) Council members regardless of vacancies and absent members. (R.O. 2009 §30.10; Ord. No. 07-282, 11-9-07)

ARTICLE II. ORDINANCES AND RESOLUTIONS

SECTION 110.080: STYLE OF ENACTMENT

The style of the ordinances of the City shall be: "Be it ordained by the Council of the City of St. Charles, Missouri, as follows:" (R.O. 2009 §30.20; CC 1981 §2-59; Ord. No. 86-2, 1-7-86)

Cross References--As to ordinances repealed, §110.110; as to ordinances unaffected, §110.110; as to repeal or modification of ordinance, §110.110.

SECTION 110.090: PROCEDURE FOR PASSAGE

A. Except in the case of emergency ordinances, every proposed ordinance shall be read by title in open Council meeting two (2) times before final passage, and at least one (1) week shall elapse between introduction and final passage. A copy of each proposed ordinance shall be provided for each Council member at the time of its introduction, and at least three (3) copies shall be provided for public inspection in the office of the City Clerk until it is finally adopted or fails of adoption. Persons interested in a proposed ordinance shall be given an opportunity to be heard before the Council in accordance with such rules and regulations as the Council may adopt. If the Council adopts an amendment to a proposed ordinance which constitutes a change in substance, the proposed ordinance as amended shall be placed on file for public inspection in the office of the City Clerk for one (1) additional week before final passage.

B. All emergency ordinances shall be read in full in open Council meetings. An ordinance may be passed as an emergency measure on the day of its introduction if it contains a declaration describing in clear and specific terms the facts and reasons constituting the emergency and receives the vote of two-thirds (€) of the members of the Council. An ordinance granting, reviewing or extending a franchise shall not be passed as an emergency ordinance.

C. Every adopted ordinance shall become effective immediately upon passage, adoption and approval by the Mayor or at any later date specified therein except those ordinances excluded from referendum provisions which shall become effective on final passage and approval. Emergency ordinances shall become effective upon adoption or at any later date specified therein. (R.O. 2009 §30.21; CC 1981 §2-60; Ord. No. 86-2, 1-7-86; Ord. No. 92-191, 8-19-92)

SECTION 110.100: APPROVAL OR VETO BY MAYOR--RECONSIDERATION UPON VETO

Every ordinance or resolution adopted by the Council shall be presented to the Mayor for approval and if the Mayor shall sign the same, it shall be deemed approved and adopted. The Mayor may return an ordinance or resolution with objections to the Council by delivering it to the City Clerk's office at least two (2) days prior to the beginning of the next regular meeting of the Council which meeting shall occur at least thirteen (13) days following the Mayor's receipt and such ordinance or resolution shall stand vetoed and shall not take effect without the approval of the mayor unless adopted over the veto in the following manner: At the first (1st) regular meeting next following receipt by the City Clerk of a disapproved ordinance or resolution, the City Clerk shall cause the objection of the Mayor to be entered upon the journal of the Council and the President of the Council shall put to the Council the question: "Shall the ordinance or resolution take effect the objections of the Mayor notwithstanding?" The question may not be tabled for more than fourteen (14) days and shall not be withdrawn. Should two-thirds (€) of the members of the entire Council cast their votes in favor of overriding the Mayor's veto, the ordinance

or resolution shall take effect, otherwise it shall not take effect. Should the Mayor neither sign nor return with objections any ordinance or resolution at least two (2) days prior to the beginning of the next regular meeting of the Council which meeting shall occur at least thirteen (13) days following the Mayor's receipt, it shall be deemed approved and adopted. The Mayor shall have the power to approve all or any part of any appropriation bill or the general appropriation of the City budget or veto any item or all of the same. The Council may override such veto in the same manner as an ordinance or resolution provided three-fourths (¾) of the members cast their votes in favor of overriding the Mayor's veto before the veto override shall be effective. (R.O. 2009 §30.22; CC 1981 §2-61; Ord. No. 86-2, 1-7-86; Ord. No. 92-192, 8-19-92)

SECTION 110.110: REPEAL OR MODIFICATION OF ORDINANCE

A. *Revival Or Re-Enactment.* No ordinance shall be revived or re-enacted by mere reference to the title thereof, but the same shall be set forth at length as if it were an original ordinance.
B. *Former Ordinances Not Revived.* When an ordinance repealing a former ordinance, clause or provision is itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision, unless it is otherwise expressly provided.
C. *Effect Of Repeal Upon Acts, Rights And The Like.* The repeal of any ordinance or part of any ordinance shall not affect any act done or right accrued or established in any proceeding, action, suit or prosecution had or commence prior to the time when such repeal shall take effect, but every such act, right or proceeding shall remain and continue as valid and effectual as if such repeal had not taken place.
D. *Effect Of Repeal Upon Previous Offenses Committed.* No offense committed and no fine, forfeiture or penalty incurred previous to the time when the repeal of any ordinance shall take effect shall be affected, released or in any way discharged by such repeal, but the trial, conviction and punishment of all such offenses and the recovery of all such fines, forfeitures and penalties shall be had in all respects as if such repeal had not taken place.
E. *Effect Of Repeal Upon Actions Pending.* No action, prosecution, suit or proceeding pending at the time when the repeal of any ordinance or part of any ordinance shall take effect shall be affected by such repeal, but the same shall be continued and prosecuted to a final determination, judgment or execution as if such repeal had not taken place. (R.O. 2009 §30.24; CC 1981 §§2-63--2-67; Ord. No. 86-2, 1-7-86)

CHAPTER 115: CITY OFFICIALS

Cross References--As to council members, ch. 110; as to director of administration, charter art. V; as to city attorney, charter §§7.6--7.7; as to director of finance, charter §7.4; as to municipal court--judge, charter §6.2; as to marshal, charter §6.3.

ARTICLE I. GENERAL PROVISIONS

SECTION 115.010: DEFINITION--QUALIFICATIONS

A. As used in this Chapter, the following term shall have this prescribed meaning:
OFFICER: Any person elected or appointed to a position in the City Government pursuant to the City Charter.

B. *Qualifications.* All officers elected or appointed to office under the City Charter shall be qualified voters under the laws and the Constitution of the State. No person shall be elected or appointed to any office who shall at the time be in arrears for any unpaid taxes or forfeiture or defalcation in office. (R.O. 2009 §31.01; CC 1981 §§2-84, 2-86; Ord. No. 86-2, 1-7-86)

SECTION 115.020: ADMINISTRATION OF OATHS

The Mayor, Municipal Judge and City Clerk are authorized and empowered to administer oaths and affirmations in the following cases:

1. *The Mayor.* To witnesses or other persons touching any subject under consideration by the Council in which the interest of the City is involved.
2. *The Municipal Judge.* To witnesses, jurors or other persons relating to any trial or other proceedings within the jurisdiction of his/her court.
3. *The City Clerk.* To any person certifying to any demand or claim against the City, touching the correctness of the same or to any witness or juror in any condemnation proceeding or any elective or appointive officer to his/her official oath. (R.O. 2009 §31.02; CC 1981 §2-85; Ord. No. 86-2, 1-7-86)

SECTION 115.030: OFFICIAL OATH AND BOND

Every officer of the City and his/her assistants and every Council member, 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, the City Clerk or any person authorized by law to administer oaths 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, the provisions of all laws of the State affecting Cities of this class and the ordinances of the City and faithfully demean himself/herself in office, which official oath or affirmation shall be filed in the office of the City Clerk. Every officer of the City, when required by law or ordinance, shall, within fifteen (15) days after his/her election or appointment and before entering upon the discharge of the duties of his/her office, give bond to the City, approved by the Mayor, in such sum and with such sureties as shall be designated by ordinance, conditioned for the faithful performance of his/her duties 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 or condition of any such bond, suit may be instituted thereon by the City, or by any person in the name of the City, for the use of such person. (R.O. 2009 §31.03; CC 1981 §2-87; Ord. No. 86-2, 1-7-86; Ord. No. 06-353, 12-20-06)

SECTION 115.040: BOND SCHEDULE

Each officer and employee of the City shall furnish a bond not less than the amount as follows:

Director of Finance	$ 200,000.00
Municipal Court Clerk	100,000.00
Mayor	10,000.00
Director of Administration	10,000.00
Finance Specialist	10,000.00
Payroll Technician	10,000.00
Evidence Officer, Police Department	10,000.00
Accounting Technician	10,000.00
Humane Supervisor	5,000.00
Building Maintenance Superintendent	5,000.00
Fire Chief	5,000.00
Cashier and License Inspector, Finance Department	5,000.00
Cashier, Water Department (4)	5,000.00
Part-time Municipal Clerk	5,000.00
City Clerk	2,000.00
Police Chief	2,000.00
Waterworks Superintendent	2,000.00
Assistant City Engineer	2,000.00
Sexton	2,000.00
Secretary II, Police Department	5,000.00
Secretary II, Fire Department	2,000.00
Secretary II, Planning Department	2,000.00
Secretary I, Engineering Department	2,000.00
Secretary I, Personnel	2,000.00
Secretary I, Community Development Office	2,000.00
Secretary I, Finance Department	2,000.00

(R.O. 2009 §31.04; CC 1981 §2-88; Ord. No. 86-2, 1-7-86; Ord. No. 07-162, 6-11-07)

SECTION 115.050: RESIGNATIONS

Any officer or employee desiring to resign shall do so in writing. All resignations shall be addressed and delivered to the Mayor. (R.O. 2009 §31.05; CC 1981 §2-89; Ord. No. 86-2, 1-7-86; Ord. No. 07-162, 6-11-07)

SECTION 115.060: ELECTED OFFICIALS TRANSITION

A. This Section shall be known as the City's "Elected Officials Transition Ordinance".
B. Incoming office holders for the positions of Mayor and Municipal Judge may at their own discretion hire the outgoing previous office holders for a period not to exceed twenty-one (21) days as an assistant to aid in the transition process. During the period of time for which the outgoing officeholder is hired as a consultant, he/she shall be paid at the same rate as he/she was receiving while in office, including all extra benefits. (R.O. 2009 §31.06; CC 1981 §2-82; Ord. No. 86-2, 1-7-86)

SECTION 115.070: LEGAL REPRESENTATION OF CITY OFFICERS AND EMPLOYEES

A. The City shall offer legal assistance to its officers and employees who are defendants in any cause of action resulting from or alleged to result from an error or omission while performing the duties and responsibilities of such officers or employees.
B. The City may provide, by insurance, protection to such officers or employees for legal costs and recovery as the City Council shall determine.
C. Any officer or employee may request independent legal advice or representation; any cost to the City shall be subject to the approval described in Section 120.170. (R.O. 2009 §31.07; CC 1981 §2-83; Ord. No. 86-2, 1-7-86)

SECTION 115.080: ACCEPTANCE OF GIFTS

A. Unless the context specifically indicates otherwise, the following terms as used in this Section are defined as follows:
GIFT: Anything of value given to a person whether tangible or intangible which would reasonably be considered of worth, use or service to the person to whom it is conferred.
    1. A gift includes, but is not limited to:
        a. Money;
        b. Products or merchandise;
        c. Works of art or collectibles;
        d. Stocks, bonds, notes or options;
        e. An interest in real property;
        f. Contracts or a promise of a future interest in a contract;
        g. An interest or a promise of a future interest in a business;
        h. Meals, beverages or lodging;
        i. Transportation;
        j. Services, including loaned employees;
        k. Loans, loan guarantees, co-signing;
        l. Forgiveness of a debt;
        m. Discounts or rebates not extended to the public generally;
        n. Preferential treatment;
        o. Tickets or admissions;
        p. Free or discounted use of office facilities;
        q. Loan of office equipment;
        r. Promise or offer of present or future employment;
        s. Use of autos, boats, apartments or other recreational or lodging facilities; and
        t. Gratuity, favor, fee or compensation.
    2. A gift does not include:
        a. Gifts from any spouse, unemancipated child, grandparent, grandchild, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, great uncle, great aunt, first cousin, second cousin or the spouse of any of these persons.
        b. Campaign contributions which are reported under Chapter 130, RSMo.
        c. Compensation from an employer, a sole proprietorship or a partnership.
        d. Coffee, donuts and similar refreshments as a normal courtesy incidental to the conduct of a business meeting.
        e. Costs of attending events or functions in official City capacity.

SUBSTANTIAL INTEREST IN LEGISLATIVE OR ADMINISTRATIVE ACTION: Persons, organizations or corporations which:

1. Are regulated by the City;
2. Provide goods and services to the City for compensation or profit;
3. Seek employment with the City or any agency thereof; or
4. Will be directly and substantially affected, either financially or personally, by any contemplated legislation or agency of the City.

B. No Council member, Mayor or spouse or dependent child of a Council member or Mayor shall knowingly accept any gift from any person, organization or corporation having a substantial interest in any legislative or administrative action of the City, except as permitted in this Section:
   1. If the retail value of such gifts received in any calendar year from such person, organization or corporation does not exceed fifty dollars ($50.00), then the gifts may be accepted and no reporting is required.
   2. If the retail value of such gifts received in any calendar year from such person, organization or corporation exceeds fifty dollars ($50.00) but is less than seventy-five dollars ($75.00), then the gifts may be accepted, but must be reported as provided in this Section.
   3. If the retail value of such gifts received in any calendar year from such person, organization or corporation exceeds seventy-five dollars ($75.00), then the gifts shall not be accepted.

C. Any Council member or Mayor required to report a gift under the provisions of this Section shall file a report of the gift with the City Clerk. Reports required by this Section shall be considered public records.

D. The provisions of this Section are intended to avoid even the appearance of conflict of interest and nothing contained in this Section shall be construed to permit any actual conflict of interest or any violation of any financial disclosure requirement.

E. Any award given in recognition of service by a professional, social or service organization and any food, lodging, honorariums, registration or similar courtesies given by such organizations in exchange for presentations or other services to the organizations may be accepted regardless of value, but shall be reported as provided in this Section. (R.O. 2009 §31.08; CC 1981 §2-1; Ord. No. 92-246, 10-13-92)

Cross Reference--As to penalty, §115.370.

SECTION 115.090: TRAVEL AND CONFERENCE FOR ELECTED OFFICIALS

A. *Purpose.* Elected officials may attend conferences, seminars or training sessions for the purpose of furthering their knowledge and education on municipal government and programs and relating information acquired to the City Council and administration.

B. *Procedure.*
   1. Funding for travel on City business by elected officials must be approved in advance by the City Council, based solely on budgetary limitations for that fiscal year.
   2. If an elected official has received an advance payment and fails to submit the required expense list and remit any funds due the City within the ten (10) days after such expenses are actually incurred, the elected official shall receive no further expense or travel funds until all requirements under this Section are

fulfilled.

C. *Travel And Conference Guidelines For Elected Officials.*
   1. Travel on City business should be on an economical basis.
   2. Transportation and accommodations expenses will be funded by the City at reasonable rates. First class transportation and accommodations shall be allowed only if specific conditions make other arrangements impossible.
   3. Registration for the conference, seminar or training session will be funded by the City.
   4. Personal vehicle usage is reimbursable at a rate authorized by Council to individuals providing their own transportation. This allowance is intended to cover the cost of gas, maintenance and insurance. The maximum amount of transportation allowance paid to an individual for transportation by personal vehicle shall not exceed fifty percent (50%) of the standard coach airfare, except when the travel is entirely within the States of Missouri and Illinois, in which case one hundred percent (100%) of the mileage will be paid.
   5. Garage parking and toll charges incurred as a result of City business are reimbursable. Cab fares are reimbursable.
   6. Meal expense is reimbursable, as follows:
      a. Actual cost of meal is reimbursable with receipt; or
      b. Per diem, without receipt, in the amounts established for employees. (R.O. 2009 §31.09; CC 1981 §2-463; Ord. No. 86-310, 12-8-86; Ord. No. 87-6, 1-20-87; Ord. No. 89-193, 10-10-89; Ord. No. 94-314, 12-7-94; Ord. No. 95-140, 5-17-95; Ord. No. 08-87, 4-16-08)

SECTION 115.100: CORRUPT ALLOWANCE OF CLAIMS

Any member of the Council or officer of the City who shall, in his/her official capacity or under color of his/her office, knowingly or willfully or corruptly vote or assent to or report in favor of or allow or certify for allowance any claim or demand against the City, which claim or demand shall be on account of a contract or agreement not authorized by law and the ordinances of the City, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be subject to the penalty set forth in Section 100.150 of this Code. (R.O. 2009 §31.10; CC 1981 §2-91(part); Ord. No. 86-2, 1-7-86)

Cross Reference--As to penalty, §115.370.

SECTION 115.110: EXPENSE REIMBURSEMENT FOR ELECTED AND APPOINTED OFFICIALS AND EMPLOYEES

A. In order to receive reimbursement for expenses, all elected and appointed officials and all employees shall submit a voucher of their expenses which certifies that the information on the voucher is true and correct and that the expenses have been actually and necessarily incurred in the performance of the official business of the City.

B. *Expense Vouchers.*
   1. Appointed officials and employees shall submit an expense voucher to the Finance Director who shall review the expense vouchers to ensure reimbursement of only those expenses properly incurred.
   2. Elected officials shall receive reimbursement for actual expenses incurred while

in office by submission of an expense reimbursement request form to the Finance Director. The request form shall set forth the period covered by the request, description of each expense, dollar amount of reimbursement being requested for each item of expense and such other information and documentation required to comply with Federal tax law requirements for exclusion of reimbursement payments from income and reporting for tax purposes. Expense reimbursement payments made without documentation in compliance with Federal tax law requirements shall be reported to the Internal Revenue Service in the manner required by law and all appropriate withholdings of taxes shall be made as required by law. Mileage shall be reimbursed at the rate currently in effect for City employees.

C. Expense vouchers shall be submitted within ten (10) days after the expenses are actually incurred; except that expense vouchers for elected officials, when advance payments are not involved, shall be submitted within ninety (90) days after the expenses are actually incurred.
D. A cash advance for expenses may be authorized by the Finance Director in instances when the projected expense to be incurred would pose a financial burden on the elected official, appointed official or employee.
E. If an advance is authorized, then the voucher for the expenses actually and necessarily incurred and the balance of the advance remaining after the expenditures shall be submitted to the Finance Director within ten (10) days after the expenses are actually incurred. (R.O. 2009 §31.11; Ord. No. 94-314, 12-7-94; Ord. No. 05-68, 3-7-05)

SECTION 115.120: WRITTEN CITY COMMUNICATIONS

Written City communications that are distributed via mail on a City-wide basis or to the public at large may contain a reference to both the Mayor and Council, but shall not contain a reference to only the Mayor or to only the Council; except this Section shall not apply to any official act pursuant to Chapter 235 "Emergency Management" of the Code of Ordinances. (R.O. 2009 §31.12; Ord. No. 09-07, 1-14-09)

ARTICLE II. SUSPENSION AND REMOVAL

SECTION 115.130: REMOVAL IN GENERAL

The Mayor may, with the consent of a majority of all the members elected to the City Council, 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 Council sitting as a court of impeachment. Any elective officer may, in like manner, for cause shown, be removed from office by a two-thirds (€) vote of all the members elected to the City Council, independently of the Mayor's approval or recommendation. (R.O. 2009 §31.20; CC 1981 §2-92; Ord. No. 86-2, 1-7-86)

SECTION 115.140: SUSPENSION OF ELECTIVE OFFICERS

The Mayor is empowered to suspend from office any elective officer of this City, with the consent of a majority of all members elected to the City Council, pending trial of the charges preferred against such officer for his/her removal as provided for in this Subsection and, in case of any suspension authorized by this Subsection, may immediately appoint some qualified person to fill such office and perform the duties thereof pending the trial of such charges and until the reinstatement or removal of the officer so suspended. Such appointee, before entering upon the discharge of his/her duties, shall furnish bond to the City for the faithful performance of his/her official duties. (R.O. 2009 §31.21; CC 1981 §2-93; Ord. No. 86-2, 1-7-86)

SECTION 115.150: METHOD FOR SUSPENSION

A. The suspension of an elective officer shall be effected by a written order to that effect, signed by the Mayor and filed by him/her in the office of the City Clerk. Such order shall be accompanied by a written specification of the charges on which such order is founded, formulated in such manner and with such reasonable precision and detail as shall fully apprise the accused of the particular charges he/she is to defend against and signed by the Mayor, a certified copy of which order and specifications of charges shall be forthwith made by the Clerk, under the Seal of the City, and delivered to the Chief of Police who shall forthwith deliver the same to the officer suspended or leave the same at the usual place of abode of such suspended officer or with a member of his/her family over the age of fifteen (15) years. The officer serving the same shall make his/her return on the specification of charges filed by the Mayor aforesaid, when, where and how he/she served the same and sign his/her name thereto.

B. Upon the filing by the Mayor of such order of suspension and such specification of charges and service of the same on the accused as herein directed, such accused officer shall stand suspended from office until reinstated as provided by Section 115.200. (R.O. 2009 §31.22; CC 1981 §2-94; Ord. No. 86-2, 1-7-86)

SECTION 115.160: TRIAL OF SUSPENDED OFFICER

Whenever any elective officer has been suspended, the Mayor shall lay the specification of charges filed by him/her with the City Clerk before the City Council at the first (1st) regular meeting thereafter or at a special meeting of the Council called for that purpose and the Council shall, without unnecessary delay, proceed to investigate the charges upon a day fixed by them. Such day shall be fixed by resolution of the Council entered upon the journal, whereupon the City Clerk shall forthwith make out a certified copy of the resolution as well as another certified copy of such specifications of charges, all under the Seal of the City, and deliver the same to the Chief of Police who shall forthwith deliver the same to the officer suspended or leave the same at the usual place of abode of such suspended officer with a member of his/her family over the age of fifteen (15) years and the officer serving the same shall make his/her written return of such service opposite such resolution, on the margin of the journal of the Council, how, when and where he/she served the same and subscribe his/her name thereto. (R.O. 2009 §31.23; CC 1981 §2-95; Ord. No. 86-2, 1-7-86)

SECTION 115.170: TRIALS PROCEDURES

A. *Procedure Generally.* At the time set for the hearing, the Council shall meet and proceed, according to such rules as they may adopt and as provided by this Subsection, to hear the evidence against and in favor of the accused and may adjourn from time to time, if necessary, until all the evidence is heard. The City Council shall determine all questions of law arising during the trial upon the admission of evidence, the competency of evidence and otherwise.

B. *Failure Of Accused To Appear.* If the accused shall have been notified as provided in Section 115.160, but shall not appear or, appearing, shall fail or refuse to make defense to the charges preferred against him/her, the Council may proceed ex parte.

C. *Oath To Be Administered.* At the time and place appointed for the trial and before proceeding therewith, the Mayor, or in case the Mayor is the accused, the President Pro Tem of the Council, shall administer to the members of the Council there present and the Municipal Judge shall, at the same time, administer to the Mayor, or in case the Mayor is the accused to the President Pro Tem of the Council, an oath or affirmation, impartially to try and determine the charges and do justice according to law and the evidence.

D. *Depositions.* Depositions of witnesses beyond the jurisdiction of the Council, or prevented by sickness or other sufficient cause from attendance, may be read at the trial and investigation, if taken in conformity with the laws of this State. The notice of the taking thereof, when taken on behalf of the accused, shall be served upon the City Attorney or Mayor.

E. *Issuance And Service Of Subpoenas.* Subpoenas for witnesses to testify at any trial provided for by this Subsection may be issued by the Mayor or by the President Pro Tem of the Council in case the Mayor is the accused and shall be served and returned by the Chief of Police or any Police Officer of this City in the same manner as if issued by the Municipal Judge and such officer and witnesses shall be entitled to the same fee as would be allowed for like services in the Municipal Court.

F. *Attendance Of Witnesses And Production Of Papers.* The Council shall have power by a two-thirds (€) vote of its members to compel the attendance of witnesses and the production of papers relating to any subject under consideration in which the interests of the City are involved or for the purpose of such investigation and shall have a right to issue an attachment and call on the proper officer of the City or any Sheriff or Constable in the County to execute such process. The Mayor, or in case the Mayor is the accused, the President Pro Tem of the Council, shall have power to administer oaths to witnesses in all proceedings before the Council under this Subsection.

G. *Accused Entitled To Counsel.* Upon any trial for removal from elective office, the accused shall be entitled to be heard, whether in person or by counsel, in his/her defense.

H. *City Attorney To Prosecute.* It shall be the duty of the City Attorney to manage and prosecute all trials on behalf of the City for the removal of any elective City Officer, unless he/she is the accused, in which event the Council shall appoint a competent attorney, a qualified voter of such City, to act in his/her stead during the trial proceedings.

I. *Proceedings To Be Entered On Council Journal.* The City Clerk shall cause to be recorded the proceedings of the Council in all cases for the removal of any elective City Officer.

J. *Determination Of Guilty.* As soon as all the evidence has been taken and the case submitted, the Council shall vote by "yeas" and "nays" upon the charges separately. The

question upon each charge shall be "Is the accused guilty?" If the Council, by a majority vote of all the members elected to the City Council and who heard all the evidence, find the accused guilty of either of the charges, the Mayor may, if a majority of all the members elected to the City Council by resolution concur in the same, remove the accused from office and declare his/her office vacant.

K. *Accused Not To Take Part In Proceedings.* Should any charges under this Subsection be preferred against any member of the City Council or the Mayor or any other elective City Officer, such accused officer shall not participate as such officer in the trial proceedings or issue or serve any process in relation thereto and if the Mayor be the accused, the President Pro Tem of the Council shall preside and discharge the duties of the Mayor under this Chapter. (R.O. 2009 §31.24; CC 1981 §§2-96--2-106; Ord. No. 86-2, 1-7-86)

SECTION 115.180: ACTION AGAINST ELECTIVE OFFICERS

The City Council, by a resolution adopted by a two-thirds (€) vote of all the members elected to the Council, may prefer any one (1) or more of the charges authorizing removal against any elective officer of this City. Such resolution shall specify the charges with the same particularity and detail as in case of specification of charges filed by the Mayor and shall specify the time when such charges will be investigated by the Council and shall be spread at large upon the journal of the Council. The City Clerk shall, without delay, make out a certified copy of such resolution, under the Seal of the City, and deliver the same to the Chief of Police who shall forthwith deliver the same to the accused or leave the same at his/her usual place of abode with a member of his/her family over the age of fifteen (15) years. The officer serving such resolution shall certify in writing, opposite the same on the margin of the journal of the Council, how, when and where he/she served the resolution and subscribe his/her name thereto. From the time of such service on him/her of such resolution, such accused officer shall stand suspended from office until reinstated as provided in Section 115.200. The conduct and proceedings pertaining to an investigation under this Section shall be carried on in the same manner as is provided by this Section for investigation of charges preferred by the Mayor. As soon as all the evidence has been taken on charges preferred by the Council and the case submitted, the Council shall vote by "yeas" and "nays" upon the charges separately. The question upon each charge shall be: "Is the accused guilty?" If the Council, by a two-thirds (€) vote of all the members elected to the City Council and who hear all of the evidence, find the accused guilty, such Council may then, by resolution of a two-thirds (€) vote of all the members elected to the Council, remove the accused from office and declare his/her office vacant. (R.O. 2009 §31.25; CC 1981 §2-107; Ord. No. 86-2, 1-7-86)

SECTION 115.190: SUSPENDED OR REMOVED OFFICERS PROHIBITED FROM PERFORMING OFFICIAL DUTIES

A. It shall be unlawful for any officer of the City, during a suspension from office, to perform or attempt to perform any official duty.

B. Every elective or appointive officer of this City, after being removed from office, shall be notified of such fact in writing by the Mayor or the President Pro Tem of the Council in case the Mayor is the accused and it shall be unlawful for any such officer, after having

been legally removed from office and having notice of such removal, to perform any official act or attempt to perform any official act as such officer. (R.O. 2009 §31.26; CC 1981 §2-109; Ord. No. 86-2, 1-7-86)

SECTION 115.200: REINSTATEMENT

If the accused shall be found not guilty or shall not be removed from office as provided by this Section, he/she shall be reinstated by the Mayor or the Council, or by both, as the case may be. (R.O. 2009 §31.27; CC 1981 §2-110; Ord. No. 86-2, 1-7-86)

ARTICLE III. MAYOR--CITY CLERK

SECTION 115.210: MAYOR

At the general City election to be held the first (1st) Tuesday after the first (1st) Monday in April every four (4) years, the qualified voters of the City shall elect some suitable person as Mayor of the City, who shall be the Chief Executive Officer thereof and who shall hold office for four (4) years. (R.O. 2009 §31.40; CC 1981 §2-131; Ord. No. 86-2, 1-7-86)

Cross References--As to compensation, charter §4.4; as to mayor, charter §4.1; as to election, term and qualifications, charter §4.2; as to prohibition--holding other public office, charter §4.6; as to vacancy--forfeiture of office--filling of vacancies, charter §4.5.

SECTION 115.220: POWERS AND DUTIES

A. The Mayor shall have the powers and duties presented by Section 4.3 and other Sections of the City Charter.
B. The Mayor may attend all departmental meetings and participate in deliberations and discussions at those meetings.
C. The Mayor shall appoint and supervise the Director of Emergency Management and shall have such other powers and duties over the Office of Emergency Management as may be provided in Chapter 235 of this Code.
D. The Mayor shall report to the City Council all violations or neglect of duty on the part of any City Officer which shall come to his/her knowledge. (R.O. 2009 §31.41; CC 1981 §§2-132--2-135; Ord. No. 86-2, 1-7-86)

Cross Reference--As to powers and duties, charter §4.3.

SECTION 115.230: CITY CLERK

There shall be a City Clerk who shall be appointed and may be removed by the City Council as provided by Section 3.9 of the City Charter. The City Clerk shall have the powers and duties prescribed by Section 3.9 and other Sections of the City Charter and by ordinance. (R.O. 2009 §31.42; CC 1981 §2-121; Ord. No. 86-2, 1-7-86)

Cross Reference--As to city clerk, charter §3.9.

SECTION 115.240: DUTIES OF CLERK--SECRETARY OF STANDING COMMITTEES

A. The City Clerk shall have the custody of and safely keep the common Seal of the City, the public records, the originals of ordinances and resolutions of the City Council and such other records, documents and papers of a public nature as may be delivered into the Clerk's custody. The Clerk shall affix the common Seal of the City to all public instruments and official acts of the Mayor, which by law or ordinances are required to be so attested and countersign the same and affix the common Seal to and certify to any record, document, copies of papers or ordinances that may be required for evidence in any court of this State or the United States by any individual or that may be required for the use of any officer of the City and shall furnish to the City Attorney any record or document in the Clerk's office necessary to be used in any proceeding in court to which the City is a party. The Clerk shall attend all meetings of the City Council and keep a correct journal of its proceedings. The Clerk shall prepare all certificates of election, commissions, appointments and all other official documents required by ordinances to be issued or which the Mayor, in the discharge of his/her duty, is required to issue and countersign and affix the common Seal thereto and keep a record of all such certificates of elections, commissions, appointments and documents. The Clerk shall record the official bonds of all City Officers and the bonds of all other persons executed to the City placed in the Clerk's custody. The Clerk shall record all City ordinances passed and shall neatly label and file for safekeeping the original roll and all ordinances and resolutions of the City Council and such other vouchers, papers, records and documents that may be delivered into the Clerk's custody. The Clerk shall carefully and promptly execute every official act that may be required of the City Clerk by the laws of the State and the ordinances of the City. The Clerk shall keep a copy of all contracts approved by ordinance.

B. It shall be the duty of the City Clerk to serve as secretary of the standing committees of the City Council and he/she shall prepare such reports as may be necessary and required for the committees from time to time. (R.O. 2009 §31.43; CC 1981 §§2-122--2-123; Ord. No. 86-2, 1-7-86)

SECTION 115.250: ASSISTANT CITY CLERK

The City Clerk is authorized and empowered, subject to the approval of the City Council, to employ some suitable person as Assistant City Clerk; and further, to employ suitable persons as deputies and stenographers, in such number as may be approved by the City Council from time to time, to aid and assist the City Clerk in the duties of his/her office. (R.O. 2009 §31.44; CC 1981 §2-124; Ord. No. 86-2, 1-7-86)

SECTION 115.260: TEMPORARY CLERK

Whenever, for any reason, the City Clerk is unable to perform the duties of his/her office, the City Council may, by resolution, appoint a temporary Clerk who shall have all the power and perform all the duties of the regular Clerk and shall receive the same salary for the time he/she so acts. (R.O. 2009 §31.45; CC 1981 §2-125; Ord. No. 86-2, 1-7-86)

SECTION 115.270: FURNISHED COPIES OF RECORDS
The City Clerk shall, at the request of anyone, upon tender of the prescribed fees, make copies, certified under his/her signature and the Seal of this City, of any public book, record, paper or document in his/her office. For such service the City Clerk shall be paid a fee as provided by State Statute per photocopied page for copying any paper or record in his/her office to be paid by the person applying thereto, unless the same be required by some City Officer for use in his/her official capacity, in which case the same shall be furnished without charge. (R.O. 2009 §31.46; CC 1981 §2-126; Ord. No. 86-2, 1-7-86)

ARTICLE IV. FINANCIAL DISCLOSURE

SECTION 115.280: DECLARATION OF POLICY
The proper operation of municipal government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the City. (R.O. 2009 §31.60; CC 1981 §2-551; Ord. No. 93-184, 8-25-93; Ord. No. 94-212, 8-17-94; Ord. No. 00-239, 9-6-00; Ord. No. 08-157, 8-20-08)

SECTION 115.290: AUTHORITY
This Article is enacted under the authority of Section 105.485.4, RSMo., which authorizes the City to adopt its own method of disclosing potential conflicts of interest and substantial interests and thereby excludes the City and its officers and employees from the requirements of Section 105.485.2, RSMo. (R.O. 2009 §31.61; CC 1981 §2-552; Ord. No. 93-184, 8-25-93; Ord. No. 94-212, 8-17-94; Ord. No. 00-239, 9-6-00; Ord. No. 08-157, 8-20-08)

SECTION 115.300: SUBSTANTIAL PERSONAL OR PRIVATE INTEREST REPORT
A. Any member of the City Council who has a substantial personal or private interest in any measure, bill, order or ordinance proposed or pending before the City Council shall, before passing on the measure, bill, order or ordinance, file a written report of the nature of the interest with the City Clerk and such statement shall be recorded in the City's journal or other record of proceedings.
B. Any member of the City Council shall be deemed to have complied with the requirements of this Section if the member has filed, at any time before the member passes on such measure, bill, order or ordinance, a financial interest statement pursuant to Sections 105.483 through 105.492, RSMo., which discloses the basis for the member's substantial personal or private interest or interests that the member may have therein. Any such member may amend the member's financial interest statement to disclose any

subsequently acquired substantial interest at any time before the member passes on any measure, bill, order or ordinance and shall be relieved of the provisions of Subsection (A) of this Section.

C. As used in this Section, the following terms mean:
SUBSTANTIAL PERSONAL OR PRIVATE INTEREST IN ANY MEASURE, BILL, ORDER OR ORDINANCE: Any interest in a measure, bill, order or ordinance which results from a substantial interest in a business entity.
SUBSTANTIAL INTEREST: Ownership by the individual, spouse or dependent children, whether singularly or collectively, directly or indirectly, of ten percent (10%) or more of any business entity or of any interest having a value of ten thousand dollars ($10,000.00) or more or the receipt by an individual, spouse or dependent children, whether singularly or collectively, of a salary, gratuity or other compensation or remuneration of five thousand dollars ($5,000.00) or more per year from any individual, partnership, organization or association within any calendar year. (R.O. 2009 §31.62; CC 1981 §2-553; Ord. No. 93-184, 8-25-93; Ord. No. 94-212, 8-17-94; Ord. No. 00-239, 9-6-00; Ord. No. 08-157, 8-20-08)

SECTION 115.310: PERSONS REQUIRED TO FILE FINANCIAL DISCLOSURE REPORTS

The following persons shall disclose the information required by Section 115.320 of this Chapter:

1. Mayor;
2. Council members;
3. Candidates for Mayor or Council;
4. Director of Administration;
5. City Attorney and Assistant City Attorney;
6. City Clerk;
7. Purchasing Coordinator;
8. Director of Public Works;
9. Director of Community Development;
10. Director of Finance;
11. Director of Parks and Recreation;
12. Police Chief;
13. Fire Chief;
14. Director of Convention and Visitors Bureau;
15. Director of Economic Development;
16. Director of Human Resources;
17. Director of Information Technology; and
18. Members of boards and commissions:
    a. Board of Adjustment; and
    b. Planning and Zoning Commission. (R.O. 2009 §31.63; CC 1981 §2-554; Ord. No. 93-184, 8-25-93; Ord. No. 94-212, 8-17-94; Ord. No. 00-239, 9-6-00; Ord. No. 04-176, 8-4-04; Ord. No. 07-162, 6-11-07; Ord. No. 08-157, 8-20-08)

SECTION 115.320: FINANCIAL DISCLOSURE REPORTS

A. The persons listed in Section 115.310 of this Chapter shall disclose the following information if such transactions were engaged in during the previous calendar year:
    1. For such person and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars ($500.00), if any, that such person had with the City, other than compensation received as an employee or payment of any tax, fee or penalty due to the City and other than transfers for no consideration to the City; and
    2. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars ($500.00), if any, that any business entity in which such person had a substantial interest, had with the City, other than payment of any tax, fee or penalty due to the City or transactions involving payment for providing utility service to the City and other than transfers for no consideration to the City.

B. The persons listed in Section 115.310 of this Chapter shall also disclose for the previous calendar year the following information:
    1. The name and address of each of the employers of such person for whom income of one thousand dollars ($1,000.00) or more was received during the year covered by the statement;
    2. The name and address of each sole proprietorship that the person owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which the person was a partner or participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the names, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent (10%) or more of any class of the outstanding stock or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent (2%) or more of any class of outstanding stock, limited partnership units or other equity interests;
    3. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

C. The financial interest statements shall be filed at the following times, but no person is required to file more than one (1) financial interest statement in any calendar year:
    1. Each candidate for elective office shall file a financial interest statement no later than fourteen (14) days after the close of filing at which the candidate seeks nomination or election and the statement shall be for the twelve (12) months prior to the closing date, except that in the event an individual does not become a candidate until after the date of certification for candidates, the statement shall be filed within fourteen (14) days of becoming a candidate. An individual required to file a financial interest statement because of candidacy for office prior to a primary election in accordance with this Section is also required to amend such statement no later than the close of business on Monday prior to the general election to reflect any changes in financial interest during the interim. The City

Clerk and the appropriate election authority shall provide to the candidate at the time of filing for election written notice of the candidate's obligation to file pursuant to this Section and Sections 105.483 through 105.492, RSMo., and the candidate shall sign a statement acknowledging receipt of such notice;

2. Each person appointed to office and each official or employee described in Section 115.310 who is not otherwise covered in this Subsection shall file the statement within thirty (30) days of such appointment or employment;
3. Every other person required by this Chapter to file a financial interest statement shall file the statement annually not later than May first (1st) and the statement shall cover the calendar year ending the immediately preceding December thirty-first (31st); provided that any member of the City Council may supplement the financial interest statement to report additional interests acquired after December thirty-first (31st) of the covered year until the date of filing of the financial interest statement;
4. The deadline for filing any statement shall be 5:00 P.M. of the last day designated for filing the statement. When the last day of filing falls on a Saturday or Sunday or on an official State holiday, the deadline for filing is extended to 5:00 P.M. on the next day which is not a Saturday or Sunday or official holiday. Any statement required within a specified time shall be deemed to be timely filed if it is postmarked not later than Midnight of the day previous to the last day designated for filing the statement. (R.O. 2009 §31.64; CC 1981 §2-555; Ord. No. 93-184, 8-25-93; Ord. No. 94-212, 8-17-94; Ord. No. 97-387, 11-5-97; Ord. No. 00-239, 9-6-00; Ord. No. 08-157, 8-20-08)

SECTION 115.330: NOTICE

The City Clerk shall notify the persons listed in Section 115.310 of the requirements of this Article and of the State Statutes at least thirty (30) days prior to any filing deadline. (R.O. 2009 §31.65; CC 1981 §2-556; Ord. No. 93-184, 8-25-93; Ord. No. 94-212, 8-17-94; Ord. No. 00-239, 9-6-00; Ord. No. 08-157, 8-20-08)

SECTION 115.340: FORMS

The City Clerk shall make available to the persons listed in Section 115.310 the appropriate forms for filing in compliance with the State Statutes and this Article. (R.O. 2009 §31.66; CC 1981 §2-557; Ord. No. 93-184, 8-25-93; Ord. No. 94-212, 8-17-94; Ord. No. 00-239, 9-6-00; Ord. No. 08-157, 8-20-08)

SECTION 115.350: FILING OF REPORTS

The reports, in the format of a signed letter, shall be filed with the State Ethics Commission and the City Clerk. The reports shall be available for public inspection and copying during normal business hours. (R.O. 2009 §31.67; CC 1981 §2-558; Ord. No. 93-184, 8-25-93; Ord. No. 94-212, 8-17-94; Ord. No. 00-239, 9-6-00; Ord. No. 08-157, 8-20-08)

SECTION 115.360: FILING OF ORDINANCE
The City Clerk shall send a certified copy of the ordinance upon which this Article is based to the Missouri Ethics Commission within ten (10) days of its adoption. (R.O. 2009 §31.68; CC 1981 §2-559; Ord. No. 93-184, 8-25-93; Ord. No. 94-212, 8-17-94; Ord. No. 00-239, 9-6-00; Ord. No. 08-157, 8-20-08)

CHAPTER 120: DEPARTMENTS

Cross References--As to administrative code, charter §7.1; as to administrative organization, charter art. VII.

ARTICLE I. DEPARTMENT OF ADMINISTRATION

SECTION 120.010: DIRECTOR OF ADMINISTRATION
There shall be a Director of Administration who shall be appointed and may be removed by the Mayor and City Council as provided by the City Charter, Sections 5.1 and 5.2. The Director of Administration shall have the powers and duties prescribed by Section 5.3 and other Sections of the City Charter and by ordinance. (R.O. 2009 §32.001; CC 1981 §2-141; Ord. No. 86-2, 1-7-86; Ord. No. 07-162, 6-11-07)

Cross References--As to director of administration--appointment, qualifications, charter §5.1; as to powers and duties, charter §5.3; as to removal, charter §5.2.

SECTION 120.020: DUTY TO PRESCRIBE RULES AND REGULATIONS
In addition to the duties prescribed by the Charter, the Mayor shall prescribe such administrative rules and regulations as may be deemed necessary or expedient and not inconsistent with the Charter or the ordinances of the City or agreements with employee groups for the general conduct of the City's business and for the guidance of any two (2) or more departments under his/her management in their relation with each other and with other departments and offices of the City and other public authorities. The Director of each department of the City shall, in like manner, prescribe such rules and regulations as may be deemed necessary and expedient for the proper conduct of his/her department, not inconsistent with the Charter or ordinances of the City or the general rules or regulations prescribed by the Mayor or agreements with employee groups. All such rules and regulations may be revised or amended or added to at any time by the officer having authority to prescribe them. (R.O. 2009 §32.002; CC 1981 §2-142; Ord. No. 86-2, 1-7-86; Ord. No. 07-162, 6-11-07)

SECTION 120.030: DIVISIONS OF DEPARTMENTS
The Department of Administration shall consist of the office of Mayor and any other divisions or subdivisions as prescribed by the Mayor as may be necessary to conduct the

business of the Department. (R.O. 2009 §32.003; CC 1981 §2-143; Ord. No. 86-2, 1-7-86; Ord. No. 87-96, 5-13-87; Ord. No. 02-128, 5-28-02; Ord. No. 07-162, 6-11-07)

ARTICLE II. COMMUNITY DEVELOPMENT DEPARTMENT

SECTION 120.040: DEPARTMENT ESTABLISHED--DIRECTOR

There shall be a Community Development Department, the Director of which shall be the Director of Community Development appointed by the Mayor and City Council in accordance with Section 4.3(e) of the City Charter. The Department of Community Development shall be responsible for planning, zoning, Subdivision, development of the City and Code enforcement. The Director shall act as technical advisor to the City Planning and Zoning Commission and the Board of Adjustment. The Director shall have such other duties as may be, from time to time, imposed by the Mayor. (R.O. 2009 §32.015; CC 1981 §2-147; Ord. No. 86-2, 1-7-86; Ord. No. 87-96, 5-13-87; Ord. No. 04-176, 8-4-04; Ord. No. 07-162, 6-11-07)

Cross Reference--As to economic development commission, §§125.190 et seq.

SECTION 120.050: DIVISIONS OF DEPARTMENT

The Department of Community Development shall consist of the Division of Planning and Zoning and the Division of Code Enforcement and such other divisions as may be necessary to conduct the business of the Department. The Director shall have authority to establish Subdivisions of the foregoing Divisions of the Community Development Department or sections under the divisions in order to conduct the business of the Department. (R.O. 2009 §32.016; CC 1981 §2-148; Ord. No. 86-2, 1-7-86; Ord. No. 87-96, 5-13-87; Ord. No. 97-61, 2-20-97; Ord. No. 04-194, 8-13-04)

ARTICLE III. CONVENTION AND VISITORS BUREAU

SECTION 120.060: DEPARTMENT ESTABLISHED--DIRECTOR

There shall be a department known as the Convention and Visitors Bureau, the Director of which shall be the Director of Convention and Visitors appointed by the Mayor and City Council in accordance with Section 4.3(e) of the City Charter. The Bureau shall be responsible for the promotion of the City, its attractions, hotels, motels, restaurants, commercial establishments, businesses and historical sites to the touring public and meeting planners and to manage the functions of promotion of the City and its environs. The Bureau shall manage and operate the Visitor Center of the City and such other establishments, places of information and business at such places and at such locations as may be necessary to the fulfillment of the purposes of the Bureau and the Convention and Visitors Commission. (R.O. 2009 §32.030; CC 1981 §2-165; Ord. No. 88-138, 7-7-88; Ord. No. 02-241, 10-7-02; Ord. No. 05-110, 4-25-05; Ord. No. 07-162, 6-11-07)

Cross Reference--As to greater St. Charles convention and visitors commission, §§125.240 et seq.

SECTION 120.070: AUTHORITY TO ESTABLISH DIVISIONS

The Director of Convention and Visitors shall have the authority to establish divisions or Subdivisions of the Bureau in order to conduct the business of the Bureau. Such divisions and Subdivisions shall be described as to function and the duty of such division, Subdivision or section head shall be described in writing by the Director, subject to approval by the Convention and Visitors Commission and Mayor. (R.O. 2009 §32.031; CC 1981 §2-166; Ord. No. 88-138, 7-7-88; Ord. No. 07-162, 6-11-07)

SECTION 120.080: QUARTERLY REPORTS--TRAVEL REQUEST FORMS

A. *Quarterly Reports.*
   1. The Director of Convention and Visitors shall make a quarterly report to the City Council.
   2. The quarterly report shall include minutes of the Commission meetings since the last report and information concerning expenditures, revenues and future programs and trips.

B. *Travel Request Forms.* The Director of Convention and Visitors and all employees of the Convention and Visitors Bureau shall submit proper travel request forms to the Mayor at least three (3) weeks prior to a trip. (R.O. 2009 §32.032; CC 1981 §§2-167--2-168; Ord. No. 88-138, 7-7-88; Ord. No. 95-124, 5-4-95; Ord. No. 07-162, 6-11-07)

ARTICLE IV. DEPARTMENT OF ECONOMIC DEVELOPMENT

SECTION 120.090: DEPARTMENT ESTABLISHED--DIRECTOR

There shall be a Department of Economic Development, the Director of which shall be the Director of Economic Development appointed by the Mayor and City Council in accordance with Section 4.3(e) of the City Charter. The Department of Economic Development shall be responsible for planning and implementing a comprehensive business and industrial economic development program. (R.O. 2009 §32.045; CC 1981 §2-169; Ord. No. 89-114, 6-14-89; Ord. No. 07-162, 6-11-07)

Cross Reference--As to economic development commission, §§125.190 et seq.

ARTICLE V. FINANCE DEPARTMENT

SECTION 120.100: DEPARTMENT ESTABLISHED--DIRECTOR

There shall be a Finance Department, the Director of which shall be the Director of Finance, appointed by the Mayor and City Council in accordance with Section 4.3(e) of

the City Charter. The Director of Finance shall have knowledge of municipal accounting and taxation and shall have experience in budgeting and financial control. The Director of Finance shall have the powers and duties prescribed by Section 7.4 and other Sections of the City Charter and by ordinance. (R.O. 2009 §32.065; CC 1981 §2-149; Ord. No. 86-2, 1-7-86; Ord. No. 07-162, 6-11-07)

Cross References--As to audit committee, §§125.170 et seq.; as to department of finance, charter §7.3; as to director of finance, charter §7.4.

SECTION 120.110: DIVISIONS OF DEPARTMENT

The Department of Finance shall consist of the following divisions: Division of Accounting, Division of Treasury, Division of Purchases, Division of Billing and Collection and other divisions as may be required to conduct the business of the Department of Finance. The responsibility of the Division of Purchases shall be in accordance with the requirements of Section 7.5 of the City Charter and by regulations established by ordinance or by the Mayor. (R.O. 2009 §32.066; CC 1981 §2-150; Ord. No. 86-2, 1-7-86; Ord. No. 07-162, 6-11-07)

Cross Reference--As to division of purchases, charter §7.5.

SECTION 120.120: ACCESS TO AND INSPECTION OF BOOKS AND PAPERS

A. The Director of Finance shall have free access to all other offices of the City for the inspection of such books, accounts and papers as concern the duties of the Director of Finance.
B. The Director of Finance shall keep the books and papers pertaining to the office at all times open for the inspection of the City Council or any member thereof or of the Mayor. (R.O. 2009 §32.067; CC 1981 §§2-151--2-152; Ord. No. 86-2, 1-7-86)

SECTION 120.130: FINANCE DIRECTOR AS CONTRACT ADMINISTRATOR BUT NOT PURCHASING AGENT

A. The Director of Finance shall be the Contract Administrator of the City.
B. The Mayor or his/her appointee shall be the Purchasing Agent of the City. (R.O. 2009 §32.068; CC 1981 §§2-153--2-154; Ord. No. 86-2, 1-7-86; Ord. No. 07-162, 6-11-07)

SECTION 120.140: WATERWORKS AND SEWERAGE SYSTEMS REVENUES KEPT SEPARATE--ORDER OF PAYMENTS

A. It is the mandatory duty of the City Finance Director:
    1. To segregate the revenues derived from the operation of the combined waterworks and sewerage systems from all other revenues or funds of the City; to hold such funds separate and distinct from all other funds thereof and, if such funds shall be deposited in any bank, to maintain such deposits as an account separate and distinct from all other bank accounts of the City. Interest earned in any such account shall be considered income to the system's accounts and will be available to the system for its expenses and not to any other branch of the City,

unless the City Council acts under Subsection (A)(5) of this Section to make a transfer to another branch of the City.

2. To devote the revenues described in Subsection (A)(1) of this Section:
   a. First, to the payment of the expenses of operating and maintaining such system;
   b. Second, to the payment of any and all bonds or other obligations payable from such revenues;
   c. Third, to the establishment of a proper depreciation reserve for the benefit of such system;
   d. Fourth, to the fulfillment of any covenants or agreements contained in any ordinance which may have authorized outstanding revenue bonds issued for the benefit of such system; and
   e. Fifth, for the payment of the cost of improvements and extensions to such system.
3. To install and maintain proper books of records and accounts (entirely separate from all other records and accounts of the City) in which correct entries shall be made of all dealings or transactions of or in relation to the properties, business and affairs of the combined waterworks and sewerage system. Such accounts shall show the amount of revenues received from the system, the application of such revenues and all financial transactions in connection therewith. At least once a year such accounts shall be audited properly by a public accountant employed by the City for that purpose to be paid from the revenues received from the system. Such audits shall be at all times, during the usual business hours, open to the examination and inspection by a taxpayer, any user of the services of the system or any holder of any bonds issued or by anyone acting for or on behalf of any such taxpayer, user or bondholder. Such books of records and accounts and such audits shall conform to any reasonable and valid covenant or agreement with respect thereto set out in any ordinance which may authorize the issuance of bonds.
4. To perform all duties with respect to the operation of the combined waterworks and sewerage system or with respect to the revenues derived or to be derived from the operation thereof imposed by law or set out in any reasonable and valid covenant and agreement contained in any ordinance which shall authorize the issuance of revenue bonds.
5. No transfer of any funds derived from the operation of the combined waterworks and sewerage system to any other funds of the City shall be made except by action of the Council and no such transfer shall be made unless all expenses of operation and maintenance of the system shall have been paid, unless the principal of and the interest on all bonds due at the time of the transfer shall have been paid and unless all covenants and agreements requiring the payment of money set out in the ordinance authorizing any outstanding revenue bonds shall have been met and unless all obligations requiring the payment of money payable from such revenues when due shall have been met. No payments of any indebtedness or expenses incurred by the City, other than those above stated in Subsection (A)(2) of this Section, shall be made from the revenues derived from the operation of the system unless such revenues shall have been transferred to other funds of the City under the conditions prescribed by this Subsection.

B. It is the mandatory duty of the City Finance Director:

1. To segregate the revenues derived from the operation of the storm water drainage system from all other revenues or funds of the City; to hold such funds separate and distinct from all other funds thereof and, if such funds shall be deposited in any bank, to maintain such deposits as an account separate and distinct from all other bank accounts of the City. Interest earned in any such account shall be considered income to the system's accounts and will be available to the system for its expenses and not to any other branch of the City, unless the City Council acts under Subsection (B)(5) of this Section to make a transfer to another branch of the City.
2. To devote the revenues described in Subsection (A) above first, to the payment of the expenses of operating and maintaining such system; second, to the payment of any and all bonds or other obligations payable from such revenues; third, to the establishment of a proper depreciation reserve for the benefit of such system; fourth, to the fulfillment of any covenants or agreements contained in any ordinance which may have authorized outstanding revenue bonds issued for the benefit of such system; and fifth, for the payment of the cost of improvements and extensions to such system.
3. To install and maintain proper books of records and accounts (entirely separate from all other records and accounts of the City) in which correct entries shall be made of all dealings or transactions of or in relation to the properties, business and affairs of the storm water drainage system. Such accounts shall show the amount of revenues received from the system, the application of such revenues and all financial transactions in connection therewith. At least once a year such accounts shall be audited properly by a public accountant employed by the City for that purpose to be paid from the revenues received from the system. Such audits shall be at all times, during the usual business hours, open to the examination and inspection by any taxpayer, any user of the services of the system or any holder of any bonds issued or by anyone acting for or on behalf of any such taxpayer, user or bondholder. Such books of records and accounts and such audits shall conform to any reasonable and valid covenant or agreement with respect thereto set out in any ordinance which may authorize the issuance of bonds.
4. To perform all duties with respect to the operation of the storm water drainage system or with respect to the revenues derived or to be derived from the operation thereof imposed by law or set out in any reasonable and valid covenant and agreement contained in any ordinance which shall authorize the issuance of revenue bonds.
5. No transfer of any funds derived from the operation of the storm water drainage system to any other funds of the City shall be made except by action of the Council and no such transfer shall be made unless all expenses of operation and maintenance of said system shall have been paid, unless the principal of and the interest on all bonds due at the time of said transfer shall have been paid and unless all covenants and agreements requiring the payment of money set out in the ordinance authorizing any outstanding revenue bonds shall have been met and unless all obligations requiring the payment of money payable from such

revenues when due shall have been met. No payments of any indebtedness or expenses incurred by the City, other than those above stated in Subsection (B)(2) of this Section, shall be made from the revenues derived from the operation of the system unless such revenues shall have been transferred to other funds of the City under the conditions prescribed by this Subsection. (R.O. 2009 §32.069; CC 1981 §2-193; Ord. No. 86-2, 1-7-86; Ord. No. 95-76, 3-21-95; Ord. No. 04-194, 8-13-04)

Cross Reference--As to penalty, §100.150.

ARTICLE VI. FIRE DEPARTMENT

SECTION 120.150: DEPARTMENT ESTABLISHED--FIRE CHIEF

There shall be a Fire Department, the Director of which shall be the Fire Chief, appointed by the Mayor and City Council in accordance with Section 4.3(e) of City Charter. The Fire Chief shall have charge of the prevention and suppression of fires and the provision of ambulance based advanced life support service that meets the requirements and standards of the Statutes and regulations set by the Missouri Division of Health and of all employees, buildings and equipment used for these purposes. Subject to the executive power of the Mayor, the Fire Chief shall have the authority to promulgate and adopt rules and regulations for the management of the Fire Department not inconsistent with the Charter, this Code or any other ordinance of the City. (R.O. 2009 §32.080; CC 1981 §2-155; Ord. No. 91-51, 3-8-91; Ord. No. 03-320, 12-5-03; Ord. No. 07-162, 6-11-07)

Cross References--As to fire department, ch. 205; as to fire prevention code, §§205.060-- 205.070.

ARTICLE VII. DEPARTMENT OF LAW

SECTION 120.160: DEPARTMENT ESTABLISHED--CITY ATTORNEY

A. *Department Established.* There shall be a Department of Law, the Director of which shall be the City Attorney, appointed and removed by the Mayor with the consent of the City Council as provided by Section 7.6 of the City Charter. The City Attorney shall have the powers and duties prescribed in Section 7.7 in the City Charter and other Sections of the City Charter and as may be prescribed by ordinance. The office of City Attorney shall be the primary full-time occupation of the City Attorney.

B. *City Attorney.* The City Attorney may appoint such persons as Assistant City Attorneys as may be necessary for the operation of the office of City Attorney. Such assistants shall be attorneys-at-law, licensed to practice in this State and may be employed on a full-time or part-time basis. (R.O. 2009 §32.090; CC 1981 §2-156; Ord. No. 86-2, 1-7-86)

Cross References--As to department of law--city attorney, appointment, qualifications and compensation of, charter §7.6; as to city attorney, duties of, charter §7.7.

SECTION 120.170: SPECIAL LEGAL COUNSEL
The City Council shall have the power to employ special legal counsel in accordance with Section 7.8 of the City Charter. (R.O. 2009 §32.091; CC 1981 §2-157; Ord. No. 86-2, 1-7-86)

Cross Reference--As to special counsel, charter §7.8.

ARTICLE VIII. PARKS AND RECREATION DEPARTMENT

SECTION 120.180: DEPARTMENT ESTABLISHED--DIRECTOR
There shall be a Parks and Recreation Department, the Director of which shall be the Director of Parks, appointed and removed by the Parks and Recreation Board as specified in Section 7.2 of the City Charter. The Parks and Recreation Department shall be responsible for the care and maintenance of the City parks and for the administration of recreation programs as may be authorized by the Parks and Recreation Board. (R.O. 2009 §32.105; CC 1981 §2-158; Ord. No. 86-2, 1-7-86; Ord. No. 07-162, 6-11-07)

Cross References--As to parks and recreation board, §§125.450 et seq.; as to parks and recreation board, charter §7.2.

ARTICLE IX. POLICE DEPARTMENT

SECTION 120.190: DEPARTMENT ESTABLISHED--CHIEF OF POLICE
There shall be a Police Department, the Director of which shall be the Chief of Police appointed by the Mayor and City Council in accordance with Section 4.3(e) of the City Charter. For the purposes of designating smoking and non-smoking areas pursuant to State law, the Chief of Police shall have charge of the buildings used as the Police Department and as the Municipal Court. The Police Department shall have the powers and duties prescribed by the City Charter and as may be prescribed by this Code and any other applicable ordinance of the City. (R.O. 2009 §32.120; CC 1981 §2-160; Ord. No. 91-51, 3-8-91; Ord. No. 93-190, 9-8-93; Ord. No. 07-162, 6-11-07)

Cross Reference--As to police department, ch. 200.

SECTION 120.200: SERVICES OF DEPARTMENT
There shall be within the Police Department the following services: Administrative Service, Patrol Service, Traffic Service, Detective Service and Communication Service. The Director of the Department shall have the authority to create additional Services or Subdivisions of the foregoing services of the Department in order to conduct the business of the Police Department. Such services shall be described as to function and the duty of such Subdivision heads or section heads shall be described in writing, subject to the approval of the Mayor. Any reserve Police force shall be under the supervision of the Police Department. (R.O. 2009 §32.121; CC 1981 §2-161; Ord. No. 91-51, 3-8-91; Ord. No. 07-162, 6-11-07)

Cross Reference--As to police department, ch. 200.

ARTICLE X. PUBLIC WORKS DEPARTMENT

SECTION 120.210: DEPARTMENT ESTABLISHED--DIRECTOR
There shall be a Public Works Department, the Director of which shall be the Director of Public Works, appointed by the Mayor and City Council, in accordance with Section 4.3(e) of the City Charter. The Director of Public Works shall possess a practical knowledge of civil engineering and shall be a registered professional engineer and possess other qualifications established by the Mayor. (R.O. 2009 §32.135; CC 1981 §2-162; Ord. No. 86-2, 1-7-86; Ord. No. 95-123, 5-4-95; Ord. No. 04-194, 8-13-04; Ord. No. 07-162, 6-11-07)

Cross Reference--As to board of public works, §§125.570 et seq.

SECTION 120.220: DIVISIONS OF DEPARTMENT

The Public Works Department shall consist of the following divisions: Division of Engineering, Division of Facilities Maintenance, Division of Streets, Division of Waterworks and Division of Water Pollution Control. The Director shall have authority to establish Subdivisions of the foregoing divisions of the Department of Public Works or sections under the divisions in order to conduct the business of the Department. Such Subdivisions or sections shall be described as to function and the duty of such Subdivision heads or section heads shall be described in writing by the Director of Public Works, subject to the approval of the Mayor. (R.O. 2009 §32.136; CC 1981 §2-163; Ord. No. 86-2, 1-7-86; Ord. No. 07-162, 6-11-07)

SECTION 120.230: FUNCTIONS AND DUTIES

The Department of Public Works shall have charge of:

1. The designing, construction, reconstruction, supervision and repair of all municipal bridges, viaducts, waterways, sewers, drains, levees, waterworks, off-street parking facilities, tunnels and structures, including alterations, replacements, additions and appurtenances thereto and maintenance of the same, unless otherwise provided in this Code of Ordinances.
2. The grading and improvement of all streets, alleys, highways, sidewalk spaces and public ways and keeping the same open and in a safe and clean condition.
3. The construction, reconstruction, repair and maintenance of all pavements, curbs and sidewalks.
4. The lighting of public grounds and highways, the laying of conduits, the location, erection and construction of poles and all structures in, on or over public grounds and highways, the granting of all permits to excavate into or disturb any highways or public property or to make any special use thereof.
5. Streets in City parks shall be treated by the department as any other public street in the City.
6. The making and the keeping of records of all plats, surveys, drawings and estimates and the furnishing of all information and reports relating to public works or the Public Works Department as may be required by the Mayor.
7. The making and keeping of records of location, direction, depth and connection of all municipally owned underground structures and equipment. (R.O. 2009 §32.137; CC 1981 §2-164; Ord. No. 86-2, 1-7-86; Ord. No. 00-352, 12-22-00; Ord. No. 07-162, 6-11-07)

ARTICLE XI. HUMAN RESOURCES DEPARTMENT

SECTION 120.240: DEPARTMENT ESTABLISHED

There shall be a Human Resources Department, the Director of which shall be the Director of Human Resources, appointed by the Mayor and City Council, in accordance with Section 4.3(e) of the City Charter. The Department of Human Resources shall be responsible for management and administration of human resources plans, programs, policies and procedures. The Director shall administer compensation and benefits plans,

provide guidance and information to City departments and employees regarding human resources matters and counsel and coach supervisors regarding employee performance problems and standards. The Director shall participate in meetings with bargaining units and investigate and review employee grievances. The Director shall be responsible for human resources record keeping and for ensuring compliance with applicable laws and regulations as relates to human resources plans, programs, actions and matters. (R.O. 2009 §32.145; Ord. No. 02-128, 5-28-02; Ord. No. 07-162, 6-11-07)

ARTICLE XII. INFORMATION TECHNOLOGY DEPARTMENT

SECTION 120.250: DEPARTMENT ESTABLISHED

There shall be an Information Technology Department, the Director of which shall be the Director of Information Technology, appointed by the Mayor and City Council, in accordance with Section 4.3(e) of the City Charter. The Department of Information Technology shall be responsible for managing and directing assigned City information and computer processing systems including determining hardware and software requirements; designing and implementing systems; and resolving hardware and software problems. The Director shall provide guidance and recommendations to all City departments regarding information technology. (R.O. 2009 §32.150; Ord. No. 06-95, 4-26-06; Ord. No. 07-162, 6-11-07)

CHAPTER 125: BOARDS, COMMISSIONS AND COMMITTEES

ARTICLE I. GENERAL PROVISIONS

SECTION 125.010: DEFINITIONS

For the purpose of this Chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning:

MEMBER: A person duly appointed to a board, commission or committee as the case may be. (R.O. 2009 §33.000; Ord. No. 08-16, 1-23-08)

SECTION 125.020: PROPOSED APPOINTMENTS--SCHEDULING AND PROCEDURES

A. *Proposed Appointments.* All appointments proposed to be made by the Mayor which require confirmation by the City Council shall be submitted to the City Council, together with a statement containing address, educational background, employment experience and any other pertinent information, at least seven (7) days prior to the next scheduled Council meeting prior to the time the appointment is to be made.

B. *Scheduling And Procedures.* Upon review by the Council, the Mayor shall announce the proposed appointment. Unless otherwise provided, board and commission members may be removed by the Mayor with the approval of the Council. (R.O. 2009 §33.001; CC 1981 §§2-171--2-172; Ord. No. 86-2, 1-7-86; Ord. No. 97-17, 1-2-97; Ord. No. 08-16, 1-23-08)

SECTION 125.030: ATTENDANCE REQUIRED

Any member of a board, commission or committee of the City who is absent from three (3) regularly scheduled consecutive meetings shall automatically forfeit his/her office unless the Mayor has excused any of those absences. It shall be the duty of the Chairperson of the board, commission or committee to promptly notify the Mayor of any absences of members. (R.O. 2009 §33.002; CC 1981 §2-172.1; Ord. No. 88-169, 9-8-88; Ord. No. 89-128, 6-22-89; Ord. No. 99-57, 2-4-99; Ord. No. 08-16, 1-23-08)

SECTION 125.040: NOTICE OF MEETINGS--MINUTES OF MEETINGS--QUORUM AND VOTING

A. *Notice Of Meetings.* At least twenty-four (24) hours' notice shall be given prior to any meeting of a board or commission. The notice shall be posted in the City Clerk's office in the City Hall Building and at any other place that may be deemed appropriate.

B. *Minutes Of Meetings.* Minutes of meetings of all boards and commissions of the City shall be filed at the City Clerk's office. Copies of all minutes of board and commission meetings shall be forwarded to the Mayor and City Council for their information, with no formal action required unless desired or deemed necessary by the City Council.

C. *Quorum And Voting.* A quorum shall consist of a majority of those members who have been appointed. Vacant positions shall not be counted as part of the total membership in determining a quorum. The affirmative vote of a majority of the quorum shall be necessary to adopt a motion. (R.O. 2009 §33.003; CC 1981 §2-172.5; Ord. No. 86-110, 5-22-86; Ord. No. 07-162, 6-11-07; Ord. No. 08-16, 1-23-08)

SECTION 125.050: RESTRICTIONS PERTAINING TO APPOINTMENTS AND MEMBERSHIP

No person within the first degree of consanguinity or affinity of any elected City Official shall be appointed to any board, commission or committee. (R.O. 2009 §33.004; Ord. No. 95-114, 5-4-95; Ord. No. 04-131, 7-6-04; Ord. No. 08-16, 1-23-08)

SECTION 125.060: LIMITATION ON BOARD, COMMISSION OR COMMITTEE SERVICE--FILLING OF UNEXPIRED TERMS

A. Except for the Parks and Recreation Board, at the conclusion of a member's term of appointment, the member shall remain on the board, commission or committee until such time as he/she is reappointed or his/her successor has been duly appointed, but in no event for more than six (6) months after the expiration of the member's term without reappointment.

B. Vacancies shall be filled, for the unexpired term of any member whose position becomes vacant, by appointment by the Mayor with the approval of a majority of City Council. (R.O. 2009 §33.005; Ord. No. 04-191, 8-13-04; Ord. No. 08-16, 1-23-08)

SECTION 125.070: PERSONAL INTEREST

No member shall engage in any business or transaction or shall have a financial interest or other personal interest, direct or indirect, which is incompatible with the proper discharge of his/her official duties in the public interest or would tend to impair his/her independence or judgment or action in the performance of his/her official duties. (R.O. 2009 §33.006; Ord. No. 04-258, 11-5-04; Ord. No. 08-16, 1-23-08)

SECTION 125.080: OFFENDER REGISTRATION WITH POLICE DEPARTMENT

A. Any person proposed for appointment to a board, commission or committee that is required to register with the Chief Law Enforcement Official of the County in which such person resides pursuant to Section 589.400, RSMo., then that person shall register with the City Police Department prior to City Council confirmation.
B. Any registration pursuant to Subsection (A) above shall consist of completion of an offender registration form developed by the Missouri State Highway Patrol. This registration form is available from the City Police Department.
C. Any person who violates any of the provisions of Subsection (A) above shall be subject to the penalty set forth in Section 100.150. (R.O. 2009 §33.007; Ord. No. 06-250, 9-11-06; Ord. No. 08-16, 1-23-08)

SECTION 125.090: REMOVAL FROM BOARD, COMMISSION OR COMMITTEE

A. Any member who ceases to meet the qualifications for appointment to his/her respective board, commission or committee shall immediately forfeit his/her membership.
B. Members may be removed, at the will of the Mayor, with or without cause, with the consent of the majority of the City Council, except for the Parks and Recreation Board in which case Section 7.2 of the Charter permits removal by a four-fifths (4/5) majority vote of the entire Council. (R.O. 2009 §33.008; Ord. No. 08-16, 1-23-08)

SECTION 125.100: COUNCIL MEMBER LIAISON AND ALTERNATES

A. A City Council member who desires to serve as liaison to a board, commission or committee without a designated Council liaison may do so after requesting and receiving the authorization of Council subject to the limitation provided in Section 3.16 of the Charter.
B. The City Council may select one (1) of its members to be an alternate liaison to any board, commission or committee and the alternate liaison shall have the power to vote in the absence of the regular liaison. (R.O. 2009 §33.009; Ord. No. 08-16, 1-23-08)

ARTICLE II. BOARD OF ADJUSTMENT

SECTION 125.110: ESTABLISHED

There shall be a Board of Adjustment, which shall have the composition, powers and duties prescribed in Sections 400.1060 et seq. of the Zoning Code set forth in this Code of Ordinances. (R.O. 2009 §33.015; CC 1981 §2-173; Ord. No. 86-2, 1-7-86; Ord. No. 08-16, 1-23-08)

ARTICLE III. BOARD OF APPEALS

SECTION 125.120: CREATED--COMPOSITION AND QUALIFICATIONS

A. *Created.* There is created a Board of Appeals. The Board of Appeals shall consist of five (5) members who shall be residents and qualified, registered voters of the City, appointed by the Mayor with the consent of the City Council. Each member shall serve for three (3) years.

B. *Composition And Qualifications.* Each member shall be a licensed professional engineer, a licensed architect or a builder or superintendent of building construction with at least five (5) years experience. One (1) member of the Board shall, at all times, be a licensed structural or civil engineer. (R.O. 2009 §33.025; CC 1981 §§2-240--2-241; Ord. No. 88-120, 6-23-88; Ord. No. 03-323, 12-23-03; Ord. No. 04-38, 2-13-04; Ord. No. 04-131, 7-6-04; Ord. No. 08-16, 1-23-08)

SECTION 125.130: ALTERNATE MEMBERS--OFFICERS SELECTION

A. *Alternate Members.* Four (4) alternate members shall be appointed who shall be called by the Board Chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for Board membership and shall be appointed for three (3) years or until a successor has been appointed.

B. *Officers Selection.* The Board shall annually select from its own members a Chairperson and such other officers as it deems necessary. (R.O. 2009 §33.026; CC 1981 §§2-242--2-243; Ord. No. 88-120, 6-23-88; Ord. No. 08-16, 1-23-08)

SECTION 125.140: POWERS AND DUTIES

The Board of Appeals shall have the following powers and duties:

1. To hear an appeal regarding a decision of the Code Official to refuse to grant a modification of the provisions of the Plumbing Code (Sections 500.240 et seq. of this Code of Ordinances) covering the manner of construction or materials to be used in the erection, alteration or repair of a plumbing system.
2. To hear an appeal regarding a decision of the Code Official to refuse to grant a modification of the provisions of the Mechanical Code (Sections 500.150 et seq. of this Code of ordinances) covering the manner of construction or materials to be

used in the erection, alteration or repair of a mechanical system.

3. To hear an appeal regarding a decision of the Code Official concerning the Fire Prevention Code (Sections 205.060 and 205.070 of this Code of Ordinances).
4. To hear an appeal regarding a decision of the Code Official concerning the Existing Building Code (Sections 500.130 and 500.140 of the Code of Ordinances).
5. To hear an appeal regarding a decision of the Code Official to refuse to grant a modification of the provisions of the Building Code (Sections 500.040 et seq. of this Code of Ordinances) covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure.
6. Such other powers and duties as the Council may prescribe. (R.O. 2009 §33.027; CC 1981 §2-244; Ord. No. 88-120, 6-23-88; Ord. No. 08-16, 1-23-08)

SECTION 125.150: RIGHT TO HEARING--PETITION

A. Any person affected by any notice or decision which has been issued in connection with the enforcement of the codes listed in Section 125.140, or of any rule or regulation adopted pursuant thereto, shall have the right to a hearing on the matter before the Board of Appeals.
B. Any appeal shall be in writing and shall be filed in the office of the Board within twenty (20) days after the notice of decision was served.
C. Any application for appeal shall be on a form provided by the Code Official and shall be based upon a claim that the true intent of the Code or rules has been incorrectly interpreted, the provisions of the Code do not fully apply or an equally good or better method is used. (R.O. 2009 §33.028; CC 1981 §2-245; Ord. No. 88-120, 6-23-88; Ord. No. 08-16, 1-23-08)

SECTION 125.160: APPEALS PROCESS

A. *Disqualification.* A member shall not hear an appeal in which that member has any personal, professional or financial interest.
B. *Notice Of Meeting.* The Board of Appeals shall meet upon notice from the Chairperson within ten (10) days of the filing of an appeal or at stated periodic meetings.
C. *Board Decision.* The Board of Appeals may sustain, modify or reverse the decision of the Code Official. A decision to modify or reverse the decision of the Code Official shall be made only by a concurring vote of three (3) members.
D. *Court Review.* Decisions of the Board of Appeals may be appealed to the Circuit Court pursuant to Chapter 536, RSMo. (R.O. 2009 §33.029; CC 1981 §§2-246--2-249; Ord. No. 88-120, 6-23-88; Ord. No. 08-16, 1-23-08)

ARTICLE IV. AUDIT COMMITTEE

SECTION 125.170: AUDIT COMMITTEE

A. *Establishment And Purpose.* There is hereby established an Audit Committee of the City

of St. Charles, Missouri. The purpose of the Audit Committee is to ensure fiscal accountability and transparency, and shall assist the City Council in fulfilling its financial oversight responsibilities by reviewing and evaluating the financial reporting process, compliance with related laws and regulations, the internal control system and the audit process.

B. *Members, Qualifications, Terms And Meetings.*
   1. *Members.* The Audit Committee shall consist of two (2) City Councilmembers and three (3) City residents who are not Councilmembers. The two (2) Council Committee members shall be selected by an affirmative vote of a majority of the entire Council. The three (3) City resident Committee members shall be appointed by the Mayor and approved by an affirmative vote of a majority of the entire Council.
   2. *Qualifications.* All members should possess or obtain a basic understanding of governmental financial reporting and auditing. At least one (1) of the three (3) City resident members shall be a financial expert, preferably a certified public accountant and possess the following knowledge: an understanding of generally accepted accounting principles and financial statements; experience in preparing or auditing financial statements; experience with internal accounting controls; and understanding of audit committee functions.
   3. *Terms.* The City Councilmembers of the Audit Committee shall be appointed for a one (1) year term consistent with Charter Section 3.16, but nothing shall prohibit the reappointment of the same Councilmember to the Audit Committee; provided, no Councilmember shall serve on the Audit Committee for more than six (6) consecutive years. The three (3) City resident Committee members shall be appointed for a three (3) year term, but shall not serve more than six (6) consecutive years on the Audit Committee.
   4. *Meetings.* A majority of the entire Audit Committee shall constitute a quorum. Any member of the Audit Committee may call a meeting of the Committee. All members shall be voting members. The affirmative vote of a majority of the entire Audit Committee shall be necessary to adopt any motion or resolution. The Audit Committee shall elect a Chairperson at the first (1st) meeting of every calendar year. The Audit Committee Chairperson shall set the schedule and agenda and will lead each meeting. Any Audit Committee member may place an item on a meeting agenda. The Audit Committee shall meet at least four (4) times a year and may convene additional meetings, as circumstances require. Audit Committee members are expected to attend each meeting, in person. The Audit Committee will invite members of management, auditors or others to attend meetings and provide pertinent information, as necessary. Meeting agendas will be prepared by the Audit Committee Chair and provided in advance to members, along with appropriate briefing materials. Minutes of each meeting will be prepared and submitted to the City Council. The Audit Committee Chairperson will also be responsible for briefing the City Council on Audit Committee business.

C. *Definitions.* For purposes of this Section, the following words shall have the following meanings.

CITY MANAGEMENT: The executive branch of City Government and includes all of

City Government except the City Council and the Municipal Judge.
INDEPENDENT FINANCIAL STATEMENT AUDITORS OR INDEPENDENT AUDITOR: A certified public accountant or certified public accounting firm hired to provide an independent audit of City accounts in accordance with Charter Section 3.14.
INTERNAL AUDITOR: A person employed by or contracted with by the City for the purpose of providing internal audit services and who reports directly to and is exclusively under the control and supervision of the City Council.

D. *Duties And Responsibilities.* The Audit Committee's responsibilities shall include:
   1. Periodically review this Section and assess its adequacy and recommend changes to the City Council.
   2. Meet at least four (4) times per year, and at additional times when necessary. Request members of City management or others to attend meetings and provide pertinent information.
   3. Conduct executive sessions with the Mayor, Director of Administration, City Attorney, internal auditor, independent financial statement auditor, Finance Director, Municipal Judge and anyone else as determined necessary by the Audit Committee.
   4. Advise the City Council on the hiring of professional consultants and auditors as necessary and in accordance with the City's procurement ordinance.
   5. Review and advise the City Council on the appointment, replacement, or dismissal of the internal auditor.
   6. Oversee the appointment for the City Council of the independent financial statement auditor.
   7. Advise the City Council on the establishment of a regular schedule for periodically rebidding the independent financial statement audit contract.
   8. Inquire of City management, the internal auditor, and the independent financial statement auditor about significant financial risks or exposures and advise the City Council as appropriate.
   9. Review with the independent financial statement auditor, the Finance Director and internal auditor the scope and plan of the internal auditor and independent auditor. Assess the coordination of audit efforts to assure the completeness of coverage, reduction of redundant efforts, and the effective use of audit resources.
   10. Review and approve with City management and the internal auditor and advise the City Council on the following:
      a. Internal audit charter, budget, staffing and annual audit plan;
      b. Significant findings on internal audits during the year and City management's responses;
      c. Any difficulties the internal auditor encountered in the course of an audit, including any restrictions on the scope of their work or access to required information;
      d. Any changes required in the scope of internal audits; and
      e. The internal auditor's compliance with government audit standards and the standards for the professional practice of internal auditing.
   11. Inquire of City management regarding the City's fiscal condition and financial status in relation to the budget and report as appropriate to the City Council.
   12. Review with the independent auditor and the internal auditor and advise the City Council on:

a. Adequacy of internal controls; and
b. Any related significant findings and recommendations of the independent auditor and internal auditor together with City management's responses.

13. Review with City management and the independent financial statement auditor and advise the City Council on the effect of any regulatory and accounting initiatives.
14. Review with the independent financial statement auditor and advise the City Council on:
    a. Critical accounting policies and practices;
    b. Significant accounting and reporting issues, including complex or unusual transactions and highly judgmental areas, and recent professional and regulatory pronouncements, and understand their impact on the financial statements;
    c. Alternative treatments of financial information within generally accepted accounting principles that have been discussed with City management, the ramifications of each alternative, and the treatment preferred by the City.
15. Review significant written communications between the independent financial statement auditor and City management, such as any management letter or schedule of unadjusted differences and advise the City Council as appropriate.
16. Review with City management and the independent financial statement auditor and advise the City Council regarding:
    a. City's annual financial statements, related footnotes, and management's discussion and analysis;
    b. Financial statement audit and report;
    c. Independent financial statement auditor judgments about the quality of the City's accounting principles;
    d. Audit report of Federal awards administered by the City;
    e. Any significant changes required in the audit plan;
    f. Any serious difficulties or disputes with City management encountered during the audit; and
    g. Matters required to be communicated in accordance with generally accepted auditing standards, U.S. Government Auditing Standards and OMB Circular A-133 related to the conduct of audits.
17. Review with the City Attorney and the internal auditor legal and regulatory matters that, in the opinion of City management, may have a material impact on the financial statements and compliance with Federal, State, or local laws and regulations and advise the City Council.
18. Periodically review the City's Code of Ethics.
19. Review the findings of any examinations by regulatory agencies and any auditor observations.
20. Review the procedures for the receipt, retention, and treatment of complaints received by the City regarding suspected fraud that may be submitted by any party internal or external to the City.
21. Review any suspected fraud complaints that might have been received, current status, and resolution and advise the City Council as appropriate.
22. Evaluate the performance of the independent financial statement auditor and the internal auditor and advise the City Council.

23. Confirm annually that all responsibilities outlined in this Section have been carried out.
24. Evaluate the Audit Committee's and individual member's performance on a regular basis.
25. Create an agenda for the ensuing year. (R.O. 2009 §33.040; CC 1981 §2-174; Ord. No. 86-2, 1-7-86; Ord. No. 95-122, 5-4-95; Ord. No. 07-162, 6-11-07; Ord. No. 08-16, 1-23-08; Ord. No. 11-76 §2, 4-20-11)

Cross Reference--As to finance department, §§120.100 et seq.

SECTION 125.180: RESERVED

ARTICLE V. ECONOMIC DEVELOPMENT COMMISSION

SECTION 125.190: ESTABLISHMENT AND PURPOSE

A Commission to be known as the "St. Charles Economic Development Commission" is hereby established whose basic purpose is to promote sound and progressive growth of the City from within the community and through the attraction of business and industry to the community to increase employment. (R.O. 2009 §33.050; CC 1981 §2-176; Ord. No. 86-2, 1-7-86; Ord. No. 08-16, 1-23-08)

Cross Reference--As to department of economic development, §120.090.

SECTION 125.200: COMPOSITION OF BOARD OF DIRECTORS

A. The St. Charles Economic Development Commission shall consist of eleven (11) members who shall be appointed by the Mayor with the consent of the City Council. The Commission shall consist of the following members:
   1. One (1) person representative of the manufacturing sector;
   2. One (1) person representative of the real estate sector;
   3. One (1) person representative of the retail sector;
   4. One (1) person who is representative of the utilities or technology industries;
   5. One (1) person who is representative of the City of St. Charles School District;
   6. The Executive Director of the Chamber of Commerce;
   7. One (1) member who is a Council member, who shall be selected by the City Council, serving as liaison to City Council;
   8. The Mayor;
   9. Two (2) representatives at-large; and
   10. One (1) person who is representative of either the Orchard Farms School District or the Francis Howell School District.

B. Appointments of members, except for the Mayor, Council member and Executive Director of the Chamber of Commerce, shall be for a term of three (3) years.

C. The Commission shall select from its members one (1) person to serve as Chairperson and one (1) person to serve as Vice Chairperson. These officers shall serve a one (1) year term. Elections of officers shall be held annually at the regularly scheduled Commission

meeting in May. The Chairperson shall not vote except to break a tie. The Commission shall establish a regular meeting date which shall not be not less frequent than quarterly and may elect any additional officers that it deems necessary. (R.O. 2009 §33.051; CC 1981 §2-177; Ord. No. 86-2, 1-7-86; Ord. No. 89-13, 1-19-89; Ord. No. 90-43, 2-21-90; Ord. No. 95-69, 3-22-95; Ord. No. 95-145, 5-17-95; Ord. No. 95-171, 6-22-95; Ord. No. 04-131, 7-6-04; Ord. No. 08-16, 1-23-08; Ord. No. 11-02 §1, 1-6-11)

SECTION 125.210: MAYOR AS LIAISON--FUNDING

A. *Mayor As Liaison.* The Mayor shall act as liaison between the Commission and the City Council and, in keeping with the responsibilities of the office, shall have the primary responsibility for the promotion of the City as the proper environment for the location of manufacturers and businesses interested in relocating and for the expansion of those manufacturers and businesses already located within the City.

B. *Funding.* The City Council shall provide for such funds for the payment of expenses as may be necessary and expedient for the Mayor to carry out the functions described in Subsection (A) above including, but not limited to, travel and advertising expenses. (R.O. 2009 §33.052; CC 1981 §2-178; Ord. No. 86-2, 1-7-86; Ord. No. 87-210, 10-22-87; Ord. No. 07-162, 6-11-07; Ord. No. 08-16, 1-23-08)

ARTICLE VI. FAIR HOUSING COMMISSION

SECTION 125.220: ESTABLISHED

There is established a Fair Housing Commission. The Fair Housing Commission shall have such powers and duties as are described in Sections 240.010 et seq. of this Code of Ordinances. (R.O. 2009 §33.060; CC 1981 §2-224; Ord. No. 86-329, 12-15-86; Ord. No. 08-16, 1-23-08)

SECTION 125.230: MEMBERSHIP--TERMS

A. The Commission established by Section 125.220 shall consist of seven (7) members broadly representative of the racial, religious and ethnic groups in the community. Members of the Commission shall be appointed by the Mayor with the approval of the entire City Council. The terms of appointments shall be for three (3) years each.

B. The Commission shall elect a Chairperson who shall be the Presiding Officer at Commission meetings. In the absence of the Chairperson or if the Chairperson is unable to be present at any meeting, a Vice Chairperson shall have the power to preside. Any five (5) members shall constitute a quorum. All members of the Commission shall serve without compensation. (R.O. 2009 §33.061; CC 1981 §2-225; Ord. No. 86-329, 12-15-86; Ord. No. 08-16, 1-23-08)

SECTIONS 125.232--125.239: RESERVED

ARTICLE VII. GREATER ST. CHARLES CONVENTION AND VISITORS COMMISSION

SECTION 125.240: CREATED

A. There is hereby established a twelve (12) member Commission to be known as the Greater St. Charles Convention and Visitors Commission to review and make recommendations to the Mayor and the City Council regarding expenditures of funds pertaining to the Greater St. Charles Convention and Visitors Bureau (CVB). Except as otherwise provided, Commission members shall be appointed by the Mayor with the consent of the City Council. The Commission shall consist of the following representatives, none of whom are required to be a City resident except as set forth in this Subsection:
   1. A representative of the St. Charles Chamber of Commerce;
   2. One (1) person representative of the restaurant industry in the City;
   3. One (1) person representing the South Main Historical District who shall own property or own a business or be employed by a business in the South Main Historical District;
   4. One (1) person representing the Historic Downtown District who shall own property or own a business or be employed by a business in the Historic Downtown District;
   5. One (1) person representing the Frenchtown Historical District who shall own property or own a business or be employed by a business in the Frenchtown Historical District;
   6. One (1) person who is representative of cultural, educational or historic venues;
   7. One (1) person representative of a gaming facility or a large entertainment, sports or retail attraction;
   8. One (1) City Council member who shall be selected by the City Council for a one (1) year term. The City Council may also select one (1) of its members to be an alternate member of the Commission. The alternate member may vote in the absence of the regular member selected by the City Council;
   9. The Mayor who shall serve commensurable with the term of office;
   10. One (1) representative of the hotel/motel industry; and
   11. Two (2) at large representatives who shall be either a City resident or a business owner in the City or employee of business in the City.

B. All appointments of representatives, except for the Mayor and the Council member, shall be for a term of three (3) years.

C. The Commission shall select from its members one (1) person to serve as Chairperson. The Chairperson shall not vote except to break a tie. The Commission shall establish a regular monthly meeting date and may elect any additional officers that it deems necessary. Special meetings may be called by the Chairperson. The Commission shall be further empowered to establish bylaws for the operation of the Commission and to establish its policies and goals. (R.O. 2009 §33.080; CC 1981 §2-197; Ord. No. 88-139, 7-7-88; Ord. No. 92-82, 4-22-92; Ord. No. 95-146, 5-17-95; Ord. No. 00-46, 2-16-00; Ord. No. 04-131, 7-6-04; Ord. No. 05-72, 3-29-05; Ord. No. 07-162, 6-11-07; Ord. No.

08-16, 1-23-08)

Cross Reference--As to convention and visitors bureau, §§120.060 et seq.

SECTION 125.250: SUBMISSION OF BUDGET

The St. Charles Convention and Visitors Bureau shall prepare and submit in accordance with the budget calendar for the City a budget setting forth the various anticipated revenues and expenditures for the forthcoming fiscal year. Such budget shall be in the format of City enterprise funds and become part of the annual budget transmitted to the City Council for approval. The Convention and Visitors Commission shall review and approve the recommended budget prior to submission to the Mayor for inclusion in the budget document. (R.O. 2009 §33.081; CC 1981 §2-198; Ord. No. 88-139, 7-7-88; Ord. No. 07-162, 6-11-07; Ord. No. 08-16, 1-23-08)

SECTION 125.260: ANNUAL AUDIT--RECORDS AVAILABLE FOR INSPECTION

A. *Annual Audit.* Annually, in accordance with the preparation of the regular annual audit of the City books and records, the St. Charles Convention and Visitors Commission shall allow an audit of the books of the Convention and Visitors Bureau. A full report of the activities of the Commission and results of the audit shall be supplied to the Mayor and City Council.

B. *Records Of Commission.* The books of the St. Charles Convention and Visitors Commission shall be open and available for inspection by the Mayor or his/her authorized representative at all reasonable times during business hours to make such examination and inspection of the books and records that may be necessary to determine the correctness of the reports or verify income or expenses of the Commission. (R.O. 2009 §33.082; CC 1981 §2-200; Ord. No. 88-139, 7-7-88; Ord. No. 07-162, 6-11-07; Ord. No. 08-16, 1-23-08)

SECTION 125.270: CONSISTENCY

This Section is intended to be consistent with and supplemental to Ordinance No. 85-151 (Sections 620.010 et seq.) of the City passed, September 3, 1985 and approved September 6, 1985 and the St. Charles Convention and Visitors Commission is intended to be the successor of and administrator of the funds referred to in Section 1(g) of the ordinance. The Commission must follow the purchasing procedures established for the other City departments, including approval by Council when required by the purchasing procedures. (R.O. 2009 §33.083; CC 1981 §2-201; Ord. No. 88-139, 7-7-88; Ord. No. 08-16, 1-23-08)

ARTICLE IX. HISTORIC LANDMARKS PRESERVATION AND ARCHITECTURAL REVIEW BOARD

SECTION 125.290: ESTABLISHED

There shall be a Historic Landmarks Preservation and Architectural Review Board (HLPARB) which shall be known as and referred to as the Landmarks Board which shall have the composition, powers and duties as prescribed in Chapters 125 and 400 of this Code of Ordinances. To the extent the words "Historic Landmarks Preservation and Architectural Review Board (HLPARB)" appear in this Code of Ordinances, the words shall mean the "Landmarks Board" as established in this Section. The terms "Historic Landmarks Preservation and Architectural Review Board", "HLPARB" and "Landmarks Board" may be used interchangeably. (R.O. 2009 §33.100; Ord. No. 05-161, 5-27-05; Ord. No. 08-16, 1-23-08)

SECTION 125.300: REVIEW GUIDELINES

When reviewing and acting upon an application, the Historic Landmarks Preservation and Architectural Review Board will adhere to the following standards or criteria in the Historic Downtown District:

1. Preservation of the distinctive historical character, natural beauty and maintenance of the charm and atmosphere of the district's buildings and properties is of paramount importance.
2. Restorative or adaptive modification to buildings shall serve to enhance the historic nature of the district while maintaining a sustainable environment for new development.
3. Efforts at building improvements shall be handled on an individual basis, based upon a building's own merits, its potential contribution to the district and appropriateness of any changes to the period the building best represents.
4. New construction shall exemplify conformity or to be complimentary to district architecture and neighboring structures.
5. All improvement activities shall have a complimentary relationship, be sensitive in design, be harmoniously blending and serve to make use of or to enhance the unique Victorian flair and history of the district as a mixed use area including, but not limited to, office, residential, retail, food, entertainment, service and government uses.
6. The Board shall also use the following standards in evaluating the historical significance of an applicant property and its bearing upon an applicant's improvement proposal:
    a. It has significant character, interest or value as part of the development, heritage or cultural characteristics of the City, State or nation; or is associated with the life of a person significant in the past.
    b. It is the site of a historic event with a significant effect on society.
    c. It exemplifies the cultural, political, economic, social or historic heritage of the community.
    d. It portrays the environment in an era of history characterized by a distinctive architectural style.
    e. It embodies those distinguishing characteristics of an architectural type or engineering specimen.
    f. It contains elements of design, detail, materials or craftsmanship which represent a significant innovation.

g. It is part of, or related to, a square, park or other distinctive area which should be developed or preserved according to a plan based on a historic, cultural or architectural motif.
h. It is in a unique location of singular physical characteristics which represent an established and familiar visual feature of the neighborhood, community or City.
i. It has yielded, or is likely to yield, information important in prehistory or history.

7. Within six (6) months from the date that the Historic Landmarks Preservation and Architectural Review Board is appointed and approved, the Board shall develop further detailed review criteria to be used in the evaluation of improvement proposals in the Historic Downtown District. The Board's recommended criteria shall be presented to City Council for approval. (R.O. 2009 §33.105; CC 1981 §2-256; Ord. No. 93-5, 1-21-93; Ord. No. 96-1, 1-16-96; Ord. No. 08-16, 1-23-08)

SECTION 125.310: REVIEW CRITERIA

When reviewing an application for a structure or structural change, the Historic Landmarks Preservation and Architectural Review Board shall be guided to the greatest extent practicable by the following standards:

1. The public necessity of the proposed construction or use.
2. The public purpose or interest in land or buildings to be protected.
3. The historic or architectural value and significance of the structure and its relationship to the historic value of the surrounding area.
4. The age and character of the historic structure, its condition and its probable life expectancy and the appropriateness of the proposed changes for the period during which the structure was built.
5. The general compatibility of the site plan and the exterior design, arrangement, texture and materials proposed to be used.
6. The view of the structure or area from a public street.
7. The present character of the setting of the structure or area and its surroundings.
8. The probable effect of the proposed construction on trees, wooded areas or historic sites. (R.O. 2009 §33.119; CC 1981 §2-211; Ord. No. 86-2, 1-7-86; Ord. No. 96-1, 1-16-96; Ord. No. 08-16, 1-23-08)

SECTIONS 125.320--125.440: RESERVED

ARTICLE X. PARKS AND RECREATION BOARD--CEMETERY ADVISORY COMMITTEE

SECTION 125.450: CREATED

Pursuant to Section 7.2 of the Charter, there shall be a Parks and Recreation Board

appointed by the Mayor with the approval of the City Council. The Board shall consist of nine (9) members chosen from the residents of the City at large, with reference to their fitness for such offices, and who shall be over twenty-one (21) years of age. No member of the City Government shall be a member of the Board. Members of the Parks and Recreation Board shall serve three (3) year terms, with three (3) appointments expiring each year. An appointment to fill a vacancy shall be made only for the unexpired vacant term. Members shall serve until a successor has been appointed, approved and sworn in. Nothing contained in this provision shall limit the number of terms which may be served by any member. (R.O. 2009 §33.130; CC 1981 §2-183; Ord. No. 86-2, 1-7-86; Ord. No. 91-16, 1-15-91; Ord. No. 93-202, 9-8-93; Ord. No. 08-16, 1-23-08)

Cross Reference--As to parks and recreation department, §§120.180 et seq.

SECTION 125.460: ORGANIZATION AND POWERS

The members of the Board shall, immediately after appointment, meet and organize by the election from their number of a President, a Secretary and such other officers as they may deem necessary. They shall make and adopt such bylaws, rules and regulations for their own guidance and for the government of the parks and of the recreation programs of the City as may be expedient, not inconsistent with the provisions of this Chapter or the Charter. All taxes collected from a special parks tax, park bond proceeds and all revenues received from the general operation of the parks and recreation facilities and programs shall be used solely for the purposes of parks, recreation and related facilities as directed by the Parks and Recreation Board. (R.O. 2009 §33.131; CC 1981 §2-184; Ord. No. 86-2, 1-7-86; Ord. No. 08-16, 1-23-08)

SECTION 125.470: DONATIONS--BOND

Any person desiring to make donations of money, personal property or real estate for the benefit of any park or of recreation of the City shall have the right to vest the title to the money, property or real estate so donated in the Board created under this Chapter to be held and controlled by such Board, when accepted by the Board, according to the terms of the deed, gift, devise or bequest of such property. As to such property, the Board shall be held and considered to be special trustees and in all such cases shall give bond to the City to be approved by the Mayor and to be in such penal sum as the Council shall, from time to time by resolution or otherwise, direct. (R.O. 2009 §33.132; CC 1981 §2-185; Ord. No. 86-2, 1-7-86; Ord. No. 08-16, 1-23-08)

SECTION 125.480: PARK BOARD RESPONSIBLE FOR CITY CEMETERIES

The Park Board shall be responsible for the administration, care and maintenance of the City cemeteries within the limits of appropriations approved by the City Council. The Director of Parks and Recreation or his/her designated appointee shall serve as City Sexton. (R.O. 2009 §33.133; CC 1981 §2-186; Ord. No. 86-2, 1-7-86; Ord. No. 08-16, 1-23-08)

SECTION 125.490: CEMETERY ADVISORY COMMITTEE
There shall be a Cemetery Advisory Committee which shall advise the Park Board concerning cemetery matters. The Committee shall consist of five (5) members to be appointed by the Mayor with the approval of a majority of the entire Council. The members shall be appointed for three (3) year terms. Appointments to fill a vacancy shall be for the unexpired term. (R.O. 2009 §33.134; CC 1981 §2-187; Ord. No. 86-2, 1-7-86; Ord. No. 03-323, 12-23-03; Ord. No. 04-131, 7-6-04; Ord. No. 08-16, 1-23-08)

Cross Reference--As to cemeteries, ch. 250.

ARTICLE XI. CABLE TELEVISION COMMISSION

SECTION 125.500: CABLE TELEVISION COMMISSION--CREATED
There is hereby established the St. Charles Cable Television Commission to improve the range and quality of cable television programming on the City-owned cable channel. The Commission shall be composed of seven (7) members, six (6) of whom shall be appointed by the Mayor and approved by a majority of the City Council. Each appointed member shall serve a term of three (3) years. One (1) member shall be a member of the City Council, appointed by the Council for a one (1) year period. (R.O. 2009 §33.140; Ord. No. 99-97, 3-18-99; Ord. No. 99-397, 11-18-99; Ord. No. 02-84, 3-25-02; Ord. No. 03-65, 3-28-03; Ord. No. 04-131, 7-6-04; Ord. No. 08-16, 1-23-08)

SECTION 125.510: POWERS
The Commission may meet monthly or as called by the Chair of the Commission to review local programming on the City's cable television channel, make recommendations for new programs or features, work towards the publication and broadcasting of a regular schedule of programming, make recommendations to the Mayor and City Council of annual budget and capital needs, work to insure cooperation between City cable program efforts and the local cable company, assist City staff in generating creative programs and assist in helping to meet community needs, including those of the arts, education, neighborhood groups, business community and non-profit civic organizations. The Commission shall issue an annual report to the Mayor and the City Council detailing their work. (R.O. 2009 §33.141; Ord. No. 99-97, 3-18-99; Ord. No. 03-84, 4-7-03; Ord. No. 08-16, 1-23-08)

ARTICLE XII. BEAUTIFICATION COMMISSION

SECTION 125.520: CREATED
There is hereby established the City Beautification Commission to develop a master plan for the beautification of the City of St. Charles community. The Commission shall be composed of eleven (11) members. Eight (8) at large members shall be appointed by the Mayor, by a majority of the City Council and shall serve for a three (3) year term. The

Mayor and one (1) Council member shall serve along with eight (8) at large members and one (1) representative from the Chamber of Commerce. Staff liaisons from appropriate departments may be assigned by the Mayor as deemed appropriate. (R.O. 2009 §33.142; Ord. No. 99-314, 9-7-99; Ord. No. 04-131, 7-6-04; Ord. No. 07-162, 6-11-07; Ord. No. 08-16, 1-23-08)

SECTION 125.530: POWERS
The Commission shall meet at the call of the Chair. The Commission is to review suggestions for projects to be undertaken and develop guidelines for funding projects or awarding grants. The Commission shall develop a plan and make recommendations to the Council. In addition to beautification projects, Code enforcement, zoning and public work projects may be included in a goal-based format. The Commission shall encourage private investment and volunteer involvement in projects by individuals, school groups, civic organizations and any other group of like mind. The Commission may establish awards and recognition programs as it deems appropriate to recognize achievement in the beautification of the City. (R.O. 2009 §33.143; Ord. No. 99-314, 9-7-99; Ord. No. 08-16, 1-23-08)

ARTICLE XIII. PLANNING AND ZONING COMMISSION

SECTION 125.540: ESTABLISHED
There shall be a Planning and Zoning Commission which shall have the composition, powers and duties prescribed in Sections 400.970 et seq. of this Code of Ordinances. (R.O. 2009 §33.145; CC 1981 §2-188; Ord. No. 86-2, 1-7-86; Ord. No. 08-16, 1-23-08)

ARTICLE XIV. CITY ARTS AND CULTURE COMMISSION

SECTION 125.550: CREATED
There is hereby established the City Arts and Culture Commission to work for the improvement of the artistic and cultural opportunities available in the City and to make recommendations to the Mayor and City Council. The Commission shall be composed of five (5) members to be appointed by the Mayor and approved by a majority of the City Council and who shall serve for a three (3) year term. There shall also be one (1) Council member, to be appointed by the City Council, who shall serve as liaison to the Commission. (R.O. 2009 §33.150; Ord. No. 01-54, 3-9-01; Ord. No. 04-131, 7-6-04; Ord. No. 08-16, 1-23-08)

SECTION 125.560: POWERS
The Commission shall meet at the call of the Chair. The Commission is to review suggestions for artistic and cultural projects, programs and festivals to be undertaken, to

develop guidelines for funding projects or awarding grants and to make recommendations to the Mayor and City Council. The Commission shall encourage private participation and volunteer involvement in the various projects, programs and festivals and may establish awards and recognition programs, as it deems appropriate, to recognize artistic and cultural achievement in the City. (R.O. 2009 §33.151; Ord. No. 01-54, 3-9-01; Ord. No. 08-16, 1-23-08)

ARTICLE XV. BOARD OF PUBLIC WORKS

SECTION 125.570: ESTABLISHMENT, COMPOSITION AND TERMS

A. There is established within the City the Board of Public Works. This Board shall consist of seven (7) persons.
   1. Six (6) members who shall be appointed by the Mayor and confirmed by the City Council. These members shall hold office for a term of three (3) years each or until their successors are appointed and qualified. Of the initial board, two (2) members shall serve a one (1) year term, two (2) members shall serve a two (2) year term and two (2) members shall serve a three (3) year term.
   2. One (1) member shall be a member of the City Council. This member shall be appointed by the City Council and shall serve a one (1) year term in office unless that member's then current Council term expires or the member resigns from, or is removed from, the office of Council member.

B. Except for the member of the Board who is a Council member, no member of the Board shall receive a salary. No Board member shall be required to post bond in order to serve on the Board.

C. Except for the member of the Board who is a Council member, any member of the Board who shall accept a nomination or appointment for any other municipal office during that member's official term shall be deemed to have resigned as a member of the Board of Public Works and that member's membership on the Board shall thereby be automatically vacated. No member of the Board shall be directly or indirectly interested in any contract that may be let by the Board or that may come before it for consideration or in the sale or furnishing in any way of any materials whatever to a contractor who may enter into such contract.

D. The Board of Public Works shall elect from its members such officers as it establishes in its rules and regulations.

E. The Director of Public Works shall be responsible to the Board of Public Works and the Mayor for the administration of the waterworks and sewerage system. (R.O. 2009 §33.155; Ord. No. 07-158, 6-8-07; Ord. No. 08-16, 1-23-08)

SECTION 125.580: BOARD TO MANAGE MUNICIPAL UTILITIES

A. The Board of Public Works shall have the power and duty to take charge of, and exercise control over, the combined waterworks and sewerage system which may be owned by the City at the time that this Board is established or which may be hereafter acquired by the City and the Board shall monitor the performance of all contracts and work and have

charge, custody and control of all property and assets belonging or appertaining to such combined waterworks and sewerage system. The Board shall make all necessary rules and regulations for the government of the combined waterworks and sewerage system; these rules and regulations shall carry the force of law and they may be enforced by the appropriate legal authorities of the City.

B. The Board of Public Works shall have the power and duty to take charge of, and exercise control over, the storm water drainage system which may be owned by the City at the time that this utility is established or which may be hereafter acquired by the City. The Board shall monitor the performance of all contracts and work and have charge, custody and control of all property and assets belonging or appertaining to the storm water drainage system. The Board shall make all necessary rules and regulations for the government of the storm water drainage system. (R.O. 2009 §33.156; Ord. No. 07-158, 6-8-07; Ord. No. 08-16, 1-23-08)

SECTION 125.590: BOARD TO LET WORK BY CONTRACT

A. The doing of all work and furnishing of all supplies for the combined waterworks and sewerage system under the Board's supervision or control shall be let out by the Board or, if directed by the Board, by the Public Works Director as agent for the Board in accordance with established City policies and regulations regarding purchasing and contract administration. All contracts shall be submitted to the City Council for approval; such approval may be by Council adoption of the Board minutes which initially approved any contract. Purchases made by the Board shall be made upon purchase order number provided by the Purchasing Agent of the City.

B. The doing of all work and furnishing of all supplies for the storm water drainage system under the Board's supervision or control shall be let out by the Board or, if directed by the Board, by the Public Works Director as agent for the Board in accordance with purchasing and contract administration. All contracts shall be submitted for approval to the City Council or to the Mayor if permitted by ordinance. (R.O. 2009 §33.157; Ord. No. 08-16, 1-23-08)

SECTION 125.600: WATER AND SEWER RATES RECOMMENDED BY BOARD OF PUBLIC WORKS AND APPROVED BY COUNCIL ORDINANCE

The assessment of rates for water or sewer shall be recommended by the Board of Public Works and approved by ordinance. (R.O. 2009 §33.158; Ord. No. 07-158, 6-8-07; Ord. No. 08-16, 1-23-08; Ord. No. 09-144, 8-5-09)

SECTION 125.610: REPORTS TO BE KEPT

A. It shall be the duty of the Board of Public Works to make monthly reports to the Mayor and the City Council of all business under the Board's jurisdiction. An annual report on the state of the utilities shall be prepared and transmitted to the Mayor and City Council.

B. The Board of Public Works shall cause to be updated annually a five (5) year utility rate and financing plan. This shall include any revisions to the development plans and a budget for fiscal year operation. This update shall be presented to the Mayor and City

Council annually at the first (1st) Council meeting in May of each year. (R.O. 2009 §33.160; Ord. No. 08-16, 1-23-08)

SECTION 125.620: INSPECTION OF RECORDS--RULES AND REGULATIONS

A. The Board of Public Works shall keep in its offices a full and complete record of all its proceedings and such record shall, during all normal business hours, be open to the inspection of the public.

B. The Board of Public Works may establish such necessary rules and regulations as it is empowered to do under Section 125.580; any such rules and regulations may be maintained in a volume to be known as the "Rules and Regulations of the Board of Public Works" and shall be, during all normal business hours, open to the inspection of the public. These rules and regulations will relate to such topics as the Board deems appropriate, but they may include, in particular, the Board's internal procedures on its meetings, its administration matters pertaining to contract administration, matter pertaining to the setting of rates and matters pertaining to disputes on bills. (R.O. 2009 §33.161; Ord. No. 08-16, 1-23-08)

SECTION 125.630: RESERVED

ARTICLE XVI. SPECIAL BUSINESS DISTRICT ADVISORY BOARD

SECTION 125.640: ESTABLISHED

There shall be a Special Business District Advisory Board which shall have the composition, powers and duties as prescribed in Chapter 610 "Special Business District" of this Code of Ordinances. (R.O. 2009 §33.170; CC 1981 §2-196; Ord. No. 86-2, 1-7-86; Ord. No. 08-16, 1-23-08)

ARTICLE XVII. TAX INCREMENT FINANCING COMMISSION

SECTION 125.650: ESTABLISHMENT

There is established a Commission which shall be known as the Tax Increment Financing Commission as set forth in Section 99.820.2, RSMo. (R.O. 2009 §33.180; CC 1981 §2-260; Ord. No. 93-90, 5-5-93; Ord. No. 08-16, 1-23-08)

SECTION 125.660: COMPOSITION, APPOINTMENTS AND TERMS

A. The Commission shall consist of eleven (11) members. Two (2) members shall be appointed by the Boards of Education whose districts are included within a

redevelopment plan or redevelopment area. One (1) member shall be appointed by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the City Council. Six (6) members shall be appointed by the Mayor with the consent of the majority of the City Council. Two (2) members shall be appointed by the St. Charles County Executive with the consent of the majority of the County Council.

B. The members who are appointed by the school boards and other taxing districts shall serve on the Commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment area is considered for approval by the Commission. The term shall terminate upon final approval of the project, plan or designation of the area by the City Council.

C. After final approval of the project, plan or designation of the area by the City Council, the Commission shall consist of the six (6) members appointed by the City, except that members representing school boards and other taxing districts shall be appointed as provided in this Section prior to any amendments to any redevelopment plans, redevelopment projects or designation of a redevelopment area.

D. If any school district or other taxing jurisdiction fails to appoint members of the Commission within thirty (30) days of receipt of written notice of a proposed redevelopment plan, redevelopment project or designation of a redevelopment area, the remaining members may proceed to exercise the power of the Commission.

E. Of the Commissioners first (1st) appointed by the Mayor, two (2) shall be designated to serve on the Commission for terms of two (2) years from the date of their appointment, another two (2) shall be designated to serve on the Commission for terms of three (3) years from the date of their appointment and the remaining two (2) shall be designated to serve on the Commission for terms of four (4) years from the date of their appointment; thereafter, each vacancy resulting from the expiration of a term shall be filled in the same manner as set forth above and each person so appointed shall be appointed to serve on the Commission for a term of four (4) years, except that the initial term of a person appointed to fill a vacancy resulting from the resignation, death or incapacity of a Commissioner during an unexpired term shall consist of the unexpired portion of such term. (R.O. 2009 §33.181; CC 1981 §2-261; Ord. No. 93-90, 5-5-93; Ord. No. 00-98, 4-19-00; Ord. No. 08-16, 1-23-08)

SECTION 125.670: POWERS AND DUTIES

The Commission shall exercise all powers which may be exercised by such commissions pursuant to the Statutes, as may be revised from time to time and consistent with the Statutes and this Chapter. The Commission shall hold public hearings and provide notice pursuant to Sections 99.825 through 99.830, RSMo. The Commission shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas and amendments thereto within thirty (30) days following completion of the hearing on any such plan, project or designation and shall make recommendations to the Governing Body within ninety (90) days of the hearing referred to in Section 99.825, RSMo., concerning the adoption of or amendment to redevelopment plans and redevelopment projects and the designation of redevelopment areas. Final approval of plans, projects and designation of redevelopment areas shall be made by the City Council. (R.O. 2009 §33.182; CC 1981 §2-262; Ord. No. 93-90, 5-5-93; Ord. No.

08-16, 1-23-08)

SECTION 125.680: PREPARE ANNUAL REPORT

In accordance with the TIF Act as outlined in Section 99.865, RSMo., the TIF Commission acting as the designee of the City Council shall prepare an annual report concerning the status of any redevelopment plan and any redevelopment projects which have been approved in conjunction with the plan. This report shall be reviewed by the Commission at an annual meeting to be held during the month of December, but in any event not later than December fifteenth (15th) every year in which the redevelopment plan is in effect. Upon approval of the annual report by a majority of the TIF Commission, the report will be sent to the City Council for review. Upon approval of the annual report as submitted by the TIF Commission or as may be modified by the City Council, the annual report will be submitted to the State Department of Economic Development in accordance with the requirements of the TIF Act. Five (5) years after the establishment of the redevelopment plan and every five (5) years thereafter, the City Council shall hold a public hearing not less than thirty (30) days prior to the annual meeting of the TIF Commission. The purpose of this hearing shall be to determine if the redevelopment projects approved in conjunction with the redevelopment plan are making satisfactory progress under the proposed time schedule contained within the approved plans for completion of such projects. (R.O. 2009 §33.183; CC 1981 §2-263; Ord. No. 93-90, 5-5-93; Ord. No. 08-16, 1-23-08)

ARTICLE XVIII. LIBRARY BOARD

SECTIONS 125.690--125.740: RESERVED

ARTICLE XIX. PUBLIC FACILITIES AUTHORITY BOARD

SECTIONS 125.750--125.800: RESERVED

ARTICLE XX. FESTIVAL OF THE LITTLE HILLS

SECTION 125.810: FESTIVAL OF THE LITTLE HILLS ESTABLISHED

A. *Establishment--Purpose.* There is hereby designated a festival, to be known as the Festival of the Little Hills, to be held in August annually. The purpose of the festival shall be to commemorate the historic background of the City by holding events in keeping with those practiced by the early citizens of the City, but not historical activities exclusively.

B. *Official Committee.* The organization and activities shall be coordinated by Fetes des

Petites Cotes, a not-for-profit corporation, whose members are comprised of those not-for-profit organizations located in the City, which have participated in the preceding Festival of the Little Hills.

C. *Rules And Regulations.* The Festival Committee shall draw up and present to the City Council such rules and regulations for the orderly conduct of the festival, for adoption by the Council by resolution. Amendments to the rules and regulations shall be submitted by the Executive Committee of Fetes des Petites Cotes to the City Council for approval prior to implementation.

D. *Cooperation From City Personnel.* All appropriate City personnel shall cooperate with the festival committee to ensure that this event shall be held with due concern for public health and safety and for the facilitation of enjoyment of the public and preservation of the City's heritage. (R.O. 2009 §33.200; CC 1981 §2-214; Ord. No. 86-2, 1-7-86; Ord. No. 08-16, 1-23-08; Ord. No. 08-143, 7-16-08)

SECTION 125.820: FESTIVAL AREA LOCATION

The Festival of the Little Hills area shall be beginning at the intersection of Boone's Lick and Fifth Street north along the eastern line of Fifth Street to Clark Street; thence east to the Missouri River; thence south along the west bank of the Missouri River to Boone's Lick extended; thence west along the north line of Boone's Lick to Fifth, the point of beginning. (R.O. 2009 §33.201; CC 1981 §2-215; Ord. No. 86-2, 1-7-86; Ord. No. 08-16, 1-23-08; Ord. No. 08-143, 7-16-08)

SECTION 125.830: TEMPORARY TRAFFIC SIGNS

Temporary closing of streets, prohibited parking or traffic direction shall be recommended by Fetes des Petites Cotes to the Mayor who is thereupon authorized to install suitable temporary signs in accordance with that recommendation. Temporary stop signs may be placed at any designated crosswalks within the festival area. Any person violating the provisions of this Section when the sign has been installed shall be guilty of a misdemeanor. (R.O. 2009 §33.202; CC 1981 §2-216; Ord. No. 86-2, 1-7-86; Ord. No. 07-162, 6-11-07; Ord. No. 08-16, 1-23-08; Ord. No. 08-143, 7-16-08)

Cross Reference--As to penalty, §100.150.

SECTION 125.840: SALE OF GOODS AND SERVICES IN FESTIVAL AREA

During the period of the Festival of the Little Hills no person shall sell any goods, products or food nor offer any services within the festival area except as shall be specifically approved by the official committee. Any person located within the area normally conducting a business therein may continue to conduct that business; provided that such business has the same products sold year-round and is conducted upon the premises, either within the building or private outside area of that business. For a business that leases a space to a private party, that private party must pay a fee to the Festival Committee and be approved by the Festival Board. Any sales or vending of goods or services not normally upon such premises shall not be permitted unless approved by the Festival Committee. (R.O. 2009 §33.203; CC 1981 §2-217; Ord. No. 86-2, 1-7-86; Ord. No. 08-16, 1-23-08; Ord. No. 08-143, 7-16-08)

Cross Reference--As to penalty, §100.150.

ARTICLE XXI. OKTOBERFEST AND FOURTH OF JULY CELEBRATION COMMITTEES

SECTION 125.850: FOURTH OF JULY CELEBRATION COMMITTEE

A. The Fourth of July Celebration Committee is hereby established.
B. The purposes of this Committee shall be to promote and perpetuate the Fourth of July as a celebration in the City with a parade, fitting ceremonies and a festival.
C. The Committee shall formulate rules and regulations for the orderly conduct of the celebration. The rules and regulations and any amendments shall be submitted to the City Council for approval prior to implementation. Any amendments to the rules and regulations shall be submitted at least thirty (30) days prior to each celebration.
D. The Committee shall consist of the following members:
    1. One (1) member of the City Council, selected by the City Council, to serve as a voting member.
    2. Twelve (12) members at large.
E. The appointments shall be made each year by the Mayor with the consent of the City Council. (R.O. 2009 §33.204; Ord. No. 01-222, 9-21-01; Ord. No. 02-271, 11-22-02; Ord. No. 03-219, 9-3-03; Ord. No. 04-131, 7-6-04; Ord. No. 08-16, 1-23-08)

SECTION 125.860: OKTOBERFEST ESTABLISHED

A. *Establishment--Purpose.* There is hereby designated a festival, to be known as the Oktoberfest, to be held the last weekend in September annually. The purpose of the Oktoberfest shall be to showcase the German heritage of the City by holding events in keeping with those practiced by the early citizens of the City, but not historical activities exclusively.
B. *Official Committee.* The organization and activities shall be coordinated by Saint Charles Oktoberfest, a not-for-profit corporation, whose members are comprised of those not-for-profit organizations located in the City, which have participated in the preceding Oktoberfests.
C. *Rules And Regulations.* The Oktoberfest Committee shall draw up and present to the City Council such rules and regulations for the orderly conduct of the Oktoberfest, for adoption by the Council by resolution. Amendments to the rules and regulations shall be submitted by the Executive Committee of the not-for-profit organization to the City Council for approval prior to implementation.
D. *Cooperation From City Personnel.* All appropriate City personnel shall cooperate with the Oktoberfest Committee to ensure that this event shall be held with due concern for public health and safety and for the facilitation of enjoyment of the public and preservation of the City's heritage.
E. *CVB Appropriation.* In the event that the City appropriates funds to support Oktoberfest, such funding shall be appropriated within the budget of the Convention and Visitor's Bureau. (R.O. 2009 §33.205; Ord. No. 08-143 §1, 7-16-08; Ord. No. 10-111 §1, 5-28-

10)

SECTION 125.865: OKTOBERFEST AREA LOCATION
The Oktoberfest area shall be defined as Frontier Park. (R.O. 2009 §33.205; Ord. No. 08-143 §1, 7-16-08; Ord. No. 10-111 §1, 5-28-10)

ARTICLE XXII. HOUSING AUTHORITY

SECTION 125.870: ESTABLISHED
A. There shall be a Housing Authority which shall have the composition, powers and duties as prescribed in Sections 125.870 through 125.890.
B. The Authority shall be authorized to transact business and to exercise all the powers, functions and duties of a housing authority under the laws of the State. (R.O. 2009 §33.215; CC 1981 §§2-182, 15-26; Ord. No. 86-2, 1-7-86; Ord. No. 08-16, 1-23-08)
State Law Reference--Housing authority law, §§99.101--99.230, RSMo.

SECTION 125.880: DETERMINATIONS OF COUNCIL
A. The City Council does hereby find, determine and declare that petitions bearing the signatures of more than fifty (50) taxpayers of the City, asserting that there is need for a housing authority to function in the City and requesting that the City Council so declare, have been filed with the City Council.
B. The City Council has also found and does now find, determine and declare that unsanitary and unsafe inhabited dwelling accommodations exist in the City and that there is a shortage of safe and sanitary dwelling accommodations in the City available to persons of low income at rentals they can afford and that there is need for a housing authority in the City. (R.O. 2009 §33.216; CC 1981 §15-25; Ord. No. 08-16, 1-23-08)

SECTION 125.890: COMMISSIONERS
The Mayor is hereby authorized to appoint a Board of Commissioners of the City Housing Authority which shall consist of five (5) Commissioners. All Commissioners shall be taxpayers who have resided in the City for five (5) years prior to their appointment. Commissioners shall be appointed for a term of office for four (4) years, except that all vacancies shall be filled for the unexpired term. No Commissioner may be an officer or employee of the City. The Authority shall select a Chairman from the Commissioners upon a vacancy in the office of Chairman. There shall also be one (1) Council member, to be appointed by the City Council, who shall serve as liaison to the Board of Commissioners. (R.O. 2009 §33.217; CC 1981 §15-27; Ord. No. 06-171, 6-30-06; Ord. No. 08-16, 1-23-08)

ARTICLE XXIII. YOUTH ADVISORY COMMISSION

SECTION 125.900: ESTABLISHMENT--OBJECTIVES

There is hereby established a Youth Advisory Commission in and for the City with the following purposes and objectives:

1. To promote youth involvement in governmental affairs.
2. To advise the City Council and Mayor on the following areas: education, cultural development, leisure activities, social concerns and any other issues requested by the Council and Mayor. (R.O. 2009 §33.235; CC 1981 §2-202; Ord. No. 86-2, 1-7-86; Ord. No. 00-35, 2-4-00; Ord. No. 08-16, 1-23-08)

SECTION 125.910: MEMBERS--TERMS

A. The Youth Advisory Commission shall consist of twelve (12) youth members, one (1) adult advisory member and one (1) Council member.
B. Youth members shall be appointed by the Mayor with approval by the City Council. Youth members shall not be older than twenty (20) years of age at the time of appointment and not more than two (2) may be appointed from any high school, university or community college. Two (2) of the youth members may be from a youth service organization. Local high schools and universities shall recommend candidates of diverse backgrounds with a preference for City residents. For purposes of this Section, local high schools and university are those which serve St. Charles' residents.
C. Adult advisory members shall be appointed by the Mayor with approval by the City Council. It shall be the policy to nominate persons with a demonstrated concern for or involvement with youth. Adult members and the Council representative shall be advisory only and shall have no vote. An adult member may hold the office of Secretary and/or Treasurer.
D. All members shall be appointed for one (1) year terms beginning September first (1st) and expiring August thirty-first (31st) of the following year.
E. Annually, the City Council shall designate one (1) of its members liaison to the Youth Advisory Commission. (R.O. 2009 §33.236; CC 1981 §2-203; Ord. No. 86-2, 1-7-86; Ord. No. 00-35, 2-4-00; Ord. No. 08-16, 1-23-08)

SECTION 125.920: MEETINGS--QUORUM--ATTENDANCE

Meetings shall be held periodically as necessary in accordance with rules established by the Commission. Any member who is absent from three (3) regularly scheduled consecutive meetings shall automatically forfeit his/her office unless the Mayor has excused any of those absences. It shall be the duty of the Chairperson of the Commission to promptly notify the Mayor of any absences of members. (R.O. 2009 §33.237; CC 1981 §2-204; Ord. No. 86-2, 1-7-86; Ord. No. 88-169, 9-8-88; Ord. No. 89-128, 6-22-89; Ord. No. 00-35, 2-4-00; Ord. No. 08-16, 1-23-08)

SECTION 125.930: ELECTION OF OFFICERS--TERMS

The Youth Advisory Commission shall elect the following officers from their membership to serve one (1) year terms: Chairperson, Vice Chairperson and Secretary and/or Treasurer. (R.O. 2009 §33.238; CC 1981 §2-205; Ord. No. 86-2, 1-7-86; Ord. No. 00-35, 2-4-00; Ord. No. 08-16, 1-23-08)

ARTICLE XXIV. STRATEGIC PLAN IMPLEMENTATION COMMITTEE

SECTION 125.940: ESTABLISHMENT--PURPOSE--OBJECTIVES

A Strategic Plan Implementation Committee is established which shall serve as an advisory committee to the Mayor and City Council concerning strategic plan implementation and shall have the following purposes and objectives:

1. Assist the Mayor and City Council in strategic plan implementation;
2. Promote relationships and encourage dialogue with all interested parties, including staff, boards and commissions and the public to facilitate strategic plan implementation; and
3. Report as to the progress of plan implementation. (R.O. 2009 §33.240; Ord. No. 09-209, 11-23-09)

SECTION 125.950: MEMBERS--TERM AND QUALIFICATION

A. The Strategic Plan Implementation Committee shall consist of eleven (11) voting members who shall be appointed by the Mayor with the consent of the City Council. Each member shall serve a term of two (2) years.

B. Nine (9) of the eleven (11) voting members shall be residents and registered voters of the City of Saint Charles. Two (2) of the eleven (11) voting members may be non-residents who have served on a subcommittee of the Strategic Plan Committee and have unique, specialized professional experience in any of the following areas:
   1. Arts and culture;
   2. City services;
   3. Economic development;
   4. Education;
   5. Environmental sustainability;
   6. Housing;
   7. Infrastructure;
   8. Recreation and leisure;
   9. Riverfront; or
   10. Transportation.

C. There shall be a Chairperson and Vice Chairperson. The Chairperson shall be appointed by the Mayor, with the consent of the City Council. The Vice Chairperson shall be elected by a majority of the entire Committee. The Chairperson shall serve as Chairperson for a term of two (2) years. The Vice Chairperson shall serve as Vice Chairperson for a term of one (1) year.

D. The Mayor and Director of Administration shall serve as ex officio non-voting members. (R.O. 2009 §33.241; Ord. No. 09-209, 11-23-09; Ord. No. 10-117 §1, 6-11-10)

SECTION 125.960: MEETINGS--REPORTS

A. A majority of the entire Committee shall constitute a quorum for the purpose of conducting business.

B. The Chairperson shall preside at all meetings of the Committee. The Vice Chairperson shall act as Chairperson during the absence or incapacity of the Chairperson.
C. The Committee shall meet monthly and may meet at other times upon the request of the majority of the entire Committee.
D. The Committee shall prepare a quarterly report for the Mayor and the City Council concerning the Committee's activities relative to strategic plan implementation. The Committee's minutes shall be placed upon the Council consent agenda for receipt thereof. (R.O. 2009 §33.242; Ord. No. 09-209, 11-23-09)

SECTIONS 125.970--125.990: RESERVED

ARTICLE XXV. CITIZENS WITH DISABILITIES ADVISORY BOARD

SECTION 125.1000: ESTABLISHMENT--OBJECTIVES

There is established a Citizens with Disabilities Advisory Board with the following purposes and objectives:

1. The Advisory Board shall advise the Mayor, City Council and City Administration as to all matters relating to the welfare of citizens with disabilities residing in the City.
2. The Advisory Board shall, on a continuing basis, recommend to the Mayor, City Council and City administration actions to be taken to remove impediments to citizens with disabilities, such as architectural, communication and transportation barriers.
3. The Advisory Board shall, on a continuing basis, recommend to the Mayor, City Council and the City administration actions which will enable citizens with disabilities residing in the City to participate in all aspects of community life in accordance with their abilities. (R.O. 2009 §33.265; Ord. No. 94-255, 9-27-94; Ord. No. 08-16, 1-23-08)

SECTION 125.1010: MEMBERS--TERMS

A. The Citizens with Disabilities Advisory Board shall consist of seven (7) members. Except for the Council member, the members shall hold office for a term of three (3) years or until their successors are appointed and confirmed. No member shall serve for more than three (3) consecutive three (3) year terms. One (1) member shall be a member of the City Council. This member shall be appointed by the City Council and shall serve a one (1) year term in office.
B. The members shall be appointed by the Mayor with approval of the majority of the City Council.
C. When a vacancy occurs on the Board, the Mayor shall, with the approval of the City Council, appoint a new member to fill the unexpired term.
D. An annual meeting of the Board will be held in January at a place and time as the Board

may designate. The Board shall have the power to establish regular meetings at such dates and times as it deems appropriate. Special meetings of the Board may be called by the Chairperson.

E. The Board shall adopt rules for its own organization and procedures, consistent with existing laws and ordinances of the City. The Board shall elect from its membership a Chairperson and Vice Chairperson who shall each serve for a one (1) year term. Elections shall be held during the annual January meeting of the Board. The Chairperson and Vice Chairperson may be re-elected but may serve no more than five (5) consecutive terms.

F. All meetings of the Board shall comply with the State open meetings law and the City's applicable law and regulations concerning open meetings. (R.O. 2009 §33.266; Ord. No. 94-255, 9-27-94; Ord. No. 02-42, 2-22-02; Ord. No. 02-83, 3-25-02; Ord. No. 04-131, 7-6-04; Ord. No. 08-16, 1-23-08)

ARTICLE XXVI. SENIOR CITIZEN ADVISORY COMMISSION

SECTION 125.1020: ESTABLISHMENT--OBJECTIVES

There is hereby established a Senior Citizen Advisory Commission in and for the City with the following purposes and objectives:

1. To promote senior citizen involvement in governmental affairs.
2. To advise the City Council and Mayor on the following areas: education, cultural development, leisure activities, social concerns and any other issues requested by the Council and Mayor. (R.O. 2009 §33.270; Ord. No. 02-278, 11-22-02; Ord. No. 08-16, 1-23-08)

SECTION 125.1030: MEMBERS--TERMS

A. The Senior Citizen Advisory Commission shall consist of one (1) member from each ward and three (3) members at large.

B. Senior citizen members shall be appointed by the Mayor with approval by the City Council. Members shall be fifty-five (55) years of age or older at the time of appointment.

C. All members shall be appointed for three (3) year terms. Four (4) members shall initially be appointed for one (1) year, four (4) members shall initially be appointed for two (2) years and five (5) members shall initially be appointed for three (3) years.

D. Annually, the City Council shall designate one (1) of its members as liaison to the Senior Citizen Advisory Commission. (R.O. 2009 §33.271; Ord. No. 02-278, 11-22-02; Ord. No. 04-131, 7-6-04; Ord. No. 08-16, 1-23-08)

SECTION 125.1040: MEETINGS--ATTENDANCE

Meetings shall be held periodically as necessary in accordance with rules established by the Commission. Any member who is absent from three (3) regularly scheduled consecutive meetings shall automatically forfeit his/her office unless the Mayor has

excused any of those absences. It shall be the duty of the Chairperson of the Commission to promptly notify the Mayor of any absences of members. (R.O. 2009 §33.272; Ord. No. 02-278, 11-22-02; Ord. No. 08-16, 1-23-08)

SECTION 125.1050: ELECTION OF OFFICERS--TERMS

The Senior Citizen Advisory Commission shall elect the following officers from their membership to serve one (1) year terms: Chairperson, Vice Chairperson and Secretary. (R.O. 2009 §33.273; Ord. No. 02-278, 11-22-02; Ord. No. 08-16, 1-23-08)

ARTICLE XXVII. EARLY CHILDHOOD CARE ADVISORY COMMISSION

SECTION 125.1060: ESTABLISHMENT--OBJECTIVES

There is hereby established an Early Childhood Care Advisory Commission in and for the City with the following purposes and objectives:

1. To promote the awareness of early childhood care issues in governmental, educational, charitable and social service affairs.
2. To advise the City Council and Mayor on the following areas: education, cultural development, leisure activities, social concerns and any other issues requested by the Council and Mayor. (R.O. 2009 §33.280; Ord. No. 03-207, 8-25-03; Ord. No. 08-16, 1-23-08)

SECTION 125.1070: MEMBERS--TERMS

A. The Early Childhood Care Advisory Commission shall consist of eight (8) members at large.
B. At large members shall be appointed by the Mayor with approval by the City Council.
C. All at large members shall be appointed for three (3) year terms. (R.O. 2009 §33.281; Ord. No. 03-207, 8-25-03; Ord. No. 08-16, 1-23-08)

SECTION 125.1080: MEETINGS--ATTENDANCE

Meetings shall be held periodically as necessary in accordance with rules established by the Commission. Any member who is absent from three (3) regularly scheduled consecutive meetings shall automatically forfeit his/her office unless the Mayor has excused any of those absences. It shall be the duty of the Chairperson of the Commission to promptly notify the Mayor of any absences of members. (R.O. 2009 §33.282; Ord. No. 03-207, 8-25-03; Ord. No. 08-16, 1-23-08)

SECTION 125.1090: ELECTION OF OFFICERS--TERMS

The Early Childhood Care Advisory Commission shall elect the following officers from their membership to serve one (1) year terms: Chairperson, Vice Chairperson and

Secretary. (R.O. 2009 §33.283; Ord. No. 03-207, 8-25-03; Ord. No. 08-16, 1-23-08)

ARTICLE XXVIII. NORTH 94 REDEVELOPMENT AND REVITALIZATION COMMISSION

SECTION 125.1100: ESTABLISHMENT--OBJECTIVES

There is hereby established the North 94 Redevelopment and Revitalization Commission in and for the City with the following purposes and objectives:

1. To study and make recommendations on how best to accomplish the general redevelopment and revitalization of the North 94 area; and
2. To examine existing land uses, the condition of properties, the need for public infrastructure improvements, the existence of nuisance properties or Code violations, the types of businesses to attract to the area, the availability of economic incentives, the marketing of the area and the beautification of the area. (R.O. 2009 §33.300; Ord. No. 05-11, 1-11-05; Ord. No. 08-16, 1-23-08)

SECTION 125.1110: MEMBERS--TERMS

The Commission shall consist of the following voting members who shall serve three (3) year terms and who shall be appointed in accordance with Section 4.3 of the City Charter and the following non-voting members:

1. An at large Chairperson who shall be a voting member;
2. Three (3) residents of Ward 1 living north of Highway 370, who shall be voting members and who shall be recommended by the Ward 1 Council member to the Mayor for appointment;
3. Three (3) residents of Ward 8 living north of Highway 370, who shall be voting members and who shall be recommended by the Ward 8 Council member to the Mayor for appointment;
4. Two (2) representatives of business or industry located within Ward 1 or Ward 8 north of Highway 370;
5. The Mayor who shall be a non-voting member; and
6. The Council members representing Ward 1 and Ward 8, who shall be non-voting members. (R.O. 2009 §33.301; Ord. No. 05-11, 1-11-05; Ord. No. 08-16, 1-23-08)

ARTICLE XXIX. CITY OF ST. CHARLES WELLNESS COMMISSION

SECTION 125.1120: ESTABLISHMENT--PURPOSE--OBJECTIVES

There is hereby established the City of St. Charles Wellness Commission with the following purposes and objectives:

1. Promote healthy lifestyles, recreational opportunities, good eating habits, to

address the problem of childhood obesity;
2. Promote public education with regard to the dangers of substance abuse and smoking, access to health care, support of the free clinic(s), hospitals, prenatal care, senior care, hospice care, mental health and volunteerism opportunities in health and fitness; and
3. Promote coordination with the media, civic and volunteer organizations, municipal, State and Federal officials and agencies, public schools and institutions of higher learning. (R.O. 2009 §33.310; Ord. No. 06-194, 7-28-06; Ord. No. 08-16, 1-23-08)

SECTION 125.1130: MEMBERS AND TERMS

A. The Commission shall consist of six (6) members at large, two (2) of whom shall be licensed physicians or registered nurses both of which may be retired and all shall be appointed by the Mayor with the consent of the Council.
B. The six (6) members at large will be appointed for a term of three (3) years.
C. The Community Development Department shall provide a staff liaison who shall serve in a non-voting capacity. (R.O. 2009 §33.311; Ord. No. 06-194, 7-28-06; Ord. No. 08-16, 1-23-08)

SECTION 125.1140: ORGANIZATION AND POWERS

A. The members at their first (1st) meeting shall elect a Chairman and Vice Chairman each who shall serve a term of one (1) year. The Commission shall meet monthly or at such other times as it may determine.
B. The Commission may submit in accordance with the budget calendar for the City a budget setting forth the various anticipated expenditures for the forthcoming fiscal year. Such budget shall be in the format of a department and become part of the annual budget transmitted to the City Council for approval. The Commission shall review and approve the recommended budget prior to submission to the Mayor for inclusion in the budget document.
C. At the direction of the City Council, the Commission may review grant requests from non-profit agencies to provide services to City residents. The Commission's recommendations shall be advisory in nature. The minutes of meetings and any proposed expenditure of funds shall be subject to the approval of the City Council. (R.O. 2009 §33.312; Ord. No. 06-194, 7-28-06; Ord. No. 08-16, 1-23-08)

ARTICLE XXX. HUMAN RELATIONS COMMISSION

SECTION 125.1150: MISSION, VISION, GOALS AND OBJECTIVES

A. *Mission Of The Commission.* The mission of the Human Relations Commission is to promote respect, harmony and understanding throughout the Saint Charles community.
B. *Vision Of The Commission.* The vision of the Human Relations Commission is an equal-opportunity community in which all persons respect one another and give and receive fair

treatment.

C. *Goals And Objectives Of The Commission.*
   1. The goals of the Commission shall be:
      a. Promote mutual understanding and respect among all social, racial, religious, cultural and ethnic groups in the community.
      b. Endeavor to eliminate prejudice among various groups in the community and create harmonious relationships among citizens, groups, agencies and departments within the City.
   2. The objectives of the Commission shall be:
      a. Plan activities or programs that increase understanding and respect among all residents of the City.
      b. Establish relationships and encourage dialogue with diverse groups within the community to identify and address tensions that may arise.
      c. Provide methods and resources for citizens to take concerns and complaints related to discrimination in employment, public accommodation and housing; or related to bias incidents and hate crimes motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim.
      d. Facilitate mediation services as needed in the community.
      e. Support efforts by law enforcement agencies, community groups and educational institutions to collect and review data related to the following and serve as repository for such data:
         (1) Patterns of discrimination and hate crimes.
         (2) Issues of civil rights and human rights.
         (3) Community relations efforts within the City.
      f. Support the continued assembly and dissemination of pertinent data, studies and programs for the purposes of:
         (1) Promoting best practices to improve human relations.
         (2) Providing training materials that may be used by civic or religious organizations, educational institutions, law enforcement agencies, businesses and others to prevent unfair treatment and encourage harmonious relations.
         (3) Disseminating such information and research as, in its judgment, will promote good will and minimize or eliminate discrimination in the City.
         (4) Measuring the effectiveness of programs established to educate the citizens of St. Charles in human relations issues and actions. (R.O. 2009 §33.320; Ord. No. 08-126, 6-18-08)

SECTION 125.1160: INTERNAL OPERATION

A. Advise and consult with the Mayor and City Council on matters involving discrimination.
B. Study, advise and make recommendations for legislation, policies, procedures and practices of the City and other public entities as are consistent with the purposes of this Chapter.
C. Regularly advise the Mayor and City Council, through distribution of its agenda, minutes, memoranda, reports and other pertinent documents, of the programs and activities being planned by the Commission; the concerns or complaints concerning discrimination or hate crimes received by the Commission; the patterns within the complaints; and other

terms of business before the Commission.

D. Prepare an annual report for the Mayor and the City Council concerning the Commission's activities under the provisions of this Section with recommendations and pertinent comments.
E. All media interaction shall first be approved through the office of the Mayor. (R.O. 2009 §33.321; Ord. No. 08-126, 6-18-08)

SECTION 125.1170: COMMISSION STRUCTURE

A. *Composition.*
   1. There shall be a Human Relations Commission consisting of eleven (11) members, appointed by the Mayor, with the consent of the City Council. Members shall include the St. Charles Police Chief or his/her designee; one (1) member of the City Council; and one (1) superintendent or his/her designee from the school districts of the City of St. Charles, Francis Howell and Orchard Farm.
   2. The Mayor of Saint Charles shall serve ex officio as a non-voting member.
   3. All members shall serve without compensation. All members shall serve staggered terms of three (3) years each. Appointees to the first (1st) Commission shall serve shortened terms designated at the time of appointment, with three (3) Commissioners serving for one (1) year, three (3) for two (2) years and three (3) for three (3) years. In the event of death or resignation of any member, the Mayor, with the consent of the City Council, shall appoint a successor to serve the unexpired portion of his/her term.
B. *Commissioner Qualifications.*
   1. Commissioners should represent the diversity within the City as much as possible. Thy should have a strong commitment to human rights and to the principles of equal opportunity.
   2. College and high school students may be appointed to serve one (1) year terms as non-voting members of the Commission.
C. *Internal Elections And Commission Meetings.*
   1. Each year the Commission shall elect one (1) Commissioner as Chair, one (1) Commissioner as Vice Chair and one (1) Commissioner as Secretary/Treasurer.
   2. The Chair shall preside at all meetings of the Commission and perform all the duties and functions of the Chair thereof.
   3. The Vice Chair shall act as Chair during the absence or incapacity of the Chair. When so acting, the Vice Chair shall have and perform all the duties and functions of the Chair and the Commission.
   4. The Secretary/Treasurer shall record or sign minutes of the Commission's meetings and, as necessary, carry out financial duties and maintain financial records as stated in the Charter.
   5. The terms of office of the Chair, Vice Chair and Secretary/Treasurer shall be one (1) year. Members may be reappointed to the Commission and may serve consecutive terms as Chair, Vice Chair or Secretary/Treasurer.
   6. The Chair, Vice Chair or Secretary/Treasurer may resign from office at any time during the term and may do so without resigning from the Commission. In such event, the Commission shall elect another member to replace the resigning officer. Such person shall serve the unexpired term of the person he/she replaces.

7. A majority of the appointed members of the Commission shall constitute a quorum for the purpose of conducting the business thereof.
8. The Commission shall meet monthly. The Commission shall also meet at other times, as needed, to plan and carry out programs or activities or to respond to acute needs that may arise. (R.O. 2009 §33.322; Ord. No. 08-126, 6-18-08)

SECTION 125.1180: INTERFACE WITH COMMUNITY

With direction and support from the City, the Commission will develop, implement and annually update a communication plan. (R.O. 2009 §33.323; Ord. No. 08-126, 6-18-08)

SECTION 125.1190: LEARNING ORGANIZATION

A. Commission members shall recognize that their position requires ongoing education and shall strive to participate in the training made available to them. The City will facilitate training and education by various agencies to familiarize Commission members with aspects of City operations; Federal, State and local hate crime and anti-discrimination laws; the character and cultural aspects of the City and its residents; and successful techniques for dispute resolution, mediation and community reconciliation.
B. Commission members who repeatedly fail to participate in such training may forfeit their office. (R.O. 2009 §33.324; Ord. No. 08-126, 6-18-08)

SECTION 125.1200: FUNDING

The City shall work with the Commission to seek, apply for and receive grants and/or funding to support its programs and operations. (R.O. 2009 §33.325; Ord. No. 08-126, 6-18-08)

ARTICLE XXXI. VETERAN'S COMMISSION

SECTION 125.1210: ESTABLISHMENT--PURPOSE--OBJECTIVES

There is hereby established the City of St. Charles Veteran's Commission with the following objectives and purposes:

1. To further promote and address issues concerning the veterans of our Armed Forces. (R.O. 2009 §33.410; Ord. No. 08-16, 1-23-08)

SECTION 125.1220: MEMBERS AND TERMS

A. The Commission shall consist of nine (9) members who shall be appointed by the Mayor with the consent of the Council. There shall also be one (1) Council member, to be appointed by the City Council, who shall serve as liaison to the Commission.
B. The nine (9) members will be appointed for a term of three (3) years but, of the members first (1st) appointed for a term of one (1) year, two (2) shall be appointed for a term of two (2) years and three (3) shall be appointed for a term of three (3) years. (R.O. 2009 §33.411; Ord. No. 08-16, 1-23-08; Ord. No. 11-02 §2, 1-6-11)

SECTION 125.1230: ORGANIZATION AND POWERS
The members at their first (1st) meeting shall elect a Chairman and Vice Chairman each who shall serve a term of one (1) year. The Commission shall meet monthly or at such other times as it may determine. (R.O. 2009 §33.412; Ord. No. 08-16, 1-23-08)

CHAPTER 130: PERSONNEL CODE AND EMPLOYMENT POLICIES

ARTICLE I. GENERAL PROVISIONS

SECTION 130.010: TITLE AND SCOPE
This Chapter shall be identified and may be referred to as the "Personnel Code of the City of St. Charles" and shall apply to all classified employees of all departments, agencies and offices responsible to the Mayor. (R.O. 2009 §36.01; CC 1981 §2-330; Ord. No. 83-23, 3-30-83; Ord. No. 07-162, 6-11-07)

SECTION 130.020: PURPOSE--APPOINTMENTS--PROMOTIONS
A. The general purpose of this Personnel Code is to provide a comprehensive system that ensures that all appointments and promotions of City employees shall be made solely on the basis of merit and proficiency as demonstrated by examination, service ratings, length of service or some other evidence of competence in accordance with the Charter.
B. All personnel administration, including appointment, promotion, transfer, layoff, removal, discipline, benefits, including wage administration and other incidents of City employment, shall be based on merit principles.
C. No person shall willfully or corruptly make any false statement, certificate, rating or report in regard to any test, certification or appointment held or made under personnel provisions of this City or in any manner commit or attempt to commit any fraud preventing the impartial administration of the rules and regulation made thereunder. (R.O. 2009 §36.02; CC 1981 §2-331; Ord. No. 83-23, 3-30-83)

Cross Reference--As to penalty, §100.150.

SECTION 130.030: EQUAL EMPLOYMENT OPPORTUNITY
Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline or any other aspect of personnel administration because of political or religious opinions or affiliations or because of race, national origin or other non-merit factors is prohibited. Discrimination on the basis of age, sex or physical disability shall be prohibited except where specific age, sex or physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration. (R.O. 2009 §36.03; CC 1981 §2-332; Ord. No. 83-23, 3-30-83)

SECTION 130.040: HUMAN RESOURCES DIRECTOR TO ADMINISTER

The Human Resources Director shall administer the personnel system of the City in accordance with Section 7.9 of the City Charter at the direction of the Mayor. (R.O. 2009 §36.04; CC 1981 §2-333; Ord. No. 83-23, 3-30-83; Ord. No. 02-128, 5-28-02; Ord. No. 07-162, 6-11-07)

SECTION 130.050: PERSONNEL PROCEDURES MANUAL

A. The Director of Human Resources shall prepare and develop personnel rules and a manual which shall not conflict with the provisions of the Charter and the Personnel Code.
B. These rules and manual shall constitute, for approval by the Mayor, the personnel system and shall provide for:
    1. Classification of all City positions, based on duties, authority and responsibility of each position, with adequate provision for reclassification of any position whenever warranted by changed circumstances.
    2. Methods for determining the merit and proficiency of candidates for appointments or for promotions.
    3. A pay plan for all City positions.
    4. Attendance regulations, hours of work and provisions for vacations, sick leave and other types of leaves.
    5. Discipline procedures, policies and appeal procedures.
    6. The policies and procedures regulating the reduction in force and removal of employees.
    7. Policies regarding in-service training programs.
    8. The policies and procedures governing persons holding provisional appointments.
    9. Other practices and procedures necessary to the administration of the City personnel system. (R.O. 2009 §36.05; CC 1981 §2-334; Ord. No. 83-23, 3-30-83; Ord. No. 02-128, 5-28-02; Ord. No. 07-162, 6-11-07; Ord. No. 10-53 §1, 3-22-10)

SECTION 130.060: CLASSIFICATION OF POSITIONS

A. The classification plan shall provide a complete inventory of all positions in City service and an accurate description and specifications for each class of employment. The plan shall standardize titles, each of which is indicative of a definite range of duties and responsibilities and has the same meaning throughout the classified service.
B. The Director of Human Resources, under the direction of the Mayor, shall administer and maintain the City's classification plan, making amendments thereto so as to accurately reflect the duties, responsibilities and requirements of each class or position. The position classification plan shall set forth for each class or position a class title, a statement of duties, authority, responsibilities thereof and the qualifications that are necessary. (R.O. 2009 §36.06; CC 1981 §2-340; Ord. No. 83-23, 3-30-83; Ord. No. 02-128, 5-28-02; Ord. No. 07-162, 6-11-07)

SECTION 130.070: EMPLOYEE COMPENSATION

A. Administration of pay rates within pay ranges and on the basis of merit and longevity is

the responsibility of the Mayor. The Mayor and the City Council shall determine the pay rates and the merit and longevity increases for the position of City Attorney. The City Council shall determine the pay rate and the merit and longevity increases for the position of City Clerk and the City Clerk's staff. All positions in the City service requiring similar qualifications and having similar duties and responsibilities shall be placed in the same pay ranges. Whenever there is a large-scale reclassification of positions, the City may choose to move some or all of the reclassified positions to the new classifications in increments rather than in a single adjustment.

B. The compensation of all officers and employees of the City shall be fixed by the Council; but the salary of an officer shall not be changed during the time for which he/she was elected or appointed. (R.O. 2009 §36.07; CC 1981 §2-319; Ord. No. 86-2, 1-7-86; Ord. No. 96-186, 6-20-96; Ord. No. 07-162, 6-11-07)

SECTION 130.080: PROBATIONARY PERIOD

A. *Purpose.* The purpose of the probationary period is to establish a time frame which shall be utilized as a test of fitness and competence of the new employee or newly promoted employee and allows the City to measure and reject any employee whose probationary period is substandard or marginal without right of appeal.

B. *General.* The probationary or working test period for all non-elected full-time City employees is six (6) months except appointed police and fire personnel, park rangers, community service aides and public safety communications specialists.

C. *Police And Fire Personnel.* For newly appointed or promoted police and fire sworn personnel the probationary or working test period shall normally be one (1) year of continuous City service from the date of employment. However for untrained sworn Police Officers who lack six hundred forty (640) hours of police training when hired, the probationary or working test period shall be eighteen (18) months of continuous City service from the date of employment.

D. *Community Services Aides And Public Safety Communications Specialists.* The probationary or working test period for all community services aides and public safety communications specialists is one (1) year.

E. *Park Rangers.* The probationary or working test period for newly appointed or promoted park rangers who are untrained shall be eighteen (18) months of continuous City service from the date of employment. The probationary or working test period for newly appointed or promoted park rangers who are partially trained shall be twelve (12) months plus an extension of time equal to the time the ranger is enrolled in training. The probationary or working test period for newly appointed or promoted park rangers who have six hundred forty (640) hours of training shall be one (1) year.

F. *Extension.* All applicable probationary periods may be extended by the amount of all unscheduled absences. At the end of the probationary period, if there is reason to believe that the employee may develop the ability to perform satisfactorily by an extension of the probationary period, the department head, with the approval of the Mayor, may grant an extension of the probationary period which shall not exceed six (6) months. (R.O. 2009 §36.08; CC 1981 §2-362; Ord. No. 83-23, 3-30-83; Ord. No. 86-59, 3-21-86; Ord. No. 89-214, 11-8-89; Ord. No. 07-162, 6-11-07)

SECTION 130.090: MEDICAL EXAMINATIONS

The City may require an employee or applicant to submit to a medical examination by a certified, qualified practicing physician to determine the ability of such an employee or applicant to perform the duties required of the position held or sought. If the results of the medical examination indicate an individual may not be able to perform the duties required of the position, it may be grounds for removal of the employee or rejection of the applicant. (R.O. 2009 §36.09; CC 1981 §2-363; Ord. No. 83-23, 3-30-83)

SECTION 130.100: NEPOTISM

A. Two (2) members of an immediate family shall not be employed under the same supervisor; nor shall two (2) members of an immediate family be employed at the same time, regardless of the department, if such employment would result in an employee supervising a member of his/her immediate family. This policy applies to promotions, demotions, transfers, reinstatements and new employment. The provisions of this Section shall not be retroactive and no action is taken concerning those members of the same family employed on or before June 18, 1983.
B. For the purpose of this Section only, the immediate family is classified as husband, wife, mother, father, brother, sister, children, stepchildren, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparents, grandchildren, stepfather, stepmother, brother-in-law, sister-in-law, uncle or aunt. (R.O. 2009 §36.10; CC 1981 §3-364; Ord. No. 83-23, 3-30-83)

SECTION 130.110: EMPLOYING RESIDENTS

The Mayor shall adopt and implement rules giving preference for initial employment to residents of the City. (R.O. 2009 §36.11; CC 1981 §2-366; Ord. No. 84-135, 11-20-84; Ord. No. 07-162, 6-11-07)

SECTION 130.120: EDUCATIONAL ASSISTANCE PROGRAM

The City Council may establish an educational assistance program for permanent full-time employees of the City subject to such rules and regulations as may be adopted by the City Council. (R.O. 2009 §36.12; CC 1981 §3-367; Ord. No. 86-2, 1-7-86)

SECTION 130.130: OFFENDER REGISTRATION WITH POLICE DEPARTMENT

A. Any person employed by the City that is required to register with the Chief Law Enforcement Official of the County in which such person resides pursuant to Section 589.400, RSMo., then that person shall register with the City Police Department prior to the start of the first (1st) work shift after registering pursuant to Section 589.400, RSMo.
B. Any registration pursuant to Subsection (A) above shall consist of completion of an offender registration form developed by the Missouri State Highway Patrol. This registration form is available at the City Police Department.
C. Any person who violates any of the provisions of Subsection (A) above shall be subject to the penalty set forth in Section 100.150.

D. Any City employee who becomes aware of any individual in violation of this Section shall notify the Chief of Police, Mayor and City Clerk who will notify the City Council. (R.O. 2009 §36.14; Ord. No. 06-250, 9-11-06; Ord. No. 07-162, 6-11-07)

SECTION 130.140: DEPARTMENT DIRECTORS--REMOVAL OF

Except as otherwise provided in the Charter, no department director shall be removed except by executive order of the Mayor with the approval of a majority vote of the entire Council. (R.O. 2009 §36.15; Ord. No. 08-110, 5-30-08)

SECTION 130.150: DEPARTMENT DIRECTORS--RESIDENCY

After August 5, 2010, a person appointed to a Department Director position shall become a City resident by a date established by the Council at the time of appointment. The Council may waive this requirement by an affirmative vote of the entire Council. (Ord. No. 10-160 §1, 8-5-10)

ARTICLE II. PERSONNEL BOARD

SECTION 130.160: ESTABLISHED

A City Personnel Board is hereby established. The Board shall be composed of seven (7) members. Members of the Board shall be appointed by the Mayor with the consent of a majority of all members of the City Council for a term of three (3) years. The Mayor, with the consent of a majority of all the members of the City Council, shall fill any vacancies for any unexpired term. A member of the Board may be removed for cause in the same manner as prescribed by ordinance for the removal of other City appointive officers. (R.O. 2009 §36.25; CC 1981 §2-335; Ord. No. 83-23, 3-30-83; Ord. No. 10-49 §1, 3-22-10)

State Law Reference--Personnel board, §85.541(2), RSMo.

SECTION 130.170: QUALIFICATIONS--OATH OF OFFICE

A. Each member of this Board shall be a resident and qualified, registered voter of the City at time of appointment. Any member of the Board who ceases to meet the qualifications of the Board shall immediately forfeit Board membership. No Board member shall hold a full-time position in City Government during their term of appointment.
B. Members of the Board shall be required to take the oath of office prescribed by ordinance for City Officers, including a statement that they are in sympathy with the merit principle as it is specified by the City Charter. (R.O. 2009 §36.26; CC 1981 §2-336; Ord. No. 83-23, 3-30-83; Ord. No. 84-98, 8-23-84; Ord. No. 04-108, 5-28-04; Ord. No. 10-49 §1, 3-22-10)

Cross Reference--As to penalty, §100.150.

SECTION 130.180: MEETINGS--OFFICERS--COMPENSATION--VOTING

A. *Meetings--Officers--Compensation.* The Personnel Board shall be subject to call and shall meet at such times and places as may be designated by the Board Chairperson. The Chairperson to be elected by the Board shall preside at all Board meetings. The Board members shall also elect a Vice Chairperson. The Board shall elect officers at its first (1st) meeting and shall elect new officers in January of each year. The Board may adopt rules governing its internal operation and file a copy of same with the City Clerk. Board members shall serve without compensation. It shall take the affirmative vote of the majority of the entire Board to adopt a resolution or motion.
B. *Secretary.* The Director of Human Resources shall serve as staff liaison and Secretary to the Board. (R.O. 2009 §36.27; CC 1981 §§2-337--2-338; Ord. No. 83-23, 3-30-83; Ord. No. 02-128, 5-28-02; Ord. No. 10-49 §1, 3-22-10)

SECTION 130.190: POWERS AND DUTIES--HEAR APPEALS--SERVE AS POLICE AND FIRE PERSONNEL BOARD--MAKE ADVISORY RECOMMENDATIONS

The Personnel Board shall have the following powers and duties:

1. Hear appeals as set forth in this Code, the employee personnel manual or a labor agreement.
2. Serve as the Police and Fire Personnel Board with such powers and duties as established by ordinance.
3. As directed by the Mayor or Council, review, study and make recommendations regarding employment policies, practices and procedures. (R.O. 2009 §36.28; CC 1981 §2-339; Ord. No. 83-23, 3-30-83; Ord. No. 86-3, 1-8-86; Ord. No. 91-201, 10-2-91; Ord. No. 07-162, 6-11-07; Ord. No. 10-49 §1, 3-22-10)

ARTICLE III. EMPLOYEES' CODE OF ETHICS

SECTION 130.200: FAIR TREATMENT OF CITIZENS

Employees of the City shall give fair and equal treatment to every citizen. No employee of the City shall grant special consideration or treatment or advantage to any citizen beyond that which is available to every other citizen. (R.O. 2009 §36.40; CC 1981 §2-342; Ord. No. 83-23, 3-30-83)

Cross Reference--As to penalty, §100.150.

SECTION 130.210: GIFT IN CONNECTION WITH APPOINTMENTS

No person seeking appointment to, or promotion in, the service of the City shall either directly or indirectly give, render or pay any money, service or other thing of value to any person for or on account of or in connection with his/her test, appointment, proposed appointment, promotion or proposed promotion. (R.O. 2009 §36.41; CC 1981 §2-343; Ord. No. 83-23, 3-30-83)

Cross Reference--As to penalty, §100.150.

SECTION 130.220: FINANCIAL INTEREST IN CITY CONTRACTS--SALES TO CITY

A. *Financial Interest In City Contracts Or Sales To City.* No employee of the City shall have a financial interest, direct or indirect, in any contract with the City or be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies, equipment or services.

B. *Sales To City.* No employee of the City shall sell or barter anything to the City or to a contractor to be supplied the City or make any contract with the City or purchase anything from the City other than those things which the City offers generally to the public and then only on the same terms as are offered to the public. (R.O. 2009 §36.42; CC 1981 §2-351; Ord. No. 83-23, 3-30-83)

Cross Reference--As to penalty, §100.150.

SECTION 130.230: ENGAGING IN PRIVATE INTEREST

No employee of the City shall engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his/her official duties in the public interest or would tend to impair his/her independence or judgment or action in the performance of his/her official duties. (R.O. 2009 §36.43; CC 1981 §2-345; Ord. No. 83-25, 3-30-83)

Cross Reference--As to penalty, §100.150.

SECTION 130.240: DISCLOSING PRIVATE INTEREST IN PROPOSED CITY LEGISLATION

An employee of the City who has a financial or other private interest in any proposed City legislation shall disclose on the records of the Council the nature and extent of such interest. (R.O. 2009 §36.44; CC 1981 §2-346; Ord. No. 83-23, 3-30-83)

SECTION 130.250: ACCEPTING GIFTS FROM PERSON DEALING WITH CITY

No employee of the City shall accept any gift, whether in the form of service, loan, thing, promise or in any other form, from any person which, to his/her knowledge, is interested, directly or indirectly, in any manner whatsoever in business dealings with the City, which would affect the performance or non-performance of duty for personal or financial gain. (R.O. 2009 §36.45; CC 1981 §2-347; Ord. No. 83-23, 3-30-83)

SECTION 130.260: DISCLOSURE OR IMPROPER USE OF CONFIDENTIAL INFORMATION

No employee of the City shall disclose confidential information concerning the property, government, employees or affairs of the City, nor shall he/she use or seek such information to advance the financial or other private interest of himself/herself or others or to damage or impede City business or fellow employee(s). (R.O. 2009 §36.46; CC 1981 §2-348; Ord. No. 83-23, 3-30-83)

Cross Reference--As to penalty, §100.150.

SECTION 130.270: UNAUTHORIZED USE OF CITY PROPERTY

No employee of the City shall request or permit the use of City-owned property for any purpose except the conduct of City business. No employee shall, directly or indirectly, attempt to obtain any service or benefit from City personnel for the personal benefit of such employee. (R.O. 2009 §36.47; CC 1981 §2-349; Ord. No. 83-23, 3-30-83)

Cross Reference--As to penalty, §100.150.

SECTION 130.280: OUTSIDE EMPLOYMENT

No full-time employee in the classified service shall accept outside employment, whether part-time, temporary or permanent, without prior written approval of the department head. Each change in outside employment shall require separate approval. A duplicate copy of the approval shall be filed with the Human Resources Department. Approval shall not be granted when such outside employment interferes or is likely to conflict with the employee's municipal service. Employees shall not engage in any private business or activity while on duty. No employee shall engage in or accept private employment or render any service for private interest when such employment or service is incompatible or creates a conflict of interest with his/her official duties. No department head shall prohibit outside employment unless such employment shall conflict with the employee's municipal service. (R.O. 2009 §36.48; CC 1981 §2-350; Ord. No. 83-23, 3-30-83; Ord. No. 02-128, 5-28-02)

Cross Reference--As to penalty, §100.150.

SECTION 130.290: POLITICAL ACTIVITIES

A. *Coverage.* The provisions of this Section extend to all full-time, part-time and temporary employees of the City. Nothing in this Section shall be construed or interpreted as to prohibit any City employee from:
   1. Exercising his/her right to vote in any election or casting his/her vote for or against any candidate or ballot measure,
   2. Being an officer or member of, or participating in, any labor organization or paying dues or making any other contribution to a labor organization which represents the employee and other similarly situated City employees with respect to the terms and conditions of those employees' employment,
   3. Except as prohibited by Subsections (B)(2) or (3) of this Section, displaying a yard or other sign on his/her own property or vehicle, wearing a badge or button or expressing his/her views with respect to any such election or candidate, or
   4. Except as prohibited by Subsection (B)(2) of this Section, running or campaigning for any elective office or soliciting or accepting contributions in support of any such candidacy.

B. *Candidate For Elective Office.*
   1. A City employee may seek election to a partisan political office. The employee shall not use his/her official authority to affect the result of the election. If elected to political office and such office is clearly inconsistent, incompatible, in conflict with or inimical to his/her duties as a City employee, the employee shall terminate City employment prior to assuming the elected position.
   2. An employee may be a candidate for a non-paid non-partisan board such as, but

not limited to, a school board or a library board while retaining active City employment and, if elected, may retain the City position.

3. Any employee who becomes a candidate for elective office with the City shall be terminated upon being elected and assuming office.

C. *General Prohibitions On Political Activities.*

1. No City employee shall participate in the management or administration of any political campaign for or against a person's election to City Council or any other office with the City or in any campaign to support or oppose the recall or removal of any person who holds an elective office or Council position with the City.
2. A City employee may not campaign with respect to any person on the ballot in any Federal, State, City, local or municipal election or solicit contributions or other financial assistance for or against any candidate while in a City uniform (or a uniform normally identified with the City) while the employee is on duty or while the employee is in a work area of the City. This would include, but not be limited to, verbally or otherwise identifying oneself as a City employee while campaigning, carrying any sign or placard, handing out campaign materials or literature, endorsing a certain candidate for office or verbally soliciting or encouraging support for or against a particular candidate.
3. No City employee shall utilize, nor allow anyone else to utilize, his/her name or position, title or employment with the City in any political advertisement, campaign material, endorsement or speech concerning the election of any person to City Council or any other elective office with the City or concerning the removal or recall of any Council member or other elected City Official.
4. A City employee shall not (other than with respect to his/her own candidacy or the candidacy of his/her spouse, child, grandchild or parent) accept, or act as an agent for accepting, any financial assistance or contribution for or against any candidate for City Council or any other elective office with the City or any political organization, political action committee or political club which supports or opposes any such candidate.
5. City employees shall not be appointed, discriminated against or retained based upon their activity or lack thereof in any political campaign or based upon their support or lack thereof of any candidate for a City office. City employees shall not be coerced or subjected to any pressure or influence by any person who is an employee or elected official of the City, or anyone related to any such person, to take part in a political campaign, to support or oppose a particular candidate or ballot measure, to solicit votes for or against a particular candidate or ballot measure or to solicit or contribute funds to support or oppose any candidate or ballot measure. (R.O. 2009 §36.49; CC 1981 §2-352; Ord. No. 83-23, 3-30-83; Ord. No. 85-24, 3-20-85; Ord. No. 85-88, 7-19-85; Ord. No. 99-386, 11-18-99; Ord. No. 01-29, 2-23-01)

SECTION 130.300: SUPPLEMENTAL RULES--PROCEDURES FOR INTERPRETATION

A. *Supplemental Rules.* Each department director with the approval of the Mayor shall supplement the employees' Code of ethics with provisions which would be uniquely peculiar or applicable only to their department.

B. *Procedures For Interpretation.* Any question regarding the application or interpretation of the employees' Code of ethics to a specific action, case situation or event shall be brought to the attention of the Mayor by the employee or employees concerned. The Mayor shall dispose of each by appropriate administrative decision. The employee(s) shall be notified of such decision in writing with a copy forwarded to the Human Resources Department for filing in the employee's personnel records. (R.O. 2009 §36.50; CC 1981 §§2-353--2-354; Ord. No. 83-23, 3-30-83; Ord. No. 02-128, 5-28-02; Ord. No. 07-162, 6-11-07)

SECTION 130.310: ENFORCEMENT--DISCIPLINARY ACTION

Any employee of the City violating any Section of this code of ethics (Sections 130.200 through 130.300) may be subject to dismissal and such other disciplinary or punitive administrative action as may be appropriate and may also be subject to such other penalties as may be provided by City ordinance or State or Federal law. (R.O. 2009 §36.51; CC 1981 §2-355; Ord. No. 83-23, 3-30-83)

ARTICLE IV. EMPLOYEE BENEFITS

SECTION 130.320: ELIGIBILITY

A. All benefits included within Sections 130.330, 130.340, 130.350(A) and 130.360(A) shall be available to all permanent full-time City employees, except where supplemented with or modified by a memorandum of understanding/work resolution between a particular group of employees and representation of a bargaining unit.
B. The Mayor may approve certain benefits for permanent part-time employees, provided such benefits do not meet or exceed those available to permanent full-time employees. (R.O. 2009 §36.65; CC 1981 §2-356; Ord. No. 83-23, 3-30-83; Ord. No. 07-162, 6-11-07)

SECTION 130.330: VACATION

A. Vacation benefits shall begin accruing from the date of full-time employment. Every full-time employee of the City shall receive at least eighty (80) hours of paid vacation (fire shift personnel shall receive one hundred forty-four (144) hours or six (6) twenty-four (24) hour work shifts) after each full and continuous year of service.
B. Vacation leave may be taken following accumulation, at a time approved by the department director, so as not to interfere with scheduled activities.
C. Employees may not carry more than one (1) week of vacation into each subsequent year, except when recommended by the department director and approved by the Mayor. (R.O. 2009 §36.66; CC 1981 §2-357; Ord. No. 83-23, 3-30-83; Ord. No. 91-257, 12-18-91; Ord. No. 07-162, 6-11-07)

SECTION 130.335: MANDATORY VACATION LEAVE FOR PERSONNEL

A. During each calendar year, the Director of Finance, Assistant Director of Finance, Accounting Manager and any employee occupying a job classification designated by Administration, whose job duties include the handling of money or access to the City financial accounting system, shall each take at least five (5) consecutive workdays as vacation or out of office leave.
B. During the vacation or out of office leave mandated in Subsection (A), the employee on leave shall not have access to the City financial accounting system during the leave.
C. Mandatory vacation leave shall not apply to part-time seasonal employees.
D. Mandatory leave may consist of vacation days, time out of office attending professional conferences, or time allowed by the Director of Administration. (Ord. No. 11-050 §1, 3-30-11)

SECTION 130.340: OBSERVANCE OF HOLIDAYS--OTHER TYPES OF LEAVE

A. *Observance Of Holidays.*
   1. The following holidays shall be considered part of the full-time employee's normal workweek, excluding police, fire and communications shift personnel, and shall be excused without loss of pay on the following designated holidays:

New Year's Day	January 1
Presidents Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Friday following Thanksgiving	Fourth Friday in November
Christmas Eve Day	December 24
Christmas Day	December 25

   2. Employees absent without authorized leave on the work shift before or the work shift following a holiday shall not receive compensation for said holiday.
   3. Time-off holiday benefit for each of the aforementioned holidays shall be constructed by the department head in each police and communications shift employee's schedule and shall be excused without loss of pay.
B. *Other Types Of Leaves.* Provisions for all other types of leaves shall be included in the personnel procedures manual. (R.O. 2009 §36.67; CC 1981 §§2-358--2-359; Ord. No. 83-23, 3-30-83)

SECTION 130.350: SOCIAL SECURITY

A. *Social Security.*
   1. In addition to the rates of compensation provided for employees and officials, the City shall extend to all eligible employees and officials of the City, who are not excluded by law or by this Chapter and employed in connection with a governmental or propriety function of the City, the benefits of the system of Federal Old Age and Survivors' Insurance as authorized by the Social Security Act, Amendments of 1950 and by Sections 105.300 through 105.440, RSMo., as

the same may now and hereafter be in effect.

2. Employee contributions shall be deducted from the wages of all employees and officials of the City, with the City providing a matching and equal contribution which shall be deposited into the appropriate funds created by Sections 105.300 through 105.440, RSMo.

B. *Extended To Certain City Employees And Officers.* It is hereby declared to be the policy and purpose of the City to extend to all eligible employees and officials of the City, who are not excluded by law or by this Section and whenever employed in connection with a governmental or proprietary function of the City, the benefits of the system of Federal Old-Age and Survivors' Insurance as authorized by the Social Security Act, Amendments of 1950 and by Sections 105.300 to 105.440, RSMo., as the same may now and hereafter be in effect.

C. *Deductions From Wages.* Commencing on the first (1st) day of the month following the date of the approval of the plan and agreement of this City by the Division of Budget and Comptroller of the State as the State agency, there shall be deducted from the wages of all employees and officials of the City, to whom the benefits of the system of Federal Old-Age and Survivors' Insurance are extended by virtue of the plan and agreement hereinbefore provided for, the amount of each of the employees' and officials' contributions, as determined by the applicable State and Federal laws and by such plan and agreement, the aggregate amount of the deductions to be paid into the contributions fund created by Sections 105.300 to 105.440, RSMo.; provided that from the first (1st) payment of wages made to each of the employees and officials after the benefits of the system have been extended to such employees and officials, there shall be deducted a sum equal to the amount which would have been due and payable from each of the employees and officials had such extension of benefits been provided and effective on the first (1st) day of January, 1951.

D. *Contributions By City.* Commencing on the first (1st) day of the month following the date of the approval of the plan and agreement of this City by the Division of Budget and Comptroller of the State as the State agency, there is hereby authorized to be appropriated from the General Fund, Public Park Maintenance Fund, Public Library Fund and the Waterworks General Fund of the City and there is and shall be appropriated the sum of money necessary to pay the contributions of the City which shall be due and payable by virtue of the extension of the benefits of the Federal Old-Age and Survivors' Insurance System to the eligible employees and officials of the City, such sum of money to be paid into the contributions fund created by Sections 105.300 through 105.440, RSMo.; provided that in making the first (1st) payment to such contributions fund, after the benefits of the system have been extended to such employees and officials, such first (1st) payment shall include a sum equal to the amount which would have been due and payable had such extension of benefits been provided and effective on January 1, 1951. The fund from which such appropriation is made, will, at all times, be sufficient to pay the contributions of the City directed by this Section to be paid to such contributions fund.

E. *Administration Of Plan.* The City, from and after the approval of the plan and agreement of this City by the State agency as referred to in the preceding Sections, shall fully comply with and shall keep such records, make such reports and provide such methods of administration of such plan and agreement as may be required by all applicable State and

Federal laws, rules and regulations now and hereafter in effect with respect to the extension of the benefits of the Federal Old-Age and Survivors' Insurance System to the employees and officials of this City. For the purpose of administering such plan and agreement, the Director of Human Resources shall be the official who shall make all required reports, keep all records and be responsible for the administration of such plan and agreement on behalf of this City; and any and all notices and communications from such State agency to this City with respect to such plan and agreement shall be addressed to the Personnel Director. (R.O. 2009 §36.68; CC 1981 §§2-360, 2-377--2-380; Ord. No. 76-72, 9-29-76; Ord. No. 83-23, 3-30-83; Ord. No. 02-128, 5-28-02)

SECTION 130.360: LOCAL GOVERNMENT EMPLOYEES RETIREMENT SYSTEM

A. *Local Government Employees Retirement System.* The City shall extend to all eligible full-time employees and eligible officials of the City, who are not excluded by law or by this Chapter and employed by the City, participation and benefits of the Missouri Local Government Employees Retirement System as established and authorized by Sections 70.600 through 70.755, RSMo., and Sections 105.660 through 105.685, RSMo., as the same may now and hereafter be in effect.

B. *City Employees Covered By Local Government Employees' Retirement System--Deductions.* The City is a political Subdivision, as defined in Sections 70.600 through 70.660, RSMo., and hereby elects to have covered by the Missouri Local Government Employees Retirement System all its eligible employees in the following classes:
   1. Present and future general employees.
   2. Present and future Firefighters.
   3. Present and future Police Officers. (R.O. 2009 §36.69; CC 1981 §§2-361, 2-368; Ord. No. 83-23, 3-30-83; Ord. No. 86-2, 1-7-86)

SECTION 130.370: EMPLOYEE'S GROUP INSURANCE

A. *Policy And Purpose.* It is declared to be the policy and purpose of the City to provide, maintain and pay the premiums on a group hospitalization, major medical, accident and sickness insurance plan in which each regular employee of the City shall be, and in which plan an employee's dependents may also be, enrolled as members by contract or contracts to be entered into in behalf of the City by the Mayor with such companies as are recommended by the City Council.

B. *Additional Compensation Generally.* In addition to the rates of compensation provided for each regular employee by ordinance or resolution, such ordinances and resolutions are amended to provide as additional compensation for each regular employee and dependents the total cost for providing and maintaining group hospitalization, major medical, accident and sickness insurance plan, which compensation is to be used to defray the cost of such group insurance plan for each regular employee of the City.

C. *Source--How Treated.*
   1. There is authorized to be appropriated from the General Fund, Public Park Maintenance Fund, Public Library Fund, Waterworks Maintenance and Operation Fund and the Sanitary Sewer Maintenance and Operation Fund of the City and there is and shall be appropriated, the sum not to exceed the total cost for

providing and maintaining each regular employee and dependents in the group hospitalization, major medical, life, accident and sickness insurance plan.

2. The amount so paid to each employee and dependents shall not be considered as taxable income to such employee and shall not be deemed part of his/her compensation for tax reporting purposes, although for the purposes of this Subsection (C)(2) such premiums shall be considered partial compensation for such employee's services to the City.

D. *Full-Time Elected And Appointed Employees.* All full-time elected and appointed employees of the City shall, and dependents of regular employees of the City may, receive additional compensation, which compensation shall be used to pay the cost of the group hospitalization, major medical, life, accident and sickness insurance plan. Until the expiration of their new term of office, each full-time elected or appointed employee of the City shall receive additional compensation as provided in Subsection (B) of this Section, which shall be used to defray the total cost of the group insurance plan.

E. *Life Insurance.* In addition to the rates of compensation provided for each regular employee by ordinance or resolution, such ordinances and resolutions are amended to provide additional compensation for each regular employee in an amount not to exceed the total employee cost, excluding employee's dependents, for providing and maintaining the life insurance plan, which compensation is to be used to defray the cost of such group insurance plan for each regular employee of the City. (R.O. 2009 §36.70; CC 1981 §§2-314--2-318; Ord. No. 3535, 4-24-68; Ord. No. 3846, 7-7-71; Ord. No. 78-40, 6-28-78)

ARTICLE V. CENTRAL PERSONNEL RECORDS SYSTEM

SECTION 130.380: ESTABLISHED

The Human Resources Department shall establish a central personnel records system for all employees of the City. (R.O. 2009 §36.80; CC 1981 §2-369; Ord. No. 80-134, 12-17-80; Ord. No. 02-128, 5-28-02)

SECTION 130.390: CONTENT OF FILE

A. The employee's personnel file shall contain the following:
   1. Name.
   2. Latest home address.
   3. Date of birth.
   4. Sex of employee.
   5. Occupation.
   6. Rate of pay.
   7. Wage or compensation records.

B. The following records should be filed with the Human Resources Department:
   1. Original application for employment.
   2. New employee hire sheet.
   3. Promotion record.
   4. Employee evaluation.

5. Merit increase justification.
6. Commendations.
7. Disciplinary actions.
8. Exit interview.
9. Such other information as may be required. (R.O. 2009 §36.81; CC 1981 §2-370; Ord. No. 80-134, 12-17-80; Ord. No. 02-128, 5-28-02)

SECTION 130.400: PROCEDURE FOR NEW EMPLOYEES

A. *Permanent Full-Time Employees.* New permanent full-time employees shall be sent to the Human Resources Department on their first (1st) day of employment. They will complete necessary payroll forms and insurance and retirement applications. The Human Resources Department will furnish the employee with information on group insurance, retirement and fringe benefits. The employee shall receive a copy of general personnel policies. The department head shall forward to the Human Resources Department, prior to the new employee's first (1st) day, the employee's application and new employee hire sheet and such other information as may be available.

B. *Temporary And Part-Time Employees.* The department head shall forward to the Human Resources Department the employee's application and new employee hire sheet. He/she shall ensure that all necessary payroll information is furnished.

C. *All Employees.* The Human Resources Department shall notify the department head of the new employee's payroll number and confirm the employee's classification and pay scale. (R.O. 2009 §36.82; CC 1981 §2-371; Ord. No. 80-134, 12-17-80; Ord. No. 02-128, 5-28-02)

SECTION 130.410: TERMINATION PROCEDURE

A. *All Employees.* The department head shall notify the Human Resources Department immediately of the termination of an employee, giving the last day to be worked and reason for termination (resignation, quit, fired, laid off and the like).

B. *Permanent Full-Time.* Upon termination of a permanent full-time employee, he/she shall be sent to the Human Resources Department. The Human Resources Department shall complete an exit interview and have the employee complete necessary forms for refund of retirement contributions. (R.O. 2009 §36.83; CC 1981 §2-372; Ord. No. 80-134, 12-17-80; Ord. No. 02-128, 5-28-02)

SECTION 130.420: FILING TIME SHEETS

The department head shall submit, with payroll vouchers, time sheets for all employees. Time sheets shall contain the following information:

1. Name.
2. Employee number.
3. Job classification.
4. Pay period.
5. Days worked.
6. Absences (vacation, sick leave, emergency leave, leave of absence, excused absence, unexcused absence and the like).

7. Such other information as may be required. (R.O. 2009 §36.84; CC 1981 §2-373; Ord. No. 80-134, 12-17-80)

SECTION 130.430: COMPUTING VACATION AND SICK LEAVE

A. The Human Resources Department shall semi-annually furnish to each department a list of employees indicating vacation time and sick leave available.
B. The Human Resources Department shall quarterly furnish payroll summaries on all employees in the department to the department head. (R.O. 2009 §36.85; CC 1981 §2-374; Ord. No. 80-134, 12-17-80; Ord. No. 02-128, 5-28-02)

SECTION 130.440: RELEASE OF INFORMATION CONTAINED IN RECORDS

A. Any request for personnel records of the Human Resources Department shall be in writing addressed to the Personnel Director stating the record requested and reason for the request.
B. Information contained in the personnel files will be released only by the Mayor and Director of Human Resources as follows:
    1. For three (3) years following termination of employment, the Mayor and Director of Human Resources shall release only information as to an employee's position, title and length of service to the City, unless such release of records is to the employee, a governmental agency or pursuant to court order.
    2. Records of former employment more than three (3) years following termination shall be destroyed or reduced to only that information necessary for pension or personnel statistical records as the Director of Human Resources shall determine.
C. In cases of layoff, at the request of the employee, the Department Director or the Mayor may issue letters on behalf of the employee laid off stating the employee's position, title, length of service to the City, the fact that the employee had been terminated solely because of layoffs and not because of performance and other appropriate information. (R.O. 2009 §36.86; CC 1981 §2-375; Ord. No. 80-134, 12-17-80; Ord. No. 91-245, 10-29-91; Ord. No. 02-128, 5-28-02; Ord. No. 07-162, 6-11-07)

ARTICLE VI. DRUG AND ALCOHOL POLICY

SECTION 130.450: DRUG AND ALCOHOL POLICY

The City hereby adopts a Drug and Alcohol Testing Policy for employees of the City of St. Charles which is on file in the City offices and shall be effective from and after 12:00 A.M. on May 1, 2010. (Ord. No. 10-24 §§1--2, 2-19-10)

CHAPTER 135: MUNICIPAL COURT

ARTICLE I. GENERAL PROVISIONS

SECTION 135.010: MUNICIPAL COURT ESTABLISHED--JURISDICTION

A. *Established.* There is established in this City a Municipal Court to be known as the City of St. Charles Municipal Court, a Division of the Eleventh Judicial Circuit Court of the State.

B. *Jurisdiction.* The jurisdiction of the Municipal Court shall extend to all cases involving alleged violations of this Code of Ordinances and any other ordinance of the City. (R.O. 2009 §37.01; CC 1981 §§19-1--19-2; Ord. No. 78-97, 12-20-78; Ord. No. 79-50, 5-30-79)

SECTION 135.020: SUPREME COURT

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 the Court shall obey his/her directives. (R.O. 2009 §37.02; CC 1981 §19-10; Ord. No. 78-97, 12-20-78; Ord. No. 79-50, 5-30-79)

ARTICLE II. MUNICIPAL JUDGE

SECTION 135.030: ELECTED OFFICIAL--QUALIFICATIONS FOR OFFICE

A. *Judge--Selection.* The Judge of the Municipal Court shall be known as a Municipal Judge of the Eleventh Judicial Circuit Court and shall be elected to his/her position by the qualified voters of this City for a term as specified in this Chapter.

B. *Qualifications For Office.* The Municipal Judge shall possess the following qualifications before he/she shall take office:

1. He/she must be a licensed attorney qualified to practice law within the State.
2. He/she must reside within the City.
3. He/she must be a resident of the State.
4. He/she must be between the ages of twenty-one (21) and seventy-five (75) years.
5. He/she may not serve as Municipal Judge for any other municipality.
6. He/she may not hold any other office within the City Government.
7. The Municipal Judge shall be considered holding a part-time position and as such may accept other employment. (R.O. 2009 §37.15; CC 1981 §§19-3, 19-6; Ord. No. 78-97, 12-20-78; Ord. No. 79-50, 5-30-79)

State Law Reference--Municipal courts, ch. 479, RSMo.

SECTION 135.040: TERM OF OFFICE--VACATION OF OFFICE

A. *Term Of Office.* A person elected to the office of Municipal Judge shall hold his/her office for a period of four (4) years and until his/her successor is duly elected and qualified. Such election under the Eleventh Judicial Circuit Court of the State shall first be held on the first (1st) Tuesday after the first (1st) Monday of April, 1979 and every fourth (4th) year thereafter. If for any reason the Municipal Judge vacates his/her office, his/her successor shall complete that term of office, even if the same be for a term less

than four (4) years.

B. *Vacation Of Office.* The Municipal Judge shall vacate his/her office under the following circumstances:
   1. Upon removal from office by the State Commission on the Retirement, Removal and Discipline of Judges as provided in Missouri Supreme Court Rule 12;
   2. Upon attaining his/her seventy-fifth (75th) birthday; or
   3. If he/she should lose his/her license to practice law within the State. (R.O. 2009 §37.16; CC 1981 §§19-4--19-5; Ord. No. 78-97, 12-20-78; Ord. No. 79-50, 5-30-79)

SECTION 135.050: POWERS AND DUTIES

The Municipal Judge shall be and is 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.
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. Commute the term of any sentence, stay execution of any fine or sentence, suspend any fine or sentence and make such other orders as the Municipal Judge deems necessary relative to any matter that may be pending in the Municipal Court.
4. Make and adopt such rules of practice and procedure as are necessary to implement and carry out the provisions of this Chapter and to make and adopt such rules of practice and procedure as are necessary to hear and decide matters pending before the Municipal Court and to implement and carry out the provisions of the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts. Any and all rules made or adopted hereunder may be annulled or amended by an ordinance limited to such purpose; provided that such ordinance does not violate or conflict with the provisions of the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts or State Statutes.
5. The Municipal Judge of the Municipal Court is authorized to appoint an attorney to represent an indigent defendant in Municipal Court when the Municipal Judge finds that the City Attorney has informed the Municipal Judge that he/she will recommend a jail sentence if the defendant is found guilty and if the defendant is found to be without sufficient funds or property with which to retain an attorney. The appointed attorney shall be entitled to compensation for his/her services in an amount not exceeding the sum of two hundred fifty dollars ($250.00). Such amount shall be determined by the Municipal Judge upon proof presented by the attorney of his/her services rendered.
6. 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 of Ordinances or any other ordinance of the City. (R.O. 2009 §37.17; CC 1981 §19-7; Ord. No. 78-97, 12-20-78; Ord. No. 79-50, 5-30-79)

SECTION 135.060: MONTHLY REPORT TO COUNCIL

The Municipal Judge shall cause to be prepared within the first ten (10) days of every month a report indicating the following: A list of all cases heard and tried before the Court during the preceding month, giving in each case the name of the defendant, the fine imposed, if any, the amount of cost, the names of the defendants committed and in the cases where there was an application for trial de novo, respectively. The same shall be prepared under oath by the Municipal Court Clerk or the Municipal Judge. This report will be filed with the City Clerk who shall thereafter forward the same to the City Council for examination at its first (1st) session thereafter. The Municipal Court shall, within ten (10) days after the first (1st) of the month, pay to the City Collector the full amount of all fines collected during the preceding month, if they have not previously been paid. (R.O. 2009 §37.18; CC 1981 §19-8; Ord. No. 78-97, 12-20-78; Ord. No. 79-50, 5-30-79)

SECTION 135.070: 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 the County. The Municipal Judge shall deliver the docket and records of the Municipal Court and all books and papers pertaining to his/her office to his/her successor in office or to the Presiding Judge of the Circuit. (R.O. 2009 §37.19; CC 1981 §19-9; Ord. No. 78-97, 12-20-78; Ord. No. 79-50, 5-30-79)

SECTION 135.080: 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.

ARTICLE III. ARRESTS, WARRANTS AND TRIAL PROCEDURES

SECTION 135.090: ISSUANCE AND EXECUTION OF ARREST WARRANTS--ARRESTS WITHOUT WARRANTS

A. *Issuance And Execution Of Warrants.* All arrest warrants issued or authorized by the Municipal Judge shall be directed to the Chief of Police or any other Police Officer of the municipality or to the Sheriff of the County. The warrant shall be executed by the Chief of Police, Police Officer or Sheriff any place within the limits of the County and not elsewhere unless the warrants are endorsed in the manner provided for warrants in criminal cases and, when so endorsed, shall be served in other Counties as provided for in warrants in criminal cases.

B. *Arrests Without Warrants.* The Chief of Police or other Police Officer of the City may,

without a warrant, make arrest of any person who commits an offense in the officer's presence or when the officer has reasonable grounds to believe any such person has violated any ordinance of the City, but such officer shall, before the trial, file a written complaint with the Judge hearing violations of municipal ordinances. (R.O. 2009 §37.30; CC 1981 §§19-12--19-13; Ord. No. 78-97, 12-20-78; Ord. No. 79-50, 5-30-79; Ord. No. 96-276, 10-2-96; Ord. No. 98-70, 2-9-98)

SECTION 135.100: SEARCH WARRANTS--PROCEDURES

A. *Authority.*
   1. The Municipal Judge shall have the authority to issue search warrants for searches or inspections to determine the existence of violations of any of the following provisions of this Code of Ordinances:
      a. Chapter 210, Animals;
      b. Chapter 500, Building Regulations (including the Building, Electrical, Plumbing, Residential, Energy Conservation, Property Maintenance, Mechanical, Existing Building Code, Fuel Gas Codes; and Heating, Ventilation and Air-Conditioning Code and Dangerous Building Code);
      c. Chapter 205, Fire Prevention;
      d. Chapter 220, Health, Safety and Sanitation;
      e. Title VI, Business Regulations;
      f. Chapter 400, Zoning Code;
      g. Chapter 350, Parking Regulations.
   2. Business premises shall include all premises used or designed for use as any permitted use or conditional use listed under the "HCD", "C-1", "C-2", "C-3" or "OBP" districts as listed in the Zoning Code, except that it shall not include dwelling units.
   3. Dwelling unit shall mean a room or group of rooms occupied or intended to be occupied as separate living quarters.
   4. The search warrants may be issued for:
      a. Business premises, or
      b. A dwelling unit, but only for:
         (1) Violations of the Property Maintenance Code as adopted by Section 500.110 and amended by Section 500.120.
         (2) Animal bite cases as provided in Section 210.190 of this Code.

B. Warrants and searches or inspections made pursuant thereto shall conform to and be governed by the following provisions:
   1. The Chief of Police, City Attorney or Prosecuting Attorney or a designated assistant may make application for the issuance of a search warrant.
   2. The application shall:
      a. Be in writing;
      b. State the time and date of the making of the application;
      c. Identify the property, article, material, substance, person or other evidence which is to be searched for and seized in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
      d. Identify the person, place or thing which is to be searched in sufficient detail and particularity that the officer executing the warrant can readily ascertain

whom or what is to be searched;

e. State facts sufficient to show:
   (1) Probable cause for the issuance of the search warrant; and
   (2) That the owner and the occupant of the premises were sent two (2) notices in writing, either by personal service or by certified mail, that a search warrant would be sought. This notification requirement shall not apply if the persons signing the application determine that an emergency exists or that the application is for an animal bite case.
      (a) The first (1st) notice shall state that they would be allowed at least seven (7) calendar days from the date of personal service or from the date of mailing in which to provide access to the premises.
      (b) The second (2nd) notice shall be issued after expiration of the time period required in the first (1st) notice and shall state that they would be allowed at least seven (7) calendar days from the date of personal service of the second (2nd) notice in which to provide access to the premises. If the second (2nd) notice is mailed, then a copy of the second (2nd) notice shall be posted on the door of the premises to be searched on or before the date of mailing.

f. Be verified by the oath or affirmation of the applicant;
g. Be filed in the Municipal Court;
h. Be signed by the Chief of Police, City Attorney or the Prosecuting Attorney or a designated assistant and by both the appropriate department director and the Mayor.

3. The application may be supplemented by a written affidavit verified by oath or affirmation. Such affidavit shall be considered in determining whether there is probable cause for the issuance of a search warrant and in filling out any deficiencies in the description of the person, place or thing to be searched or of the property, article, material, substance, person or other evidence to be seized. Oral testimony shall not be considered. The application may be submitted by facsimile or other electronic means.
4. The Municipal Judge shall hold a non-adversary hearing to determine whether sufficient facts have been stated to justify the issuance of a search warrant. If it appears from the application and any supporting affidavit that there is probable cause to believe that property, article, material, substance, person or other evidence subject to seizure is on the person or at the place or in the thing described, a search warrant shall immediately be issued. The warrant shall be issued in the form of an original and two (2) copies.
5. The application and any supporting affidavit and a copy of the warrant shall be retained in the records of the Municipal Court.
6. The search warrant shall:
   a. Be in writing and in the name of the City;
   b. Be directed to any Peace Officer in the City;
   c. State the time and date the warrant is issued;
   d. Identify the material, article, substance, person or other evidence which is to be searched for and seized in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
   e. Identify the person, place or thing which is to be searched in sufficient detail

and particularity that the officer executing the warrant can readily ascertain whom or what the officer is to search;

f. Command that the described person, place or thing be searched and that any of the described property, article, material, substance, person or other evidence found thereon or therein be seized or photographed or copied and be returned or the photograph or copy be brought, within ten (10) days after filing of the application, to the Municipal Judge who issued the warrant, to be dealt with according to law;
g. Be signed by the Judge, with title of office indicated;
h. Not authorize the seizure of real property.

7. A search warrant issued under this Section may be executed only by a Police Officer. The warrant shall be executed by conducting the search and seizure commanded. The search warrant issued under this Section may be issued by facsimile or other electronic means.
8. A search warrant shall be executed as soon as practicable and shall expire if it is not executed and the return made within ten (10) days after the date of the making of the application.
9. After execution of the search warrant, the warrant, with a return thereon signed by the officer making the search, shall be delivered to the Judge who issued the warrant. The return shall show the date and manner of execution, what was seized and the name of the possessor and of the owner, when the owner and possessor are not the same person, if known. The return shall be accompanied by a copy of the itemized receipt required by Subsection (C)(5) below. The Judge or Clerk shall, upon request, deliver a copy of such receipt to the person from whose possession the property was taken and to the applicant for the warrant.
10. A search warrant shall be deemed invalid:
    a. If it was not issued by the Municipal Judge;
    b. If it was issued without a written application having been filed and verified;
    c. If it was issued without probable cause;
    d. If it does not describe the person, place or thing to be searched or the property, article, material, substance or person to be seized with sufficient certainty;
    e. If it is not signed by the Municipal Judge;
    f. If it was not executed within the time prescribed by Subsection (B)(8) above; or
    g. If it was issued without an affidavit supplementing the application.

C. *Search Warrant--Execution.*

1. The search shall be conducted in a reasonable manner. The search warrant shall be executed only between the hours of 8:00 A.M. and 5:00 P.M., except where its execution during those hours is not practicable, in which case the search warrant may be executed no later than 9:00 P.M.
2. An officer making a search pursuant to an invalid warrant, the invalidity of which is not apparent on its face, may use such force as would be justified if the warrant were valid.
3. The officer may summon as many persons as deemed necessary to assist in executing the warrant. Such persons shall not be held liable as a result of the illegality of the search and seizure. If the application was initiated by a City inspector, then that inspector shall not assist in executing the warrant or in

determining compliance with subsequent orders resulting from the search.

4. If any property is seized, the officer shall give to the person from whose possession it is taken, if the person is present, a copy of the warrant and an itemized receipt of the property taken. If no person is present, the officer shall leave the copy and the receipt at the site of the search.
5. A copy of the itemized receipt of any property taken shall be delivered to the office of the City Attorney within two (2) working days of the search.

D. A person aggrieved by an unlawful seizure made by an officer and against whom there is a pending proceeding growing out of the subject matter of the seizure may file a motion to suppress the use in evidence of the property or matter seized. For the purposes of this Section, a *"pending proceeding"* shall mean any investigation being conducted with the intention of using the seized subject matter in seeking an information or when an information has been issued. The procedures for a motion to suppress contained in Section 542.296, RSMo., shall apply.

E. The disposition of property seized pursuant to a search warrant under this Section shall be in accordance with Section 542.301, RSMo. (R.O. 2009 §37.31; CC 1981 §19-21.1; Ord. No. 91-68, 4-3-91; Ord. No. 96-68, 3-6-96; Ord. No. 96-276, 10-2-96; Ord. No. 98-231, 5-20-98; Ord. No. 05-288, 11-4-05; Ord. No. 06-139, 6-14-06; Ord. No. 07-162, 6-11-07)

SECTION 135.110: SEARCH WARRANTS FOR ABATEMENT OF WEEDS, NUISANCES AND ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE MOTOR VEHICLES

A. The Municipal Judge shall have the authority to issue search warrants to allow authorized officials of the City to enter onto private property for the purpose of abating nuisances and enforcing Section 375.070 (Removal of Motor Vehicles From Property), Section 225.160 (Notice to Remove--Removal by City Upon Owner's Failure) and Section 220.100 (Abatement of Nuisance) of the City Code except that the warrant authorized hereunder shall not be used for a nuisance under Chapter 220 of the Code that is located within any building or structure.

B. For purposes of this Subsection, an official of the City, or that official's designees, whose duties involve the enforcement of the Code Sections here set out may apply for a search warrant to enforce the ordinance and abate an existing nuisance by filing an application for a search warrant with a Municipal Judge of the City.

C. The application shall:

1. Be in writing;
2. State the time and date of the making of the application;
3. State facts sufficient to show that a violation or nuisance under the Code provision exists;
4. Identify the nature of the nuisance or violation and the matter of its proposed abatement;
5. State that the premises are occupied and that the owner or person in possession has refused or has not granted permission to enter onto the premises to abate the ordinance violation or nuisance;
6. Be verified by the oath or affirmation of the applicant;
7. Be signed by one (1) of the following or a designee: the Chief of Police, City Attorney, Assistant City Attorney, Prosecuting Attorney, Assistant Prosecuting

Attorney or the director of the department of the City whose duty it is to enforce the Code Chapter and Section involved;

8. Be filed in the Municipal Court.

D. The search warrant shall:
   1. Be in writing and in the name of the City;
   2. Be directed to any Peace Officer or Enforcement Official in the City;
   3. State the time and date the warrant is issued;
   4. Identify the place or thing which is to be searched and the nuisance or violation to be abated in sufficient detail and particularity that the officer or enforcement official executing the warrant can readily determine what is to be abated;
   5. Be signed by the Judge, with title of office indicated.

E. A search warrant issued under this Section may be executed by a Police Officer or the City Official, or his/her designees, whose duty it is to enforce the Code Chapter and Section which prompted the issuance of the warrant.

F. A search warrant shall be executed as soon as practicable and shall expire if it is not executed and the return made within ten (10) days after the date of the making of the application.

G. After execution of the search warrant, the warrant, with a return thereon signed by the person making the search, shall be delivered to the Judge who issued the warrant. The return shall show the date and manner of execution, what was abated, the method and manner of abatement and the name of the person, if any, upon whom the warrant was served. (R.O. 2009 §37.31.1; Ord. No. 98-482, 11-19-98; Ord. No. 06-139, 6-14-06)

SECTION 135.120: 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 Judge. Whenever a defendant accused of a violation of a municipal ordinance demands trial by jury, the Municipal Court shall certify the case to the Presiding Judge of the Circuit Court for reassignment as provided by applicable State law. (R.O. 2009 §37.32; CC 1981 §19-14; Ord. No. 78-97, 12-20-78; Ord. No. 79-50, 5-30-79; Ord. No. 95-117, 5-2-95)

SECTION 135.130: DUTIES OF CITY'S PROSECUTING ATTORNEY

It shall be the duty of an attorney designated by the municipality to prosecute the violations of the Code of Ordinances and any other ordinance of the City before the Municipal Judge or before any Circuit Judge hearing such violations. 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 result in any case. (R.O. 2009 §37.33; CC 1981 §19-15; Ord. No. 78-97, 12-20-78; Ord. No. 79-50, 5-30-79)

SECTION 135.140: 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 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. (R.O. 2009 §37.34; CC 1981 §19-16; Ord. No. 78-97, 12-20-78; Ord. No. 79-50, 5-30-79)

SECTION 135.150: TRANSFER OF COMPLAINT TO ASSOCIATE CIRCUIT JUDGE

If, in the progress of any trial before a Municipal Judge, it shall appear to the Judge that the accused ought to be put upon trial for an offense against the criminal laws of the State and not cognizable before him/her as Municipal Judge, he/she shall immediately stop all further proceedings before him/her as Municipal Judge and cause the complaint to be made before some Associate Circuit Judge within the County. (R.O. 2009 §37.35; CC 1981 §19-17; Ord. No. 78-97, 12-20-78; Ord. No. 79-50, 5-30-79)

SECTION 135.160: JAILING DEFENDANT--PAROLE AND PROBATION

A. *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 to such Sheriff for the keeping of such prisoner in his/her custody. The same shall be taxed as cost.

B. *Parole And Probation.* Any Judge hearing violations of this Code and any other ordinance of the City 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. (R.O. 2009 §37.36; CC 1981 §§19-18--19-19; Ord. No. 78-97, 12-20-78; Ord. No. 79-50, 5-30-79)

SECTION 135.170: RIGHT OF APPEAL--APPEAL FROM JURY VERDICT

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

B. *Appeal From Jury Verdicts.* In all cases in which a jury trial has been demanded, a record of the proceedings shall be made and appeals may be had upon that record to the appropriate Appellant Court. (R.O. 2009 §37.37; CC 1981 §§19-20--19-21; Ord. No. 78-97, 12-20-78; Ord. No. 79-50, 5-30-79)

SECTION 135.180: BREACH OF RECOGNIZANCE
In the case of a breach of any recognizance entered into before a Municipal Judge or an Associate Circuit Judge hearing a Code or ordinance violation case, the same shall be deemed forfeited and the Judge shall cause the same to be prosecuted against the principal and surety, or either of them, in the name of the municipality as plaintiff. Such action shall be prosecuted before a Circuit Judge or Associate Circuit Judge and in the event of cases caused to be prosecuted by a Municipal Judge, such shall be on the transcript of the proceedings before the Municipal Judge. All monies recovered in such actions shall be paid over to the Municipal Treasury to the General Revenue Fund of the municipality. (R.O. 2009 §37.38; CC 1981 §19-22; Ord. No. 78-97, 12-20-78; Ord. No. 79-50, 5-30-79)

SECTION 135.190: DISQUALIFICATION OF MUNICIPAL JUDGE
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. (R.O. 2009 §37.39; CC 1981 §19-23; Ord. No. 78-97, 12-20-78; Ord. No. 79-50, 5-30-79)

ARTICLE IV. ADMINISTRATION AND ENFORCEMENT

SECTION 135.200: CLERK OF MUNICIPAL COURT
The Municipal Court Clerk is designated as the Clerk of the Municipal Court. The duties of the Clerk shall be as follows:

1. To collect such fines for violations of such offenses as may be described and the Court costs thereof and to pay over all fines and costs into the City Treasury.
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 Violation Bureau cases or as directed by the Municipal Judge; generally act as Violations Clerk of the Violations Bureau.
6. Perform all other duties as provided for by ordinance, by rules of practice and procedure adopted by the Municipal Judge and by the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and by Statute.
7. Maintain, properly certified by the City Clerk, a complete copy of this Code and any other ordinance of the City which shall constitute prima facie evidence of such Code or ordinance before the Court. Further, to maintain a similar certified copy on file with the Clerk serving the Circuit Court of the County.

8. The Clerk of the Municipal Court of the City is authorized to issue warrants and summons as the result of complaints or information filed by the City Attorney; provided that no such summons or warrants shall be issued without the authority of the Municipal Judge. (R.O. 2009 §37.50; CC 1981 §19-25; Ord. No. 78-97, 12-20-78; Ord. No. 79-50, 5-30-79)

SECTION 135.210: COURT COSTS

In addition to any fine that may be imposed by the Municipal Judge, there shall be assessed as costs in all cases the following:

1. Costs of court in the amount of twelve dollars ($12.00), except for appearances before the Violations Bureau in which case costs shall be two dollars ($2.00).
2. In all cases, except those for non-moving traffic violations, submitted to the Violation Bureau and/or the Municipal Court, there shall be an additional fee of two dollars ($2.00) assessed for the training of Police Officers pursuant to Sections 590.100 through 590.150, RSMo.
3. A surcharge of one dollar ($1.00) to be collected for the State's Peace Officer Standards and Training Commission Fund as required by Section 590.140, RSMo.
4. A surcharge of seven dollars fifty cents ($7.50) to be collected for the State's Crime Victims' Compensation Fund as required by Section 595.045, RSMo.
5. A surcharge of two dollars ($2.00) to be collected for the Inmate Security Fund as required by Section 488.5026, RSMo.
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 or incurred by the City by or from any County Sheriff for transportation to and from, apprehension or confinement in any County Jail and service costs, witness fees and jail costs.
8. Mileage, in the same amount as provided to the Sheriff in criminal violations, for each mile and fraction thereof the officer must travel in order to serve any warrant or commitment or order of this Court. (R.O. 2009 §37.51; CC 1981 §19-26; Ord. No. 78-97, 12-20-78; Ord. No. 79-50, 5-30-79; Ord. No. 79-102, 12-12-79; Ord. No. 96-367, 12-31-96; Ord. No. 01-192, 8-27-01; Ord. No. 01-223, 9-21-01; Ord. No. 02-264, 11-8-02; Ord. No. 04-242, 10-6-04)

SECTION 135.220: ASSESSMENT AGAINST PROSECUTING WITNESS

The costs of any action may be assessed against the prosecuting witness and judgment be rendered against him/her that he/she pay the same and stand committed until paid in any case where it appears to the satisfaction of the Municipal Judge that the prosecution was commenced without probable cause and from malicious motives. (R.O. 2009 §37.52; CC 1981 §19-27; Ord. No. 78-97, 12-20-78; Ord. No. 79-50, 5-30-79)

SECTION 135.230: INSTALLMENT PAYMENT OF FINE

When a fine is assessed for violating a provision of this Code or any other ordinance of the City, it shall be within the discretion of the Judge assessing the fine to provide for the payment of a fine on an installment basis under such terms and conditions as he/she may

deem appropriate. (R.O. 2009 §37.53; CC 1981 §19-28; Ord. No. 78-97, 12-20-78; Ord. No. 79-50, 5-30-79)

SECTION 135.240: VIOLATIONS BUREAU

A. *Bureau Authorized.* Should the Municipal Judge determine that there shall be a Violations Bureau, the City shall provide all expenses incident to the operating of the same. A Municipal Court Clerk is established or designated as the Violations Clerk for such Bureau, if established.

B. *When Person Charged May Elect To Appear At Bureau Or Before Magistrate.*
   1. Any person charged with an offense for which payment of a fine may be made to the Violations Bureau shall have the option of paying such fine within the time specified in the notice of arrest at the Violations Bureau upon entering a plea of guilty and upon waiving appearance in Court; or may have the option of depositing required lawful bail and upon a plea of not guilty shall be entitled to a trial as authorized by law.
   2. 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.

C. *Duties.* The following duties are imposed upon the Violations Bureau in reference to traffic offenses:
   1. It shall accept designated fines, issue receipts and represent in Court such violators as are permitted and desire to plead guilty, waive court appearance and give power of attorney;
   2. It shall receive and issue receipts for cash bail from the persons who must or wish to be heard in Court, enter the time of their appearance on the Court docket and notify the arresting officer and witnesses, if any, to be present.

D. *Bureau To Keep Records.* The Violations Bureau shall keep records and submit summarized monthly reports to the Municipal Court of all notices issued and arrests made for violations of the traffic laws and ordinances in the City and of all the fines collected by the Violations Bureau or the Court and of the final disposition or present status of every case of violation of the provisions of such laws and ordinances. Such records shall be so maintained as to show all types of violations and the totals of each such records shall be public records.

E. *Additional Duties.* The Violations Bureau shall follow such procedure as may be prescribed by this Traffic Code and any other traffic ordinance of the City or as may be required by any laws of this State. (R.O. 2009 §37.54; CC 1981 §§18-68--18-71, 19-11; Ord. No. 75-35, 8-6-75; Ord. No. 78-97, 12-20-78; Ord. No. 79-50, 5-30-79)

State Law References--Similar provisions, §§300.555, 300.560, 300.565 and 300.570, RSMo.

SECTION 135.250: FAILURE TO APPEAR

A. In addition to the forfeiture of any security which was given or pledged for his/her release, any person who, having been released upon a recognizance or bond pursuant to any other provisions of law, willfully fails to appear before the Judge of the Municipal Court as required shall be guilty of an offense and punished by penalty provisions set

forth in Section 100.150 of this Code.

B. Nothing in this Section shall prevent the exercise of the Municipal Court of its power to punish for contempt. (R.O. 2009 §37.55; CC 1981 §19-29 (part); Ord. No. 84-61, 6-13-84)

SECTION 135.260: REIMBURSEMENT OF COST FOR ALCOHOL- AND DRUG-RELATED OFFENSES

A. Upon a plea of guilty, finding of guilt or conviction for violation of the provisions of Section 320.060 (Driving While Intoxicated) or Section 320.070 (Driving With Certain Blood Alcohol Content), the Court may, in addition to imposition of any penalties provided by law, order the person to reimburse law enforcement authorities for the costs associated with such arrest.

B. Such costs shall include the reasonable cost of making the arrest, including the cost of any chemical tests to determine the alcohol or drug content of the person's blood, and the cost of processing, charging, booking and holding such person in custody.

C. Law enforcement authorities may establish a schedule of such costs for submission to the Court; however, the Court may order the costs reduced if it determines that the schedule of costs is excessive given the circumstances of the case or for good cause shown.

D. These fees shall be calculated as additional costs by the Municipal Court and shall be collected by the Court in the same manner as other costs and fees are collected and remitted.

E. The Finance Director shall retain these fees in a separate fund known as the DWI-Drug Enforcement Fund. Monies within the DWI-Drug Enforcement Fund shall be appropriated by the City Council to law enforcement authorities from such fund in amounts equal to those costs so incurred and shall be specifically used to enhance and support the enforcement and prosecution of alcohol- and drug-related traffic laws within the City. (R.O. 2009 §37.56; CC 1981 §19-30; Ord. No. 92-285, 11-18-92)

CHAPTER 140: TAXATION--FINANCE--REVENUE

Cross References--As to business regulations, licensing and taxation, Title VI; as to cigarette sales tax, §§605.350 et seq.; as to gross receipts tax on retail merchants, §§605.270 et seq.; as to sales tax, §§605.470 et seq.; as to business licensing and taxation, charter art. XIII; as to financial procedures, charter art. VIII.

ARTICLE I. GENERAL PROVISIONS

SECTION 140.010: FISCAL YEAR

The fiscal year of the City shall commence on January first (1st) and terminate on December thirty-first (31st) in each year and the books, accounts and reports of the officers shall be made to conform thereto. (R.O. 2009 §39.01; CC 1981 §2-461; Ord. No.

86-2, 1-7-86; Ord. No. 00-327, 12-1-00)

SECTION 140.020: REPORTING TO COUNCIL OF TRANSFERS PURSUANT TO CHARTER SECTION 8.10 IN EXCESS OF $10,000.00

Any intra-departmental transfer authorized by Charter Section 8.10 aggregating ten thousand dollars ($10,000.00) or more shall be reported to the City Council at the second (2nd) meeting of the month following the transfer as a Director of Administration Report on the City Council Consent Agenda. (R.O. 2009 §39.04; CC 1981 §2-460; Ord. No. 81-83, 9-1-81; Ord. No. 95-122, 5-4-95; Ord. No. 11-09 §§1--3, 1-7-11; Ord. No. 11-54 §1, 3-30-11)

SECTION 140.030: FEES FOR APPLICATIONS AND REVIEWS UNDER THE ZONING CODE

A. Any person making an application to the Planning and Zoning Commission for rezoning or conditional use shall pay, in advance, a fee of one hundred fifty dollars ($150.00). The fee may be refunded only if the application is withdrawn before publication of a public hearing notice in the newspaper or prior to review by the Planning and Zoning Commission.
B. Any person making an application to the Board of Adjustment shall pay, in advance, a non-refundable fee of one hundred fifty dollars ($150.00) for the first (1st) variance request on a property and an additional fee of fifty dollars ($50.00) for each additional request involving the same property. The fee may be refunded only if the application is withdrawn before publication of a public hearing notice in the newspaper or prior to review by the Board of Adjustment. Any application involving an existing duplex unit or an existing single-family home shall pay, in advance, a non-refundable fee of fifty dollars ($50.00).
C. Any person submitting a site plan for review by the Planning and Zoning Commission or HLPARB shall pay a fee of fifty dollars ($50.00) per building.
D. Any person making an application to the HLPARB for exterior changes shall pay a fee of twenty-five dollars ($25.00). (R.O. 2009 §39.05; Ord. No. 98-236, 5-20-98; Ord. No. 99-322, 9-23-99; Ord. No. 04-176, 8-4-04)

SECTION 140.040: INSUFFICIENT FUNDS OR NO ACCOUNT CHECK FEE

Any person who writes a check to the City which is subsequently returned to the City because of insufficient funds shall pay to the City a fee of twenty-five dollars ($25.00). (R.O. 2009 §39.06; Ord. No. 98-253, 6-17-98)

SECTION 140.050: RELEASE AND SETTLEMENT OF CLAIMS AGAINST THE CITY-- PROCEDURE

A. No claim for damages made against the City shall be paid without the claimant first executing a release and settlement of claim in the form approved by the City Attorney and the Finance Director as required by Charter Section 7.4(b).
B. Nothing in this Section is intended to guarantee payment of any claim made against the

City.

C. Claims for damages shall be paid within five (5) business days from the date of the claimant's and Mayor's execution of the release and settlement of claim form.
D. The release and settlement of claim form shall be in substantially a form on file in the City Clerk's office. (R.O. 2009 §39.07; Ord. No. 08-271, 12-19-08)

SECTION 140.055: CREDIT OR DEBIT CARD PAYMENT FOR BILLS, FEES, COURT FINES AND COSTS--FEES PAID DIRECTLY BY CARDHOLDER

A credit or debit card may be accepted for payment of water bills, sewer bills, ambulance bills, permit fees, court fines and costs and other City service payments. The exact fee charged by a credit/debit card payment processor for the convenience of the cardholder's transaction shall be added to the transaction total at the time the credit/debit card payment is processed and shall be paid entirely by the cardholder. The City shall not accept payment by credit or debit card if the City incurs a cost for the payment by credit/debit card in addition to the convenience fee being paid directly by the cardholder to the credit/debit card payment processor for the convenience of making payment to the City by credit/debit card. (Ord. No. 11-057 §1, 3-30-11)

ARTICLE II. CITY DEPOSITORIES

SECTION 140.060: SELECTION PROCESS, RECEIPT OF PROPOSAL

Receipt Of Proposals--Notice--Statement Of Rate Payable To City--Disclosure Of Amount Of Bid Prior To Selection. Subject to the provisions of the laws of the State, the City Council shall periodically receive sealed proposals for the deposit of City funds from bank institutions doing business within the City that desire to be selected as the depository of funds of the City. (R.O. 2009 §39.15; Ord. No. 3746, 6-9-70; Ord. No. 96-35, 2-7-96)

SECTION 140.070: SECURITIES TO BE DEPOSITED WITH DEPOSITORY AGENT

It shall be the duty of the banking corporation, association or individual bank selected as a depository to pledge to the City and deposit with a depository agent to be designated by the City Council securities of the value to be fixed by order of the City Council, not less than one hundred ten percent (110%) of the actual amount of the funds on deposit pursuant to the Federal Deposit Act of 1950 (12 USC 1811 et seq.) as heretofore or hereafter amended, which shall be securities of the character prescribed by the City's investment policy. (R.O. 2009 §39.16; CC 1981 §2-472; Ord. No. 3746, 6-9-70; Ord. No. 96-35, 2-7-96; Ord. No. 00-61, 2-16-00)

Cross Reference--As to penalty, §100.150.

State Law Reference--City depository generally, §§95.280 et seq., RSMo.

SECTION 140.080: RELEASE OF PLEDGED SECURITIES

The Mayor or the Finance Director are authorized to release pledged securities, required by Section 140.070, because of maturity or other fiscal matters provided that there remain with the depository agent pledged securities valued at not less than one hundred ten percent (110%) of the City's deposits. (R.O. 2009 §39.17; Ord. No. 00-61, 2-16-00; Ord. No. 07-162, 6-11-07)

ARTICLE III. FINANCING PUBLIC IMPROVEMENTS

SECTION 140.090: APPLICATION--PRELIMINARY REPORT BY MAYOR

A. Upon the application of any person for a public improvement to be paid for in whole or in part by special tax bills upon real property or upon the order of the City Council, the Mayor may prepare and submit to the City Council a preliminary report substantially setting out the improvement proposed, together with such other information and data as may be available from the Department of Public Works concerning any such proposed public improvement.

B. *"Public improvement"* in this Article means to grade, pave (the word *"pave"* as herein used meaning to improve with all kinds of street paving, including macadamizing), gutter, curb or otherwise improve streets and alleys and parts of same and to reconstruct and repair any paving, grading, guttering and curbing and to make and repair sidewalks, bridges, culverts and crosswalks and to exercise control over streets and alleys and establish and re-establish grades thereon. (R.O. 2009 §39.30; CC 1981 §24-201; Ord. No. 91-164, 8-21-91; Ord. No. 98-97, 2-19-98; Ord. No. 07-162, 6-11-07)

SECTION 140.100: WORK AUTHORIZED BY CITY COUNCIL

Any proposed public improvement to be paid for in whole or in part by special assessments upon real property shall be initiated by a resolution of the City Council authorizing the Department of Public Works to proceed with the engineering for such proposed improvement. Such resolution may be submitted at the same meeting that the preliminary report set forth in Section 140.090 of this Chapter is submitted or at any subsequent meeting of the Council. (R.O. 2009 §39.31; CC 1981 §24-202; Ord. No. 91-164, 8-21-91; Ord. No. 98-97, 2-19-98)

SECTION 140.110: PROCEDURE RELATIVE TO APPROVAL AND PAYMENT OF COSTS

After authorization by the City Council as set forth above, the following procedure shall be used for the proposed public improvements project to be paid for in whole or in part by special assessments upon real property:

1. The Mayor shall cause to be prepared, filed with the City Clerk, subject to inspection of the public and submitted to the City Council, plans and specifications for the proposed public improvement project, including construction costs which may include labor, material, construction contingency

and fees and other expenses and an estimate of the portion of the total cost to be assessed against each property to be benefitted by the project, i.e., the cost per individual lot or tract of ground in the district, exclusive of the public highways. Any error or inaccuracy in such estimate, as compared with actual cost of the work, shall not affect the validity of the proceedings or of any assessments made or of special bills issued.

2. If the City Council shall deem the public improvement project necessary, it shall by resolution, referring to the plan, specifications and estimates of cost filed in the office of the City Clerk, declare the public improvement necessary, state the benefits of the proposed public improvement project to the property abutting the proposed public improvement project and state the nature and the method of payment of the proposed public improvement project. The resolution shall set a time, date and place for a public hearing on the proposed public improvement project. At the public hearing citizens may express their assent or objection to such project.
3. The City Council shall cause the resolution to be published in some newspaper printed in the County for two (2) consecutive insertions in a weekly paper and for seven (7) consecutive insertions in a daily paper or as may be provided by State law. At the same time, the Council shall cause not less than three (3) copies of the resolution to be posted in conspicuous places within the limit of the proposed public improvement.
4. After the public hearing, the City Council may, by ordinance, adopt the plans and specifications filed with the City Clerk.
5. The Director of Public Works shall advertise for bids for the proposed public improvements construction project set forth in the plans and specifications. On receipt of such bids, the Director of Public Works shall, at the time and place designated in the advertisement for bids, publicly open them and the Mayor shall in writing report to the City Council the name and bid of the lowest and best bidder. No bid may be considered which is above the estimate of cost previously filed. Thereafter, the City Council may, by ordinance, authorize the Mayor to enter into a contract with such bidder for the work on behalf of the City and require and authorize the Mayor to approve a bond from the contractor for faithful performance of the contract and for the payment by the contractor for all labor done or materials used in the improvement. Where the bids are above the estimate or no bids are received or for any reason a legally enforceable contract cannot be let, readvertisement for bids by the Director of Public Works may be made as often as may be deemed expedient. (R.O. 2009 §39.32; CC 1981 §24-203; Ord. No. 91-164, 8-21-91; Ord. No. 98-97, 2-19-98; Ord. No. 07-162, 6-11-07)

Cross Reference--As to penalty, §100.150.

SECTION 140.120: ACCEPTANCE OF IMPROVEMENTS--ISSUANCE OF SPECIAL TAX BILLS

When a public improvement to be paid for in whole or in part by special assessments upon real property is completed in accordance with the contract, the Mayor shall, in writing, so report to the City Council. The report of the Mayor shall include a separate

report of the Director of Public Works, wherein the Director of Public Works shall compute the whole cost thereof and apportion the same against the lots, tracts or parcels of ground in proportion to the area of the whole district, exclusive of public highways. The City Council shall, by ordinance, after conducting a public hearing on the benefits conferred by the public improvement project, accept the public improvement project and, for that part to be paid for by special assessment, levy and assess special tax bills in accordance with the report of the Director of Public Works and order the issuance of special tax bills. The Director of Finance shall issue tax bills payable to the City against each lot, tract or parcel of ground for the amount for which it is liable. The Director of Finance shall be responsible for all aspects of the collection of tax bills made payable to the City, including the filing of liens and undertaking of legal actions for the collection of amounts due under the tax bills issued. (R.O. 2009 §39.33; CC 1981 §24-204; Ord. No. 91-164, 8-21-91; Ord. No. 98-97, 2-19-98; Ord. No. 07-162, 6-11-07)

SECTION 140.130: INSTALLMENT PAYMENTS

A. Each tax bill shall contain a brief general statement of the facts authorizing its issue, the amount for which it is issued, the name of the record owner and the description of the property against which it is issued, the rate of interest which it bears, when it begins to bear interest and shall state that it is a lien against the land therein described and give the time that the lien continues.

B. Tax bills shall bear no interest for sixty (60) days after the date of issue, at which time such tax bills shall be due and payable in full. After the expiration of sixty (60) days, tax bills shall bear interest, on the unpaid balance, at a rate not to exceed the rate on ten (10) year United States Treasury notes as established at the most recent auction, which rate shall be set forth in the ordinance authorizing the issuance thereof. Every tax bill shall be a lien against the lot, tract or parcel of land described therein for a period of ten (10) years after date of issue, unless sooner paid. The lien, for tax bills payable in installments, shall expire one (1) year after the date of maturity of the last installment, except when it becomes necessary to bring suit to enforce the lien, in which case the lien shall continue until the expiration of the litigation. All tax bills shall be assignable and the owner or holder of any tax bill may enforce the collection thereof by filing suit in a court of competent jurisdiction, in the name of the City to his/her own use or in an action brought by the City in its own name and for its own use. If the property owner cannot be served by legal process, a suit may be brought by attachment or by any other legal remedy. Tax bills shall be prima facie evidence of what they contain, of their own validity, of the facts authorizing their issue, that they are a lien on the land described and, in all tax bills issued in payment for sewers, the liability of the person named as the owner of such property. No mere informality or clerical mistake in any of the proceedings shall be a defense thereto. Any error made in issuing any tax bill may be corrected by the City Clerk, either by interlineation or by issuing a new tax bill in lieu of the erroneous one. When a tax bill is corrected by interlineation, the date of making same shall be certified by the Clerk on the margin or back of the bill. In any action brought on any tax bill, the court shall have the authority to correct any error in the tax bill.

C. The owner of any tract of land, against which a tax bill has been issued, may, not later than sixty (60) days after the issuance of the tax bill, enter into an agreement with the City to pay the tax bill in ten (10) annual installments. Each payment shall be in an

amount equal to one-tenth (1/10) of the unpaid balance of the tax bill, together with all accrued interest. The agreement shall provide that if any installment is not paid when due, the balance shall be then due and payable in full, together with all accrued interest. Prepayments may be made without penalty. (R.O. 2009 §39.34; CC 1981 §24-205; Ord. No. 91-164, 8-21-91)

Cross Reference--As to penalty, §100.150.

SECTION 140.140: PAYMENT OF TAX BILLS

A. *Manner Of Payment.* The owner of property described in a special tax bill may pay such tax bill at the time and in the amounts therein specified to either the legal holder of such special tax bill or, if the owner of any property shall make representation that the legal holder cannot be found or refuses to accept tender of payment, then payment may be made to the Director of Finance. The Director of Finance shall be deemed the lawful agent in such cases to accept payment on behalf of the legal holder of the special tax bill.

B. *Procedure Upon Payment.* When payment of a special tax bill in full, with interest, shall be made directly to the legal holder of such bill, such holder shall endorse on the back thereof a receipt for the amount paid and deliver the same to the party making such payment, together with a certificate addressed to the Director of Finance stating that such tax bill has been paid and that the owner of the property therein described is entitled to have satisfaction thereof entered on the register of special assessments for improvements. The Director of Finance shall file such certificate upon receipt of the same and shall certify on the back of such bill that such satisfaction has been properly entered on such register. When payment of a special tax bill in full, with interest, shall be made directly to the Director of Finance, the Director shall prepare a certificate, a copy of which shall serve as a receipt, indicating that such payment has been made and that the owner of the property described in the tax bill is entitled to have satisfaction thereof entered on the register of special assessments for improvements, which certificate shall be filed with the certificates hereinbefore required and the Director of Finance shall at that time enter satisfaction of such tax bill on the register of special assessments for improvements. The Director of Finance shall then secure the tax bill from the legal holder thereof, certifying on the back of such tax bill that satisfaction has been properly entered on the record and endorsing a receipt on the back of the bill for the amount paid; thereafter surrendering the tax bill to the person having paid such bill.

C. *Lost Tax Bill Prior To Satisfaction.* If any tax bill shall be lost before satisfaction thereof has been entered on the record of special assessments, the Director of Finance shall, upon the affidavit of the person entitled to such bill that the same has been lost, if payment shall be made to the legal holder thereof, enter satisfaction of such bill on the register of special assessments. (R.O. 2009 §39.35; CC 1981 §24-207; Ord. No. 91-164, 8-21-91; Ord. No. 98-97, 2-19-98)

SECTION 140.150: PARTIAL RELEASE OF TAX BILL LIEN

A. The Director of Finance may release, upon proper payment due under a tax bill, from the lien of a bill a portion of the property against which the tax bill was issued by stamping or otherwise noting upon the tax bill the words "partially released".

B. The Director of Finance shall cause to be kept all statements of partial release of special

tax bills in one (1) or more books kept for that purpose and whenever the lien of any special tax bill has been partially released, the Director of Finance shall enter into the register of special assessments, in the place where the special tax bill is recorded, the words "partially released". (R.O. 2009 §39.36; CC 1981 §24-207; Ord. No. 91-164, 8-21-91; Ord. No. 98-97, 2-19-98)

SECTION 140.160: APPEALS

In all cases where work is done or improvements are made and the cost thereof is assessed as a special tax bill, any owner of property upon which such tax is levied may request, and the City Council shall grant, a public hearing to determine whether such assessment is excessive or is levied not in proportion to the work done. The City Council may adjust or reduce such assessment which is determined to be excessive or levied not in proportion to the work done. If such adjustments or reductions result in the collection of special taxes insufficient to pay the costs for work done or improvements made, the City Council may pay the difference between costs accrued and special assessments collected out of other revenue. (R.O. 2009 §39.37; CC 1981 §24-208; Ord. No. 91-164, 8-21-91; Ord. No. 98-97, 2-19-98)

Cross Reference--As to streets and sidewalks, ch. 505.

ARTICLE IV. SEWER CONSTRUCTION

SECTION 140.170: CREATION OF SEWER DISTRICTS

The general sewer system of the City shall be composed of four (4) classes of sewers, to wit: public, district, joint district and private sewers. The City Council may create by ordinance such sewer districts that it deems necessary for sanitary or other purposes. The boundaries of a sewer district that has been paid for wholly by special assessments shall not be altered or changed after any sewer has been constructed in and for the same. (R.O. 2009 §39.40; Ord. No. 97-277, 8-25-97; Ord. No. 98-98, 2-19-98)

SECTION 140.180: APPLICATION FOR PROJECT--PREPARATION OF PRELIMINARY REPORT BY MAYOR

Upon being petitioned by a majority of the property owners in a designated sewer district wherein a sewer construction project may be paid for in whole or in part by special assessments upon real property or upon the order of the City Council, the Mayor shall prepare and submit to the City Council a preliminary report substantially setting out the sewer construction proposed, together with such other information and data as may be available from the Department of Public Works concerning any such proposed sewer construction project. (R.O. 2009 §39.41; Ord. No. 97-277, 8-25-97; Ord. No. 07-162, 6-11-07)

SECTION 140.190: AUTHORIZATION OF SEWER CONSTRUCTION BY

CITY COUNCIL

A. Any proposed sewer construction project to be paid for in whole or in part by special assessments upon real property shall be initiated by a resolution of the City Council authorizing the Department of Public Works to proceed with the engineering for such proposed sewer construction project. Such resolution may be submitted at the same meeting that the preliminary report set forth in Section 140.180 is submitted or at any subsequent meeting of the Council.

B. Lift stations and force mains designed to lift sewage which has flowed by gravity to a low area having no outlet from such area to places from which it can continue to flow by gravity to an outlet or treatment facility are a vital and necessary part of any sewer system. Therefore, whenever the preliminary report referred to in Section 140.180 shall note that any district or joint district sewer will not drain in whole or in part by gravity and there is required for the proper drainage of the area that a sewage lift station and force main be constructed and the City Council shall authorize engineering for the proposed sewer district as provided in Subsection (A) of this Section, then the proceedings relative to construction of facilities in said district or joint district shall be the same proceedings as provided in Section 140.200, except that the resolution required in Section 140.200(B) shall note that the construction proposed includes a lift station and a force main. The cost of the construction of such lift station and force main shall be assessable against the lands located in the district or joint district. (R.O. 2009 §39.42; Ord. No. 97-277, 8-25-97)

SECTION 140.200: PROCEDURE RELATIVE TO APPROVAL AND PAYMENT OF COSTS

After authorization by the City Council as set forth above, the following procedure shall be used for the proposed sewer construction project to be paid for in whole or in part by special assessments upon real property:

1. The Mayor shall cause to be prepared, filed with the City Clerk, subject to inspection of the public and submitted to the City Council, plans and specifications for the proposed sewer construction project, including construction costs which may include the costs of lift stations and force mains, construction contingency and fees and other expenses and an estimate of the portion of the total cost to be assessed against each property to be benefited by the project, i.e., the cost per individual lot or tract of ground in the district, exclusive of the public highways. Any error or inaccuracy in such estimate as compared with actual cost of the work shall not affect the validity of the proceedings or of any assessments made or of special bills issued.
2. The City Council shall, if it deems the project necessary for sanitary or other purposes or if a majority of the property owners of the district shall have petitioned for construction of sewers, by resolution, referring to the plan, specifications and estimates of cost filed in the office of the City Clerk, declare the work or improvement necessary, state the benefits of the proposed sewer construction project to the property of the district and state the nature and the method of payment of the proposed sewer construction project. The resolution shall set a time, date and place for a public hearing on the proposed sewer construction project. At the public hearing citizens may express their assent or

objection to such project.

3. The City Council shall cause the resolution to be published in some newspaper printed in the County for two (2) consecutive insertions in a weekly paper and for seven (7) consecutive insertions in a daily paper or as may be provided by State law.
4. After the public hearing, the City Council may, by ordinance, adopt the plans and specifications filed with the City Clerk.
5. The Director of Public Works shall advertise for bids for the proposed sewer construction project set forth in the plans and specifications. On receipt of such bids, the Director of Public Works shall, at the time and place designated in the advertisement for bids, publicly open them and the Mayor shall in writing report to the City Council the name and bid of the lowest and best bidder. No bid may be considered which is above the estimate of cost previously filed. Thereafter, the City Council may, by ordinance, authorize the Mayor to enter into a contract with such bidder for the work on behalf of the City and require and authorize the Mayor to approve a bond from the contractor for faithful performance of the contract and for the payment by the contractor for all labor done or materials used in the improvement. Where the bids are above the estimate or no bids are received or for any reason a legally enforceable contract cannot be let, readvertisement for bids by the Director of Public Works may be made as often as may be deemed expedient. (R.O. 2009 §39.43; Ord. No. 97-277, 8-25-97; Ord. No. 07-162, 6-11-07)

SECTION 140.210: ACCEPTANCE OF IMPROVEMENTS--ISSUANCE OF SPECIAL TAX BILLS

When a sewer construction project to be paid for in whole or in part by special assessments upon real property is completed in accordance with the contract, the Mayor shall, in writing, so report to the City Council. The report of the Mayor shall include a separate report of the Director of Public Works, wherein the Director of Public Works shall compute the whole cost thereof and apportion the same against the lots, tracts or parcels of ground in proportion to the area of the whole district, exclusive of public highways. The City Council shall, by ordinance, after conducting a public hearing on the benefits conferred by the sewer construction project, accept the sewer construction project and, for that part to be paid for by special assessment, levy and assess special tax bills in accordance with the report of the Director of Public Works and order the issuance of special tax bills. The Director of Finance shall issue tax bills against each lot, tract or parcel of ground for the amount for which it is liable. Each special tax bill shall include, but is not limited to, the City Clerk's certification of the amount assessed against the property, interest per annum, a description of the property against which the special assessment is levied and the names of the property owners at the time of the assessment. The Director of Finance shall be responsible for all aspects of the collection of tax bills made payable to the City, including the filing of liens and undertaking of legal actions for the collection of amounts due under the tax bills issued. (R.O. 2009 §39.44; Ord. No. 97-277, 8-25-97; Ord. No. 07-162, 6-11-07)

SECTION 140.220: INSTALLMENT PAYMENTS

A. Each tax bill for the completed sewer construction project shall contain a brief general statement of the facts authorizing its issue, the amount for which it is issued, the name of the record owner and the description of the property against which it is issued, the rate of interest which it bears, when it begins to bear interest and shall state that it is a lien against the land therein described and give the time that the lien continues.

B. Tax bills for the completed sewer construction project shall bear no interest for sixty (60) days after the date of issue, at which time the tax bills shall be due and payable in full. After the expiration of sixty (60) days, tax bills shall bear interest, on the unpaid balance, at a rate not to exceed the rate on ten (10) year United States Treasury notes as established at the most recent auction, which rate shall be set forth in the ordinance authorizing the issuance thereof. Every tax bill for the completed sewer construction project shall be a lien against the lot, tract or parcel of land described therein for a period of up to twenty (20) years after date of issue, unless sooner paid. The lien, for tax bills payable in installments, shall expire one (1) year after the date of maturity of the last installment, except when it becomes necessary to bring suit to enforce the lien, in which case the lien shall continue until the expiration of the litigation. All tax bills for completed sewer construction shall be assignable and the owner or holder of any tax bill may enforce the collection thereof by filing suit in a court of competent jurisdiction in the name of the City to the owner's or holder's own use or in an action brought by the City in its own name and for its own use. If the property owner cannot be served by legal process, a suit may be brought by attachment or by any other legal remedy. Tax bills for completed sewer construction projects shall be prima facie evidence of what they contain, of their own validity, of the facts authorizing their issue, that they are a lien on the land described and, in all tax bills issued in payment for sewers, the liability of the person named as the owner of such property. No mere informality or clerical mistake in any of the proceedings shall be a defense thereto. Any error made in issuing any tax bill may be corrected by the Director of Finance, either by interlineation or by issuing a new tax bill in lieu of the erroneous one. When a tax bill is corrected by interlineation, the date of making same shall be certified by the Director of Finance on the margin or back of the bill. In any action brought on any tax bill, the court shall have the authority to correct any error in the tax bill.

C. The owner of any tract of land, against which a tax bill for completed sewer construction has been issued, may, not later than sixty (60) days after the issuance of the tax bill, enter into an agreement with the City to pay the tax bill in equal annual installments as may be authorized by ordinance. Each principal payment shall be in an equal amount, together with all accrued interest. The agreement shall provide that if any installment is not paid when due, the balance shall be then due and payable in full, together with all accrued interest. Prepayments may be made without penalty. (R.O. 2009 §39.45; Ord. No. 97-277, 8-25-97)

SECTION 140.230: PAYMENT OF SPECIAL TAX BILLS

The manner of payment, procedure upon payment and partial release of tax bill liens shall be the same as set forth in Sections 140.140 and 140.150. (R.O. 2009 §39.46; Ord. No. 97-277, 8-25-97)

SECTION 140.240: APPEALS

In all cases where sewer construction work is done and the cost thereof is assessed as a special tax bill, any owner of property upon which such tax is levied may request, and the City Council shall grant, a public hearing to determine whether such assessment is excessive or is levied not in proportion to the work done. The City Council may adjust or reduce such assessment which is determined to be excessive or levied not in proportion to work done. If such adjustments or reductions result in the collection of special assessments insufficient to pay the costs for work done or improvements made, the City Council may pay the difference between costs accrued and special assessments collected out of other revenues. (R.O. 2009 §39.47; Ord. No. 97-277, 8-25-97)

ARTICLE V. PROPERTY TAXES

SECTION 140.250: DATE PROPERTY LIABLE FOR TAXATION

Every person owning or holding property on January first (1st), including all property purchased on that day, shall be liable for taxes thereon for the ensuing year. (R.O. 2009 §39.52; CC 1981 §26-3)

State Law Reference--Similar provisions, §137.075, RSMo.

SECTION 140.260: VALUATION OF PROPERTY

A. For purposes of real property taxation, the following categories of real property are established:
   1. *Classes.*
      a. *Class A.* All real property not defined as Class B property.
      b. *Class B.* All property designated by the Saint Charles County Assessor as "Farm Program" property, as long as such property remains undeveloped.
   2. The City Council shall use these categories in developing revenue projections and real estate property taxes in the annual budget.

B. The Assessor shall value all property on the Assessor's books according to its true value in money at the time of the assessment and all other personal property shall be valued at its cash price at the time and place of listing the same for taxation. Each tract of land or lot shall be assessed and valued separately, but all lots in a square or block owned by one (1) person, which are contiguous or which can be consolidated into one (1) tract or lot and which have been classified into the same category (Class A or Class B), shall be valued as one (1) tract or lot. No property of different classes shall be grouped into a single tract or lot for valuation purposes. Each kind of property shall be assessed separately in the manner provided by Statute for assessment for County purposes. (R.O. 2009 §39.53; CC 1981 §26-4; Ord. No. 84-137, 11-20-84)

SECTION 140.270: EACH TRACT OF LAND CHARGEABLE WITH ITS OWN TAXES-- NOTICE TO OWNER

Each tract of land or lot shall be chargeable with its own taxes, no matter who is the

owner, nor in whose name it is or was assessed. The assessment of land or lots in numerical order or by plats in a "land list" in alphabetical order as provided by Statute or ordinance shall be deemed and taken in all courts and places to impart notice to the owner thereof, whoever or whatever they may be, that it is assessed and liable to be sold for taxes, interests and costs chargeable thereon; and no error or omission in regard to the name of any person, with reference to any tract of land or lot, shall in anywise impair the validity of the assessment thereof for taxes. (R.O. 2009 §39.54; CC 1981 §26-5)

State Law Reference--Similar provisions, §137.170, RSMo.

SECTION 140.280: POWER TO EXEMPT FROM TAXATION

The Council shall have no power to relieve any person from the payment of any lawful tax or exempt any person from any assessment or other burden imposed upon him/her by law. (R.O. 2009 §39.71; CC 1981 §26-26; Ord. No. 86-2, 1-7-86)

CHAPTER 145: PURCHASING, CONTRACTS AND SALES

ARTICLE I. GENERAL PROVISIONS

SECTION 145.010: CONTRACT ADMINISTRATOR--DUTIES

The Contract Administrator shall:

1. Be responsible for examining all proposed contracts to which the City may be a party and which involve State and/or Federal revenue sharing programs in order to ensure that the City is in compliance with State and/or Federal rules and regulations required thereunder.
2. Coordinate contracts to which the City may be a party by acting in conjunction with the various City departments and the City Attorney in preparing such contracts.
3. See to it that all terms of any contract to which the City is a party are fully performed by all parties thereto. (R.O. 2009 §40.01; CC 1981 §2-458; Ord. No. 86-2, 1-7-86)

SECTION 145.020: BONDS FOR CONTRACTORS DOING PUBLIC WORK

On all contracts for public work of any kind to be performed for the City, every contractor entering into contract with the City for any such public work shall execute therewith and file in the office of the City Clerk a bond, with good and sufficient sureties to be approved by the Mayor, in an amount, unless otherwise fixed by the City Council, equal to the contract price for such work and conditioned among other things for the faithful performance of his/her contract, the payment of any and all materials, lubricants, oil, gasoline, grain, hay, feed, coal and coke, repairs on machinery, groceries and

foodstuffs, equipment and tools, consumed or used in connection with the construction of such work and all insurance premiums, both for compensation and for all other kinds of insurance, on the work and for all labor performed in such work whether by subcontractor or otherwise. (R.O. 2009 §40.02; CC 1981 §2-484; Ord. No. 86-2, 1-7-86)

SECTION 145.030: PROCEDURES FOR CONVENTION CENTER AND COMMUNITY CENTER CONTRACTS

The City Council may enter into an agreement with the St. Charles County and Sport Facilities Authority to provide for bidding procedures and contract approval procedures for goods and services relating to the construction and operation of the Convention Center, which procedures may differ from the requirements of this Chapter. (R.O. 2009 §40.03; Ord. No. 03-89, 4-23-03; Ord. No. 08-136, 7-3-08)

SECTION 145.040: OFFENDER REGISTRATION WITH POLICE DEPARTMENT

A. Any party to a contract for the delivery of goods or services to the City who has any person, employee, independent contractor, subcontractor or otherwise, who that in performance of that contract has any contact with a City employee or City resident or is physically present on City property and that person is required to register with the Chief Law Enforcement Official of the County in which such person resides pursuant to Section 589.400, RSMo., then that person shall register with the City Police Department prior to having any contact with a City employee or City resident or being physically present on City property or on City right-of-way.
B. Any registration pursuant to Subsection (A) above shall consist of completion of an offender registration form developed by the Missouri State Highway Patrol. This registration form is available at the City Police Department.
C. Any person who violates any of the provisions of Subsection (A) above shall be subject to the penalty set forth in Section 100.150.
D. Notice of this Section shall be placed in contracts, bid specifications, requests for proposals and requests for qualifications.
E. Any company, employer, independent contractor, subcontractor whose employee violates any Subsection of this Section may be subject to termination of the contract. (R.O. 2009 §40.04; Ord. No. 06-250, 9-11-06)

SECTION 145.050: FESTIVALS

Any festival underwritten by City funds or conducted on City property shall not discriminate against any political party with respect to participation in the festival. Participation shall include operation of booths and concessions. Each of the State recognized political parties shall have equal rights, accessibility and opportunity to participate in or sell products or services at festivals. (R.O. 2009 §40.05; Ord. No. 06-218, 8-9-06)

ARTICLE II. PURCHASING PROCEDURES, COMPETITIVE

BIDDING REQUIREMENTS

SECTION 145.060: GENERAL AUTHORITY

The general authority of the Purchasing Agent shall be pursuant to Section 7.5 of the City Charter. Pursuant to Section 120.130(B), the Mayor or his/her appointee shall be the Purchasing Agent of the City. Unless otherwise required by law or by ordinance, the purchasing regulations set forth in this Article shall apply to the purchase of equipment, materials, supplies or services. (R.O. 2009 §40.15; CC 1981 §2-485; Ord. No. 86-85, 4-18-86; Ord. No. 07-162, 6-11-07)

SECTION 145.070: REQUISITIONS BETWEEN DEPARTMENTS

Whenever any department, division or any other branch or agency of the City requires service, equipment, materials or supplies from another department, division or other branch or agency of the City, requisitions may be made for such purpose with the appropriate credits and debits to appropriations. In such cases, no bids shall be required. (R.O. 2009 §40.16; CC 1981 §2-496; Ord. No. 86-85, 4-18-86)

SECTION 145.080: STANDARD SPECIFICATIONS--U.S. MADE PRODUCTS

A. *Standard Specifications.* The Purchasing Agent shall have authority to adopt standard specifications from time to time for each class or grade of the various articles, commodities and supplies ordinarily required by the City. The Purchasing Agent shall cause the same to be printed in looseleaf or typewritten form for distribution. Standard specifications shall be drafted so as to procure commodities and supplies of such quality and design as will serve the purpose required and to facilitate the making of bids therefrom. Whenever standard specifications have been adopted, purchases for items covered by standard specifications shall be made in accordance therewith unless a change is necessary. Whenever a change is necessary, the reason shall be documented on the requisition. In advertising for bids, it shall be sufficient to refer to the appropriate item of the standard specifications. The Purchasing Agent may require samples to be furnished with bids.

B. *Products Made In The United States.* The City encourages the purchase of products assembled, manufactured or produced in the United States. (R.O. 2009 §40.17; CC 1981 §§2-487--2-487.1; Ord. No. 86-85, 4-18-85; Ord. No. 87-205, 10-22-87; Ord. No. 95-40, 2-16-95)

SECTION 145.090: PURCHASING EXPENDITURES--COMPLIANCE WITH COMPETITIVE BIDDING REQUIREMENTS

A. *Purchases Under Three Thousand Dollars ($3,000.00).* For purchases involving expenditures of less than three thousand dollars ($3,000.00), the appropriation for which has been approved as part of the annual budget, shall be made without formal bidding, subject to the rules and regulations prescribed by the Mayor.

B. *Purchases Between Three Thousand Dollars ($3,000.00) And Thirty Thousand Dollars*

($30,000.00). For purchases of at least three thousand dollars ($3,000.00) but less than thirty thousand dollars ($30,000.00), the Purchasing Agent shall solicit at least three (3) written bids which may be submitted via U.S. mail, electronic mail or facsimile.

C. *Purchases Of Thirty Thousand Dollars ($30,000.00) And Above.* For purchases in excess of thirty thousand dollars ($30,000.00), the Purchasing Agent shall comply with the following competitive bidding requirements:
    1. *Notice.* A notice inviting bids shall be published at least once in a newspaper of general circulation in the City. The notice shall be published at least ten (10) days prior to the date set for the receipt of the bids. The notice shall include a general description of the items to be purchased or services performed and the time and place for opening bids. A notice inviting bids may also be posted in the City Clerk's office and may also be mailed to all responsible prospective bidders. If notices can be mailed to all prospective bidders who are qualified to bid, the Purchasing Agent may waive publication and send the letters in lieu of publication.
    2. *Bid forms.* Each bid shall be in writing on the form provided by the Purchasing Agent. Each bid shall be signed by the bidder and shall contain the full name of the person or company submitting the bid. The bid form shall state that the City reserves the right to reject any and all bids.
    3. *Opening of bids.* At the time and place prescribed in the notice for opening bids, the Purchasing Agent shall open all bids and publicly read each bid. All bids submitted after the time specified in the notice shall be void and shall be returned to the bidder.
    4. *Certification of bids.* The Purchasing Agent shall tabulate all bids properly submitted and certify them to the department director, to the Mayor, to the City Council or to the board or commission, as may be appropriate. (R.O. 2009 §40.18; CC 1981 §§2-488--2-489, 2-491; Ord. No. 86-85, 4-18-86; Ord. No. 95-40, 2-16-95; Ord. No. 01-278, 11-30-01; Ord. No. 04-16, 2-3-04; Ord. No. 07-162, 6-11-07; Ord. No. 07-280, 11-7-07; Ord. No. 08-246, 11-25-08)

Cross Reference--As to penalty, §100.150.

SECTION 145.100: AWARDING OF CONTRACTS

A. The contract of purchase shall be awarded to the bidder who submits the lowest and best bid. In determining the lowest and best bid, the Purchasing Agent will consider price and other factors. These factors shall include, but not be limited to:
    1. Trade-in value of specific makes of equipment;
    2. Life expectancy of the items to be purchased;
    3. Maintenance costs of varying models of vehicles and equipment;
    4. Experience and reputation of the bidder and manufacturer and any previous business dealings which the bidder has had with the City; and
    5. Quality and adaptability of the supplies or equipment which are bid to the particular use required.

B. *Local Bidder Preference.*
    1. *City bidder preference.* A *"City bidder"* is one which has a business office in the City. For projects or purchases which are funded entirely from revenues of the City, if an evaluation of the bids indicates that the lowest and best bid has been

submitted by a non-City bidder, then the following City bidder preference analysis shall be conducted.

a. *Amount of preference.* City bidders shall have a three percent (3%) preference based upon the non-City lowest and best bid, but the preference shall not exceed five thousand dollars ($5,000.00).

b. *Analysis.*

(1) The amount of preference determined in Subsection (B)(1)(a) above (amount of preference) shall be added to the amount of the non-City lowest and best bid, the sum of which shall become the "City preference guideline".

(2) If any bid submitted by a City bidder is equal to, or lower than, the City preference guideline, then the lowest bid submitted by a City bidder shall be reviewed to determine whether it is the lowest and best bid. If it is not the lowest and best bid, then the next City bid, which is equal to or lower than the preference guideline, shall be reviewed and the process shall be continued until either a City bid has been selected as the lowest and best bid, or all City bids equal to or lower than the preference guideline have been eliminated.

2. *County bidder preference.* A *"County bidder"* is one which has a business office in the County. If a City bidder has not been selected, and if the lowest and best bid has been submitted by a non-County bidder, then the preference analysis set forth in Subsection (B)(2)(b) shall be conducted to give a preference to County bidders. The process shall be continued until either a County bidder's bid has been selected as the lowest and best bid or all County bidders submitting bids equal to or lower than the County preference guideline have been eliminated.

a. *Amount of preference.* County bidders shall have a two percent (2%) preference based upon the non-County lowest and best bid, but the preference shall not exceed five thousand dollars ($5,000.00).

b. *Analysis.*

(1) The amount of preference determined in Subsection (B)(2)(a) above (amount of preference) shall be added to the amount of the non-County lowest and best bid, the sum of which shall become the "County preference guideline".

(2) If any bid submitted by a County bidder is equal to, or lower than, the County preference guideline, then the lowest bid submitted by a County bidder shall be reviewed to determine whether it is the lowest and best bid. If it is not the lowest and best bid, then the next County bid, which is equal to or lower than the County preference guideline, shall be reviewed, and the process shall be continued until either a County bid has been selected as the lowest and best bid, or all County bids equal to or lower than the preference guideline have been eliminated.

3. *Metropolitan area preference.* A *"metropolitan area bidder"* is one which has a business office in the St. Louis metropolitan area. If neither a City bidder nor a County bidder has been selected and if the lowest and best bid has been submitted by a non-Metropolitan area bidder, then the preference analysis set forth in Subsection (B)(3)(b) shall be conducted to give a preference to Metropolitan area bidders. The process shall be continued until either a Metropolitan area bidder's

bid has been selected as the lowest and best bid or all bids submitted by Metropolitan area bidders equal to or lower than the Metropolitan area preference guideline have been eliminated.

a. *Amount of preference.* Metropolitan area bidders shall have a two percent (2%) preference based upon the non-Metropolitan area lowest and best bid, but the preference shall not exceed five thousand dollars ($5,000.00).

b. *Analysis.*

(1) The amount of preference determined in Subsection (B)(3)(a) above (amount of preference) shall be added to the amount of the non-Metropolitan area lowest and best bid, the sum of which shall become the "Metropolitan area preference guideline".

(2) If any bid submitted by a Metropolitan area bidder is equal to, or lower than, the Metropolitan area preference guideline, then the lowest bid submitted by a Metropolitan area bidder shall be reviewed to determine whether it is the lowest and best bid. If it is not the lowest and best bid, then the next Metropolitan area bid, which is equal to or lower than the Metropolitan area preference guideline, shall be reviewed, and the process shall be continued until either a Metropolitan area bid has been selected as the lowest and best bid, or all Metropolitan area bids equal to or lower than the preference guideline have been eliminated.

4. *State bidder preference.* A *"State bidder"* is one which has a business office in the State. If there has been no selection of a City bidder, a County bidder or a Metropolitan area bidder and if the lowest and best bid has been submitted by a non-State bidder, then the preference analysis set forth in Subsection (B)(4)(b) shall be conducted to give a preference to State of Missouri bidders. The process shall be continued until either a State of Missouri bidder's bid has been selected as the lowest and best bid or all bids submitted by State of Missouri bidder's equal to or lower than the preference guideline have been eliminated.

a. *Amount of preference.* State bidders shall have a two percent (2%) preference based upon the non-State of Missouri lowest and best bid, but the preference shall not exceed five thousand dollars ($5,000.00).

b. *Analysis.*

(1) The amount of preference determined in Subsection (B)(4)(a) above (amount of preference) shall be added to the amount of the non-State lowest and best bid, the sum of which shall become the "State of Missouri preference guideline".

(2) If any bid submitted by a State of Missouri bidder is equal to or lower than, the State of Missouri preference guideline, then the lowest bid submitted by a State of Missouri bidder shall be reviewed to determine whether it is the lowest and best bid. If it is not the lowest and best bid, then the next State of Missouri bid, which is equal to or lower than the State of Missouri preference guideline, shall be reviewed, and the process shall be continued until either a State of Missouri bid has been selected as the lowest and best bid, or all State of Missouri bids equal to or lower than the preference guideline have been eliminated.

5. *United States preference.* A *"United States bidder"* is one in which has a business office in the United States. If there has been no selection of a City bidder, a

County bidder, a Metropolitan area bidder or a State bidder and if the lowest and best bid has been submitted by a non-United States bidder, then the preference analysis set forth in Subsection (B)(5)(b) shall be conducted to give a preference to United States bidders. The process shall be continued until either a United States bidder's bid has been selected as the lowest and best bid or all bids submitted by United States bidders equal to or lower than the preference guideline have been eliminated.

a. *Amount of preference.* United States bidders shall have a two percent (2%) preference based upon the non-United States lowest and best bid, but the preference shall not exceed five thousand dollars ($5,000.00).

b. *Analysis.*

(1) The amount of preference determined in Subsection (B)(5)(a) above (amount of preference) shall be added to the amount of the non-United States lowest and best bid, the sum of which shall become the "United States preference guideline".

(2) If any bid submitted by a United States bidder is equal to or lower than, the United States preference guideline, then the lowest bid submitted by a United States bidder shall be reviewed to determine whether it is the lowest and best bid. If it is not the lowest and best bid, then the next United States bid, which is equal to or lower than the United States preference guideline, shall be reviewed, and the process shall be continued until either a United States bid has been selected as the lowest and best bid, or all United States bids equal to or lower than the preference guideline have been eliminated.

6. *Award of the contract.* If a bid receiving a local bidder preference is selected as the lowest and best bid, then the bidder submitting that bid shall be awarded the contract. If no bid receiving a local bidder preference is selected as the lowest and best bid, then the contract shall be awarded to the lowest and best bidder not receiving a local bidder preference.

7. In addition to the foregoing requirements, State bidders and United States bidders, as categorized above, will be awarded contracts provided for under this Section only if the following requirements are met:

a. All subcontractors of the State bidder or United States bidder shall be a City subcontractor with a business office located in the City or a County subcontractor with a business office located in the County or a metropolitan subcontractor located in the St. Louis metropolitan area; provided that the selected City subcontractor, County subcontractor or metropolitan subcontractor shall be qualified, capable and available to perform the work in accordance with bid specifications and requirements.

b. State bidders and United States bidders may be awarded contracts utilizing State and United States subcontractors if there are no City subcontractors, County subcontractors or metropolitan subcontractors qualified, capable and available to perform the work or that the cost of utilizing City subcontractors, County subcontractors or metropolitan subcontractors would exceed the cost of utilizing State or U.S. subcontractors by two percent (2%) or more of the lowest and best bid provided by a State or U.S. subcontractor to the State or U.S. bidder; provided the State bidder or United States bidder shall certify to

the City that a City subcontractor, County subcontractor or metropolitan subcontractor who is qualified, capable and available to perform the work in accordance with bid specifications and requirements cannot be found or that the cost of utilizing City subcontractors, County subcontractors or metropolitan subcontractors would exceed the cost of utilizing State or U.S. subcontractors by two percent (2%) or more of the lowest and best bid provided by a State or U.S. subcontractor to the State or U.S. bidder.

C. The award of the contract of purchase shall be made by the Mayor for amounts thirty thousand dollars ($30,000.00) or less and by the City Council for amounts one hundred thousand dollars ($100,000.00) or more. Contracts for more than thirty thousand dollars ($30,000.00) but less than one hundred thousand dollars ($100,000.00) shall be listed on the consent agenda and if the contract is approved by the Council through approval of the consent agenda, then the Mayor may award the contract. If the contract is removed from the consent agenda, then it shall be approved or disapproved as directed by the City Council. The Mayor may delegate the authority to award contracts of purchases for not more than seven thousand five hundred dollars ($7,500.00). The Park Board or any other board or commission which is authorized to make purchases and contracts shall award its purchases and contracts over ten thousand dollars ($10,000.00) in amount and it may appoint someone to award contracts of purchase for amounts ten thousand dollars ($10,000.00) or less or may retain that power for itself.
D. The Mayor may acquire on behalf of the City all easements and rights-of-way appropriate in conjunction with a road or development project of the City where the cost for the easement or right-of-way does not exceed thirty thousand dollars ($30,000.00). Easements or rights-of-way involving consideration for more than thirty thousand dollars ($30,000.00) but no more than one hundred thousand dollars ($100,000.00) shall be listed on the Council's consent agenda and, if approved by the Council as a consent item, the Mayor shall be authorized to acquire the easement or right-of-way without further approval of the Council. If the easement or right-of-way item is removed from the consent agenda, then it shall be approved or disapproved as directed by the City Council. (R.O. 2009 §40.19; CC 1981 §2-492; Ord. No. 86-85, 4-18-86; Ord. No. 94-257, 9-30-94; Ord. No. 95-40, 2-16-95; Ord. No. 96-341, 12-2-96; Ord. No. 99-133, 4-27-99; Ord. No. 99-248, 7-22-99; Ord. No. 01-278, 11-30-01; Ord. No. 04-16, 2-3-04; Ord. No. 07-162, 6-11-07; Ord. No. 07-280, 11-7-07; Ord. No. 11-114 §1, 6-22-11)

Cross Reference--As to penalty, §100.150.

SECTION 145.110: SOLE-SOURCE PURCHASES

A. When there is only one (1) acceptable vendor capable of furnishing a particular service or item, the Purchasing Agent may negotiate a tentative contract without following the bidding procedures.
B. A supplier is a sole-source supplier if the supplies, materials, equipment or services are not available from any other competitive, qualified source in the normal course of business.
C. The Purchasing Agent shall document the facts which make the item or service a sole-source purchase and shall submit the documentation to the Mayor, City Council or board or commission, as may be appropriate. (R.O. 2009 §40.20; CC 1981 §2-493; Ord. No. 86-85, 4-18-86; Ord. No. 07-162, 6-11-07)

SECTION 145.120: BUDGET COORDINATION

No purchase may exceed the amount budgeted for that purpose unless:

1. The Mayor transfers part or all of an unencumbered appropriation balance from another program within the department, office or agency;
2. The Council, upon request of the Mayor, transfers part or all of an unencumbered appropriation balance from another department, office or agency; or
3. The Council, upon certification by the Mayor that there are available for appropriation revenues in excess of those estimated in the budget, makes a supplemental appropriation for the excess. (R.O. 2009 §40.21; CC 1981 §2-494; Ord. No. 86-85, 4-18-86)

Cross Reference--As to penalty, §100.150.

SECTION 145.130: EMERGENCIES--NO RESPONSE TO BID REQUEST--PUBLIC AUCTION SALES

A. In the case of an unexpected emergency wherein any delay in purchasing would possibly result in the interruption of or detriment to the public service, the requirements for competitive bidding and awarding contracts may, upon consent of the Mayor, be waived. However, the City Council or Board, as appropriate, shall be notified of the situation at its next regular meeting.
B. If no bids are submitted by the deadline after requests for bids have been properly made, then no further formal bidding is required.
C. The Purchasing Agent may authorize the purchase of items at public auction upon determination that a substantial savings may be realized over the current market price. (R.O. 2009 §40.22; CC 1981 §2-495; Ord. No. 86-85, 4-18-86; Ord. No. 95-40, 2-16-95; Ord. No. 07-162, 6-11-07)

SECTION 145.140: CONTRACTS EXCEEDING ONE YEAR

No contract for the provision of any services, materials, supplies or equipment shall be extended for a period in excess of one (1) year without an opportunity for public bidding or a request for proposals, unless the extension is approved by the Mayor and City Council by ordinance. (R.O. 2009 §40.23; CC 1981 §2-498; Ord. No. 86-85, 4-18-86; Ord. No. 88-131, 7-7-88; Ord. No. 98-1, 1-12-98)

Cross Reference--As to penalty, §100.150.

SECTION 145.150: LEASE OF CITY PROPERTY

A. The Mayor or his/her designee is authorized to call for bids or to negotiate for the lease of City real property which is currently under-utilized in order to maximize the return of the property to the City until such time as the property shall be required for public usage. All such leases are subject to Council or board (as appropriate) authorization and approval. Any tract of property susceptible of commercial or agricultural use and not having a unique or enhanced value to any party due to its use, size, configuration or location shall be leased only after an opportunity for public bidding. Properties with a unique or enhanced value as herein described may be negotiated for lease upon certification of their unique or enhanced value by the Mayor or board (as appropriate). This provision shall

not be applicable to any lease entered into appurtenant to a settlement or award of any condemnation proceeding.

B. Leases of space in City Hall may be negotiated by the Mayor, without Council approval, if based upon previously Council-approved rate schedule. (R.O. 2009 §40.24; CC 1981 §2-499; Ord. No. 86-85, 4-18-86; Ord. No. 07-162, 6-11-07)

SECTION 145.160: DISQUALIFICATION OF BIDDERS

A. No bid shall be accepted from or contract awarded to any person who is in arrears to the City upon any debt or contract or who has defaulted on security or otherwise upon an obligation to the City or who shall in other respects be disqualified according to the provisions of this Code or the City Charter.

B. No bid shall be accepted from or contract awarded to any firm which has provided consultant services on the work being bid or has prepared the bidding specifications for such work. This Subsection may be waived by the City Council. (R.O. 2009 §40.25; CC 1981 §2-500; Ord. No. 86-85, 4-18-86; Ord. No. 08-36, 2-6-08)

Cross Reference--As to penalty, §100.150.

SECTION 145.170: CERTIFICATION AND BOOKKEEPING BY FINANCE DEPARTMENT

A. No purchase order shall be issued until the Finance Department has certified that the expenditure is within the purpose of the appropriation and the work program contemplated thereby and that there is a sufficient unencumbered balance in the appropriate account and in the proper fund to pay the obligation.

B. Upon issuance of a purchase order, the Finance Department shall encumber sufficient funds to pay the amount indicated on the purchase order and reduce funds available for expenditures. (R.O. 2009 §40.26; CC 1981 §2-501; Ord. No. 86-85, 4-18-86)

Cross Reference--As to penalty, §100.150.

SECTION 145.180: EXEMPTIONS FROM COMPETITIVE BIDDING

The following items shall be exempt from competitive bidding:

1. Purchases made cooperatively with other units of government.
2. Contracts for professional services as described in Sections 145.220 through 145.340.
3. Purchases from Federal, State or other local governmental units.
4. Contracts for printing or engraving of bonds or other evidences of indebtedness.
5. Magazines, books or periodicals.
6. Gasoline and other fuels for trucks, cars, buses and equipment.
7. Items purchased for resale.
8. Purchase or sale of land.
9. Other materials, equipment, supplies and services exempted by regulation established by the Mayor. (R.O. 2009 §40.27; CC 1981 §2-502; Ord. No. 86-85, 4-18-86; Ord. No. 90-147, 6-6-90; Ord. No. 07-162, 6-11-07)

SECTION 145.190: TRUTH IN SPENDING

A. No ordinance for purchases or contracts for services or goods of any kind or description, payment of which is to be made from funds of the City, shall be considered for approval by the City Council except in the manner hereafter set forth:
    1. All ordinances for the approval of purchase orders or contracts must be for goods or services covered by an identified category in the budget for the current fiscal year as approved by the City Council.
    2. Each such ordinance shall specifically state the amount actually appropriated for the identified category and the remaining amount in the identified category, before any deduction for the services or goods sought to be purchased as set forth in the proposed contract.
    3. If the proposed ordinance requires the expenditure of funds in excess of the amount budgeted in the identified category of the budget as described above, then the ordinance shall specifically identify the source(s) of funding for the excess fund expenditure.
    4. If the proposed ordinance authorizes funds to be paid as a result of a change order to the contract and the change order either directly causes or may result in the contract amount to exceed the funds budgeted in the identified category of the budget as described above, then the ordinance shall specifically identify the source(s) of funding for the full amount authorized by the change order provision.
B. *Emergency Procedures.* In case of an emergency which requires immediate purchase of supplies or services and time is of the essence, the Mayor shall be empowered to authorize the purchase or to secure the services needed without complying with the procedures as set forth in this Article. This Section shall also apply to any natural disaster or civil emergency requiring immediate response on the part of the City. However, a full report in writing of the circumstances requiring emergency purchases shall be filed by the Mayor within thirty (30) days after emergency. The Mayor shall forward such report and information to the City Council.
C. The City Council, upon majority vote, shall have the authority to waive the requirements of this Section. (R.O. 2009 §40.28; Ord. No. 04-284, 12-13-04; Ord. No. 07-162, 6-11-07)

SECTION 145.200: LEASE OF REAL PROPERTY

A. The lease of real property to the City or by the City shall only be approved by ordinance except as described in Subsection (B).
B. Subsection (A) shall not apply to leases where the property is occupied for the duration of one (1) day or less at one (1) time. Examples of rentals to which this exclusion shall apply include short-term rental of pavilions or shelters to the public by the Parks and Recreation Department; the short-term rental of the Senior Center by citizen groups; or rental of facilities for City-sponsored events such as the annual employee awards banquet. (R.O. 2009 §40.29; Ord. No. 06-36, 2-14-06)

SECTION 145.210: SPLITTING OR DIVIDING CONTRACTS PROHIBITED

Splitting or dividing of contracts and purchases for the purpose of evading the requirements of Chapter 145 shall not be permitted. (R.O. 2009 §40.30; Ord. No. 06-

187, 7-21-06; Ord. No. 07-114, 4-24-07; Ord. No. 07-280, 11-7-07)

ARTICLE III. PROCUREMENT OF PROFESSIONAL SERVICES

SECTION 145.220: DEFINED

For the purpose of procuring professional services, any department, board or commission of the City requiring such services shall procure them in accordance with the procedures specified in this Article. For the purposes of this Article *"professional services"* shall be considered to be those services which involve extended analysis, the exercise of discretion and independent judgment in their performance and an advanced, specialized type of knowledge, expertise or training customarily acquired either by a prolonged course of study or equivalent experience in the field. (R.O. 2009 §40.40; CC 1981 §2-503; Ord. No. 87-151, 7-23-87)

SECTION 145.230: REQUESTS FOR PROPOSALS

Whenever any department, board or commission requires professional services to perform work on a project or series of related or similar projects and the exact type or amount of work to be performed to complete such work is not capable of ready determination, the head or director of such department, board or commission, in cooperation with the City Purchasing Agent, shall draft a request for proposals for the project or projects. The request for proposals shall describe the services required, shall list the types of information and data required of each offeror and shall state the relative importance of particular qualifications and other factors. (R.O. 2009 §40.41; CC 1981 §2-504(a); Ord. No. 87-151, 7-23-87; Ord. No. 88-4, 1-8-88; Ord. No. 88-125, 8-2-88; Ord. No. 90-186, 7-18-90; Ord. No. 95-40, 2-16-95)

SECTION 145.240: SELECTION PROCESS

A. *Architectural And Engineering Services.* If the services are architectural or engineering services, then the following steps will be taken:
   1. Each firm meeting the following minimum qualifications shall be placed on a roster of qualified providers interested in performing services for the City:
      a. The firm must be duly authorized to conduct business in the State in the applicable profession.
      b. At least one (1) member of the firm must hold professional registration issued by the State in the applicable profession.
      c. The firm must submit a statement of intent to assign at least one (1) staff professional to each project awarded.
   2. Thereafter, firms on the roster will be contacted to request a written expression of interest in a specific project. Firms submitting expressions of interest will be subject to an initial selection process. Factors to be used in the initial selection process may include, but are not limited to, the following:
      a. Experience in the type of work required.

b. Record of the firm in accomplishing work on other projects in the required time.
c. Quality of work previously performed by the firm for the City.
d. Recent experience showing accuracy of construction project cost estimates.
e. Community relations including evidence of sensitivity to citizen concerns.
f. Headquarters and main office location of the firm.

3. The Purchasing Agent and the department director, board or commission requiring the service shall select not less than three (3) and not more than five (5) of the firms which submitted an expression of interest and shall request a statement of qualifications for the specific project and a written technical project approach from each of the selected firms. After receiving the responses to the request for a statement of qualifications and a technical project approach, the Purchasing Agent and department director, board or commission requiring the service shall review and rank the responses. If all other factors are equal, preference shall be given to those firms with offices located within the corporate limits of the City. If a firm whose main office or headquarters are not located in the City or the St. Louis metropolitan area is ranked as the best response, then the Purchasing Agent and department director shall, in writing, state the reason for not selecting a firm whose main office or headquarters are located in the City or the St. Louis Metropolitan Area.
4. *Review.* After the firms have been ranked by the staff members, the highest ranked firm and the basis for its selection shall be submitted to the Council or the board or commission authorized to make purchases and contracts for its approval. If the staff selection is rejected, then the firm with the next highest ranking and the basis for its selection shall be submitted for approval. This selection process shall continue until a firm has been approved or until the staff's list has been exhausted.
5. *Negotiations.*
   a. The approved firm shall then meet and negotiate with the Purchasing Agent and the head or director of the department, board or commission requiring the service to define in detail the scope of service to be provided and the compensation for those services.
   b. If, after reasonable efforts, the staff members determine that the contract cannot be negotiated, then the negotiations with the approved firm shall be terminated and the negotiations shall begin with the next firm approved.
   c. Upon completion of negotiation of the scope of services and the compensation, a contract shall be prepared and submitted to the City Attorney for review and then submitted to the Mayor for review and presentation to the body authorized to award the contract.

B. For all other professional services, the following steps will be taken:
1. The Purchasing Agent shall solicit responses to the request for proposals in whatever manner is deemed most likely to obtain the greatest number of responses from qualified providers of the required services.
2. *Review--selection of offeror.* After receiving all responses to the request for proposals, the Purchasing Agent and the head or director of the department, board or commission requiring the service shall review each response and select the offeror best qualified to provide or perform the service required. Selection of the

best qualified offeror shall be based upon the relative importance of the qualifications for the project as stated in the request for proposals.

3. *Negotiations with offeror, compensation and the like.* The Purchasing Agent or the department director, board or commission requiring the services shall engage in discussions and negotiations shall be conducted so as to determine the sufficiency of the offeror's qualifications and to establish an amount of compensation which is fair and reasonable. If the sufficiency of the offeror's qualifications cannot be determined or the amount of compensation cannot be agreed upon, then discussions and negotiations will be formally terminated with the selected offeror. Discussions and negotiations shall then be conducted with the other offerors in the same manner and for the same purposes as heretofore described in the order of their respective qualification rankings until an agreement is reached with the then best qualified offeror for a compensation determined to be fair and reasonable.

C. If the cost of the services is estimated to be less than thirty thousand dollars ($30,000.00), then the initial selection process, review process and selection process shall not apply. The Purchasing Agent or the head or director of the department, board or commission requiring the service may negotiate with a qualified provider to establish an amount that is fair and reasonable.

D. *Award Of Contract.* The final decision to award a contract for purchase of professional services shall be made by the Mayor for amounts less than thirty thousand dollars ($30,000.00) and by the Council for amounts one hundred thousand dollars ($100,000.00) or more. Contracts for thirty thousand dollars ($30,000.00) but less than one hundred thousand dollars ($100,000.00) shall be listed on the consent agenda and if the contract is approved by the Council through approval of the consent agenda, then the Mayor may award the contract. If the contract is removed from the consent agenda, then it shall be approved or disapproved as directed by the City Council. The Mayor may delegate the authority to award contracts for purchase of professional services for not more than seven thousand five hundred dollars ($7,500.00). The Park Board and any other board or commission which is authorized to make purchases and contracts shall make the final decision to award its contracts over ten thousand dollars ($10,000.00) and it may appoint someone to award contracts for amounts ten thousand dollars ($10,000.00) or less or may retain that power for itself. (R.O. 2009 §40.42; CC 1981 §2-504(b); Ord. No. 87-151, 7-23-87; Ord. No. 88-4, 1-8-88; Ord. No. 88-125, 8-2-88; Ord. No. 90-186, 7-18-90; Ord. No. 95-40, 2-16-95; Ord. No. 96-341, 12-2-96; Ord. No. 01-278, 11-30-01; Ord. No. 04-16, 2-3-04; Ord. No. 05-47, 2-1-05; Ord. No. 07-159, 6-11-07; Ord. No. 07-162, 6-11-07; Ord. No. 07-280, 11-7-07; Ord. No. 08-09, 1-14-08)

Cross Reference--As to penalty, §100.150.

SECTION 145.250: REQUESTS FOR BIDS

A. Whenever any department, board or commission requires professional services to perform work on a project or series of related or similar projects and the exact type and amount of work to be performed to complete such project or projects is capable of ready determination, the head or director of such department, board or commission shall, in cooperation with the City Purchasing Agent, draft specifications for bids for the project or projects. Specifications shall be drafted so as to ensure that the qualifications of the

offeror of the required service shall be sufficient to satisfactorily perform the required service and to facilitate the making of bids therefrom.

B. Purchases involving expenditures of less than fifteen thousand dollars ($15,000.00), the appropriation for which has been approved as part of the annual budget, shall be made without formal bidding, subject to the rules and regulations prescribed by the Mayor.

C. For purchases of at least fifteen thousand dollars ($15,000.00) but less than thirty thousand dollars ($30,000.00), the Purchasing Agent in cooperation with the appropriate department director shall solicit at least five (5) written bids.

D. For purchases of thirty thousand dollars ($30,000.00) or more, the Purchasing Agent in cooperation with the appropriate department director shall comply with the following competitive bidding requirements:

1. *Notice.* A notice inviting bids shall be published at least once in a newspaper of general circulation in the City. The notice shall be published at least ten (10) days prior to the date set for the receipt of the bids. The notice shall include a general description of the services to be performed and the time and place for opening bids. A notice inviting bids may also be posted in the City Clerk's office and may also be mailed to all responsible prospective bidders. If notices can be mailed to all prospective bidders who are qualified to bid, the Purchasing Agent may waive publication and send the letters in lieu of publication.
2. *Bid forms.* Each bid shall be in writing on the form provided by the Purchasing Agent. Each bid shall be signed by the bidder and shall contain the full name of the person or company submitting the bid.
3. *Opening of bids.* At the time and place prescribed in the notice for opening bids, the Purchasing Agent shall open all bids and publicly read each bid. All bids submitted after the time specified in the notice shall be void and shall be returned to the bidder.
4. *Certification of bids.* The Purchasing Agent shall tabulate all bids properly submitted and certify them to the department directors, to the Mayor, to the City Council or to the board or commission, as may be appropriate. All engineering service bids that are received shall be placed on a spreadsheet by the Public Works Department.
5. The contract shall be awarded to the bidder who submits the lowest and best bid. The lowest and best bid shall be determined by considering the amount of the bid, the experience, qualifications and reputation of the bidder and any previous dealing which the bidder has had with the City. With respect to bids for engineering services, the proper committee authorized to obtain said services shall review and award the engineering contract. However, the award of all other contracts shall be made by the Mayor for amounts less than thirty thousand dollars ($30,000.00) and by the City Council for amounts of one hundred thousand dollars ($100,000.00) or more. Contracts for thirty thousand dollars ($30,000.00) but less than one hundred thousand dollars ($100,000.00) shall be listed on the consent agenda and if the contract is approved by the Council through approval of the consent agenda, then the Mayor may award the contract. If the contract is removed from the consent agenda, then it shall be approved or disapproved as directed by the City Council. The Mayor may delegate the authority to award contracts for purchase of professional services for not more

than seven thousand five hundred dollars ($7,500.00). The Park Board or any other board or commission which is authorized to make purchases and contracts shall award contracts over ten thousand dollars ($10,000.00) in amount and it may appoint someone to award contracts for amounts ten thousand dollars ($10,000.00) or less or may retain that power for itself. (R.O. 2009 §40.43; CC 1981 §2-505; Ord. No. 87-151, 7-23-87; Ord. No. 95-40, 2-16-95; Ord. No. 96-341, 12-2-96; Ord. No. 01-278, 11-30-01; Ord. No. 04-16, 2-3-04; Ord. No. 05-48, 2-1-05; Ord. No. 07-162, 6-11-07; Ord. No. 07-280, 11-7-07)

Cross Reference--As to penalty, §100.150.

SECTION 145.260: SOLE-SOURCE PROVIDER

A. When there is only one (1) provider ("sole-source provider") of a particular professional service, the purchasing agent may negotiate a tentative contract without following the bidding procedures.
B. A provider is a sole-source provider if the service provided is not available from any other qualified source in the normal course of business.
C. The Purchasing Agent shall document the facts which make the service a sole-source purchase and shall submit the documentation to the Mayor, City Council or board or commission as may be appropriate. (R.O. 2009 §40.44; CC 1981 §2-506; Ord. No. 87-151, 7-23-87; Ord. No. 07-162, 6-11-07)

SECTION 145.270: BUDGET COORDINATION

No purchase may exceed the amount budgeted for that purpose unless:

1. The Mayor transfers part or all of an unencumbered appropriation balance from another program within the department, office or agency;
2. The City Council, upon request of the Mayor, transfers part or all of an unencumbered appropriation balance from another department, office or agency; or
3. The City Council, upon certification by the Mayor that there are available for appropriation revenues in excess of those estimated in the budget, makes a supplemental appropriation for the excess. (R.O. 2009 §40.45; CC 1981 §2-507; Ord. No. 87-151, 7-23-87)

Cross Reference--As to penalty, §100.150.

SECTION 145.280: EMERGENCIES--NO RESPONSE TO BID REQUESTS

A. In the case of unexpected emergency wherein any delay in the purchasing of a professional service would possibly result in the interruption of or detriment to the public service, the requirements of competitive bidding or of seeking proposals and awarding of contracts may, upon consent of the Mayor, be waived. However, the City Council or board or commission as may be appropriate shall be notified of the situation at its next regular meeting.
B. If no bids or proposals are submitted by the deadline after requests have been properly made, then no further formal bidding is required. (R.O. 2009 §40.46; CC 1981 §2-508; Ord. No. 87-151, 7-23-87; Ord. No. 95-40, 2-16-95; Ord. No. 07-162, 6-11-07)

SECTION 145.290: DISQUALIFICATION

No contract shall be awarded to any person or firm who is in arrears to the City upon any debt or contract or who has defaulted as security or otherwise upon an obligation to the City or who shall in other respects be disqualified according to the provisions of this Code or the City Charter. (R.O. 2009 §40.47; CC 1981 §2-509; Ord. No. 87-151, 7-23-87)

Cross Reference--As to penalty, §100.150.

SECTION 145.300: EXEMPTIONS FROM PROCUREMENT REQUIREMENTS

The following services shall be exempt from the procurement requirements for professional services:

1. Purchases of professional services made cooperatively with other units of government.
2. Purchases of professional services from Federal, State or other local government units.
3. Other purchases of professional services exempted by regulation established by the Mayor. (R.O. 2009 §40.48; CC 1981 §2-510; Ord. No. 90-147, 6-5-90; Ord. No. 07-162, 6-11-07)

SECTION 145.310: PROCUREMENT OF DESIGN-BUILD CONTRACT SERVICES

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

DESIGN-BUILD: A public works project for which the design and construction services are furnished under one (1) contract.

DESIGN BUILDER: Any individual, partnership, joint venture, corporation or other legal entity, including combinations of such entities, that proposes to perform or performs a design-build contract.

DESIGN-BUILD CONTRACT: A contract between the City and a design builder to furnish the architecture or engineering and related design services required for a given public works project and to furnish the labor, materials and other construction services for the same public works project.

DESIGN CRITERIA CONSULTANT: A person, corporation, partnership or other legal entity duly registered and authorized to practice architecture or professional engineering in the State pursuant to Chapter 327, RSMo., and who is employed by contract with the City to provide professional design and administrative services in connection with the preparation of the design criteria package.

DESIGN CRITERIA PACKAGE: Performance-oriented specifications for the public works project sufficient to permit a design builder to prepare a response to the City's request for proposals for a design-build project.

PROPOSAL: An offer to enter into a design-build contract.

REQUEST FOR PROPOSALS: The document by which the City solicits proposals for a design-build contract.

B. The following criteria may be used in determining whether a design-build contract is an appropriate method of procurement for the City:

1. Time constraints for delivery of the public works project; and

2. The suitability of the public works project for a design-build process.

C. The City shall determine the scope and level of detail required to permit qualified persons to submit proposals in accordance with the request for proposals given the nature of the public works project and the level of design to be provided.

D. A design criteria consultant may be employed or retained by the City to prepare the design criteria package, perform periodic site visits, prepare progress reports, review and approve progress and final pay applications of the design builder, review shop drawings and submittals, decide disputes, interpret the construction documents, perform inspections upon substantial and final completion, assist in warranty inspections and provide all other professional services where the City deems it in the public interest to have an independent design professional assisting with the project administration.

E. The City shall advertise a notice of a request for proposals at least once in a newspaper of general circulation in the City. The notice shall be published at least ten (10) days prior to the date set for the receipt of the proposals and shall include a description of the project, the procedures for submittal, the selection criteria to be used and the time and place for opening proposals. A notice may also be posted in the City Clerk's office and may also be mailed to all responsible prospective design builders. If notices can be mailed to all prospective, prequalified design builders, the Purchasing Agent may waive publication and send the notices in lieu of publication.

F. *Prequalification.*

1. The City shall prequalify potential design builders for design-build projects by requesting the submission of qualification information. Under no circumstances shall price or fee be a part of the prequalification criteria.
2. The City shall determine the relative ability of each design builder to perform the services required for each project. Determination of ability shall be based on staff training and experience, design builder experience as a firm, location, past contracts with the City, financial capacity, past performance and current and projected work load. In making its determination the City shall interview no less than three (3) design-builder firms to determine the firms' ability to provide services and commitment to meet time and budget requirements.
3. The City shall select no less than three (3) nor more than five (5) design-builder firms to be most highly qualified to perform the required services after considering the factors in Subsection (F)(2) above.

G. A request for proposals shall be prepared for each design-build contract containing at a minimum the following elements:

1. The procedures to be followed for submitting proposals, the criteria for evaluation of proposals and the procedures for making awards;
2. The proposed terms and conditions for the design-build contract;
3. The design criteria package;
4. A description of the drawings, specifications or other information to be submitted with the proposal, with guidance as to the form and level of completeness of the drawings, specifications or other information that will be acceptable;
5. A schedule for planned commencement and completion of the design-build contract;
6. Budget limits for the design-build contract;
7. Requirements for performance bonds, payment bonds and insurance; and

8. Any other information that the City in its discretion chooses to supply including, without limitation, surveys, soils reports, drawings of existing structures, environmental studies, photographs or references to public records.

H. *Proposals.*
   1. Design builders who have been previously qualified by the City shall submit their proposals to the City in two (2) parts, a technical proposal and a cost proposal, according to the requirements of the request for proposals. The City shall open, review and evaluate the technical proposals prior to opening of the cost proposals and shall recommend selection of a design builder based on the combined totals as stated in this Subsection. The qualifications of the design builder and its subcontractors or consultants and any requested drawings or technical information shall be submitted separate from the cost proposal and clearly marked on the outside "Technical Proposal". Each design builder's qualifications shall be ranked in accordance with the criteria set forth in Subsection (G)(1). The cost proposal of the design builder, including the cost of all design services and construction work required to complete the project, shall be submitted separate from the technical proposal in an envelope clearly marked "Cost Proposal". Cost proposals shall be evaluated and ranked in accordance with the request for proposals.
   2. As an inducement to qualified design professionals, the City shall pay a reasonable stipend to each prequalified, responsive design builder who submits a qualified proposal but is not awarded the design-build contract. Upon payment of the stipend to an unsuccessful design-build proposer, the City shall acquire ownership to the design submitted and the proposer shall have no further rights thereto or liability for its use in any manner. If the design-build proposer desires to retain all rights and interest in the design proposed, the proposer shall forfeit the stipend.
   3. The City shall have the right to reject any and all proposals. If all proposals are rejected, the City may solicit new proposals using the same or different design criteria, budget constraints and qualifications.

I. A design builder that enters into a design-build contract shall comply with the requirements of Chapter 327, RSMo., that the architectural engineering or land surveying services to be performed under the contract are performed by:
   1. Persons who are duly licensed in this State and who are employees of the design builder.
   2. Persons who are duly licensed in this State and who are under contract to the design builder; or
   3. Corporations that hold current certificates of authority from the State board for the appropriate professions which are under contract to the design builder. (R.O. 2009 §40.50; Ord. No. 04-121, 6-29-04)

SECTION 145.320: RESERVED

ARTICLE IV. DISPOSITION OF CITY PROPERTY

SECTION 145.330: SALES OF EXCESS OR SURPLUS REAL PROPERTY

Except as otherwise provided by the City Council, the City Council shall seek and consider proposals for the disposition of City-owned surplus real property for public use pursuant to the following procedure:

1. A letter of intent to purchase or proposal may be filed with the Mayor or City Clerk stating the property, its intended use and price, if known, the purchaser would be willing to pay for the property.
2. The letter so filed shall be transmitted to the City Council along with any surveys, drawings, appraisals or counter-proposals which may be pertinent to the sale or disposal of the property.
3. The City Council shall set a time not less than thirty (30) days to consider the sale and request reports from the City Planner, any affected department, any public utility and any board or commission whose function or duties would indicate to the Council a concern in disposing of the real estate.
4. Not less than thirty (30) days before final determination of the sale a notice shall be published announcing the City's intent to sell the property by its address or street location and the proposed purchaser. The Clerk shall offer for public inspection the file of all non-confidential documents for public information.
5. During the thirty (30) day period other proposals pertinent to the same real property may be filed and any written communications advising the Council may be filed with the City Clerk.
6. *Disclosure.*
    a. Except as otherwise provided in this Subsection, any person or entity proposing to purchase real property from the City, prior to approval by the City Council of a sale and purchase contract therefor, shall make a public disclosure in writing, under oath and, if materially false subject to the penalties prescribed in Section 100.150, which shall state his/her name and address and the name and address of every person having a beneficial interest in the purchase of the real property, however small or minimal. This written disclosure shall be made to the City Clerk or to his/her officially designated representative. The beneficial interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 409, RSMo., whose interest is for sale to the general public, is hereby exempt from the provisions of this Subsection. When disclosure of persons having beneficial interests in non-public entities is required, the entity or person shall not be required by the provisions of this Subsection to disclose persons or entities holding less than five percent (5%) of the beneficial interest in the disclosing entity.
    b. Simultaneously with the disclosure required by Subsection (6)(a), the person or entity proposing to purchase real property from the City shall also provide to the City Clerk evidence, such as a letter of intent from a financial institution, of the financial ability of the person or entity to pay the purchase price for the real property in a form acceptable to the City Attorney.
7. Prior to final determination upon such disposal of real property, the City Council shall offer an opportunity for full disclosure of the property, terms of sale, intended use and proposed contract of sale and of such information as shall have been filed with the City Clerk in accordance with this Section. The sale and

purchase contract for the property shall also contain a provision that the deed to be given by the City shall convey a fee simple determinable with a possibility of reverter to the City should the purchaser/grantee contract with a third (3rd) party for the disposal of the property or convey the same to a third (3rd) party within a period of six (6) months of the conveyance by the City to the purchaser/grantee.

8. Nothing in this Section shall require or prohibit competitive bids in the sale or disposition of such excess or surplus real estate or prohibit the City Council from selecting another method for disposition of real property.
9. The Mayor shall keep a list of any excess or surplus real estate and the terms of sale thereof, if known or determinable. (R.O. 2009 §40.60; CC 1981 §2-511; Ord. No. 82-58, 8-4-82; Ord. No. 87-151, 7-23-87; Ord. No. 97-420, 12-3-97; Ord. No. 04-187, 8-4-04; Ord. No. 07-162, 6-11-07)

SECTION 145.340: DESTRUCTION OR SALE OF ABANDONED PROPERTY

When no other procedure for disposal is provided by the laws of the State, any such property which has been in the possession of the Police Department for a period of more than one (1) year without having been claimed by any person entitled thereto shall be deemed to have been abandoned and shall be forfeited to the City; and the Mayor and the Purchasing and Contract Administrator are authorized to dispose of such property in the following manner:

1. Property known and classified as weapons, including, but not limited to, knives, pistols, shotguns, rifles, clubs and chains, shall be destroyed, except those which, in the judgment of the Chief of Police and the Mayor, have antique or unique value or are capable of Police Department use. The firearms so converted become the property of the City and may only be disposed of by proper procedures as set by an ordinance of the City covering disposal of such City property.
2. Property known and classified as intoxicating liquor shall be destroyed.
3. All property commonly known as drugs of any type shall be destroyed.
4. A listing of all other property shall be provided to all other City departments and agencies. Any property that can be efficiently used by any department upon the approval of the Purchasing and Contract Administrator shall be transferred to such department.
5. All other property shall be sold at public auction advertised at least one (1) time in a newspaper of general circulation in the City at least one (1) week prior to such auction. The Purchasing and Contract Administrator shall obtain from each person purchasing any item at such auction a receipt for each item purchased, containing a description of the item or items, the amount paid for each item and the name and address of the purchaser. The proceeds of such sale shall become part of the general fund of the City. (R.O. 2009 §40.61; CC 1981 §2-512; Ord. No. 81-22, 3-25-81; Ord. No. 87-151, 7-23-87)

SECTION 145.350: PURCHASE OF WEAPONS UPON RETIREMENT

A commissioned employee of the St. Charles City Police Department with the approval of the Chief of Police may purchase upon retirement, by reason of length of service or disability, or by the member's next of kin in case of death, the service pistol carried by

such member immediately prior to retirement. The purchase price for the service pistol shall be equal to the replacement cost thereof. (R.O. 2009 §40.62; Ord. No. 99-351, 10-7-99)

ARTICLE V. RENTALS AND SALES OF CITY COMMONS

SECTION 145.360: ANNUAL RENTS--WHEN AND WHERE PAYABLE

It shall be the duty of all persons occupying or holding lands as tenants of the City and of all persons having leased from the inhabitants of the City, any City lots, outlots, common-field lots or commons belonging to such City, whether such lots or parcels of ground are situated within the limits or without the limits of the City, to pay yearly the rents to the City, at the office of the Director of Finance of the City, on or before January first (1st) in each and every year. (R.O. 2009 §40.75; CC 1981 §2-525; Ord. No. 86-45, 2-27-86)

SECTION 145.370: BOOK OF COMMON RENTS--PREPARATION AND DELIVERY TO DIRECTOR OF FINANCE

A. *Book Of Common Rents.* The City Clerk shall make out a correct alphabetical list of the names of all persons owning the leasehold of any City lots, common-field lots or commons belonging to the City, which list shall contain the name of the owner of each lot on May first (1st), the number of the square or block, the number of the lot and the survey; if a City lot, the number of feet front and deep and the amount of rent for which each person is liable, all of which shall be placed in suitable columns ruled for that purpose and such list shall be called the "Book of Commons Rents".

B. *Copy To Be Delivered To Director Of Finance.* The City Clerk shall deliver to the Director of Finance the "Book of Commons Rents" for collection on or before the first (1st) day of May in each year and the Clerk shall take the Director of Finance's receipt therefor and preserve the same in his/her office and charge the Director of Finance with the amount of the "Book of Commons Rents". (R.O. 2009 §40.76; CC 1981 §§2-526--2-527; Ord. No. 86-45, 2-27-86)

SECTION 145.380: DIRECTOR OF FINANCE TO GIVE RECEIPTS FOR RENTS PAID

When the Director of Finance shall receive any commons rents, he/she shall give a receipt therefor and designate the number of the square or block, the number of the lot and such other facts as may be necessary to identify the property. (R.O. 2009 §40.77; CC 1981 §2-528; Ord. No. 86-45, 2-27-86)

State Law References--Authority of city to receive and hold real estate, §77.010, RSMo.; sale of commons, §71.100, RSMo.

SECTION 145.390: DELINQUENT LIST

A. *Preparation And Return Of Delinquent List.* If after January first (1st) in each year any commons rents shall not be paid by the person liable therefor, the Director of Finance shall make a correct list thereof, describing the property on account of which the rent is due, giving the name of the delinquent lessee and the amount of rents due as set forth in the "Book of Commons Rents", which list shall be called the "Delinquent List of Commons Rents" and shall be returned by the Director of Finance, under oath, to the City Council on or before April first (1st) in each year.
B. *Examination, Correction And Recordation Of Delinquent List.* The City Council shall examine and correct the list mentioned in the preceding Subsection by the best means in their power and shall cause the list so corrected to be recorded in the City Clerk's office, leaving sufficient blank columns in the record of the same to enter proceedings in regard to the further disposition of the property returned for delinquent commons rents. (R.O. 2009 §40.78; CC 1981 §§2-529--2-530; Ord. No. 86-45, 2-27-86)

SECTION 145.400: LESSEE ENTITLED TO FEE SIMPLE ESTATE UPON COMPLIANCE WITH CERTAIN REQUIREMENTS

Any lessee of the inhabitants of the City or any lessee of the City or any person who may have acquired any interest of any such lessee in any legal manner, in any part of the commons, attached to and belonging to the City, may receive a deed in fee simple therefor by complying with the provisions of this Article. (R.O. 2009 §40.79; CC 1981 §2-542; Ord. No. 86-45, 2-27-86)

SECTION 145.410: SURRENDER OF LEASE

Any person desiring to procure a deed in fee simple, as provided by the preceding Section, shall make a surrender to the City of his/her interest, in writing, executed and acknowledged as deeds for land are required to be executed and acknowledged by the laws of the State, which surrender shall be filed and carefully preserved in the Clerk's office. (R.O. 2009 §40.80; CC 1981 §2-543; Ord. No. 86-45, 2-27-86)

SECTION 145.420: PETITION MADE TO CITY

Every applicant for a deed in fee simple under the provisions of this Section shall make his/her petition in writing therefor to the City Council, describing the property for which he/she desires such deed in fee simple, verified by the affidavit of the applicant, his/her agent or attorney, which petition shall be referred to the City Attorney and other appropriate City departments. The City Attorney shall report to the City Council as to his/her opinion of title of petitioners as to the leasehold interest, the ownership of contiguous parcels and the possible effect upon any proposed annexations pending in the area. If the City Council finds it in the best interest of the City to order the deed hereafter described, it may do so through the procedure hereafter described. (R.O. 2009 §40.81; CC 1981 §2-544; Ord. No. 86-45, 2-27-86)

SECTION 145.430: PRICE AND COSTS PAID BY APPLICANT

The applicant for a deed, under the provisions of this Article, shall pay the value of the

property for which he/she asks a deed in fee simple, estimated according to the value thereof, as stated in the lease under which he/she may claim, which payment he/she shall make to the City, taking duplicate receipts therefor, one (1) of which he/she shall file with the City Clerk. Such applicant shall also pay all arrearages of rents on such property, any cost for title examination and advice to the Council in relation thereto, the expense of executing the deed and the City Clerk's fees for recording all papers connected therewith. No deed in fee simple shall be delivered until the provisions of this Section are complied with. (R.O. 2009 §40.82; CC 1981 §2-545; Ord. No. 86-45, 2-27-86)

Cross Reference--As to penalty, §100.150.

SECTION 145.440: DELIVERY OF DEED--FORM

Upon the granting of the petition mentioned in Section 145.420 and a compliance by the applicant with the provisions of this Section, a deed shall be delivered to the applicant and his/her heirs and assigns forever to the property for which he/she may have asked a deed in fee simple or be entitled to, which deed shall state the consideration upon which the same is made and the substance of the order of the City Council made upon the petition and shall be signed and acknowledged by the Mayor as required by the laws of the State, attested by the Clerk and sealed with the Seal of the City. Such deed shall contain no clause of warranty except against the City and those claiming under the City. (R.O. 2009 §40.83; CC 1981 §2-546; Ord. No. 86-45, 2-27-86)

SECTION 145.450: REQUIREMENTS WHERE MAYOR IS APPLICANT FOR DEED

If the Mayor should be the applicant for a deed in fee simple under this Article or any other ordinance for the granting of deeds in fee simple, the President of the Council shall perform the duties required of the Mayor by the provisions of this Article or other such ordinances. (R.O. 2009 §40.84; CC 1981 §2-547; Ord. No. 86-45, 2-27-86)

SECTION 145.460: EMINENT DOMAIN--ECONOMIC DEVELOPMENT

A. The City shall not authorize the exercise of the power of eminent domain for economic development purposes.
B. For purposes of this Section, *"economic development purposes"* shall mean any activity to increase tax revenue, tax base, employment or general economic health.
C. Subsection (A) above shall not apply to:
    1. The transfer of a real property interest to public ownership for public use such as for a road, park, sanitary sewer or water line, water or sewer treatment facility, fire station, police station or other public building;
    2. The transfer of a real property interest to a private entity when eminent domain will remove a harmful or unproductive use of land, such as the removal of public nuisances as set forth in Section 220.020 of this Code, removal of structures that are beyond repair or that are unfit for human habitation or use or acquisition of abandoned property;
    3. Any residential real property that is not owner occupied;
    4. Any non-residential property that is vacant or has not had a business license for a

period of twelve (12) months; or

5. Any real property where the assessed valuation has decreased by fifty percent (50%) or more in a two (2) year period. (R.O. 2009 §40.85; Ord. No. 06-146, 6-14-06)

TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE

CHAPTER 200: POLICE DEPARTMENT

Cross References--As to traffic administration and enforcement §§315.010 et seq.; as to department, services, established, §§120.190--120.200.

ARTICLE I. GENERAL PROVISIONS

SECTION 200.010: POWERS IN GENERAL

Every member of the Department shall have power at all times to make or order an arrest with proper process for any offense against the ordinances of the City and the laws of the State and to keep an offender in any City prison or jail or other proper place to prevent his/her escape until trial, unless such offender shall give good and sufficient bond for his/her appearance for trial, and shall also have power to make arrest without process in all cases in which any offense against the ordinances of the City and the laws of the State shall be committed in the officer's presence or when the officer has reasonable grounds to believe any such offense has been committed. Every member of the Department shall have the power to serve and execute all warrants, subpoenas, writs or other process issued by the Municipal Judge of the City at any place within the City. (R.O. 2009 §34.01; CC 1981 §23-24; Ord. No. 3626, 2-4-69; Ord. No. 98-70, 2-9-98)

SECTION 200.020: QUALIFICATIONS OF MEMBERS

No member of the Police Department, as provided in this Chapter, shall be permitted to serve as a member of such Department unless he/she is at least twenty-one (21) years of age and shall, from time to time, pass a satisfactory physical examination, and hold a commission as a Peace Officer under Chapter 590, RSMo. (R.O. 2009 §34.02; CC 1981 §23-25; Ord. No. 3626, 2-4-69)

Cross Reference--As to penalty, §100.150.

SECTION 200.030: EMERGENCIES OUTSIDE CITY LIMITS

A. *Definitions.* For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
EMERGENCY SITUATION: Any situation in which the Police Officer has a reasonable belief that a crime is about to be committed, is being committed or has been committed involving injury or threat of injury to any person, property or governmental interest and the officer's response is reasonably necessary to prevent or end the emergency situation or mitigate the likelihood of injury involved in the emergency situation. The determination of the existence of any emergency situation shall be in the discretion of the officer or governmental officer of the political subdivision in which the emergency situation is alleged to be occurring.
RESPONSE OR RESPOND: To take any and all action which the officer may lawfully take as if exercising his/her powers within his/her own jurisdiction.
B. Under the authority granted by Sections 70.820 and 70.837, RSMo., any Police Officer of the City who has completed the basic training program as established by Chapter 590, RSMo., shall have the authority to respond to an emergency situation outside the boundaries of the City; provided however, that such authorization to respond shall exist only within those jurisdictions within this State or a bordering State which by their governing bodies or officials have adopted an ordinance, order or other ruling which authorizes the Law Enforcement Officers of the respective jurisdictions to respond to emergencies outside the boundaries of their jurisdictions.
C. Every response to an emergency situation outside the City limits of the City shall be reported by the Chief of Police to the Mayor, with an explanation of the reason for the response. (R.O. 2009 §34.03; CC 1981 §23-26; Ord. No. 87-25, 2-7-87; Ord. No. 87-189, 9-28-87; Ord. No. 87-215, 11-6-87; Ord. No. 88-87, 6-10-88; Ord. No. 95-81, 3-22-95; Ord. No. 00-125, 5-3-00; Ord. No. 07-162, 6-11-07)

SECTION 200.040: FEE FOR COPYING RECORDS

A. The fee for copying Police Department records shall be ten dollars ($10.00) per record.
B. The fee for fingerprinting shall be twelve dollars ($12.00) per person for non-residents of the City and there shall be no charge for City residents. (R.O. 2009 §34.05; CC 1981 §23-30; Ord. No. 92-101, 5-21-92; Ord. No. 07-208, 7-20-07)

Cross Reference--As to penalty, §100.150.

SECTION 200.050: RESTRICTIONS ON USE OF POLICE DEPARTMENT DEDICATED VEHICLES

A. *"Dedicated vehicle"* shall mean a St. Charles Police Department vehicle assigned to a certain departmental position or positions.
B. A departmental position assigned a dedicated vehicle shall only be able to use the assigned dedicated vehicle during off-duty status if the holder of the position is a resident of the City; except that this residency limitation shall not apply to the positions of Chief of Police, Mounted Patrol Officers, and K-9 Officers. All other use, including personal business use, of off-duty dedicated vehicles is hereby prohibited. (R.O. 2009 §34.06; Ord. No. 04-129, 7-2-04; Ord. No. 05-233, 9-7-05)

ARTICLE II. RESERVE POLICE FORCE

SECTION 200.060: ESTABLISHMENT

A Reserve Police Force is hereby established, to serve at an annual salary of one dollar ($1.00) and such other compensation as may be provided from time to time by resolution of the Mayor and City Council, composed of not more than the total number of uniformed personnel of the regular Department, male or female, separate and distinct from the Police Department of this City, but always to be under the general command, control and supervision of the Chief of Police. (R.O. 2009 §34.20; CC 1981 §23-41; Ord. No. 78-27, 4-12-78; Ord. No. 81-13, 2-25-81)

SECTION 200.070: QUALIFICATION OF MEMBERS AND OTHER REQUIREMENTS

Every member of the Reserve Police Force shall possess the qualifications required of regular Police Officers of the City. Each member shall be issued a Reserve Police identification card which shall be carried by the member while he/she is on duty with the Police Department of the City. No person shall be deemed a member of the Reserve Police Force until he/she has been registered as such in a roster to be kept by the Chief of Police and until he/she has taken an oath that he/she will observe and obey the Constitution of the United States, the Constitution of this State, the laws of this nation and State and the ordinances of the City and that he/she will carry out the duties as a member of the Reserve Police Force of this City to the best of his/her ability. (R.O. 2009 §34.21; CC 1981 §23-42; Ord. No. 3510, 8-23-67; Ord. No. 78-27, 4-12-78)

Cross Reference--As to penalty, §100.150.

SECTION 200.080: DUTIES IN GENERAL

The duties of the Reserve Police Force, subject at all times to the direction, supervision and control of the Chief of Police, shall be to assist the members of the regular Police Department of this City in the enforcement of law and the maintenance of peace and order during an emergency of war, great common peril or in a situation wherein the regular Police Department is deemed by the Chief of Police to be inadequate for the occasion. The Chief of Police may, by order, establish rules and regulations to govern the Reserve Police Force, to fix the specific duties of its members and to provide for the maintenance of discipline. He/she may change such orders from time to time and he/she may command members of the Reserve Police Force to obey the instructions of regular Police Officers in carrying out their duties. The Chief of Police may prescribe other duties than those mentioned herein to be performed by the Reserve Police Force, not inconsistent with the provisions hereof. (R.O. 2009 §34.22; CC 1981 §23-43; Ord. No. 78-27, 4-12-78)

SECTION 200.090: POWERS OF MEMBERS WHILE ON DUTY

Members of the Reserve Police Force, while on duty, shall be conservators of the peace

and shall have the same powers and authority of regular Police Officers of the Police Department of this City; provided however, that membership in the Reserve Police Force shall not constitute membership in the regularly constituted Police Department nor shall any member of the Reserve Police Force be entitled to any right or privilege of compensation, pension or any other similar right or privilege of members of the regularly constituted Police Department nor to any other prerequisite or emolument attaching to membership in said regularly constituted Police Department. (R.O. 2009 §34.23; CC 1981 §23-45)

SECTION 200.100: TERMINATION BY CHIEF OF POLICE--RESIGNATION
The membership of any person in the Reserve Police Force may be terminated by the Chief of Police at any time and any member may resign from the Reserve Police Force at any time, but it shall be his/her duty to notify the Chief of Police of his/her resignation. (R.O. 2009 §34.24; CC 1981 §23-44; Ord. No. 78-27, 4-12-78)

SECTION 200.110: CAUSES FOR SUMMARY EXPULSION
Any violation of law or ordinance under color of the performances of his/her duties as a member of the Reserve Police Force and any breach of the rules and regulations established by the Chief of Police shall subject any member to summary expulsion and the fact thereof may be published at the order of the Chief of Police. (R.O. 2009 §34.25; CC 1981 §23-46; Ord. No 78-27, 4-12-78)

SECTION 200.120: IMPERSONATION PROHIBITED
It shall be unlawful for any person to wear, carry or display a Reserve Police identification card or insignia or otherwise represent himself/herself to be a member of or connected with the Reserve Police Force, unless he/she is in fact a member thereof. (R.O. 2009 §34.26; CC 1981 §23-47; Ord. No. 78-27, 4-12-78)

Cross Reference--As to penalty, §100.150.

ARTICLE III. MAJOR CASE SQUAD

SECTION 200.130: DEFINED--PURPOSE
For the purpose of this Article, the *"major case squad"* shall mean any formation, operation, organization or cooperative action between any one (1) or more County or municipality and the City, the purpose of which is intensive professional investigation of certain individual crimes that may occur in their general geographical area and which is operated and activated on request of a County Sheriff, County Police Superintendent or Police Chief of a municipality wherein a crime has occurred. (R.O. 2009 §34.40; CC 1981 §23-50; Ord. No. 87-26, 2-7-87)

SECTION 200.140: COOPERATION--AUTHORITY

A. The Police Officers of the City are authorized to participate in and cooperate with any Law Enforcement Officer of jurisdictions participating in a major case squad operation or formation. The officers designated to participate in the major case squad activities shall be so designated by the Chief of Police.
B. When acting outside the City limits of the City as a member of the major case squad, the Police Officer shall be considered to be on active duty as if acting with the boundaries of the City. (R.O. 2009 §34.41; CC 1981 §23-51; Ord. No. 87-26, 2-7-87)

CHAPTER 205: FIRE PROTECTION AND FIRE PREVENTION

Cross References--As to fire department established, §120.150; as to fire prevention code, §§205.060--205.070; as to authority to direct traffic, §§305.040, 315.010.

ARTICLE I. FIRE DEPARTMENT

SECTION 205.010: FIREFIGHTERS RESPONSIBILITIES DURING INACTIVE HOURS

Every member of the Fire Department shall be required to report for any fire or emergency or for any fire drill, training or instruction when and as directed or arranged by the Fire Chief during any period of inactive duty. (R.O. 2009 §35.01; CC 1981 §11-29; Ord. No. 3572, 6-5-68; Ord. No. 3756, 7-7-70; Ord. No. 3870, 9-21-71; Ord. No. 73-52, 7-1-73; Ord. No. 75-44, 8-20-75)

SECTION 205.020: INSPECTION OF FIREPLUGS

It shall be the duty of all Assistant Chiefs of the Fire Department and regular Firefighters under the supervision of the Chief of the Fire Department to inspect twice each year, once in April and May and once in September and October, all fireplugs in the City and it is further the duty of the Assistant Chiefs and regular Firefighters to inspect any fireplug at any time the Chief of the Fire Department may deem it necessary, it being understood that all other calls to duty as required by this Chapter shall be performed first. It shall further be the duty of Assistant Chiefs and regular Firefighters making such inspections to make reports of their findings on each hydrant to the Chief of the Fire Department. (R.O. 2009 §35.02; CC 1981 §11-30; Ord. No. 3778, 8-5-70)

SECTION 205.030: TAMPERING WITH FIRE HYDRANTS

A. *Prohibition.* No person shall tamper with any fire hydrant, fireplug or other device available for connecting a fire hose to a water main without obtaining written authority to do so from firefighting and Water Department authorities having jurisdiction in the area within which such device is located and from the owner of such device.

B. *Definition.* For the purpose of this Section, the following definition shall apply unless the context clearly indicates or requires a different meaning.
TAMPER: Includes, but shall not be limited to, the removal of the cap or any other part of such device; the insertion of any object or material into such device; the application of any wrench, tool, implement or other object or material to such device; the attachment of a hose or any other instrument to such device; and/or the use of such device in any fashion so as to permit water to flow therefrom.

C. *Exemption.* This Section shall not apply to the owner of such device, the agents and employees of such owner and any firefighting personnel engaged in any activity related to firefighting or the maintenance and operation of firefighting equipment. (R.O. 2009 §35.03; CC 1981 §11-31; Ord. No. 76-61, 7-21-76)

Cross Reference--As to penalty, §100.150.

SECTION 205.040: INTERFERENCE WITH FIRE DEPARTMENT

It shall be the duty of the Chief of Police and Police Officers present to aid in preventing interference with the Fire Department in the suppression of fires and it shall be unlawful for any person to interfere in any way with any fire apparatus or the operation thereof or with any Firefighters in the discharge of their duties in suppressing fire or to refuse or neglect to obey the proper and legal order of the Chief of the Fire Department. (R.O. 2009 §35.04; CC 1981 §11-32)

SECTION 205.050: INJURING PROPERTY OF FIRE DEPARTMENT

It shall be unlawful for any person to injure, deface or destroy any fire truck, hose, hose carriage, ladders, wagons or any other property appertaining or belonging to the Fire Department of the City. (R.O. 2009 §35.05; CC 1981 §11-33)

Cross Reference--As to penalty, §100.150.

ARTICLE II. FIRE PREVENTION

Cross Reference--As to sale of fireworks, §215.1100.
State Law References--Authority of city with purchasing fire-fighting equipment, organization of fire companies, §77.190, RSMo.; authority of city with fire prevention where buildings are concerned, §77.500, RSMo.

Division 1. General Provisions

SECTION 205.060: ADOPTION OF FIRE PREVENTION CODE BY REFERENCE

The International Fire Code, 2006 Edition including Appendix Chapters B, C, and D, as published by the International Code Council, is adopted by reference as the Fire Code of the City and made part of this Section as if fully set forth herein. (R.O. 2009 §95.01; CC 1981 §11-1; Ord. No. 79-8, 1-24-79; Ord. No. 88-113, 6-23-88; Ord. No. 95-151, 6-7-95; Ord. No. 97-150, 5-8-97; Ord. No. 00-144, 6-9-00; Ord. No. 05-214, 7-27-05; Ord. No.

05-303, 11-22-05; Ord. No. 10-153 §1, 7-21-10)

Cross References--As to building code adopted, §§500.040 et seq.; as to electrical code adopted, §§500.190 et seq.; as to plumbing code adopted, §§500.240 et seq.; as to property maintenance code, §§500.110 et seq.

SECTION 205.070: AMENDMENTS

The code adopted by Section 205.060 is hereby amended in the following respects:

1. Section 101.1 Title is amended to read as follows:
   Section 101.1 Title. These regulations shall be known as the Fire Code of the City of St. Charles, Missouri, hereinafter referred to as "this code".
2. Section 103.2 Appointment is amended to read as follows:
   Section 103.2 Appointment. The Fire Code Official shall be the Fire Marshal of the City of St. Charles, Missouri.
3. Section 105.1.1.2 Fees is hereby added, which shall read as follows:
   a. *Operational permit fees.* Operational permit fees are established at twenty-five dollars ($25.00).

   Exception:

   (1) Sale/storage of fireworks, operational permit fee is seventy-five dollars ($75.00).

   b. *Construction permit fees.* Fire construction permit fees shall be based on the proposed construction valuation. The construction valuation shall be based upon the greater of the following: The estimated construction valuation as listed on the building permit application; or the most recent published Square Foot Construction Costs Table as published by the International Code Council. Once the building valuation or estimated cost of construction is determined, the fire construction permit fee is one dollar ($1.00) per one thousand dollars ($1,000.00) of construction cost or construction valuation (whichever is greater). The minimum fee shall be twenty-five dollars ($25.00).
   c. *Plan review fees.* A plan review fee shall be charged for each permit in addition to the permit fee. The plan review fee is twenty-five dollars ($25.00). The fee for each plan review shall be the actual cost borne by the City in the event that a private firm is employed to review a plan. Failure to obtain the fire construction permit will not allow a refund of plan review fees.
4. Section 105.1.2 Types of Permits is amended to read as follows:
   There shall be two (2) types of permits as follows:
   a. *Operational permit.* An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 105.6 for either:

      1.1 A prescribed period.

      1.2 Until renewed or revoked.

   b. *Construction permit.* A construction permit allows the applicant to install or modify systems and equipment for which a permit is required by Section 105.7. Also, a fire construction permit shall be required in all new construction, or in the case of any alterations which require a building permit.

Exceptions:

(1) R-4 use group.

5. Section 105.6.13 Exhibits and Trade Shows is amended to read as follows:
   An operational permit is required to hold an assembly event with the capacity for over three hundred (300) occupants (exempting religious assemblies).
6. Section 105.6.16 Flammable and Combustible Liquids is amended by the addition of paragraph 11 as follows:
   Closure of Underground Tank
   a. It shall be unlawful for any owner or operator of an underground storage tank to fail to properly close and remove the same within twelve (12) months after cessation of its active use.
   b. A cash escrow payment to the City or performance bond issued in the City's favor by a surety and in a form acceptable to the City, in the amount of ten thousand dollars ($10,000.00) per underground storage tank, shall be provided by the owner or operator of any underground storage tank located within the City and which stores or intended to store petroleum products. The escrow or bond shall be provided during the entire time the underground storage tank exists. Such bond shall contain the following endorsement: "This bond may not be canceled or allowed to lapse until sixty (60) days after receipt by the City, by certified mail, return receipt requested, of a written notice from the issuer of the bond of its intent to cancel or not to renew." The amount of the cash escrow payment or bond required by this Subsection shall be adjusted annually in an amount equal to ten thousand dollars ($10,000.00) multiplied by a fraction, the numerator of which is the CPI (herein defined) most recently published prior to January first (1st) of the current year and the denominator of which is the CPI published as of the time this Subsection is originally enacted. As used herein, *"CPI"* shall mean the Consumer Price Index -- All Urban Consumers (CPI-U), U.S. City Average, All Items (1982-84=100) as published by the Bureau of Labor Statistics of the United States Department of Labor, or such successor index thereto as may be published by the U.S. Government (or if not published the most comparable index thereto). In no event will there be a reduction in the bond requirement because of any decrease in CPI from one year to the next.
   c. The bond or cash escrow payment shall be returned to the owner or operator who submitted the same upon verification by the City Fire Marshal that the underground storage tank and all of its pumps, pipes and related equipment have been removed from the ground and disposed of pursuant to Missouri Department of Natural Resources regulations and any other applicable State or Federal law. Evidence that the applicable State and Federal laws have been complied with during the removal of the underground storage tanks may be demonstrated by obtaining a "No Further Action Needed" letter from the Missouri Department of Natural Resources or similar correspondence from the Missouri Department of Natural Resources or the United States Environmental Protection Agency indicating that the underground storage tanks have been properly removed, any and all environmental hazards have been appropriately resolved, and that the property on which it was located does not pose an unacceptable risk to the environment.

d. If the owner or operator fails to properly remove an underground storage tank and all of its pumps, pipes and related equipment within twelve (12) months after cessation of its active use, the Director of Public Works or his/her designee shall have full power and authority to utilize the cash escrow payment or to draw upon the bond in order to effectuate the proper removal and disposal of the underground storage tanks and all pumps, pipes and related equipment.

e. An owner or operator of an underground storage tank shall at all times maintain insurance for such tank through the Missouri Petroleum Storage Tank Fund or an insurance carrier acceptable to the City which provides coverage for the cost of all cleanup resulting from any contamination of the soil due to underground storage tank leakage, or provide a letter issued by the Missouri Department of Natural Resources, Hazardous Waste Program, Tanks Section, evidencing its review of declaration and certification endorsement for financial responsibility filed by the owner or operator with the Missouri Department of Natural Resources pursuant to 10 Mo. CSR 20-11, and requiring no further action regarding financial responsibility by the owner or operator.

7. Section 508.5, Fire Hydrant Systems, shall be amended to read as follows:
Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than four hundred (400) feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the Fire Code Official. Also, buildings or structures equipped with an automatic suppression or standpipe connection (FDC) must have a fire hydrant within one hundred fifty (150) feet of travel distance (as measured by the Fire Code Official).
8. Exemptions from building permit fees:
All governmental entities, comprehensive colleges and universities (not including single-purpose institutions), schools offering basic education to any grade (K through 12), and places of worship shall be exempt from permit fees. This exemption from payment of fees does not provide an exemption from the plan review fee or the obligation to obtain permits and inspections, and if the City must contract for the expedited services, then the exempt entity shall pay the costs for the expedited contractual services.
9. Nothing in this Section or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby amended by Sections 205.060 and 205.070. No just or legal right or remedy of any character shall be lost, impaired, or affected by Sections 205.060 and 205.070.
10. Section D107.1. One- or two-family residential developments are modified to read as follows:
Developments of one- or two-family dwellings where the number of dwelling units exceeds one hundred (100) shall be provided with two (2) separate and approved fire apparatus access road, and shall meet the requirements of Section D104.3. (R.O. 2009 §95.02; CC 1981 §11-03; Ord. No. 88-113, 6-23-88; Ord.

No. 89-77, 5-4-89; Ord. No. 91-176, 9-6-91; Ord. No. 91-208, 10-16-91; Ord. No. 95-151, 6-7-95; Ord. No. 97-150, 5-8-97; Ord. No. 97-332, 9-18-97; Ord. No. 98-45, 1-22-98; Ord. No. 00-144, 6-9-00; Ord. No. 02-287, 12-13-02; Ord. No. 05-214, 7-27-05; Ord. No. 05-303, 11-22-05; Ord. No. 09-114, 6-18-09; Ord. No. 10-153 §2, 7-21-10)

Cross References--As to building regulations, ch. 500; as to electrical code, §§500.190 et seq.; as to excavation, grading and storm water control, ch. 510; as to flood damage prevention control, ch. 410; as to fair housing, ch. 240; as to plumbing code, §§500.240 et seq.; as to solid waste management, ch. 245; as to subdivision regulations, ch. 405; as to zoning code, ch. 400.

Division 2. Address Signs Or Placards

SECTION 205.080: DISPLAY OF ADDRESS SIGNS OR PLACARDS

Notwithstanding any subdivision or homeowner association's rules or covenants to the contrary, a person may display a sign or placard clearly identifying the property address in the front yard of the property without obtaining a City sign permit, subject to the following conditions:

1. The sign face is no larger than sixteen (16) inches by sixteen (16) inches;
2. Individual letters and numerals on the sign do not exceed eight (8) inches in height; and
3. The sign is not illuminated except by solar power.

(R.O. 2009 §95.10; Ord. No. 08-129, 6-18-08)

CHAPTER 210: ANIMALS

Cross References--As to agricultural district zoning regulations, §400.140; as to disposal of dead animals, §§215.1760--215.1770; as to health, safety and sanitation, ch. 220; as to horse-drawn carriages, §§645.320 et seq.; as to persons riding animals to obey traffic regulations, §305.020; as to zoning regulation of domestic pets, fowl, cattle, swine, sheep and goats, §400.400.

State Law Reference--Authority to regulate and restrict running at large of animals, §77.510, RSMo.

ARTICLE I. GENERAL PROVISIONS

SECTION 210.010: POLICY

The City Council finds that it is necessary to establish and implement a program for the licensing and regulation of dogs, cats and other animals and for facilities which house them, that animals require legal protection, that the property rights of owners and non-

owners of animals should be protected and that the health, safety and welfare of the people residing in the City would best be served by adoption of such regulations. (R.O. 2009 §91.01; CC 1981 §4-1; Ord. No. 92-83, 5-5-92)

SECTION 210.020: TITLE

The provisions of this Chapter shall be known and cited as the "Animal Regulation Code". (R.O. 2009 §91.02; CC 1981 §4-2; Ord. No. 92-83, 5-5-92)

SECTION 210.030: DEFINITIONS

For the purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL: Every living creature, domesticated or wild, but not including Homo sapiens.

ANIMAL CONTROL OFFICER: Any person designated by the City as responsible for the impounding of animals.

AT LARGE: Unconfined, off or on the premises of the owner's real property or property in his/her possession or not under restraint by some person physically able to prevent escape; provided, cats shall not be considered at large when unconfined or not under restraint while on the owner's real property.

CAT: All domestic species or varieties of the genus Felis, male or female, four (4) months of age or older.

CATTERY: Any place or tract of land, whether indoors or outdoors, whether enclosed or not, in, at or upon which and whether for pleasure or profit, cats are kept, housed, bred, raised, fed, displayed, exhibited or sold. The owner of more than three (3) cats, whether owned for pleasure or profit, breeding or exhibiting, shall be deemed to be the operator of a cattery.

CERTIFICATE: The certificate issued under this Chapter at the time of vaccination and bearing thereon the signature of the veterinarian, the registration number, the name, color, breed and sex of the dog, cat or animal, the name and address of the owner, the date of the vaccination and the type of vaccine administered.

COMMERCIAL ANIMAL ESTABLISHMENT: Any pet shop, grooming shop, auction, riding school, stable, cattery, kennel, guard dog service, dog trainer, business keeping animals in stock for retail or wholesale trade or any establishment performing one (1) or more of the principal activities of the aforementioned establishments.

COURT: The Municipal Court.

DOG: All domestic members of the Canis family, male or female, four (4) months of age or older.

DOMESTIC ANIMAL AVOCATION: The care, breeding, showing or keeping of dogs by an adult person who maintains a hobby kennel containing more than two (2) but not more than four (4) dogs over the age of six (6) months on the lot on which the person is a resident or on a contiguous lot, which lot or lots are not zoned business.

EUTHANIZE: To put to death in a humane manner.

EXPOSED TO RABIES: When bitten by, or fought with, or has come in close contact with a dog or other animal shown to be infected with the rabies virus as determined by standard laboratory testing.

HOUSEHOLD MEMBERS: Those members of a family, including servants and

attendants, living in the same dwelling unit.
IMPOUND: The apprehending, catching, trapping, netting, tranquilizing, confining or, if necessary, the destruction of any animal by the Animal Control Officer, a veterinarian or by any employee or agent of the City.
IMPOUNDING FACILITIES: Any premises designated by resolution of the City Council for the purpose of impounding and caring for all animals in violation of this Chapter.
KENNEL: Any place or tract of land, whether indoors or outdoors, whether enclosed or not, in, at or upon which and whether for pleasure or profit, dogs are kept, housed, bred, raised, fed, displayed, exhibited or sold. The owner of more than two (2) dogs, unless a domestic animal avocation permit is held, shall be deemed to be the operator of a dog kennel.
KITTEN: All domestic species or varieties of the genus Felis, male or female, under the age of four (4) months.
OWNER: Any person who owns, harbors, shelters, keeps, controls, manages, possesses or has part interest in any dog, cat, animal, cattery or kennel in the City. The occupant of any premises on which a dog or cat remains for a period of seven (7) days or to which it customarily returns for a period of seven (7) days is presumed to be harboring, sheltering or keeping the aforementioned dog or cat within this definition. Under no circumstances are the normal and ordinary accepted definitions of the term "harboring, sheltering or keeping" to be limited to the words of the aforementioned presumption. If a minor owns a dog, puppy or other animal subject to the provisions of this Chapter, the head of the household of which such minor owner is a member shall be deemed to be the owner of such dog, puppy or animal for the purpose of this Chapter and under this Chapter shall be responsible as the owner, whether or not such household head is a minor. If not a member of a household, such minor owner shall be directly subject to the provisions of this Chapter.
PUP OR PUPPY: All domesticated members of the species Canis familiaris, male or female, under four (4) months of age.
RESTRAINT: Either control by line or leash not more than twelve (12) feet in length or within an enclosed vehicle.
UNCONFINED: Not within a structure, fence or building physically capable of preventing escape by the dog, cat or animal.
VACCINATE: The injection by a veterinarian or an authorized agent of a specified dose of anti-rabies vaccine into the body of a dog, cat or susceptible animal, such vaccine having the U.S. Government license number approval stamped on the label of the vaccine container. Vaccine used for vaccination of the dogs and cats shall be stored and kept under conditions proper for the vaccine and shall show no signs of spoilage or otherwise be unfit for producing immunity against rabies.
VETERINARIAN: Any veterinarian holding a current veterinarian's license.
WILD ANIMAL: Any non-human primate (monkey, ape, chimpanzee, gorilla, orangutan and lemur), all felines (other than the domestic house cat), alligator, crocodile, caiman, poisonous reptiles, all venomous snakes, any constrictor snake of over eight (8) feet in length, all species of bears, raccoon, fox, skunk, coyote, wolf or any crossbreeds of the above. (R.O. 2009 §91.03; CC 1981 §4-3; Ord. No. 92-83, 5-5-92; Ord. No. 95-290, 10-18-95)

ARTICLE II. LICENSING AND REGISTRATION REQUIREMENTS--FEES

SECTION 210.040: ANIMAL REGISTRATION REQUIRED

Dogs, cats and other animals susceptible to rabies shall be registered within thirty (30) days of obtaining the age of five (5) months or within thirty (30) days of acquisition by the owner, whichever occurs later. Thereafter, every person who owns a dog, cat or other animal susceptible to rabies that is kept within the City shall wear a St. Charles County rabies registration tag. No dog, cat or animal susceptible to rabies shall be registered unless the applicant provides proof showing the breed, sex and color of the animal, the name of the owner and the date of immunization. (R.O. 2009 §91.15; CC 1981 §4-12; Ord. No. 92-83, 5-5-92)

Cross Reference--As to penalty, §210.350.

SECTION 210.050: VACCINATION AGAINST RABIES

Every person who owns any dog, cat or other animal susceptible to rabies, whether in a kennel or not, that is kept within the City or who permits a dog, cat or other animal susceptible to rabies to come upon or in the City or to remain in or about his/her home, place of business or other premises in the City shall have such dog, cat or animal that is susceptible to rabies vaccinated against rabies. Such dogs, cats or animals must be vaccinated at least once each year or at the frequency recommended by a licensed veterinarian and approved by the National Association of Public Health Veterinarians. All puppies shall be confined to their owner's premises. It shall be unlawful for any person to own any dog, cat or such animal unless such dog, cat or animal has been vaccinated against rabies in accordance with the provisions of this Chapter. (R.O. 2009 §91.16; CC 1981 §4-14; Ord. No. 92-83, 5-5-92)

Cross Reference--As to penalty, §210.350.

SECTION 210.060: KENNEL PERMIT

It is unlawful for any person to keep or maintain any commercial animal establishment, domestic animal avocation or kennel without first obtaining a valid and subsisting permit thereof, which permit shall not be contrary to any zoning laws. (R.O. 2009 §91.17; CC 1981 §4-15; Ord. No. 92-83, 5-5-92)

Cross Reference--As to penalty, §210.350.

SECTION 210.070: FACILITY LICENSING PROCEDURE

A. A permit shall be obtained annually from the office of the supervisor of the Animal Control Services prior to January first (1st) of any year and the paying of the fee provided in Section 210.090.
B. Any owner or lessee shall apply not later than thirty (30) days prior to beginning such activity at the office of the supervisor of the Animal Control Services for such facility license.

C. The supervisor of the Animal Control Services may issue such facility license upon a finding that the establishment has met the following requirements:
    1. *Zoning compliance.* The applicant for an original commercial animal establishment permit shall present to the supervisor of the Animal Control Services proof that the operation of such commercial animal establishment at the proposed site is not a violation of any City zoning regulations, has a legal non-conforming zoning status or a conditional use permit has been issued for the intended use.
    2. The applicant for a domestic animal avocation permit shall first contact all residents of property within seventy-five (75) feet of the applicant's property and petition for their approval. Unless seventy-five percent (75%) or better of the applicant's neighbors approve the issuance of a permit, such permit shall be denied.
    3. *Health inspection.* Before a facility permit may be issued, a certificate of inspection from the Animal Control Services must be issued showing that said facility is in compliance with this code:
        a. It shall be the duty of the supervisor of the Animal Control Services to make or cause to be made such inspections as may be necessary to insure compliance with this code.
        b. The applicant for a domestic animal avocation or commercial animal establishment permit shall admit to the premises for the purpose of making an inspection, any officer, agent or employee of the Animal Control Services at any reasonable time that admission is requested.
    4. *Pending violations.* The applicant for such facility license has no pending violations of the provisions of this Code.

D. Any hobby kennel, hobby cattery or commercial animal establishment that is unsanitary, nauseous, foul or offensive or in any way detrimental to the public health and/or safety and not in compliance with this code may be cause for denial or revocation of such permit.

E. Any denial by the supervisor of the Animal Control Services to issue the license may be appealed to the Mayor, within ten (10) days of the denial, who shall hear and determine the matter within ten (10) days from appeal.

F. Any action by the Mayor may be appealed to the City Council within thirty (30) days by any person, agency or body. (R.O. 2009 §91.18; CC 1981 §4-16; Ord. No. 92-83, 5-5-92; Ord. No. 07-162, 6-11-07)

SECTION 210.080: CONDITION OF FACILITIES

A. Hobby kennels, hobby catteries and commercial animal establishments shall meet the following conditions:
    1. Housing facilities shall be provided the animals and such shall be structurally sound, shall be maintained in good repair and shall be constructed to provide shelter from excessive sunlight, rain, snow, wind or other elements. In addition, such facilities shall be constructed to provide sufficient space for the proper exercise and movement of each animal contained therein; to provide drainage to prevent accumulation of water, mud, debris, excreta or other materials and shall be designed to facilitate removal of animal and food wastes. The housing

facilities shall be designed so as to protect the animals from injury, shall contain the animals and shall restrict the entrance of other animals.

2. Suitable food and bedding shall be provided and stored in facilities adequate to provide protection against infestation or contamination by insects or rodents. Refrigeration shall be provided for the protection of perishable foods.
3. Provisions shall be made for the removal and disposal of animal and food wastes, bedding, dead animals and debris. Waste disposal facilities shall be maintained in a sanitary condition, free from the infestation or contamination of insects, rodents or disease and from obnoxious or foul odors.
4. Water must be conveniently available for cleaning purposes.
5. Sick animals shall be separated from those appearing healthy and normal. Sick animals shall be removed from display or sale and kept in isolation quarters with adequate ventilation to keep from contaminating well animals.
6. There shall be an employee or owner on duty at all times during hours any store is open whose responsibility shall be the care and welfare of the animals in that shop or department held for sale or display.
7. An employee or owner shall come in to feed, water and do the necessary cleaning of animals and birds on days the store or shop is closed.
8. No person, persons, association, firm or corporation shall knowingly sell a sick or injured dog, cat or other small animal.
9. No person, persons, association, firm or corporation shall misrepresent a dog, cat or other small animal to a customer in any way.

B. Grooming parlors shall meet the following requirements:

1. Provide such restraining straps for the dog, cat or other small animal while it is being groomed so that such animal shall neither fall or be hanged.
2. Not leave animals unattended before a dryer.
3. Not prescribe or administer treatment or medicine that is the province of a licensed veterinarian.
4. Not put more than one (1) animal in each cage.
5. Provide for the removal and disposal of animal and food wastes, bedding and debris. Disposal facilities shall be maintained in a sanitary condition, free from infestation or contamination of insects or rodents, disease and from obnoxious or foul odors. (R.O. 2009 §91.19; CC 1981 §4-17; Ord. No. 92-83, 5-5-92)

Cross Reference--As to penalty, §210.350.

SECTION 210.090: DISPLAY OF REGISTRATION TAGS--FEE SCHEDULE

A. *Registration Tags And Fees.* Upon compliance with the requirements of Section 210.040, any dog, cat or other animal susceptible to rabies that is kept within the City must wear a St. Charles County rabies registration tag. Such tags shall be fastened to the animal's collar or harness by the owner. The registration provided by this Section shall be renewed annually in the same manner each year. The Animal Control Officers shall have the power to canvass door-to-door to locate recalcitrant pet owners and warn them to purchase licenses within ten (10) days or be cited into court for violation of this Section.

B. *City Shelter Rates.* Any dog, cat or other animal captured or impounded under the provisions of this Code of Ordinances, determined not to be infected with rabies, may be

redeemed by the owner or other person having the right of possession of such animal upon the presentation of proper vaccination certificate and upon the payment to the Finance Director of:

1. An impoundment fee as follows:

Animal Status	***First Impound***	***Second Impound***	***Third or Subsequent Impound***
Unregistered, unsterilized	$ 35.00	$ 50.00	$ 85.00

2. Ten dollars ($10.00) per day board fee
3. All other expenses incurred by the City in impounding in the manner provided herein.

C. *Fees For Animal Facilities.* The annual fees for animal facilities shall be:

Type	***Fee***
Kennels	$ 250.00
Commercial animal establishment (with the exception of cattery or grooming)	100.00
Domestic animal avocation (Payment of this fee does not exempt the owner from purchasing an individual dog or cat license for each animal.)	20.00
Grooming establishment	60.00
Cattery	60.00

Protective custody fees will apply forty-eight (48) hours after the day of impound.

D. *Disposition Of Fees.* All fees collected under this Section with the exception of fines levied in court shall be used for the purpose of paying the Animal Control Officer or veterinarian so designated by the City Council and for payment of expenses incurred by the impounding facilities. (R.O. 2009 §91.20; CC 1981 §4-35; Ord. No. 92-83, 5-5-92; Ord. No. 98-140, 3-23-98)

Cross Reference--As to penalty, §210.350.

SECTION 210.100: ADOPTION OF ANIMALS--ADOPTION FEES

A. If a captured animal has not been reclaimed within the time provided in Section 210.280, the animal may be either adopted or disposed of by euthanasia. The animal may be adopted upon having the animal vaccinated, upon the payment of a fee of thirty dollars ($30.00) and upon obtaining a license for the animal.

B. Prior to release of an adopted dog, cat, puppy or kitten, the adopter shall enter into a written agreement with the City guaranteeing that sterilization will be performed on the animal by a licensed veterinarian. The sterilization agreement shall contain the following information:

1. The date of the agreement;
2. The name, address and signature of the City and the adopter;
3. A description of the animal to be adopted;

4. A statement printed in conspicuous bold print that sterilization of the animal is required pursuant to Sections 7 to 9 of Senate Bill 636 enacted by the 1992 Second Regular Session of the 86th General Assembly;
5. A sterilization completion date which shall be either:
   a. The thirtieth (30th) day after the date of adoption in the case of an adult animal;
   b. The thirtieth (30th) day after a specified date estimated to be the date an adopted infant female or male puppy or kitten becomes six (6) months of age; or
   c. If the City has a written policy recommending sterilization of certain infant animals at an earlier date, the thirtieth (30th) day after the date contained in the written policy.
6. A statement that the title, possession and control of the animal is given to the adopter so long as the adopter complies with the terms and conditions of the agreement.

C. An adopter that signs a sterilization agreement shall have the adopted animal sterilized on or before the sterilization date stated in the agreement. If the sterilization completion date stated in the agreement falls on a Saturday, Sunday or legal holiday, the deadline may be extended to the first (1st) day that is not a Saturday, Sunday or legal holiday. The City may extend the deadline for thirty (30) days on the presentation of a letter or telephone report from a licensed veterinarian stating that the life or health of the adopted animal may be jeopardized by sterilization. There shall be no limit to the number of extensions that be granted for this reason.

D. Exceptions to the sterilization requirements of this Section shall not apply to a dog or cat that is claimed from the City by a person who already owns the animal.

E. All costs of sterilization shall be paid by the prospective adopter, except that a voucher will be issued by the City allowing twenty-five dollars ($25.00) to be paid to any licensed veterinarian upon submission of proof of sterilization of an adopted animal.

F. The requirements of this Section shall not apply to canines of a breed regularly used for lawful hunting or livestock production or management, as specified by State rules, to be used in the practice of livestock production or management or the practice of lawful hunting. The adopter may sign a statement that the adopter is going to use the canine for such purposes in lieu of the sterilization agreement. (R.O. 2009 §91.21; CC 1981 §4-37; Ord. No. 92-83, 5-5-92)

ARTICLE III. REGULATIONS AND PROHIBITIONS

SECTION 210.110: BEEKEEPING

It shall be unlawful for any person or combination of persons to keep, maintain or permit upon any one (1) parcel of property within the City more than five (5) hives of any common honeybee, Apis mellifera or other bees kept for the production of honey or wax or to maintain an apiary. The keeping of bees shall be limited to the parcel of property upon which the owner of the bees resides. (R.O. 2009 §91.35; CC 1981 §4-18.1(a); Ord. No. 92-83, 5-5-92)

Cross Reference--As to penalty, §210.350.

SECTION 210.120: CONFINING ANIMALS TO MOTOR VEHICLES PROHIBITED

A. No animal shall be confined within or on a motor vehicle at any location under such conditions as may endanger the health or well-being of the animal including, but not limited to, extreme hot or cold temperature, lack of food or water, unattended or confinement with a dangerous animal.
B. Any Animal Control Officer is authorized to remove any animal from a motor vehicle at any location when the officer reasonably believes it is confined in violation of this Section. Any animal so removed shall be delivered to the City Animal Control Shelter after the removing officer leaves written notice in a conspicuous, secure location or within the vehicle of such removal and delivery including the officer's name.
C. No Animal Control Officer shall be held criminally or civilly liable for action pursuant to this Section provided the officer acts in good faith, on probable cause and without malice. (R.O. 2009 §91.36; CC 1981 §4-19; Ord. No. 92-83, 5-5-92)

Cross Reference--As to penalty, §210.350.

SECTION 210.130: FINDERS OF LOST DOGS--RESPONSIBILITY TO REPORT

A. Any person who finds and harbors a dog without knowing the dog owner's identity shall notify the Animal Control Officer and furnish a description of the dog. The finder may surrender the animal to the Animal Control Officer or retain the animal in the finder's possession subject to surrender upon demand of the Animal Control Officer.
B. Records of reported findings shall be retained by the Animal Control Officer and made available for public inspection. (R.O. 2009 §91.37; CC 1981 §4-20; Ord. No. 92-83, 5-5-92)

SECTION 210.140: DEFECATING ON STREETS, SIDEWALKS, PUBLIC PARKS, ALLEYS, OTHER PLACES OPEN TO THE PUBLIC OR ON CERTAIN PRIVATE PROPERTY PROHIBITED--POSSESSION OF WASTE REMOVAL EQUIPMENT REQUIRED--PROHIBITION OF NUISANCE

A. No owner, keeper or person having control of any animal or fowl shall fail to immediately remove and dispose of in a sanitary manner any solid waste deposited by such animal or fowl upon any street, sidewalk, public park, alley, other place open to the public or from private property before the owner leaves the immediate area where the solid waste was deposited.
B. No owner, keeper or person having control of any animal or fowl shall fail to have in his/her possession the equipment necessary to remove his/her animal's solid waste when accompanied by said animal or fowl on public property or public right-of-way or easement.
C. No owner, keeper or person having control of any animal or fowl shall permit such animal or fowl to destroy or damage property of any kind or to deposit solid waste or to

commit a similar nuisance on the private property of a person or the property of the City, including its parks and playgrounds, or any property other than that of the owner of the animal or fowl.

D. Penalties for violation of this Section are set forth in Section 100.150. (R.O. 2009 §91.38; CC 1981 §4-21; Ord. No. 92-83, 5-5-92; Ord. No. 06-277, 10-10-06)

SECTION 210.150: 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.

SECTION 210.160: 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.

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

Cross Reference--As to penalty, §210.350.

SECTION 210.170: ABANDONMENT OF ANIMALS

A. It shall be unlawful for any owner or keeper to abandon any animal.

B. *Definition.* For the purpose of this Section, to *"abandon"* means:

1. For the owner or keeper to leave an animal without demonstrated or apparent intent to recover or to resume custody.
2. To leave an animal for more than twelve (12) hours without providing adequate food, water and shelter for the duration of the absence.
3. To turn out or release an animal for the purpose of causing it to be impounded.

(R.O. 2009 §91.41; CC 1981 §4-24; Ord. No. 92-83, 5-5-92)

Cross Reference--As to penalty, §210.350.

SECTION 210.180: ANIMALS RUNNING AT LARGE--CONFINEMENT OF DOGS AND CATS

A. All female dogs and cats shall be securely confined in an enclosed place while in heat.

B. It shall be unlawful for any person owning, controlling, possessing or having the management or care, in whole or in part, of any dog, cat, other animal or fowl, whether licensed or not, to fail to keep the dog, cat, other animal or fowl on the premises of the owner or custodian thereof. Dogs shall be retained by a fence or a chain of at least ten (10) feet in length unless being off the premises they are securely restrained in a reasonable manner or led by a line or leash of a length of no more than six (6) feet.

C. *Unlawful Activities.*

1. It shall be unlawful for an owner to locate the kennel or shelter for any dog kept outdoors closer than fifteen (15) feet to any property line whenever this would cause distress, discomfort or injury to reasonable persons of normal and ordinary sensibilities or endanger the comfort, repose, health or peace of residents in the area.
2. Furthermore, it shall be unlawful for an owner who confines any dog solely by means of an electronic fence to locate such fence within twenty-five (25) feet of a public right-of-way, such as a street or sidewalk, where such right-of-way abuts a front, rear or side yard as defined in Section 400.050.
3. An owner who confines any dog solely by means of an electronic fence shall not permit the dog to cross the electronic fence. An owner whose dog is found to have violated this paragraph on more than two (2) occurrences shall be deemed a dog of a vicious nature and shall be subject to Section 210.190(B)(3).

D. The provisions or prohibitions of Subsection (B) of this Section shall not apply to bloodhounds or other dogs used for tracking in conjunction with Police activities or to dogs of the Canine Corps of Police force of any municipality, any County law enforcement agency, Highway Patrol, any Federal law enforcement agency or any branch of the Armed Forces of the United States while being used to conduct official business or while being used for official purposes.

E. The penalties for violation of this Section are set forth in Section 210.190(J). (R.O. 2009 §91.42; CC 1981 §4-25; Ord. No. 92-83, 5-5-92; Ord. No. 01-105, 5-21-01; Ord. No. 05-73, 3-29-05; Ord. No. 05-79, 4-13-05)

Cross Reference--As to penalty, §210.350.

SECTION 210.190: VICIOUS DOGS

A. No person shall allow a dog to chase, attack, bite, damage or injure any person, dog or other animal.

B. *Vicious Dogs--Generally.*

1. A dog having a vicious nature or temperament is a dog which has exhibited a tendency to chase, attack, bite, damage or injure any person, dog or other animal.
2. Any dog having a vicious nature or temperament shall be confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of children and designed to prevent the dog from escaping. The pen or structure shall have secure sides of sufficient height and a secure top attached to the sides to prevent escape; shall have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than four (4) feet. The pen shall be locked with a key or combination lock when a dog is within the structure. Such pen shall also provide protection from the elements for the dog. Any such pen must comply with all applicable zoning and building regulations. A notice shall be posted in a manner conspicuously visible to the public at each entrance to the premises where the enclosure is located and on each side of the enclosure, reading in letters not less than four (4) inches high: "Dangerous Dog -- Beware". In addition, each such notice shall conspicuously display a warning symbol that informs children of the presence of the dog.
3. No dog having a vicious nature shall be confined by means of a buried electric fence.
4. It is unlawful to permit or allow a vicious dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash not longer than four (4) feet and under the restraint of a person not less than seventeen (17) years of age. 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 person or animal. Such dogs shall not be tethered or leashed to inanimate objects such as trees, posts or buildings.
5. The owner or possessor of any dog having a vicious nature shall at all times have proof of a surety bond or policy of liability insurance in the amount and form set forth below:
    a. A surety bond issued by a surety insurer qualified to do business in the State of Missouri in a form acceptable to the City in the sum of at least one hundred thousand dollars ($100,000.00), payable to any person injured by the dog; or
    b. A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified to do business in the State of Missouri in the amount of at least one hundred thousand dollars ($100,000.00), insuring the owner for any personal injuries inflicted by the dog. The surety bond or insurance policy shall provide that no cancellation of the policy will be made unless (10) ten days' written notice is first given to the City. The owner or possessor shall maintain an effective and unexpired surety bond or insurance policy with the coverage and in the amounts specified in this Section at all times.
6. The owner or possessor of any dog having a vicious nature shall provide the City

with the name and address of the owner or possessor of the dog, the address of the location where the dog is kept and color photograph of a size not less than three (3) inches by four (4) inches of the dog.

C. If a dog having a vicious nature or temperament is found running at large, it shall be seized and impounded for a determination by the Municipal Judge as to its proper disposition.

D. If a dog having a vicious nature or temperament chases, attacks, bites, damages or injures any person, dog or other animal, it may be seized and impounded for a determination by the Municipal Judge as to its proper disposition.

E. *Warrant May Be Issued--When.*

1. The Judge of the Municipal Court, upon application of the City Attorney or Assistant City Attorney and upon a showing that there is probable cause to believe that a violation of this Section exists and that there is probable cause to believe that the dog involved in that violation may be found at a specified location, may issue a search and seizure warrant. The warrant shall specify the dog to be seized and shall specify the location of the dog to be seized. The warrant shall be served only between the hours of 8:00 A.M. and 5:00 P.M. and shall be served only by an Animal Control Officer in the company of a uniformed Police Officer of the Police Department.
2. The Judge of the Municipal Court shall upon issuance of a search and seizure warrant under this Section order Animal Control Officers to use reasonable care to care for and maintain the dog seized pursuant to the authority granted by this Section until the judge has ordered other disposition of the dog.

F. Upon at least fifteen (15) days' written notice to the owner, the judge of the Municipal Court shall conduct a hearing to determine the proper disposition of the dog. If both the City and the owner agree, the hearing may be held on less than fifteen (15) days' notice.

G. After conducting the hearing, the judge of the Municipal Court may determine the appropriate disposition of the dog which is necessary for the public safety and welfare including, but not limited to, ordering its destruction or removal from the City. If the judge orders the dog destroyed, Animal Control Officers shall execute the order of the court the next business day.

H. The remedies in this Section are in addition to the fines and penalties prescribed in Subsection (J) and do not preclude any other remedies available to the City.

I. The provisions of this Section shall not apply to dogs of the Canine Corps of the Police force of any municipality, any County law enforcement agency, Highway Patrol, any Federal law enforcement agency or any branch of the Armed Forces of the United States while being used to conduct official business or while being used for official purposes.

J. *Violation And Penalty.*

1. Each violation of the provisions of this Section shall constitute a separate offense.
2. Any person who shall violate this Section shall be subject to:
   a. For the first (1st) violation, imprisonment for not more than ninety (90) days or a fine of not less than one hundred dollars ($100.00) or a combination of such fine and imprisonment or both;
   b. For a second (2nd) violation, imprisonment for not more than ninety (90) days or a fine of not less than two hundred dollars ($200.00) or a combination of such fine and imprisonment or both; and
   c. For any third (3rd) or successive violation, imprisonment for not more than

ninety (90) days or a fine not less than five hundred dollars ($500.00) or a combination of such fine and imprisonment or both.

3. In addition, the court may, as a condition of any probation granted to a person found guilty of violation of this Section, order the person to make restitution to any person who has been damaged by the dog. (R.O. 2009 §91.43; CC 1981 §4-25.1; Ord. No. 92-83, 5-5-92; Ord. No. 05-79, 4-13-05)

Cross Reference--As to penalty, §210.350.

SECTION 210.200: HABITUALLY BARKING OR THREATENING DOGS--LOUD ANIMAL NOISES PROHIBITED

A. *Habitually Barking Or Threatening Dogs.* No owner shall own, keep or harbor upon his/her premises any dog that by frequent and habitual barking, yelping or howling or by immediate threat of attacking or biting causes fear or annoyance to the person or persons living in the immediate area or to persons passing upon the streets and sidewalks.

B. *Loud Animal Noises Prohibited.* It shall be unlawful for any person to cause to be made or continued any loud, unnecessary or unusual noise by the keeping of any animal, bird or fowl, which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity. (R.O. 2009 §91.44; CC 1981 §4-32; Ord. No. 92-83, 5-5-92)

Cross Reference--As to penalty, §210.350.

SECTION 210.210: LIMITED NUMBER OF ANIMALS ALLOWED AT RESIDENCE--EXCEPTIONS

A. It shall be unlawful and a public nuisance for any person in charge of a residence to keep or allow to be kept more than two (2) dogs or three (3) cats, or any combination of such animals exceeding four (4) in number, over the age of six (6) months at such residence unless the residence or all of the dogs and cats kept there are within one (1) or more of the following exceptions:

1. The residence is licensed as a commercial animal establishment.
2. The residence is zoned agricultural pursuant to the zoning regulations of the City.
3. All of the dogs and cats kept at the residence are licensed as required under the applicable provisions of this Code of Ordinances of the City and the person in charge of the residence, upon request of any Animal Control Officer or Police Officer, presents for inspection certificates of registry for all such animals showing continuous license for all animals existing from a date preceding the passage of this Chapter.
4. Any individual having a current domestic animal avocation permit shall not permit a total combination of dogs and cats in excess of six (6) animals upon such premises.

B. When animals in excess of the limit established in this Section are found at a residence, all of the animals found at the residence may be removed to the City Dog Pound (i.e., Animal Shelter) and handled as stray animals, except that the person in charge of the residence present, may designate and retain up to four (4) licensed animals. (R.O. 2009 §91.45; CC 1981 §4-27; Ord. No. 92-83, 5-5-92)

Cross Reference--As to penalty, §210.350.

SECTION 210.220: SALE OF BABY FOWL AND RABBITS RESTRICTED

A. *Sale Of Baby Fowl Restricted.*
   1. No person shall sell, give or award or offer for sale, gift or award eleven (11) or less of any fowl under one (1) month of age.
   2. The term *"fowl"*, as used herein, shall include chickens, ducks and geese.

B. *Sale Of Baby Rabbits Restricted.* No person shall sell, give or award or offer for sale, gift or award any live rabbit less than six (6) weeks of age unless such sale, gift or award shall include the sale, gift or award of the dam (i.e., the female parent of the rabbit). (R.O. 2009 §91.46; CC 1981 §§4-28--4-29; Ord. No. 92-83, 5-5-92)

Cross Reference--As to penalty, §210.350.

SECTION 210.230: HOG PENS--CATTLE PENS

A. *Hog Pens.* Except where permitted by the zoning regulations of the City, it shall be unlawful for any person to keep or use, within the City, any pen, stall or enclosure in which hogs or swine are kept, except for the purpose of immediate transportation.

B. *Cattle Pens.* Except where permitted by the zoning regulations of the City, it shall be unlawful for any person to keep or use, within the City, any pen, stall or enclosure in which cattle are kept, except for the purpose of immediate transportation; provided however, that this Section shall not apply to the keeping or using within the City of any enclosure in which only one (1) milk cow is kept for the purpose of supplying dairy products for family use and not for sale. (R.O. 2009 §91.47; CC 1981 §§4-30--4-31; Ord. No. 92-83, 5-5-92)

Cross Reference--As to penalty, §210.350.

SECTION 210.240: PIGEONS

A. It shall be unlawful for any person, being the owner of or having in his/her possession or control any pigeon, except homing or racing pigeons with registration bands, to allow, suffer or permit such pigeon to fly or be at large within the City.

B. It shall be unlawful for any person to feed any pigeon in any open or unenclosed public or private place within the City or to place or expose feed or food in any open or unenclosed public or private place within the City so as to attract pigeons thereto. (R.O. 2009 §91.48; CC 1981 §4-33; Ord. No. 92-83, 5-5-92)

Cross Reference--As to penalty, §210.350.

SECTION 210.250: KILLING OR DISABLING A POLICE ANIMAL

A person commits the offense of killing or disabling a police animal when such person knowingly causes the death of a police animal, or knowingly disables a police animal to the extent it is unable to be utilized as a police animal, when that animal is involved in a law enforcement investigation, apprehension, tracking, or search and rescue, or the animal is in the custody of or under the control of a Law Enforcement Officer, Department of Corrections Officer, Municipal Police Department, Fire Department and a rescue unit or agency.

Cross References--As to assaulting police officers, §215.600; as to cruelty to animals, §210.160; as to penalty, §210.350.

SECTION 210.255: ASSAULT ON A POLICE ANIMAL

A person commits the offense of assault on a police animal when such person knowingly attempts to kill or disable or knowingly causes or attempts to cause serious physical injury to a police animal when that animal is involved in law enforcement investigation, apprehension, tracking, or search, or the animal is in the custody of or under the control of a Law Enforcement Officer, Department of Corrections Officer, Municipal Police Department, Fire Department or a rescue unit or agency.

SECTION 210.260: KEEPING OF WILD ANIMALS

A. No person shall keep or permit to be kept on premises under that person's control any wild or dangerous animal for sale, display or for exhibition purposes, whether gratuitously or for a fee. This Section shall not be construed to apply to zoological parks, performing animal exhibitions or circuses.
B. No person shall keep or permit to be kept any wild animal as a pet. (R.O. 2009 §91.50; Ord. No. 95-290, 10-18-95)

ARTICLE IV. ADMINISTRATION AND ENFORCEMENT

SECTION 210.270: RIGHT OF ENTRY

It shall be unlawful for any person to conceal an animal or interfere with the Animal Control Officer, the veterinarian or persons designated by the officer or such other persons who may be designated by the City Council in the performance of their legal duties as provided in this Chapter. The Animal Control Officer or persons designated by the officer or such other persons who may be designated by the City Council shall have the right to enter onto any lots or lands for the purpose of collecting any dog, cat or other animal which is on such lot or land in violation of this Chapter and whose presence on such lot or land constitutes a violation of any of the provisions of this Chapter. The Animal Control Officer or a duly appointed representative or any other person or persons so designated by the City shall have the powers of arrest necessary to enforce the provisions under this Chapter. The Animal Control Officer or persons designated by the officer or such other persons who may be designated by the City Council shall have the right to enter into a dwelling or building for the purpose of collecting any dog, cat or other animal which shows obvious signs of being rabid. (R.O. 2009 §91.60; CC 1981 §4-5; Ord. No. 92-83, 5-5-92)

Cross Reference--As to penalty, §210.350.

SECTION 210.280: IMPOUNDMENT PROCEDURES

A. The Animal Control Officer or other persons designated by the officer or such other persons who may be designated by the City Council shall have the power to catch, confine and impound dogs, cats and other animals as follows:
    1. Dogs, cats and other animals wearing an expired or invalid St. Charles County rabies registration tag;

2. Dogs, cats and other animals not wearing a St. Charles County rabies registration tag;
3. All female dogs and cats not securely confined in an enclosed place while in heat;
4. All dogs, puppies, cats, kittens or other animals which are at large;
5. All dogs, cats and other animals infected or suspected of being infected with rabies and all dogs, cats and other animals exposed to or suspected by the officer to be exposed to or infected with rabies, including dogs, cats and other animals known to have been bitten by a rabid animal, whether the dog, cat or other animal to be impounded is running at large or on a leash or whether it is confined to its owner's premises;
6. Dogs, cats and other animals susceptible to rabies not vaccinated for rabies with a vaccine approved by the National Association of State Public Health Veterinarians and used within the preceding time period approved by the National Association of Public Health Veterinarians as the duration of effective protection against rabies which that vaccine gives;
7. Dogs, cats or other animals which have bitten a person or animal, which have been bitten by a dog, cat or other animal suspected of having rabies, which are suspected of having rabies or have been exposed to rabies;
8. No dogs, cats or other animals shall be exempted from the provisions of paragraphs (3), (4), (5) or (7) above by virtue of vaccination, tags or a vaccination-registration certificate.

B. Dogs, cats or other animals impounded in accordance with this Chapter shall be impounded in an impounding facility as designated by the City Council.

C. Any animal bearing identification of ownership shall be held for five (5) business days from time of impoundment; the Animal Control Officer shall make reasonable effort within twenty-four (24) hours of impoundment by telephone to give notice of the impoundment to the owner and if unsuccessful, shall mail written notice by certified mail within forty-eight (48) hours of impoundment. Information shall be included in the written notice setting forth the date by which redemption must be made and the fees payable prior to redemption release. When written notice is sent, the impounded animal shall be held an additional five (5) business days or until the certified mail return receipt is received from the United States Postal Service. (R.O. 2009 §91.61; CC 1981 §4-6; Ord. No. 92-83, 5-5-92)

SECTION 210.290: IMPOUNDING ANIMALS SUSPECTED OF OR EXPOSED TO RABIES

A. Any dog, cat or other animal which exhibits objective symptoms suggestive of rabies, after written certification to the owner by the Animal Control Officer or veterinarian or such other person designated by the City Council for the enforcement of this Chapter, shall be impounded off the property of the owner. This animal shall be held for ten (10) days at the impounding facilities designated by the City Council for clinical observation and if alive at the termination of this period, shall be returned to the owner after payment of the designated fee. As an alternative procedure, the owner, at the owner's expense, may designate any veterinary hospital in the County wherein such animal is to be impounded and observed for a similar ten (10) day period. If such animal shall die during the observation period, regardless of location, the head shall be removed and

submitted to a qualified laboratory for examination.

B. Any dog, cat or other animal which has been exposed to rabies shall be immediately destroyed unless the owner, at the owner's expense, chooses one (1) of the following alternative methods:
    1. Strict isolation in a kennel or animal hospital for six (6) months.
    2. If no previous vaccination has been given to a dog, cat or other animal susceptible to rabies within a period of two (2) years with chicken embryo (flurry strain) vaccine or within one (1) year using vaccine of nerve tissue origin or another vaccine approved by the veterinarian was used and if the effective protection limit of the last such vaccination has passed, then such dog, cat or other animal susceptible to rabies shall be impounded and placed on a schedule of immunization approved by the Animal Control Officer or veterinarian.
    3. If a dog, cat or other animal susceptible to rabies has been vaccinated previously with another vaccine approved by the veterinarian within the duration of the vaccine's effective protection as approved by the National Association of State Public Health Veterinarians, the animal shall be revaccinated and restrained by a leash and confined at home for thirty (30) days.
C. Prior to release of any dog, cat or other animal susceptible to rabies under clinical observation for rabies, all conditions of this Chapter shall be fulfilled. (R.O. 2009 §91.62; CC 1981 §4-7; Ord. No. 92-83, 5-5-92)

SECTION 210.300: EMERGENCY QUARANTINE

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, cat or other animal susceptible to rabies whether vaccinated or not within the limits of the City to either kill their dog, cat or animal or confine it in the home or some other secure building. Whenever, during quarantine, it is necessary that a dog, cat or animal susceptible to rabies leave the confines of a home or other secure building, such dog, cat or animal shall be placed on a leash no more than six (6) feet in length and under the direct physical control of a competent person not less than fifteen (15) years of age. Such order shall be published once in a paper publishing the businesses of the City or shall be posted in at least twenty (20) conspicuous places about the City. The Mayor may, by proclamation, terminate any such quarantine whenever, in the Mayor's judgment, the necessity for it no longer exists. (R.O. 2009 §91.63; CC 1981 §4-8; Ord. No. 92-83, 5-5-92)

SECTION 210.310: PROCEDURE FOLLOWING ANIMAL BITE

A. The owner of any dog, cat or other animal which bites any person, regardless of the circumstances or irrespective of whether such dog or cat is vaccinated, shall be required to place such dog, cat or other animal in the custody of the Animal Control Officer or veterinarian for confinement in a manner satisfactory to the Animal Control Officer, veterinarian or Chief of Police and in a manner that will prevent contact with people and other animals for a period of ten (10) days following the evening of the day of the bite for the purpose of clinical observation. All expenses shall be borne by the owner of the dog, cat or other animal. If for any reason such dog, cat or other animal should die while in

confinement, its head shall be removed by the veterinarian and submitted to a qualified laboratory. If at the end of such ten (10) day period of observation such dog, cat or other animal is alive and healthy, it may be released to its owner.

B. The Chief of Police or designee is authorized to allow confinement other than described above providing such animal will be controlled and observed in accordance with the owner's signed agreement. Preconditions for quarantine at home would be that the animal must have current rabies vaccination, be licensed, not have a recent history of being at large; there shall be proof presented that the bite was provoked, the animal is not displaying a sudden change in disposition and the owner has both the ability and desire to keep the animal in a secure building and separate from other animals.
C. All other conditions of this Chapter must be fulfilled prior to the release of all animals under clinical observation as the result of biting a person.
D. It shall be the duty of any person bitten by any animal or the parent or guardian of any minor bitten by an animal to report the same to the Police Department immediately. Such report shall contain the name and address of the owner and of the animal, the day and time bitten, the location where bitten and a general description of the animal.
E. It shall be the duty of every physician to report immediately to the City Police Department the full name, age and address of any person under the physician's care or observation who has been bitten by an animal, irrespective of whether infected with rabies or suspected; and every veterinarian treating or having under observation any animal infected with rabies shall report to the Police Department the owner's name and address and if the animal is a dog, cat or other animal. (R.O. 2009 §91.64; CC 1981 §4-9; Ord. No. 92-83, 5-5-92)

SECTION 210.320: CLAIMING OF NON-RABID ANIMALS

Each impounded dog, cat and susceptible animal shall be licensed before being released to the owner. A fee designated by the City Council to cover the cost of vaccination and for the impounding service shall be collected for each dog or cat so released. A separate money receipt will be issued for the cost of vaccination. The owner shall take the animal to a veterinarian for rabies immunization within two (2) weeks of its release and surrender the vaccination receipt as payment. Dogs and cats that have been vaccinated before becoming impounded shall be released to their owners within five (5) days after capture upon payment of the impounding service fee as specified herein; provided that the Animal Control Officer or veterinarian is of the opinion that such release will not impair the safety of the public. Every animal impounded under the provisions of this regulation, which is found upon arrival at the pound to be diseased or injured and whose owner is unknown or whose owner relinquished ownership in writing, shall be immediately euthanized if so recommended by a veterinarian. The Animal Control Officer may return any at large animal to its owner if within the preceding one (1) year that animal has not been found running at large; provided that a summons shall be issued to the owner for violation of this Chapter. (R.O. 2009 §91.65; CC 1981 §4-10; Ord. No. 92-83, 5-5-92)

SECTION 210.330: DISPOSAL OF RABID ANIMALS

The Animal Control Officer or veterinarian or such other person as may be designated by

the City Council shall dispose of any dog, cat or other animal infected with rabies and such person so designated shall have the power to examine and impound any animal bitten by or exposed to any other animal infected with rabies. The Animal Control Officer or veterinarian or such other person as may be designated by the City Council shall have the power to require the owners of such dogs, cats or other animals to take such necessary measures to prevent further spread of rabies and to dispose of any exposed animal, if such necessary measures are not taken by the owners. (R.O. 2009 §91.66; CC 1981 §4-11; Ord. No. 92-83, 5-5-92)

SECTION 210.340: RAT CONTROL

In addition to the duties prescribed for the Animal Control Officer by this Chapter, it shall be the duty of the Animal Control Officer, whenever the Animal Control Officer has knowledge or receives notice of the presence of rats along any public property within the City, immediately to make a thorough investigation and take whatever action may be necessary to remove the attraction for the rats or set out a rat exterminating agent in a manner that will not be injurious to humans or animals, other than rats. It shall further be the duty of the Animal Control Officer to advise citizens of the City in the matter of rat control when called upon to do so. (R.O. 2009 §91.67; CC 1981 §4-34; Ord. No. 92-83, 5-5-92)

SECTION 210.350: PENALTY

Any person violating any provision of this Chapter and found guilty shall be punished as provided in Section 100.150. (R.O. 2009 §91.99; CC 1981 §4-36; Ord. No. 92-83, 5-5-92)

CHAPTER 215: OFFENSES

ARTICLE I. OFFENSES AGAINST PROPERTY

Cross Reference--As to penalty, §100.150; as to disturbing grave or burial site, §250.020.

SECTION 215.010: DESTRUCTION OR REMOVAL OF PROPERTY

A. No person shall cut, remove, deface or in any manner injure, damage, molest, destroy, disturb or interfere with real or personal property owned or controlled by the City.
B. No person shall cut, destroy, remove, disturb or injure any plant, flower, shrub, tree or bush growing upon any property owned or controlled by the City.
C. No person shall willfully deface, injure, tamper with, break, disturb, interfere with, damage or destroy any property, real or personal, belonging to or under the control of another.
D. No person shall maliciously deface or damage the Historical Flood Marker at the site of

the old slope gauge along the Missouri River in the vicinity of Monroe Street extended.

E. No person shall use the Historical Flood Marker at the site of the old slope gauge along the Missouri River in the vicinity of Monroe Street extended as a tie-down or anchoring device for any type of boat or barge. (R.O. 2009 §130.01; CC 1981 §20-92; Ord. No. 96-350, 12-4-96)

SECTION 215.020: LIBRARY THEFT--PENALTY

A. A person commits the offense of library theft if with the purpose to deprive, such person:
   1. Knowingly removes any library material from the premises of a library without authorization; or
   2. Borrows or attempts to borrow any library material from a library by use of a library card:
      a. Without the consent of the person to whom it was issued; or
      b. Knowing that the library card is revoked, canceled or expired; or
      c. Knowing that the library card is falsely made, counterfeit or materially altered; or
   3. Borrows library material from any library pursuant to an agreement or procedure established by the library which requires the return of such library material and, with the purpose to deprive the library of the library material, fails to return the library material to the library; or
   4. Knowingly writes on, injures, defaces, tears, cuts, mutilates, or destroys a book, document, or other library material belonging to, on loan to, or otherwise in the custody of a library.

B. It shall be prima facie evidence of the person's purpose to deprive the library of the library materials if, within ten (10) days after notice in writing deposited as certified mail from the library demanding the return of such library material, such person without good cause shown fails to return the library material. A person is presumed to have received the notice required by this Subsection if the library mails such notice to the last address provided to the library by such person. Payment to the library, in an amount equal to the fair market value of an item of no historical significance shall be considered returning the item for purposes of this Subsection.

C. The offense of library theft is an ordinance violation if the value of the library materials is less than five hundred dollars ($500.00).

SECTION 215.030: OBSTRUCTING SEWERS, GUTTERS AND THE LIKE

A. It shall be unlawful for any person to fill or otherwise obstruct the free passage of water through any sewer, gutter, trench or channel dug or made or used for the purpose of carrying off water or draining any street or other place within this City.

B. It shall be unlawful within the City for any person to place, dump or cause to be placed or dumped within, about or near any stream, creek, waterway or watercourse any debris, trees, branches, grass, dirt, rubbish, vegetable matter or trash, whether upon public or private property notwithstanding the permission of the owner of such location. (R.O. 2009 §130.03; CC 1981 §§20-94, 29-120; Ord. No. 83-100, 11-2-83)

SECTION 215.040: 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; or
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; or
3. He/she left the hotel, restaurant, inn or boarding house with the intent to not pay for property or services; or
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.

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

State Law References--Similar provisions, §§570.030, 570.060, RSMo.

SECTION 215.050: TRESPASS

A. *First Degree.*
   1. 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.
   2. 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:
      a. Actual communication to the actor; or
      b. Posting in a manner reasonably likely to come to the attention of intruders.

B. *Second Degree.*
   1. 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.
   2. A person commits the offense of trespass in the second degree if he/she enters upon real property of another and remains thereon without the written permission of the owner.

C. *Public Property.* Any person who enters in or on any public land and interferes with or threatens the health or safety of any occupant of that property or damages the property or interferes with the normal function of that property or any part thereof or interferes with the closing of such property or refuses to quit that property upon the request of the persons lawfully in charge thereof shall be guilty of an ordinance violation.

D. *Trespass On Docking Facilities.* No person shall use the City's docking facility, ramps, barges, boats or dolphins located along the Missouri River adjacent to the parking lot at the eastern end of Boone's Lick as a tie-down, anchoring device or dock for any type of boat, barge or other floating device without written permission from the City. (R.O. 2009 §130.05; CC 1981 §§20-96(a),(b), 20-97(a),(b), 20-98; Ord. No. 3432, 10-5-66; Ord. No. 75-22, 5-7-75; Ord. No. 76-9, 1-21-76; Ord. No. 79-52, 6-6-79; Ord. No. 01-168, 7-19-01)

State Law References--Similar provisions, §§569.140--569.150, RSMo.

SECTION 215.060: TAKING OR DEPOSITING TURF, LOAM, GRAVEL AND THE LIKE

It shall be unlawful for any person to take from or deposit on any street, alley, thoroughfare, sidewalk or other public place of this City or on any property not owned or controlled by him/her, without having lawful authority to do so, any turf, loam, gravel, rock or other material. (R.O. 2009 §130.06; CC 1981 §20-99)

SECTION 215.070: SWIMMING OR WADING IN PUBLIC FOUNTAINS PROHIBITED

No person shall swim, wade or bathe in or ride or drive through any public fountain. A *"public fountain"* shall mean any fountain of water, including the pool of water surrounding the fountain of water, which is owned and maintained by the City. (R.O.

2009 §130.07; CC 1981 §20-101; Ord. No. 87-182, 9-8-87)

SECTION 215.080: TAMPERING

A. A person commits the offense of tampering if he/she:
   1. Tampers with property of another for the purpose of causing substantial inconvenience to that person or to another; or
   2. Unlawfully rides in or upon another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle; or
   3. Tampers or makes connection with property of a utility; or
   4. Tampers with, or causes to be tampered with, any meter or other property of an electric, gas, steam or water utility, the effect of which tampering is either:
      a. To prevent the proper measuring of electric, gas, steam or water service; or
      b. To permit the diversion of any electric, gas, steam or water service.

B. In any prosecution under paragraph (4) of Subsection (A), proof that a meter or any other property of a utility has been tampered with, and the person 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.

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

SECTION 215.090: GRAFFITI

A. *Definitions.* For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
   GRAFFITI: The defacing, damaging or destroying by the spraying of paint or marking of ink, chalk, dye or other similar substances in the form of drawings, inscriptions, figures or marks on public and private buildings, structures and places without the prior consent of the owner.
   GRAFFITI ABATEMENT PROCEDURE: A procedure which identifies graffiti, issues notice to the landowner to abate the graffiti and provides remedies in the absence of a response.

B. It shall be unlawful for any person to write, paint or draw any graffiti upon any wall, rock, bridge, building, fence, gate or other structure, tree or other real or personal property, whether publicly or privately owned.

C. When appropriate and in addition to a fine and/or imprisonment, the courts should require those who commit acts of defacement of public or private property through the application of graffiti to restore the property so defaced, damaged or destroyed. The public is hereby encouraged to cooperate in the elimination of graffiti by reporting to the St. Charles Police Department the incidents of the application of graffiti which they observe. Any person who provides useful information leading to the arrest and prosecution of any person(s) who applies graffiti as outlined in this Section within the City limits shall be eligible for a reward of up to fifty dollars ($50.00) as determined appropriate by the Mayor.

D. *Notice Of Removal And Hearing.*

1. Whenever the Chief of Police, Director of Community Development or their designees determine that graffiti exists on any public or private buildings, structures or places which are visible to any person utilizing any public right-of-way in the City, be it road, parkway, alley or otherwise, and that seasonal temperatures permit the painting of exterior surfaces, the City may cause a notice to be issued to abate such nuisance. The property owner shall have ten (10) days after the date of the notice to remove or paint over the graffiti or request a hearing to be held by the Director of Community Development to determine if the graffiti constitutes a nuisance or the graffiti will be subject to abatement by the City. If a hearing is requested, it shall be held within thirty (30) days of the request. If the Director of Community Development determines, after hearing, that a nuisance does exist, the property owner shall have ten (10) days from the date of the determination to remove or paint over the graffiti.
2. The notice to abate graffiti pursuant to this Section will be a written notice to be served upon the owner(s) of the affected premises, as such owner's name and address appears on the last property tax assessment rolls of the County. If there is no known address for the owner, the notice shall be sent or posted in care of the property address. The notice required by this Section may be served in any of the following manners:
   a. By personal service on the owner, occupant or person in charge or control of the property.
   b. By registered or certified mail addressed to the owner at the owner's last known address. If this is unknown, the notice will be sent to or be posted on the property address.
3. The notice shall be substantially in the following form:
   NOTICE OF INTENT TO REMOVE GRAFFITI
   Date:

   NOTICE IS HEREBY GIVEN that you are required by law at your expense to remove or paint over the graffiti located on the property located at _____ , St. Charles, Missouri, which is visible to public view, within ten (10) days after the date of this notice or within the ten (10) days request a hearing thereon by contacting the Director of Community Development. If the graffiti is not removed or painted over or a hearing requested within the ten (10) days, the City will enter upon your property and abate the public nuisance by removal or painting over the graffiti. The cost of the abatement by the City employees or its private contracts will be assessed upon your property and such costs, if not paid by you within ten (10) days of the abatement, will constitute a lien upon the land until paid.
4. Upon failure of person(s) to comply with the notice by the designated date or within ten (10) days after any hearing where a nuisance is found, the City is authorized to cause the graffiti to be abated by City employees or private contract and the City or its private contractor is expressly authorized to enter upon the premises for such purposes. All reasonable efforts to minimize damage from such entry shall be taken by the City. If City employees accomplish the removal of the graffiti or other inscribed material, they shall not authorize nor undertake to provide for the painting or repair of any more extensive area than that where the graffiti or other inscribed material is located.

5. Any and all costs incurred by the City in the abatement of the graffiti nuisance under the provisions of this Section, which authorized assessment of the cost, may constitute a lien against the property upon which such nuisance existed and shall be collected in the same manner as is provided in this Code of Ordinances. (R.O. 2009 §130.09; Ord. No. 98-161, 4-17-98; Ord. No. 07-162, 6-11-07)

SECTION 215.100: SPRAYING OR DISCHARGE OF PESTICIDE ON PROPERTY WITHOUT CONSENT

A. It shall be unlawful to spray or cause to be discharged pesticide on real property without the consent of the owner. This Section shall not apply to the spraying or discharging of pesticide by a political subdivision. For purposes of this Section, a *"pesticide"* is any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any insect, snail, rodent, nematode, fungus, weed or any other form of terrestrial or aquatic plant or animal life or virus or bacterium or other microorganism, except viruses, bacteria or other microorganisms on or in a living human being or other living animals, which is normally considered to be a pest.
B. Any person violating this Section shall be punished as provided in Section 100.150. (R.O. 2009 §96.12; Ord. No. 09-213, 12-3-09)

SECTIONS 215.110--215.150: RESERVED

ARTICLE II. OFFENSES AGAINST PUBLIC PEACE

Cross Reference--As to penalty, §100.150.

Division 1. General Provisions

SECTION 215.160: ASSAULT

A person commits the offense of assault if:

1. The person attempts to cause or recklessly causes physical injury to another person; or
2. With criminal negligence the person causes physical injury to another person by means of a deadly weapon; or
3. The person purposely places another person in apprehension of immediate physical injury; or
4. The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person; or
5. The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative; or
6. The person knowingly causes physical contact with an incapacitated person, as defined in Section 475.010, RSMo., which a reasonable person, who is not incapacitated, would consider offensive or provocative.

SECTION 215.170: 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; or
   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; or
   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; or
   d. Fighting; or
   e. Creating a noxious and offensive odor.
2. He/she is in a public place or on private property of another without consent and purposely causes inconvenience to another person 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.

State Law Reference--Similar provisions, §574.010, RSMo.

SECTION 215.180: PRIVATE PEACE DISTURBANCE

A. 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 against any person; or
   2. Fighting.

B. It shall be unlawful and an ordinance violation for any person to commit an act of private peace disturbance. (R.O. 2009 §131.03; CC 1981 §20-117; Ord. No. 80-103, 9-3-80)

State Law References--Similar provisions, §§574.010--574.020, RSMo.

SECTION 215.190: AFFRAYS

If two (2) or more persons shall, in any public place in the City, voluntarily or by agreement engage in any fight or use any blows or violence toward each other in an angry or quarrelsome manner or do each other any willful mischief or if any person shall assault another and strike him/her in any public place to the terror or disturbance of others, the person so offending shall be deemed guilty of an ordinance violation of affray. (R.O. 2009 §131.05; CC 1981 §20-120; Ord. No. 83-60, 8-10-83)

SECTION 215.200: 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.

State Law Reference--Similar provisions, §574.040, RSMo.

SECTION 215.210: HARASSMENT

A. For purposes of this Section, the following words shall have the following meanings unless the context clearly indicates or requires a different meaning:
COURSE OF CONDUCT: A pattern of conduct composed of repeated acts over a period of time, however short, that serves no legitimate purpose. Such conduct may include, but is not limited to, following the other person or unwanted communication or unwanted contact.
ELECTRONIC COMMUNICATION: The origination, emission, dissemination, transmission or reception of data, images, signals, sounds or other intelligence or equivalence of intelligence of any nature over any communications system by any method including, but not limited to, a fiber optic, electronic, magnetic, optical, digital or analog method. By way of example, *"electronic communication"* includes, but is not limited to: electronic mail, Internet-based communications, pager service or electronic text messaging.
ELECTRONIC COMMUNICATIONS DEVICE: Any instrument, equipment, machine or other device that facilitates telecommunication including, but not limited to, a computer, computer network, computer chip, computer circuit, scanner, telephone, cellular telephone, pager, personal communications device, transponder, receiver, radio, modem or device that enables the use of a modem.
HARASSMENT: Engaging in a purposeful or knowing course of conduct involving more than one (1) incident that alarms or causes distress to another adult and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable adult to suffer substantial emotional distress and must actually cause substantial emotional distress to the petitioner. Such conduct might include, but is not limited to:
    1. Following another about in a public place or places;
    2. Peering in the window or lingering outside the residence of another; but does not include constitutionally protected activity.

B. *Harassment.*
    1. A person commits the offense of harassment if he or she:
        a. 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; or
        b. 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; or
        c. Knowingly frightens, intimidates, or causes emotional distress to another person by anonymously making a telephone call or any electronic communication; or
        d. 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; or
        e. Knowingly makes repeated unwanted communication to another person; or
        f. 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.

2. Harassment is an ordinance violation unless:
   a. Committed by a person twenty-one (21) years of age or older against a person seventeen (17) years of age or younger; or
   b. 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.
3. 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.

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

C. *Cyber-Harassment.* It shall be unlawful for a person to perform any act which is cyber-harassment. A person commits the offense of cyber-harassment if he/she:
   1. With intent to harass, alarm, annoy, abuse, threaten, intimidate, torment or embarrass any other person and under circumstances not constituting harassment as described in Subsection (B) of this Section, transmits or causes the transmission of an electronic communication or knowingly permits an electronic communication to be transmitted from an electronic communication device under the person's control to such other person or a third (3rd) party:
      a. Using any lewd, lascivious, indecent or obscene words, images or language or suggesting the commission of any lewd or lascivious act; or
      b. Anonymously or repeatedly whether or not conversation occurs; or
      c. Threatening to inflict injury on the person or property of the person communicated with or any member of his/her family or household; or
   2. Makes or causes to be made an electronic communication or permits an electronic communication to be made from a electronic communications device under the person's control with the intent to harass, alarm, annoy, abuse, threaten, intimidate, torment or embarrass any other person either by the direct action of the person initiating the communication or through the actions of a third (3rd) party, which third (3rd) party actions are instigated, initiated, prompted or brought about by the person's communication.

D. Any offense committed under this Section may be deemed to have been committed either at the place from which the communication was made or at the place where the communication was received.

E. This Section shall not apply to constitutionally protected activities which include, but are not limited to, picketing or activities regulated by the National Labor Relations Act, as amended, the Railway Labor Act, as amended, or the Federal Employment Labor Management Act, as amended. (R.O. 2009 §131.07; Ord. No. 07-321, 12-19-07)

SECTION 215.220: UNLAWFUL PICKETING OF A FUNERAL

A. The City Council of the City of St. Charles, Missouri, finds that families have a legitimate and legally cognizable interest in organizing and attending funerals for deceased relatives and that the rights of families to peacefully and privately mourn the

death of relatives are violated when funerals are targeted for picketing or protest activities. The City Council of the City of St. Charles, Missouri, also recognizes that individuals have a constitutional right to free speech and that in the context of funeral ceremonies, the competing interests of picketers and funeral participants must be balanced. Therefore, the City Council declares that the purposes of this Section are to protect the privacy of grieving families and to preserve the peaceful character of cemeteries, mortuaries, churches, and other places of worship during a funeral while still providing picketers and protestors the opportunity to communicate their message at a time and place that minimizes the interference with the rights of families participating in funerals.

B. For purposes of this Section, the following definitions shall apply:
FUNERAL: The ceremonies and memorial services held in connection with the burial or cremation of the dead but does not include funeral processions on public streets or highways nor does it include the wake (sometimes referred to as a visitation or vigil).
PICKETING OF A FUNERAL: Protest activities engaged in by a person or persons located within three hundred (300) feet of the premises of a cemetery, mortuary, church or other place of worship or other location during, and which target a funeral.

C. A person commits the offense of unlawful picketing of a funeral if he/she engages in picketing of a funeral during the period from one (1) hour prior to the commencement of any funeral through one (1) hour following the cessation of any funeral.

D. Any person who pickets within street or road right-of-way shall stay at least three (3) feet from the travelled portion of the street or road.

E. Any person who violates any of the provisions of this Section is guilty of an ordinance violation and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars ($500.00). Each day a violation is committed or permitted to continue shall constitute a separate offense. (Ord. No. 11-11 §1, 1-18-11)

SECTIONS 215.230--215.250: RESERVED

Division 2. Residency, Loitering And **Activity Limitations For Certain Offenders**

SECTION 215.260: CERTAIN OFFENDERS NOT TO RESIDE WITHIN ONE THOUSAND FEET OF A SCHOOL OR CHILD CARE FACILITY

A. It shall be unlawful for any person who, since May 6, 2010, has been or hereafter 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 Section 568.020(2), RSMo., incest; Section 568.045, RSMo., endangering the welfare of a child in the first decree; Section 568.080(2), 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;

to reside within one thousand (1,000) feet of any public school as defined in Section 160.011, RSMo., or any private school giving instruction in a grade or grades not higher than the twelfth (12th) grade or child care facility as defined in Section 210.201, RSMo., which is in existence at the time the individual begins to reside at the location.

B. If such person has already established a residence and a public school, a private school or child care facility is subsequently built or placed within one thousand (1,000) feet of such person's residence, then such person shall, within one (1) week of the opening of such public school, private school or child care facility, notify the Chief of Police where such public school, private school or child care facility is located that he/she is now residing within one thousand (1,000) feet of such public school, private school or child care facility and shall provide verifiable proof to the Chief of Police that he/she resided there prior to the opening of such public school, private school or child care facility.

C. For purposes of this Section, *"resides"* means sleeps in a residence, which may include more than one (1) location and may be mobile or transitory.

D. Any person violating any of the provisions of this Section shall be punished as provided in Section 100.150. (R.O. 2009 §131.10; Ord. No. 09-190, 11-3-09; Ord. No. 10-88 §1, 5-6-10)

State Law Reference--Similar provisions, §566.147, RSMo.

SECTION 215.270: CERTAIN OFFENDERS NOT TO BE PRESENT WITHIN FIVE HUNDRED FEET OF CHILD CARE FACILITIES

A. It shall be unlawful for any person who, since May 6, 2010, 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 Section 568.020(2), RSMo., incest; Section 568.045, RSMo., endangering the welfare of a child in the first degree; Section 568.080(2), 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;

to 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 violating any of the provisions of this Section shall be punished as provided in Section 100.150. (R.O. 2009 §131.11; Ord. No. 09-190, 11-3-09; Ord. No. 10-88 §1, 5-6-10)

State Law Reference--Similar provisions, §566.148, RSMo.

SECTION 215.280: CERTAIN OFFENDERS NOT TO BE PRESENT WITHIN FIVE HUNDRED FEET OF SCHOOL PROPERTY, EXCEPTION--PERMISSION REQUIRED FOR PARENTS OR GUARDIANS WHO ARE OFFENDERS, PROCEDURE--PENALTY

A. It shall be unlawful for any person who, since May 6, 2010, 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 Section 568.020(2), RSMo., incest; Section 568.045, RSMo., endangering the welfare of a child in the first degree; Section 568.080(2), 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;

to 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 this Subsection.

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)(1) 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/her proximity to school property or a school-

related activity, any person violating any of the provisions of this Section shall be punished as provided in Section 100.150. (R.O. 2009 §131.12; Ord. No. 09-190, 11-3-09; Ord. No. 10-88 §1, 5-6-10)

State Law Reference--Similar provisions, §566.149, RSMo.

SECTION 215.290: CERTAIN OFFENDERS NOT TO BE PRESENT WITHIN FIVE HUNDRED FEET OF PUBLIC PARKS OR SWIMMING POOLS

A. It shall be unlawful for any person who, since May 6, 2010, has pleaded guilty to or been convicted of or been found guilty of:
   1. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Section 568.020(2), RSMo., incest; Section 568.045, RSMo., endangering the welfare of a child in the first degree; Section 568.080(2), 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 Federal, tribal or military jurisdiction which, if committed in this State, would be a violation listed in this Section;

   to be present in or loiter within five hundred (500) feet of any real property comprising any public park with playground equipment or a public swimming pool.

B. Any person violating any of the provisions of this Section shall be punished as provided in Section 100.150. (R.O. 2009 §131.13; Ord. No. 09-190, 11-3-09; Ord. No. 10-88 §1, 5-6-10)

State Law Reference--Similar provisions, §566.150, RSMo.

SECTION 215.300: CERTAIN OFFENDERS NOT TO SERVE AS ATHLETIC COACH, MANAGER OR TRAINER FOR SPORTS TEAM WITH MINOR MEMBER

A. It shall be unlawful for any person who, since May 6, 2010, has pleaded guilty to or been convicted of or been found guilty of:
   1. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Section 568.020(2), RSMo., incest; Section 568.045, RSMo., endangering the welfare of a child in the first degree; Section 568.080(2), 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 Federal, tribal or military jurisdiction which, if committed in this State, would be a violation listed in this Section;

   to serve as an athletic coach, manager or athletic trainer for any sports team in which a child less than seventeen (17) years of age is a member.

B. Any person violating any of the provisions of this Section shall be punished as provided

in Section 100.150. (R.O. 2009 §131.14; Ord. No. 09-190, 11-3-09; Ord. No. 10-88 §1, 5-6-10)

State Law Reference--Similar provisions, §566.155, RSMo.

SECTIONS 215.310--215.330: RESERVED

Division 3. Minors--Curfew

SECTION 215.340: RESPONSIBILITY OF PARENTS

Whenever a minor shall have been arrested for the violation of any provision of this Code of Ordinances or any other ordinance of the City, the parent or guardian of such minor, if known, shall be summoned to appear and defend such minor. (R.O. 2009 §131.20; CC 1981 §20-17)

State Law Reference--When prosecution of children under general law authorized, §211.071, RSMo.

SECTION 215.350: CURFEW ESTABLISHED

No minor under the age of fifteen (15) years shall be in any automobile within the City nor loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, 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 4:00 A.M. nor any persons under the age of seventeen (17) years in such places between the hours of 12:00 Midnight and 4:00 A.M.; provided however, that the provisions of this Section shall not apply to such minor accompanied by his/her parent, guardian or other adult person having the care and custody of such minor. (R.O. 2009 §131.21; CC 1981 §20-29; Ord. No. 3500, 8-9-67; Ord. No. 79-28, 3-28-79; Ord. No. 81-81, 9-2-81)

SECTION 215.360: PARENTS RESPONSIBLE FOR MINOR OBSERVING CURFEW

No parent, guardian or other adult having the care and custody of a minor shall knowingly permit such minor to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places between the hours of 12:30 A.M. and 4:00 A.M immediately following; provided however, that the provisions of this Section shall not apply to such minor accompanied by his/her parent, guardian or other adult person having the care and custody of such minor or a minor upon an emergency errand or legitimate business or activity directed by such minor's parent, guardian or other adult person having the care and custody of such minor. (R.O. 2009 §131.22; CC 1981 §20-30; Ord. No. 3500, 8-9-67; Ord. No. 79-28, 3-28-79)

SECTION 215.370: PROCEDURE FOR CURFEW VIOLATION

A. Any Police Officer, upon finding a minor in violation of Section 215.350, shall ascertain the name and address of such minor and warn the minor that he/she is in violation of curfew and shall direct the minor to proceed at once to his/her home or usual place of abode. The Police Officer shall report such action to the desk officer of the Police Department who in turn shall notify the parents, guardian or person having the care and custody of such minor.

B. If such minor refuses to heed such warning or direction by any Police Officer, refuses to give his/her correct name and address or if the minor has been warned on a previous occasion that he/she is in violation of curfew, he/she shall be taken to the Police Department and the parent, guardian or other adult person having the care and custody of such minor shall be notified to come and take charge of the minor. If the parents, guardian or other adult person above cannot be located or fails to come and take charge of the minor, the minor shall be released to the juvenile authorities. (R.O. 2009 §131.23; CC 1981 §20-31; Ord. No. 3500, 8-9-67; Ord. No. 79-28, 3-28-79)

SECTION 215.380: PARENTAL RESPONSIBILITY

A. Whenever a minor shall be arrested or detained for the commission of any criminal act within the City, the St. Charles 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 form as to be signed by the notified parent signifying receipt thereof. If the parent refuses to sign said notice, the notifying Police 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 criminal act. 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 criminal act.

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 violation of 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). (R.O. 2009 §131.24; Ord. No. 04-196, 8-13-04)

SECTIONS 215.390--215.410: RESERVED

Division 4. Congregating On Business And Commercial Establishments

SECTION 215.420: DEFINITIONS

For the purposes of this Division, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS: A place where service or items are offered for sale or orders taken, which has parking facilities for vehicles. It shall be comprised of the entire premises, including parking lots and areas for ingress and egress.

COMMERCIAL ESTABLISHMENT: Any building and the grounds used therewith or any tract of land where services are offered to the public for a consideration or things are sold or are offered for sale or orders are taken for the sale thereof to the public.

TRANSACTING BUSINESS: Engaging in a transaction with the proprietor, agents or employees of the business, which transaction is normally incidental to the business for which the public is invited and for which the premises are licensed. (R.O. 2009 §131.35; CC 1981 §20-122; Ord. No. 88-141, 7-13-88)

SECTION 215.430: CONGREGATING AT COMMERCIAL ESTABLISHMENTS

A. *Prohibited.* It shall be unlawful for persons to intentionally congregate upon the grounds or within the buildings of a commercial establishment or upon public ways immediately adjacent thereto so as to block the aisles, doorways or other passageways into, out of or through the grounds or buildings of such commercial establishment. No persons shall congregate in crowds of three (3) or more outside vehicles on business premises when such persons are not transacting business on the premises.

B. *Presumption Of Intent To Congregate Unlawfully.* If any persons shall be congregated so as to block the aisles, doorways or other passageways into, out of or through such grounds or buildings and they shall be ordered by the manager or other person in charge of such commercial establishment to leave and they shall fail or refuse to do so, it shall be prima facie proof of their intent to unlawfully congregate under the provisions of this Section. (R.O. 2009 §131.36; CC 1981 §20-123; Ord. No. 88-141, 7-13-88)

SECTION 215.440: REMAINING ON CLOSED PARKING LOTS

A. *Prohibited.* No person, except the owner, tenant or other person in possession or their invitees, shall be upon any public or private parking lot, nor upon any parking lot provided for the customers, business invitees or employees of any commercial or industrial establishment at any time any such public or private parking lot shall be closed to use by the public or any such commercial or industrial lot shall be closed to use by customers, business invitees and employees.

B. *Presumption Of Violation.* Any such person found upon any such lot or facility at any time that signs have been previously erected giving notice that the lot is closed to use shall be presumptively upon the lot in violation of this Section, which presumption shall be rebuttable. (R.O. 2009 §131.37; CC 1981 §20-124; Ord. No. 88-141, 7-13-88)

SECTION 215.450: CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES

A. No patron or other person on a parking lot and areas for ingress and egress of a business,

whether in or out of an automobile, shall drink from or possess any open bottle, can or other receptacle containing an alcoholic beverage.

B. Alcoholic beverages shall include "intoxicating liquor" as defined in Section 600.010. (R.O. 2009 §131.38; CC 1981 §20-125; Ord. No. 88-141, 7-13-88)

SECTION 215.460: REGULATING MOTOR VEHICLES ON PREMISES

A. *Blocking Entrances Or Exits To Premises.* No person shall stop, stand or park a motor vehicle in a street at or near the entrance to or exit from a business, except in an authorized parking space adjacent to the curb of such street and in such manner as not to interfere with other vehicles upon such street.

B. *Parking On Grounds Or In Garages.* It shall be unlawful for any person to park a motor vehicle upon the grounds or within any garage of any commercial establishment other than in the designated parking areas. It shall be unlawful for any person to fail or refuse to move a motor vehicle over which that person has control when that vehicle shall be interfering with the movement of other motor vehicles on the drives or other usual passageways upon the grounds or within the garage of a commercial establishment.

C. *Congregating And Obstructing Public Parking Lots.*

1. *Definition.* For purposes of this Subsection, *"public parking lot"* shall mean any parking lot located within the City of which is owned and/or maintained by the City or any other agency or political subdivision of the State of Missouri.
2. It shall be unlawful for persons to intentionally congregate upon the grounds of a public parking lot or upon any public ways immediately adjacent thereto, so as to block the aisles or other passageways into, out of or through the grounds of such public parking lot in a manner which obstructs the free flow of traffic upon the parking lot.
3. No persons shall congregate in crowds of three (3) or more outside vehicles on public parking lots, except for parking or retrieving vehicles pursuant to the purpose of the public parking lot. (R.O. 2009 §131.39; CC 1981 §20-126; Ord. No. 88-141, 7-13-88; Ord. No. 98-254, 6-17-98)

SECTION 215.470: SIGNS PREREQUISITE TO ENFORCEMENT

Before Section 215.430 may be enforced by the City, a business shall post on the premises in conspicuous locations, clearly visible signs, reasonably likely to come to the attention of a person entering upon the premises, bearing the following statement: "This lot for customers only. No congregating or lingering on this lot." (R.O. 2009 §131.40; CC 1981 §20-127; Ord. No. 88-141, 7-13-88)

SECTION 215.480: CRUISING PROHIBITED

A. *Definitions.* For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONGESTED TRAFFIC: Traffic on any street or driving aisle within a parking lot serving commercial establishments where a motor vehicle cannot readily move forward because traffic speed is slowed to less than ten (10) miles per hour and the delay in movement is due to the position of other motor vehicles.

CRUISING: The repetitive driving of any motor vehicle past a certain location which has congested traffic.

B. No person shall engage in cruising, as herein defined, on any street or any driving aisle of a parking lot serving commercial establishments, which has been posted as a "no cruising" zone.

C. Before Subsection (B) of this Section may be enforced by the City, clearly visible signs shall be posted on the street or driving aisle in conspicuous locations, reasonably likely to come to the attention of a person entering upon the premises, bearing the words "Cruising Prohibited" and further reciting the number of this Section. (R.O. 2009 §131.41; CC 1981 §20-128(a--c); Ord. No. 91-98, 5-22-91; Ord. No. 92-207, 9-3-92)

SECTION 215.490: PENALTY

A. Any person who violates any of the provisions of this Chapter for which no other penalty is set forth shall be subject to the penalty set forth in Section 100.150 of this Code of Ordinances.

B. Any minor violating the applicable provisions of Division 3 set forth in Sections 215.340 et seq., shall be dealt with in accordance with the Juvenile Court Law and Procedure. Any parent, guardian or other adult person having the care and custody of such minor violating this Chapter shall, after having been previously notified under Section 215.370, be punished as provided by Section 100.150.

C. Any person convicted of violating Section 215.480 as a first (1st) offense shall be subject to a fine of not less than one hundred dollars ($100.00); for a second (2nd) conviction within six (6) months, the fine shall be not less than two hundred dollars ($200.00); and for a third (3rd) or further conviction within one (1) year, the fine shall be not less than three hundred dollars ($300.00). (R.O. 2009 §131.99; CC 1981 §§20-32, 20-128(d); Ord. No. 91-98, 5-22-91; Ord. No. 92-207, 9-3-92)

SECTIONS 215.500--215.550: RESERVED

ARTICLE III. OFFENSES AGAINST JUSTICE AND ADMINISTRATION

Cross Reference--As to penalty, §100.150.

SECTION 215.560: ATTEMPT

A. A person is guilty of an attempt to commit an offense, ordinance violation or unlawful act when, with the purpose of committing the offense, ordinance violation or unlawful act, he/she does any act which is a substantial step towards the commission of the offense. A *"substantial step"* is conduct which is strongly corroborative of the firmness of the actor's purpose to complete the commission of the offense.

B. It is no defense to a prosecution under this Section that the offense, ordinance violation or unlawful act attempted was, under the actual attendant circumstances, factually or legally impossible of commission, if such offense could have been committed had the attendant

circumstances been as the actor believed them to be.

C. It shall be unlawful for a person to attempt to commit an offense, ordinance violation or unlawful act. (R.O. 2009 §132.01; CC 1981 §20-1; Ord. No. 75-21, 5-7-75)

State Law Reference--Similar state law, §564.011, RSMo.

SECTION 215.570: CONSPIRACY

A. A person is guilty of conspiracy with another person or persons to commit an offense, ordinance violation or unlawful act if, with the purpose of promoting or facilitating its commission, he/she agrees with such other person or persons that they or one (1) or more of them will engage in conduct which constitutes such offense, ordinance violation or unlawful act.

B. If a person guilty of conspiracy knows that a person with whom he/she conspires to commit an offense, ordinance violation or unlawful act has conspired with another person or persons to commit the same offense, ordinance violation or unlawful act, he/she is guilty of conspiring with such other person or persons to commit such offense, ordinance violation or unlawful act, whether or not he/she knows their identity.

C. If a person conspires to commit a number of offenses, ordinance violations or unlawful acts, he/she is guilty of only one (1) conspiracy so long as such multiple offenses, ordinance violations or unlawful acts are the object of the same agreement.

D. No person may be convicted of conspiracy to commit an offense, ordinance violation or unlawful act unless an overt act in pursuance of such conspiracy is alleged and proved to have been done by him/her or by a person with whom he/she conspired.

E. No one shall be convicted of conspiracy if, after conspiring to commit the offense, ordinance violation or unlawful act, he/she prevented the accomplishment of the objectives of the conspiracy under circumstances manifesting a renunciation of his/her criminal purpose.

F. The defendant shall have the burden of injecting the issue of renunciation of criminal purpose under Subsection (E) of this Section.

G. For the purpose of time limitations on prosecutions:

1. *"Conspiracy"* is a continuing course of conduct which terminates when the offense, ordinance violation or unlawful act which is its object is committed or the agreement that it be committed is abandoned by the defendant and by those with whom he/she conspired.
2. If an individual abandons the agreement, the conspiracy is terminated as to him/her only if he/she advises those with whom he/she has conspired of his/her abandonment or he/she informs the law enforcement authorities of the existence of the conspiracy and of his/her participation in it.

H. A person may not be charged, convicted or sentenced on the basis of the same course of conduct of both the actual commission of an offense, ordinance violation or unlawful act and a conspiracy to commit that offense, ordinance violation or unlawful act.

I. It shall be unlawful for a person to conspire with another person to commit an offense, ordinance violation or unlawful act. (R.O. 2009 §132.02; CC 1981 §20-2; Ord. No. 75-21, 5-7-75)

State Law Reference--Similar state law, §564.016, RSMo.

SECTION 215.580: 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; or
   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, ordinance violation, misdemeanor 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.

State Law Reference--Similar provisions, §575.120, RSMo.

SECTION 215.590: AIDING ESCAPE OF A PRISONER

A person commits the offense of aiding escape of a prisoner if the person:
   1. Introduces into any place of confinement any deadly weapon or dangerous instrument, or other thing adapted or designed for use in making an escape, with the purpose of facilitating the escape of any prisoner confined therein, or of facilitating the commission of any other crime; or
   2. Assists or attempts to assist any prisoner who is being held in custody or confinement for the purpose of effecting the prisoner's escape from custody or confinement.

SECTION 215.600: ASSAULT OF A LAW ENFORCEMENT OFFICER, POLICE SERVICES OFFICER, EMERGENCY PERSONNEL, HIGHWAY WORKER OR PROBATION AND PAROLE OFFICER

A. A person commits the offense of assault of a Law Enforcement Officer, Police Services 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, Police Services Officer, Emergency Personnel, highway worker in a construction zone or work zone or Probation and Parole Officer; or
   2. Such person purposely places a Law Enforcement Officer, Police Services Officer, Emergency Personnel, highway worker in a construction zone or work zone, or Probation and Parole Officer in apprehension of immediate physical injury; or
   3. Such person knowingly causes or attempts to cause physical contact with a Law Enforcement Officer, Police Services 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, Police Services 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 *"Police Services Officer"* includes any jailor or Police Services 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, Police Services Officer, Emergency Personnel, highway worker in a construction zone or work zone, or Probation and Parole Officer is an ordinance violation.

Cross Reference--As to penalty, §100.150.

SECTION 215.610: 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; or
   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.

State Law Reference--Similar state law, §575.080, RSMo.

SECTION 215.620: FALSE BOMB REPORT

A. A person commits the ordinance violation of making a false bomb report if he/she knowingly makes a false report or causes a false report to be made to any person that a bomb or other explosive has been placed in any public or private place or vehicle.
B. It shall be unlawful and an ordinance violation for any person to make a false bomb report. (R.O. 2009 §132.07; CC 1981 §20-53)

State Law Reference--Similar state law, §575.090, RSMo.

SECTION 215.630: 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.

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

SECTION 215.640: POSSESSION OF A SIMULATED POLICE VEHICLE PROHIBITED

A. A person commits the ordinance violation of possession of a simulated police vehicle if he/she possesses a simulated police vehicle.
B. *Definitions.* For purposes of this Section, *"simulated police vehicle"* shall mean a motor vehicle which has:

1. The text or similar marking "Police", "dial 911" or "City of St. Charles" painted or affixed thereto; or
2. An emergency light affixed thereto and which is not a motor vehicle used as an emergency vehicle pursuant to Section 304.022.4, RSMo.

C. It shall be a defense to prosecution under Subsection (A) of this Section if the model year of the simulated Police vehicle is before the year 1960.

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

E. It shall be unlawful and an ordinance violation for any person to possess a simulated police vehicle in the City. (R.O. 2009 §132.09; Ord. No. 07-18, 1-19-07; Ord. No. 07-54, 3-12-07)

SECTIONS 215.650--215.690: RESERVED

ARTICLE IV. OFFENSES AGAINST MORALS

Cross Reference--As to penalty, §100.150.

Division 1. General Provisions

SECTION 215.700: BATHHOUSES AND MASSAGE PARLORS

The operation of a bathhouse, massage parlor or masseur wherein employees, agents or servants engage in acts stimulating sexual organs of a customer is prohibited within the corporate limits of the City. (R.O. 2009 §133.01; CC 1981 §20-157; Ord. No. 74-24, 6-5-74)

Cross Reference--As to penalty, §100.150.

SECTION 215.710: BATHING WHILE INSUFFICIENTLY CLOTHED

It shall be unlawful for any person to bathe, wash or swim when nude or insufficiently clothed in the Missouri River or other watercourse, pond, lake or pool of water within the City. (R.O. 2009 §133.02; CC 1981 §20-158)

Cross References--As to bathing and swimming in city parks, §255.090; as to penalty, §100.150.

SECTION 215.720: 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.

Cross Reference--As to penalty, §100.150.

SECTION 215.730: LEWD DANCING

A. *Lewd Dancing Or Performance Prohibited.* No person shall produce, promote, permit or perform any pornographic or lewd dancing or exhibition before any audience for pecuniary gain.

B. *Violation.* If any person, persons or corporation holding an alcoholic beverage license is believed by the Chief of Police to condone, promote, allow or sponsor any persons violating Subsection (A) of this Section, the Chief of Police may give notice to any person, persons or corporation's representative to appear before the next regularly scheduled meeting of the City Council to show cause why the alcoholic beverage license of the establishment in which the violation took place should not be suspended or revoked.

C. *Suspension Or Revocation Of License.*
   1. The City Clerk and Mayor shall be immediately notified of any such notice by the Chief of Police; and the City Clerk shall cause such to be placed on the Council agenda and notices to be given to each Council member.
   2. The Council may suspend or revoke such license at the meeting or suspend such license and set a date for hearing within ten (10) days to determine if such license shall be revoked.

D. *Arrest And Removal.* Any person found in violation of Subsection (A) of this Section shall be subject to arrest and removal from the premises. (R.O. 2009 §133.04; CC 1981 §§20-172--20-175; Ord. No. 81-90, 11-3-81)

Cross Reference--As to penalty, §100.150.

SECTION 215.740: PROSTITUTION AND RELATED OFFENSES

A. *Definitions.* For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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; or
   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: Sexual conduct occurs when there is:
   1. *Sexual intercourse* which means any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results; or
   2. *Deviate sexual intercourse* which means any sexual act involving the genitals of

one person and the mouth, hand, tongue or anus of another person; or

3. *Sexual contact* which means any touching, manual or otherwise, of the anus or genitals of one person by another, done for the purpose of arousing or gratifying sexual desire of either party.

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

B. *Offenses.*
   1. It shall be unlawful for a person to perform an act of prostitution.
   2. It shall be unlawful for a person to patronize prostitution.

C. *Defenses.* 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 agreed or offered to give something of value was a female.

D. *Prostitution Houses Deemed Public Nuisances.* Any room, building or other structure regularly used for sexual conduct for pay, as defined in this Section, or any unlawful prostitution activity prohibited by this Division 1 is a public nuisance. (R.O. 2009 §133.05; CC 1981 §§20-162--20-165; Ord. No. 80-28, 2-13-80)

Cross References--As to nuisances, §§220.020 et seq.; as to penalty, §100.150.

SECTION 215.750: ENTERING UPON AN EXCURSION GAMBLING BOAT

A. For the purpose of this Section, the following definition shall apply unless the context clearly indicates or requires a different meaning.
EXCURSION GAMBLING BOAT: A boat, ferry or other floating facility licensed by the Missouri Gambling Commission on which gambling games are allowed.

B. No person under twenty-one (21) years of age shall enter upon or into those portions of an excursion gambling boat where gambling is conducted or where alcoholic beverages are located.

C. This provision shall not apply to an employee of the licensed operator of the excursion gambling boat who is at least eighteen (18) years of age and who is performing job duties prescribed for that employee. (R.O. 2009 §133.06; Ord. No. 94-219, 9-7-94)

Cross Reference--As to penalty, §100.150.

SECTION 215.760: URINATING/DEFECATING IN PUBLIC PROHIBITED

A. No person shall urinate or defecate in, upon or from any public street, sidewalk, alley, parking lot or parking facility, public building, structure or publicly maintained facility or in any place open to the public and exposed to public view or on private property and exposed to public view. This Section shall not apply to urination or defecation in any restroom or other facility designed for the sanitary disposal of human waste.

B. Any person violating the provisions of Subsection (A) of this Section shall be punished by a fine of not less than fifty dollars ($50.00) or by imprisonment in jail not exceeding three (3) months, or by both fine and imprisonment. (R.O. 2009 §133.07; Ord. No. 97-

30, 1-21-97)

SECTIONS 215.770--215.790: RESERVED

Division 2. Pornography And Related Offenses

SECTION 215.800: DEFINITIONS

For the purpose of this Division, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHILD PORNOGRAPHY:

1. Any obscene material or performance depicting sexual conduct, sexual contact, or a sexual performance, as these terms are defined in Section 556.061, RSMo., and which has as one of its participants or portrays as an observer of such conduct, contact, or performance a minor under the age of eighteen (18); or
2. Any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct where:
   a. The production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;
   b. Such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or
   c. Such visual depiction has been created, adapted, or modified to show that an identifiable minor is engaging in sexually explicit conduct.

DISPLAYS PUBLICLY: Exposing, placing, posting, exhibiting or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from the street, highway or public sidewalk or from the property of others or from any portion of the person's store or the exhibitor's store or property when items and material other than this material are offered for sale or rent to the public.

EXPLICIT SEXUAL MATERIAL: Any pictorial or three-dimensional material depicting human masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation or unclothed genitals, sadomasochistic abuse, or emphasizing the depiction of postpubertal human genitals; provided however, that works of art or of anthropological significance shall not be deemed to be within the foregoing definition.

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 postpubertal human genitals or pubic area, with less than a

fully opaque covering.

OBSCENE: Any material or performance if:

1. Taken as a whole and applying contemporary community standards, its predominant appeal is 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. Taken as a whole, it 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 if:

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; and
2. The material or performance depicts or describes nudity, sexual conduct, sexual excitement, sadomasochistic abuse or any explicit sexual material 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 stimulation or gratification.

SEXUAL EXCITEMENT: The condition of the human male or female genitals when in the state of sexual stimulation or arousal.

WHOLESALE PROMOTE: To manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate or to offer or agree to do the same for purposes of resale or redistribution. (R.O. 2009 §133.20; CC 1981 §20-168; Ord. No. 90-153, 6-21-90)

SECTION 215.810: OBSCENITY

A. *Preparation.* A person commits the offense of preparation of obscenity when he/she knowingly:

1. Records himself/herself or any other person on or with any material for the purpose of producing any obscene material for promotion to another; or
2. Records himself/herself or any other person on or with any material for the purpose of producing material pornographic for minors for promotion to a minor; or
3. Models, poses, acts or otherwise aids or assists in the preparation of any obscene material for the purpose of promotion to another; or

4. Models, poses, acts or otherwise aids or assists in the preparation of any material pornographic for minors for promotion or furnishing to a minor.

B. *Promoting.* 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; or
   2. Produces, presents, directs or participates in any obscene performance for pecuniary gain; or
   3. Promotes or possesses with the purpose to promote any material pornographic for minors for pecuniary gain; or
   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. (R.O. 2009 §133.21; CC 1981 §§20-168.1--20-168.2; Ord. No. 90-153, 6-21-90)

Cross Reference--As to penalty, §100.150.

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

SECTION 215.820: 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; or
   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.

Cross Reference--As to penalty, §100.150.

SECTION 215.830: PROMOTING CHILD PORNOGRAPHY IN THE FIRST DEGREE

A person commits the offense of promoting child pornography in the first degree if such

person possesses with the intent to promote or promotes child pornography of a child less than fourteen (14) years of age or obscene material portraying what appears to be a child less than fourteen (14) years of age.

Cross Reference--As to penalty, §100.150.

SECTION 215.840: PUBLIC DISPLAY OF EXPLICIT SEXUAL MATERIAL

A. A person commits the offense of public display of explicit sexual material if he or she knowingly or recklessly:
   1. Displays publicly explicit sexual material; or
   2. Fails to take prompt action to remove such a display from property in his or her possession after learning of its existence.

B. For purposes of this Section, each day there is a violation of this Section shall constitute a separate offense.

Cross Reference--As to penalty, §100.150.

SECTION 215.850: COERCING ACCEPTANCE OF OBSCENE MATERIAL

A person commits the offense of coercing acceptance of obscene material if:

1. He/she requires acceptance of obscene material as a condition to any sale, allocation, consignment or delivery of any other material; or
2. He/she denies any franchise or imposes any penalty, financial or otherwise, by reason of the failure or refusal of any person to accept any material obscene or pornographic for minors.

Cross Reference--As to penalty, §100.150.

SECTION 215.860: EVIDENCE IN OBSCENITY AND CHILD PORNOGRAPHY CASES

A. In any prosecution under this Division, evidence shall be admissible to show:
   1. What the predominant appeal of the material or performance would be for ordinary adults or minors;
   2. The literary, artistic, political or scientific value of the material or performance;
   3. The degree of public acceptance in this State and in the local community;
   4. The appeal to prurient interest in advertising or other promotion of the material or performance;
   5. The purpose of the author, creator, promoter, furnisher or publisher of the material or performance.

B. Testimony of the author, creator, promoter, furnisher, publisher, or expert testimony, relating to factors entering into the determination of the issues of obscenity or child pornography, shall be admissible.

C. In any prosecution for possession of child pornography or promoting child pornography in the first or second degree, the determination that the person who participated in the child pornography was younger than eighteen (18) years of age may be made as set forth in Section 568.100, RSMo., or reasonable inferences drawn by a judge or jury after viewing the alleged pornographic material shall constitute sufficient evidence of the child's age to support a conviction.

D. In any prosecution for promoting child pornography in the first or second degree, no showing is required that the performance or material involved appeals to prurient interest, that it lacks serious literary, artistic, political or scientific value, or that it is patently offensive to prevailing standards in the community as a whole.

Cross Reference--As to penalty, §100.150.

SECTION 215.870: WHOLESALE PROMOTION

The general assembly has pre-empted Cities from regulating the wholesale promotion of obscenity and materials pornographic for minors. Therefore, nothing contained in this Division shall be interpreted to prohibit the wholesale promotion of obscene material, to prohibit the wholesale promotion for minors of any material pornographic for minors or to prohibit the possession of any material pornographic for minors with the purpose to wholesale promote for minors. (R.O. 2009 §133.27; CC 1981 §20-168.9; Ord. No. 90-153, 6-21-90)

SECTIONS 215.880--215.930: RESERVED

ARTICLE V. WEAPONS, EXPLOSIVES AND FIREWORKS

Cross Reference--As to penalty, §100.150.

Division 1. Firearms And Weapons

SECTION 215.940: BOWS AND ARROWS

It shall be unlawful for any person to willfully or promiscuously discharge or project an arrow, except arrows constructed with rubber tips, from a bow or crossbow or by any other means within the City, except at or upon an archery range approved by the Chief of Police. (R.O. 2009 §134.02; CC 1981 §20-50)

Cross Reference--As to penalty, §100.150.

SECTION 215.950: DEFINITIONS

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

SECTION 215.960: 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; or
   2. Sets a spring gun; or
   3. Discharges or shoots a firearm within the City limits;* or
   4. Exhibits, in the presence of one (1) or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or
   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; or
   6. Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the Federal Government, State Government, or political subdivision thereof; or
   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., and 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.

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.*

Cross Reference--As to exceptions, §215.1020.

SECTION 215.970: 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; or
   2. An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon; or
   3. A machine gun; or
   4. A gas gun; or
   5. A short-barreled rifle or shotgun; or
   6. A firearm silencer; or
   7. A switchblade knife; or
   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; or
   2. Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in Paragraph (1) of this Subsection; or
   3. Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise; or
   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).

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

SECTION 215.980: DEFACING FIREARM

A person commits the offense of defacing a firearm if he/she knowingly defaces any firearm.

SECTION 215.990: 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.

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

SECTION 215.1000: 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.

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

SECTION 215.1010: 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 215.960 while within their jurisdiction and on duty, those persons listed in Subsections (B)(2), (4) and (10) of Section 215.960, 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 City Council. 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 St. Charles 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 St. Charles. 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 100.150 of this Code of Ordinances.
    3. Employees of the City of St. Charles 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.

SECTION 215.1020: DISCHARGING FIREARMS--EXCEPTIONS

A. Any civic, fraternal, benevolent or other organization may make application to the Mayor for a one (1) day permit to discharge firearms within the City. Such application shall specify the types of firearms used, the time and place of such use and the purpose for which such permit is sought. The Mayor, after consultation with the Chief of Police, may

issue such permit if, in his/her opinion, such discharge or use of firearms will not endanger the public peace or public safety.

B. Any veterans' organization which, as part of its service or functions, provides an honor guard or similar group for public celebration or military or quasi-military funerals may make application to the Mayor for an annual permit for the discharge of blank ammunition. Such application shall state the name of the organization and the types of weapons which shall be used to fire such blank ammunition. Such permit shall be limited to the discharge of blank ammunition. The Mayor, after consultation with the Chief of Police, may issue such permit if, in his/her opinion, such discharge or use of firearms will not endanger the public peace or public safety.

C. Subsection (A)(3) of Section 215.960 shall not apply to the discharge of firearms at an indoor firearm range that has a valid conditional use permit pursuant to Section 400.220(C)(1)(j). (R.O. 2009 §134.04; CC 1981 §20-75; Ord. No. 77-9, 3-16-77; Ord. No. 09-47, 3-20-09)

Cross Reference--As to penalty, §100.150.

SECTION 215.1030: SELLING HANDGUNS, RIFLES AND SHOTGUNS

Except for gun shows conducted at the St. Charles Convention Center, it shall be unlawful for any person to display for sale at retail within the City any handguns, rifles or shotguns unless the same be locked within a display case or rack preventing their removal. The display case or rack shall be locked with a secure lock operated by a key kept apart from the lock. The premises or building shall at all times be protected when closed by either:

1. A burglar alarm system.
2. Protected by a security guard or watchman.
3. Iron protective bars upon all doors and windows. (R.O. 2009 §134.05; CC 1981 §20-76; Ord. No. 84-97, 8-23-84; Ord. No. 04-272, 12-10-04)

Cross Reference--As to penalty, §100.150.

SECTION 215.1035: SELLING, LOANING OR BARTERING CERTAIN WEAPONS TO A MINOR

It shall be unlawful for any person to directly or indirectly, sell or deliver, loan or barter to any minor any kind of firearm, knife, knuckles, projectile weapon or other similar deadly weapons, without the consent of the parent or guardian of such minor. (Ord. No. 11-112 §1, 6-9-11)

SECTION 215.1040: SALE AND PURCHASE OF "THROWING STARS" PROHIBITED

A. No person shall sell or purchase an object known as a throwing star.

B. For the purposes of this Section, throwing star shall have the following definition: *THROWING STAR:* Any instrument without handles consisting of a metal plate having three (3) or more radiating points with one (1) or more sharp edges and designed in the shape of a polygon, trefoil, cross star, diamond or other geometric shape that can be used as a weapon for throwing. (R.O. 2009 §134.06; CC 1981 §20-77; Ord. No. 86-26, 2-11-

86)

Cross Reference--As to penalty, §100.150.

SECTIONS 215.1050--215.1080: RESERVED

Division 2. Fireworks

SECTION 215.1090: DISCHARGING PROHIBITED--EXCEPTION

A. Except as provided in Subsection (B), it shall be unlawful for any person to willfully set off, use, burn, explode or fire off any firecrackers, fireworks, torpedoes, bombs, rockets, pin wheels, fire balloons, Roman candles, toy cannons, toy pistols, rocket, missile or aerial firework containing a stick or fin or other fireworks of a like kind within the municipal boundaries of the City; provided however, that this Section shall not apply to parks or other public places when in the charge of competent persons and under a permit issued by the Mayor.

B. It shall be lawful for any person to set off, use, burn, explode or fire off non-rocket, non-missile or aerial fireworks that do not contain a stick or fin, firecrackers, fireworks, torpedoes, bombs, rockets, pin wheels, fire balloons, Roman candles, toy cannons, toy pistols or other fireworks of a like kind within the municipal boundaries of the City between the hours of 12:00 P.M. and 11:00 P.M. on July third (3rd) and fourth (4th) of each and every calendar year.

C. It shall be unlawful for any person under the age of eighteen (18) to purchase, possess, set off, use, burn, explode or fire off any fireworks including, but in no way limited to, non-rocket, non-missile or aerial fireworks that do not contain a stick or fin within the municipal boundaries of the City without adult supervision.

D. Section 215.380, regarding responsibility of parents and other adults for the criminal acts of children, shall apply to this Section.

E. Police Officers are to enforce this strictly and without the use of warnings. Summons are to be issued regardless of circumstances. Any person under the age of eighteen (18) found to be in possession of, setting off, using, burning, exploding or firing off, without adult supervision, any fireworks, including, but in no way limited to, non-rocket, non-missile or aerial fireworks that do not contain a stick or fin, shall have such items confiscated by Police Officers.

F. Notwithstanding any other provision of this Section, it shall be unlawful for any person to willfully set off, use, burn, explode or fire off any fireworks, including, but in no way limited to, non-rocket, non-missile or aerial fireworks that do not contain a stick or fin, on any property owned by the City or any park within the City at any time, including the hours of 12:00 P.M. and 11:00 P.M. on July third (3rd) and fourth (4th), without a valid permit issued by the Mayor. (R.O. 2009 §134.20; CC 1981 §20-54; Ord. No. 05-142, 5-17-05; Ord. No. 05-223, 8-24-05; Ord. No. 05-239, 9-16-05; Ord. No. 07-237, 9-26-07)

Cross Reference--As to penalty, §100.150.

SECTION 215.1100: SALE OF FIREWORKS--LICENSES

A. It shall be unlawful for any person to sell, offer to sell or expose for sale any fireworks of any type whatsoever within the City without first having obtained a "fireworks stand" license for each location at which fireworks are sold or offered for sale from the Director of Finance; provided however, that this Section shall not apply to the sale of fireworks in wholesale lots by any person holding a wholesale license to do business within the City for use or sale outside the City or for use within the City in the manner permitted by Section 215.1090.

B. The Director of Finance is authorized to issue to any person a "fireworks stand" license to permit sales of fireworks now or hereafter classified as "1.4G Class C Common Fireworks" by the United States Department of Transportation. Licenses shall be issued for fireworks stands located only in "C-2", "C-3", "I-1" or "I-2" zoning districts as defined in Chapter 400 of this Code of Ordinances or other similar zoning of the County on property which has been annexed but has not received a zoning designation by the City.

C. An application for a "fireworks stand" license shall be submitted to the Department of Community Development by June first (1st) and shall include the following:
    1. A permit fee of six thousand dollars ($6,000.00) for each proposed location for fireworks sales.
    2. A statement that the applicant agrees to comply strictly with the terms of this Chapter, the laws of the State of Missouri, St. Charles County and the City of St. Charles, Missouri.
    3. A cash deposit, irrevocable letter of credit or a surety bond made payable to the City of St. Charles, Missouri, in the amount of three thousand dollars ($3,000.00) for each location to be operated by the applicant shall be submitted. Such deposit, letter or bond shall ensure compliance with the provisions of this Section, including, but not limited to, the removal of the stand, provisions for temporary electrical service and the cleaning and restoration of the site upon which it was located in accordance with the provisions of this Section. In the event the licensee does not comply with the provisions of this Section or does not remove the stand or restore the site as required, the City may do so or cause the same to be done and the reasonable cost thereof shall be charged against the licensee and the deposit, letter of credit or surety bond.
    4. A site plan showing the following:
        a. Address or site location;
        b. Property owner and operator names, addresses and phone numbers;
        c. Size of the lot and tent;
        d. Location of the tent(s) and all other structures or equipment including trailers and storage units located on the lot;
        e. Location of all existing driveway entrances and temporary parking lot areas;
        f. Location of required restroom facilities (a minimum of one (1) portable facility on site is required);
        g. Location of required dumpsters (a minimum of one (1) two (2) yard dumpster for a location having one thousand (1,000) square feet or less of sales area and

a minimum of two (2) two (2) yard dumpsters or one (1) four (4) yard dumpster for a location having more than one thousand (1,000) square feet of sales area);

h. Location of required on-site, off-street customer parking spaces (a minimum of one (1) space per three hundred (300) square feet of sales area is required);
i. Location of nearest fire hydrant;
j. Proof of a valid Missouri State sales tax number;
k. Other information as may be required by the City to ensure public health and safety.

5. An electrical inspection must be obtained from the Department of Community Development. All electrical work including generators must be performed by an electrician licensed with the City. Note that locations that did not have valid firework stand permits prior to January 1, 2003, are required to have underground electric supply lines.
6. A certificate of flame resistance must be submitted for each tent and a fire inspection must be obtained from the St. Charles Fire Department.
7. Approval of the driveway entrance and approval of the construction of temporary surfacing for a parking lot permit from the Department of Public Works are required if a new driveway or temporary surfacing (defined as aggregate, asphalt millings, wood chips or other material used to cover the ground surface for the purpose of temporarily improving the ground surface to better enable it to serve vehicular or foot traffic) is to be installed. These approvals must address the following:
   a. If a vertical curb is present at the entrance location, a concrete approach may be constructed and left in place to the right-of-way line. If an approach is not constructed, the existing curb must be removed prior to use of the parking lot and replaced within sixty (60) days of the removal.
   b. Temporary parking permits are granted for no more than thirty (30) consecutive calendar days and the construction of the parking facility must not begin more than fourteen (14) calendar days before the beginning of the intended use.
   c. No portion of City-owned right-of-way shall be surfaced and a minimum of a ten (10) foot parking setback shall be provided.
   d. Where used, temporary paving material shall be removed and vegetation re-established on the site within sixty (60) calendar days of the final date of fireworks sales.
   e. Where temporary surfacing material is used, a cash deposit, irrevocable letter of credit or a surety bond made payable to the City of St. Charles, Missouri, will be required by the Director of Public Works or his/her designee. The security should be in an amount equal to the amount required to perform the reparative measures described in this Section, based on an estimate approved by the Director of Public Works or his/her designee. The security shall be subject to the condition that the reparative measures (actions taken to return disturbed land to the condition and appearance that existed before the temporary use) be performed within the first sixty (60) days following the intended usage of the temporary facility as indicated on the temporary parking lot application. The security shall be valid for the entire sixty (60) day period

after which it will be forfeited to the City if reparative measures are not complete. If the reparative measures are not completed within the specified time, the City may use the funds from the security of any necessary portion thereof to complete the reparative measures. If the security is inadequate to pay for the costs of the reparative measures, the City shall recover the balance from the property owner.

f. Each application for construction of a temporary parking lot or new entrance shall include the following: a sketch showing the property dimensions, parking lot dimensions, entrance locations and dimensions and color photographs (a minimum of six (6)) of the site.

8. A certificate of occupancy for any tent or structure from the Department of Community Development.

D. The following standards shall be used for the review of any fireworks license and shall apply to the operation of the facility:

1. Structures from which fireworks are to be sold or stored shall not be located within on hundred (100) feet of any permanent structure or building, public park, swimming pool or public or private playground.
2. Structures from which fireworks are sold or stored shall not be located within one hundred (100) feet of any structure in which petroleum products are sold or dispensed in any manner other than in closed containers.
3. A maximum of two (2) semi-truck storage trailers or the equivalent area of trailer storage as determined by the Fire Marshal shall be allowed per location. Additional storage may be permitted upon review and approval of the Fire Marshal. Such trailers shall maintain a minimum of ten (10) foot separation, have DOT labels on them and must be marked "EMPTY" with four (4) inch letters when all contents are removed.
4. All weeds and combustible materials shall be cleared from any sales location including a distance of at least twenty-five (25) feet surrounding the sales location.
5. A sign bearing the message "Discharge of Fireworks is Prohibited at All Times Within the City Limits of the City of St. Charles Except Between the Hours of 12:00 P.M. and 11:00 P.M. on July 3rd and 4th" in letters at least three (3) inches tall shall be conspicuously displayed at each sales location. Such sign shall not count towards the limits of allowable signage provided for by this Section. Additionally, the operator shall distribute to each purchaser a flyer of at least twenty-four (24) square inches containing the statement: "Discharge of Consumer Fireworks Within the City of St. Charles is Prohibited by Ordinance Except Between the Hours of 12:00 P.M. and 11:00 P.M. on July 3rd and 4th. Violators may be punished by a fine up to five hundred dollars ($500.00) or up to three (3) months imprisonment or both."
6. Fireworks stands shall comply with the provisions of the currently adopted Building Code relative to temporary structures. All stands shall be erected in a manner that will reasonably ensure the safety of all occupants, patrons and surrounding property.
7. A minimum three (3) foot wide, unobstructed aisle running the length of the stand, inside and behind the sales counter, shall be provided.
8. Each stand up to twenty-four (24) feet in length must have at least two (2) exits.

Each stand in excess of twenty-four (24) feet must have at least three (3) exits. Exit locking devices, if any, shall be easily released from the inside without special knowledge, key or effort.

9. Each stand shall maintain a two and five-tenths (2.5) gallon, 2A rated water-pressure type fire extinguisher or an ABC minimum 2A:10BC rated fire extinguisher near each exit and such extinguishers shall be kept in good working order and shall be easily accessible.
10. Signage shall not be subject to the provisions of Chapter 400 but shall meet the following requirements:
    a. No pennants, streamers, balloons, searchlights, strobe lights, beacons, inflatable signs are permitted;
    b. No portable signage or off-premise signage is permitted except as provided herein;
    c. No signage may be attached to non-commercial vehicles;
    d. Signage may not extend above or beyond the limits of the primary structure or the commercial vehicle(s) associated with the business;
    e. All signage must be attached to the primary structure being used for the sale of fireworks or to a commercial vehicle being used as storage or an integral part of the operation;
    f. No signage may be located in a public right-of-way or on public property;
    g. Total square footage of all signage viewable from any one (1) angle for one (1) location shall not exceed three hundred (300) square feet;
    h. When a location does not abut a public right-of-way and does not have direct access from such right-of-way, one (1) off-site, freestanding sign or banner not to exceed thirty-two (32) square feet shall be permitted, provided such sign does not interfere with public safety and is not within the public right-of-way. Such sign shall not contribute to the three hundred (300) square foot signage allowance.
11. Persons under sixteen (16) years of age shall not be employed upon the premises. If any person under eighteen (18) years of age is employed at a location selling fireworks, the location shall be supervised by at least one (1) person over the age of twenty-one (21).
12. Sales of fireworks shall be permitted only during the period June twenty-fifth (25th) through July fifth (5th) each year. No sales shall be permitted prior to 8:00 A.M. or after 10:00 P.M. on any day, except on July first (1st), second (2nd) and fourth (4th), upon which days the closing time may be 11:00 P.M. and July third (3rd), upon which day the closing time may be Midnight.
13. No sales of fireworks shall be made to any person under eighteen (18) years of age.
14. Licensees shall not permit smoking or any type of open flames upon the premises and shall prominently post at least two (2) signs prohibiting smoking.
15. Licensees shall not permit debris, wrappers or papers to accumulate on the premises and dumpsters shall be emptied as necessary to maintain the premises in a clean and orderly manner.
16. Licensees and employees shall not attract customers by means of flagging of vehicles or engage in any activity which obstructs or interferes with the free flow of traffic upon any street or highway.

17. Licensees shall be required to, at all times, possess and give to each paying customer, at no cost, a flyer clearly outlining both the days and times on which it is legal to set off, use, burn, explode or fire off fireworks as indicated in Section 215.1090.

E. All items permitted under Chapter 320, RSMo., except those classified as "1.4G Class C Common Fireworks" by the United States Department of Transportation, may be sold without acquiring a "fireworks stand" license.

F. Any license granted hereunder may be suspended and all sales prohibited by the Mayor and/or his/her designee upon violation of any of the provisions listed in this Section which pose a danger to the public or if any ordinance violation remains uncorrected for twenty-four (24) hours after the licensee has been given notice to correct a violation by the City. If a written request is delivered to the office of the Mayor within ten (10) days of the suspension, a hearing shall be held within ten (10) days of the receipt of such written request by the Mayor to determine the existence of the violation and the appropriateness of the suspension. Any licensee whose license has been suspended and does not request a hearing before the Mayor, or whose suspension is upheld by the Mayor, shall not be licensed in the next succeeding year for fireworks sales. (R.O. 2009 §134.21; CC 1981 §20-55; Ord. No. 83-38, 6-8-83; Ord. No. 86-51, 3-7-86; Ord. No. 86-88, 4-18-86; Ord. No. 86-143, 6-12-86; Ord. No. 89-133, 6-30-89; Ord. No. 92-170, 7-21-92; Ord. No. 92-171, 7-22-92, approved by voters 11-3-92; Ord. No. 96-148, 5-22-96; Ord. No. 98-234, 5-20-98; Ord. No. 98-256, 6-17-98; Ord. No. 03-105, 5-13-03; Ord. No. 05-143, 5-17-05; Ord. No. 05-223, 8-24-05; Ord. No. 05-240, 9-16-05; Ord. No. 07-162, 6-11-07; Ord. No. 07-237, 9-26-07)

Cross References--As to general business licensing and taxation provisions, ch. 605.

SECTION 215.1110: FIREWORKS--ENFORCEMENT AND EDUCATION

A. One-half (½) of all permit fees paid to the City as provided by Section 215.1100(C)(1) shall be used to pay wages for extra St. Charles Police Officers to patrol and monitor illegal use of fireworks within the City for the periods of June nineteenth (19th) through July second (2nd) and July sixth (6th) of each calendar year.

B. The City's cable TV station is hereby authorized and commanded to secure funding for and, if practicable, produce and develop a short segment on fireworks safety. This segment shall outline general fireworks safety principles, as well as educate the public as to the dates and times in which it will be legal to use and discharge fireworks within the City of St. Charles. The cable TV station is authorized to secure funding for this segment from any licensed seller of fireworks. (R.O. 2009 §134.22; Ord. No. 05-144, 5-17-05; Ord. No. 07-237, 9-26-07)

SECTION 215.1120: SALE AND USE OF ROCKETS AND MISSILES PROHIBITED

A. Notwithstanding any other provision within the Code of Ordinances, it shall be unlawful for any person or entity, whether licensed under this Chapter or not, to sell, purchase, discharge, donate, gift, give away or otherwise dispose of any item as defined as a rocket or missile.

B. For the purpose of this Division, a *"rocket"* is defined as a casing attached to a stick that shoots an expelling combustion from one (1) end that propels it in the air.
C. For the purpose of this Division, a *"missile"* is defined as a casing attached to fins that shoots an expelling combustion from one (1) end that propels it in the air or a collection of multiple plastic tubes contained within one (1) item that propel into the air by combustion. (R.O. 2009 §134.23; Ord. No. 05-250, 9-16-05; Ord. No. 06-153, 6-28-06; Ord. No. 07-237, 9-26-07)

SECTIONS 215.1130--215.1150: RESERVED

Division 3. Explosives Code

SECTION 215.1155: TITLE
This Division shall be known and may be cited as "The Explosives Code". (R.O. 2009 §134.30; Ord. No. 04-133, 7-7-04)

SECTION 215.1160: DEFINITIONS
For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
BLASTING AGENT: Any material or mixture consisting of a fuel and oxidizer intended for blasting, not otherwise classified herein as an explosive, in which none of the ingredients are classified as explosives provided that the finished product, as mixed and packaged for use or shipment, cannot be detonated by means of a No. 8 test blasting cap when unconfined.
BLASTING CAP NO. 8: A No. 8 test blasting cap is one containing two (2) grams of a mixture of eighty percent (80%) mercury fulminate and twenty percent (20%) potassium chlorate or a cap of equivalent strength.
COUNTY: Unless otherwise specified shall mean that part of St. Charles County outside of incorporated Cities and Towns and Villages, as well as within the City of St. Charles.
DIRECTOR: The Director of the Division of Building Code Enforcement of the Department of Community Development of St. Charles County, Missouri, and shall include authorized agents of the County Division of Building Code Enforcement of the Department of Community Development.
EXPLOSIVES AND EXPLOSIVE MATERIALS: Gunpowder used for blasting, all forms of high explosives, fuses, detonators and other detonating agents, smokeless powders and any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion containing any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that ignition by fire, by friction, by concussion, by percussion, by detonation of, by any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gas pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb; but explosives shall not include small arms ammunition, gasoline, kerosene or oils, greases or other petroleum products intended for lubrication purposes. For the purposes of this Division, explosives shall be classified as Class A, high

explosives and Class B, low explosives and said classifications shall be as follows:

1. *Class A, high explosives.* Those explosives possessing detonating qualities such as dynamite, nitroglycerin, picric acid, lead azide, fulminate of mercury, smokeless powder, blasting caps and detonating primers.
2. *Class B, low explosives.* Those explosives not otherwise specified herein as Class A explosives including, but not limited to, explosives presenting a flammable hazard such as propellant.

PERSON: Any individual, firm, co-partnership, corporation, company, association, joint stock association and including any trustee, receiver, assignee or personal representative thereof.

PYROTECHNICS: Any combustible or explosive composition or manufactured articles designated and prepared for the purpose of producing audible or visual effects which are commonly referred to as fireworks.

SINGULAR AND PLURAL: Words used in the singular number shall include the plural and in the plural the singular.

SCALED DISTANCE: The actual distance (in feet) to the nearest structure, divided by the square root of the maximum explosive weight (in pounds) per eight (8) millisecond or greater delay. If delay intervals less than eight (8) milliseconds are employed or if instantaneous blasting is employed, scaled distance shall be computed by dividing the actual distance (in feet) by the square root of the total explosive weight in pounds.

SMALL ARMS AMMUNITION: Any shotgun, rifle, pistol or revolver cartridge.

UNCONTROLLED STRUCTURES: Any building not owned or controlled by the explosives user. (R.O. 2009 §134.31; Ord. No. 04-133, 7-7-04)

SECTION 215.1165: SCOPE

This Division shall apply to the manufacture, storage, sale, transportation or use of explosives and blasting agents in the County. It shall not apply to the discharge of fireworks or pyrotechnics and small arms ammunition when discharged in connection with hunting or target shooting or other lawful uses connected with firearms. (R.O. 2009 §134.32; Ord. No. 04-133, 7-7-04)

SECTION 215.1170: EXCEPTION--MILITARY OR GOVERNMENTAL USE

Nothing contained in this Division shall be construed as applying to the regular military or naval forces of the United States, the duly authorized militia of the State, the Police or Fire Departments or to regular employees of the County in the proper performance of their official duties. (R.O. 2009 §134.33; Ord. No. 04-133, 7-7-04)

SECTION 215.1175: EXCEPTION--AMOUNT OF EXPLOSIVES

It shall be unlawful for any person to possess, store, stock or hold for resale any amount of explosives, blasting agents or blasting caps unless such person has first obtained a written permit therefor from the Director as hereinafter provided, except for the following items and amounts:

1. Smokeless gun powder for hand loading of small arms ammunition.
2. Thirty (30) pounds of explosives or blasting agents in industrial research

laboratories and laboratories of technical institutes, colleges, universities and similar institutions.

3. Retail or wholesale sales of gun powder for hand loading of small arms ammunition.

All exceptions listed herein are subject to the Federal Explosives Law PL91-452 and amendments. (R.O. 2009 §134.34; Ord. No. 04-133, 7-7-04)

SECTION 215.1180: PERMIT--STORAGE OF EXPLOSIVES--REQUIREMENTS

Application for such permit to possess, store, stock or hold for sale those items shall be made to the Director on forms provided and shall contain the following information:

1. Name of applicant.
2. Address of applicant.
3. Place of business.
4. Occupation.
5. Age.
6. Experience in the use of explosives and such other information relative thereto as the Director may prescribe or require.
7. Maximum amount of each kind of explosives, blasting agents or blasting caps applicant intends to store or stock at any one (1) time and the location and type of construction of the magazine or storage place of same. (R.O. 2009 §134.35; Ord. No. 04-133, 7-7-04)

SECTION 215.1185: PERMIT SHALL BE GRANTED--WHEN

A person shall be entitled to a permit to store or stock explosives or blasting agents in the County who has met the following requirements:

1. Filed an application as provided.
2. Secured whatever construction, occupancy or other permits which the applicant may otherwise be required by law to obtain.
3. Obtained a proper storage facility for the storage of such explosives as the same may be required by this Division. (R.O. 2009 §134.36; Ord. No. 04-133, 7-7-04)

SECTION 215.1190: PERMIT TO EXPLODE OR BLAST REQUIRED--BLASTER'S LICENSE

A. It shall be unlawful, without first having received a permit from the Director, to explode or cause to be exploded any gunpowder, dynamite, giant powder, gun cotton or other explosive for the purpose of blasting out rock, gravel, earth or other like substance within the County.

B. No person shall use or detonate explosives unless he/she is in possession of a valid license obtained from the Director to use explosives for blasting purposes. This license shall be known as a blaster's license. For the purpose of this Division, the Director is authorized to publish qualifications necessary for an applicant to obtain a blaster's license. Such qualifications shall take into consideration age, training education and experience in the knowledge and use of explosives and shall include a written examination. A license shall be issued by the Director to any applicant meeting the

requirements set forth by the Director for such a license. Anyone currently licensed as a blaster by other governmental agencies shall be eligible for a license without taking an exam.

C. The handling of explosives may be performed by other employees provided the work is done under the direct supervision of the person holding the permit to use explosives and providing such employees are at least twenty-one (21) years of age.

D. The person possessing a valid blaster's license shall be in charge of all blasting operations. If there is more than one (1) person possessing such a license on any one (1) operation, one (1) will be designated as being blaster in charge and shall be responsible for the entire operation. (R.O. 2009 §134.37; Ord. No. 04-133, 7-7-04)

SECTION 215.1195: APPLICATION FOR PERMIT TO BLAST--REQUIREMENTS

A. Application for a permit to use explosives shall be made to the Director on forms provided and shall contain the following information:
   1. Name of applicant.
   2. Address of residence.
   3. Place of business.
   4. Occupation.
   5. Age.
   6. The location where the blasting is to be done, the type of blasting material to be used in each charge, the maximum charge with the required delay, approximate location of charges and the manner in which the material is to be detonated.
   7. The approximate times and dates of blasting. A blasting permit shall only be valid for period not to exceed ninety (90) days, unless it is an ongoing mining operation. A blasting permit for mining shall be renewed on an annual basis.
   8. The name, age and address of the blaster or blasters who shall be the person or persons who shall actually detonate or have actual charge of the detonation of any explosive or blasting agent.
   9. Blaster's license number.

B. In addition to the above information, there shall be attached to the application for a permit to blast the following: A certificate of liability insurance in the minimum amount of one million dollars ($1,000,000.00) for injury to persons and property resulting from the blasting operations. Such insurance shall be carried in a firm or corporation which has been duly licensed or permitted to carry on such business in the State of Missouri and shall be kept and maintained continuously in force and effect for the duration of the blasting permit. (R.O. 2009 §134.38; Ord. No. 04-133, 7-7-04)

SECTION 215.1200: BLASTING--RULES AND REGULATIONS

All blasting operations within the County shall be conducted in strict accordance with the following rules and regulations and it shall be unlawful for any person to fail to observe and follow said rules and regulations when blasting. In the event there is a violation of said rules and regulations, the Director shall have the power and it shall be his/her duty to revoke the blasting permit issued in connection with the operation, revoke the license of the blaster in charge, all in accordance with the terms of this Division and, in addition,

the violator or violators may be punished as otherwise provided by this Division for violations thereof.

1. Blasting operations shall be carried on with the smallest possible number of persons present.
2. Before firing any blast, all means of access to the danger zone, the extent of which shall be determined by the blaster, but in no case to be closer to the explosion than the blaster, shall be effectively guarded to exclude all unauthorized personnel. When practical, the blaster shall then sound a warning of sufficient intensity and duration to be distinctly audible to all persons within the danger zone and all such persons shall retire beyond the danger zone. The danger zone shall then be examined by the blaster to make certain that all persons have retired therefrom to a place of safety. No blast shall be fired while any person is in the danger zone.
3. When the point of explosion is within three hundred (300) feet of a roadway, the blaster shall, just prior to the blast, designate a sufficient number of employees of the operator, each carrying a red warning flag, to stop all vehicular and pedestrian traffic on each possible route of travel within three hundred fifty (350) feet of the point of explosion until the blast has been fired.
4. No person shall return to the danger zone until permitted to do so by the blaster as announced by audible or visual signal.
5. Immediately following the blast the area shall be examined by the blaster for evidence of misfired charges.
6. All misfires shall be reported at once to the superintendent or manager who shall then determine the safe and proper method of disposal. The unexploded charge shall be detonated if such can be accomplished without risk of injury to personnel or damage to property.
7. When electric blasting caps are transported in a motor vehicle equipped with a radio transmitter, they shall either be in their original package or stored in a closed metal box that is lined with a cushioning material such as wood or sponge rubber. When the electric caps are being placed into or removed from the box, the transmitter shall not be used.
8. Unless otherwise expressly authorized in writing by the Director, all blasting operations shall be conducted at no less distance from any fixed or mobile radio transmitter than indicated in the following table:

Transmitter Power Output In Watts	***Minimum Distance From Blasting Operations Using Electric Blasting Caps In Feet***
5--25	100
25--50	150
50--100	220
100--250	350
250--500	450
500--1,000	650
1,000--2,500	1,000
2,500--5,000	1,500
5,000--10,000	2,200
10,000--25,000	3,500
25,000--50,000	5,000
50,000--100,000	7,000

When it can be demonstrated by means of approved tests that electric blasting may be carried out at lesser distances from the transmitter than required by the table shown, the Director may allow a variation from the requirements of said table.

When blasting operations are located near highways or other public ways, signs shall be erected at least five hundred (500) feet from the blast areas reading: *"BLAST AREA -- SHUT OFF ALL TWO-WAY RADIOS"*. The letters of these signs shall be not less than four (4) inches in height on a contrasting background.

9. Under no circumstances shall the amount of explosives taken within three (300) feet of a potential point of explosion exceed the amount estimated by the blaster as necessary for the blast. Such explosives shall be stacked in piles at least twenty-five (25) feet from the nearest holes being loaded and at such distances apart and that any premature explosion will not be likely to propagate from one pile to another.
10. The explosives containers, if any, shall be opened at the pile and carried up to the hole, one (1) case or unit at a time for immediate loading or placed at a loading station not less than six (6) feet from the hole, except that not more than one hundred (100) pounds of explosives shall be allowed at the loading station at any one (1) time. All empty explosives containers (boxes, bags, crates, etc.) shall be properly disposed of, daily, in a safe manner.
11. Explosives shall be distributed in such a manner that the distances from storage piles to the allowable maximum quantity of one hundred (100) pounds of explosives at the loading station or between such one hundred (100) pound loading station piles shall not be less than the quantities shown in the following quantity-distance table:

Pounds of Explosives	***Distance Between Piles of Explosives in Feet***
Up to 50	21
100	25
200	32
300	37
400	41
500	44
750	50
1,000	55
1,500	64
2,000	70
2,500	75
5,000	96
10,000	123

12. Excessively large amounts of explosives shall not be delivered to the loading area at one (1) time. If deliveries of explosives are made by truck, the quantity permitted at or near the loading operations shall be limited to one (1) truck load. Other trucks loaded with explosives shall wait or be unloaded in separate safe places away from the loading operations.
13. Explosives in excess of immediate requirements, when removed from the main storage magazine and delivered in the vicinity of a blasting operation, shall be stored in a Class II magazine.

14. Caps shall not be brought to the loading area nor attached to the detonating fuse until all is in readiness to fire the blast.
15. Blast matting (which may include earth) shall be required when blast operations and/or geological conditions create fly rock that could damage or injure persons or property.
16. In all blasting operations, except as hereinafter otherwise provided, the maximum peak particle velocity of any one (1) or three (3) mutually perpendicular components of the ground motion in the vertical and horizontal directions shall not exceed one (1) inch per second at the property line of the blast site. The Director may grant an exception to the rule when it is not an ongoing blasting operation.
17. Seismographic instrumentation shall be required on any blast site where the nearest uncontrolled structure or public utility is located within a scaled distance of sixty-five (65). An *"uncontrolled structure"* is defined as any occupied building not owned or controlled by the explosives user. The seismograph shall be placed at or near the closest uncontrolled structure(s).
18. Instrumentation shall be in good operating condition and be properly calibrated with a current (within one (1) year of date of use) calibration sticker affixed to each instrument. If an instrument(s) is found to be not operating properly or out of calibration, blasting operations shall be halted until the appropriate repairs or recalibration are performed or a proper instrument(s) is provided. Seismograph operator shall be trained in the use of that instrument(s).
19. Blasting operations without instrumentation will be considered as being within the limits set forth in this Subsection if at a specified location on at least five (5) blasts instrumentation has shown that the maximum peak particle velocity at the specified location is fifty percent (50%) or less of the limit set forth in this Subsection and with written permission from the Director, provided that for all future blasts the scaled distance is equal to or greater than the scaled distance for the instrumental blast. However, if a scaled distance less than thirty-five (35) is employed, a seismograph is required regardless of the seismic readings of previous blasts. *"Scaled distance"* means the actual distance in feet divided by the square root of the maximum explosive weight in pounds that is detonated per delay period for delay intervals of eight (8) milliseconds or greater. If delay intervals less than eight (8) milliseconds are employed or if instantaneous blasting is employed, scaled distance shall be computed by dividing the actual distance in feet by the square root of the total explosive weight in pounds. Blasting operations which would result in ground vibrations that would have a particle velocity of any one (1) of three (3) mutually perpendicular components in excess of three-tenths (.30) inches per second and a frequency of less than twenty (20) Hertz at any uncontrolled structure is prohibited. In addition, blasting is prohibited below the frequency of three (3) Hertz. Blasting at frequencies of twenty (20) Hertz to thirty (30) Hertz shall not exceed a particle velocity of any one (1) of three (3) mutually perpendicular components of five-tenths (.50) inches per second. Blasting at frequencies above thirty (30) Hertz shall not exceed a particle velocity of any one (1) of three (3) mutually perpendicular components of eight-tenths (.80) inches per second. The Director may grant an exception to the

requirements of this Subsection for blasting operations of less than thirty (30) days' duration, provided that such operations do not exceed the following limits at the nearest uncontrolled structure:

a. The maximum peak particle velocity of any one (1) of three (3) mutually perpendicular components of the ground motion in the vertical and horizontal directions shall not exceed five-tenths (.50) inches per second for blasts below ten (10) Hertz or one (1.0) inches per second for blasts from ten (10) to thirty (30) Hertz or two (2.0) inches per second for blasts above thirty (30) Hertz.
b. The maximum air blast shall not to exceed one hundred twenty (120) decibels at two (2) Hertz-flat response and above.

20. *Airblast limitations and measurements.*
    a. Airblast shall be controlled so that it does not exceed the maximum limit specified below at any uncontrolled structure. Airblast monitoring equipment shall be used for all blasts at the nearest uncontrolled structure and records of that monitoring shall be retained for at least one (1) year for review by and production to the Director.

Lower Frequency Limits of Measuring System, Hz (+ 3dB)	***Maximum Level in dB***
2 Hertz or higher -- flat response	120 peak

    b. All measuring systems used shall have a flat frequency response of at least two hundred (200) Hz at the upper end.
21. When blasting in the vicinity of uncontrolled structures, the explosives users will determine the structures lying within a scaled distance of thirty-five (35). The distance will be determined by the following:

D = 35€W. Where D is the distance limit and W is the maximum charge weight per eight (8) ms delay interval. The explosives user shall contact the owners of structures within the distance limit and offer to have a pre-blast inspection performed on their structure at no cost to the owner. (R.O. 2009 §134.39; Ord. No. 04-133, 7-7-04)

SECTION 215.1205: BLASTING AGENTS--TRANSPORTATION, STORAGE AND USE

Unless otherwise set forth in this Division, blasting agents shall be transported, stored and used in the same manner as explosives. Storage of explosives shall comply with the Fire Prevention Code of St. Charles County, Section 500.060, Ordinances of St. Charles County, Missouri, as amended. (R.O. 2009 §134.40; Ord. No. 04-133, 7-7-04)

SECTION 215.1210: BUILDINGS USED FOR MIXING OF BLASTING AGENTS--LOCATION

Buildings or other facilities used for mixing blasting agents shall be located with respect to inhabited buildings, passenger railroads and public highways in accordance with the latest edition of the Fire Prevention Code of St. Charles County, Section 500.060, Ordinances of St. Charles County, Missouri, as amended. (R.O. 2009 §134.41; Ord. No. 04-133, 7-7-04)

SECTION 215.1215: USE OF BLASTING AGENTS

Persons using blasting agents shall comply with all of the applicable provisions of this Division for the use of explosives. (R.O. 2009 §134.42; Ord. No. 04-133, 7-7-04)

SECTION 215.1220: RECORDS

A. A record known as a log shall be kept for every blast.
B. A blasting record, known as a log, shall be kept on the site of any blasting operations. This log shall be made available to the Director or authorized agents upon demand. This record shall be maintained available for inspection for a period of six (6) months after such blasting operations are completed.
C. Minimum recorded data shall be as follows:
    1. Amount of explosives used (weight).
    2. Kind of blasting caps, distribution of instantaneous or short-period delay blasting caps or both; delay interval used; order of firing by switch.
    3. Weather conditions including direction and approximate velocity of wind; atmospheric temperature; relative humidity; cloud conditions.
    4. Date and time of firing of blast.
    5. Name of person in responsible charge of loading and firing; blaster's permit number.
    6. Name and location of blasting site.
    7. Signature and title of person making report.
D. Any falsification, alterations or misrepresentation of any records of blasting operations will be cause for suspension or revocation of blasting permits and blaster's license. (R.O. 2009 §134.43; Ord. No. 04-133, 7-7-04)

SECTION 215.1225: FEES

The following fees are hereby established for the licenses and permits required by this Division:

Annual blaster's license
$100.00
Annual permit to store, stock or hold explosives for resale
Class I magazine
$150.00
Class II magazine
$ 75.00
Blasting permit, per location
$100.00

(R.O. 2009 §134.44; Ord. No. 04-133, 7-7-04)

SECTION 215.1230: VENDOR TO KEEP RECORD OF SALES--DUTIES

A. Every person who has a permit to store, stock or store for resale explosives as defined herein shall be required to maintain a bound ledger and shall record or cause to be recorded therein the following information in connection with every sale, vending or other disbursement of explosives:

1. Name of vendee.
2. Address of vendee.
3. Date and time of sale.
4. Type of explosive.
5. Quantity of explosive.

B. Such record shall be open to inspection by the Director or authorized agents during usual business hours. No licensed user of explosives or blasting agents shall be allowed to resell explosives or blasting agents except by the written authorization of the Director. (R.O. 2009 §134.45; Ord. No. 04-133, 7-7-04)

Cross Reference--As to penalty, §100.150.

SECTION 215.1235: HOURS DURING WHICH BLASTING PROHIBITED

It shall be unlawful for any person to explode or cause to be exploded, any gunpowder, dynamite, giant powder, gun cotton or other explosives as herein defined for any purpose during the hours of 6:00 P.M. to 8:00 A.M. except that a special permit to use explosives during the hours of 6:00 P.M. to 8:00 A.M. may be issued by the Director when the Director determines that conditions beyond the control of the person seeking a special permit prevent such person from using explosives during regular hours permitted. (R.O. 2009 §134.46; Ord. No. 04-133, 7-7-04)

Cross Reference--As to penalty, §100.150.

SECTION 215.1240: RECKLESS AND WANTON HANDLING OF EXPLOSIVES PROHIBITED

No person shall load, unload or otherwise handle explosives in a reckless and wanton manner, thereby endangering the life, limb or property of any person. (R.O. 2009 §134.47; Ord. No. 04-133, 7-7-04)

Cross Reference--As to penalty, §100.150.

SECTION 215.1245: RIGHT OF INSPECTION

A. The Director or the Sheriff's Department Bomb Squad may, at any reasonable time, inspect premises, buildings and installations used for storage or sale of explosives or blasting agents or any premises on which blasting operations are being conducted for the purpose of determining whether the provisions of this Division are being complied with.
B. The Director or the Sheriff's Department Bomb Squad may, during normal business hours, enter and inspect the premises, including places of storage, of any licensed importer, licensed manufacturer, licensed manufacturer-limited, licensed dealer or permittee for the purpose of inspecting or examining any documents and records required to be kept by such person by law and any explosive materials kept or stored by such person.
C. Any person who shall hinder or obstruct the Director or authorized agents or the Sheriff's Department in the performance of his/her official duties shall be guilty of a violation of the provisions of this Division and, upon conviction thereof, shall be punished as provided in Article X of the St. Charles County Code of Ordinances. (R.O. 2009 §134.48; Ord. No. 04-133, 7-7-04)

Cross Reference--As to penalty, §100.150.

SECTION 215.1250: INSPECTION OF FIRE OR ACCIDENT SCENE

The Director or any authorized agent may inspect the site of any accident or fire in which there is reason to believe any explosive materials were involved. The Director or any authorized agents, at any reasonable time, enter into or upon any property where explosive materials have been used or are suspected of having been used or have been found in an otherwise unauthorized location. The Director shall notify the Sheriff's Department Bomb Squad when it has reason to believe that explosive materials were involved in any accident or fire. (R.O. 2009 §134.49; Ord. No. 04-133, 7-7-04)

SECTION 215.1255: VIOLATION ON INSPECTION--NOTICE TO VIOLATOR

If upon inspection a violation of this Division is found to exist, the Director shall file with the person holding the permit a notice citing the violation and ordering its correction. If such order is not complied with within the time period specified in the notice, which may require immediate compliance, the Director may suspend any permit or license issued to the person involved. Nothing herein relating to revocation of permits shall be construed to abrogate or suspend any proceedings against or prosecution of the violator which may be instituted against the violator under the provisions of this Division. (R.O. 2009 §134.50; Ord. No. 04-133, 7-7-04)

SECTION 215.1260: CONFLICT WITH STATE OR FEDERAL REGULATION OF EXPLOSIVES--SUSPENSION

During such time as any provision herein shall conflict with any State or Federal Statute or regulation, such provision herein conflicting shall be suspended. (R.O. 2009 §134.51;

Ord. No. 04-133, 7-7-04)

SECTION 215.1265: STOLEN EXPLOSIVES

No person shall, with the intent of depriving the owner of lawful possession thereof, use, possess, receive, conceal, transport, sell or dispose of any stolen explosive materials knowing or having reasonable cause to believe such materials were stolen. (R.O. 2009 §134.52; Ord. No. 04-133, 7-7-04)

Cross Reference--As to penalty, §100.150.

SECTION 215.1270: THEFT OR LOSS OF EXPLOSIVES

Any person who has knowledge of the theft or loss of any explosive materials shall immediately report such theft or loss to the Director who shall then notify the St. Charles County Sheriff's Department and its Bomb Squad. (R.O. 2009 §134.53; Ord. No. 04-133, 7-7-04)

SECTION 215.1280: RIGHT TO APPEAL

A. Any applicant, permittee or other person aggrieved by any order of the Director issued pursuant to this Division, except the revocation of a permit which is covered elsewhere in this Division, may file an appeal in writing with the Director within ten (10) days of such order and the Director shall fix a time and place for hearing to be held not less that thirty (30) days of the filing of appeal. The Building Commission shall hear all appeals and determine, by majority, that the Director acted in accordance with this Division. All evidence offered at the hearing shall be preserved by the Director and oral testimony shall be recorded verbatim. All cost for said appeal shall be paid by the person(s) requesting the appeal. A deposit of one hundred dollars ($100.00) shall be filed with the written appeal.

B. The decision and action of the Director at the hearing to revoke the permit shall be reviewable in a court of competent jurisdiction by a writ or certiorari filed by the permittee so affected or by any other person aggrieved by the action of the Director, within ten (10) days after said decision in writing has been made and forwarded to said permittee. (R.O. 2009 §134.55; Ord. No. 04-133, 7-7-04)

SECTION 215.1285: PENALTY

Any person who violates any of the provisions of this Chapter for which no other penalty is set forth shall be subject to the penalty set forth in Section 100.150 of this Code of Ordinances. (R.O. 2009 §134.99)

ARTICLE VI. DRUG OFFENSES

Cross Reference--As to penalty, §100.150.

Division 1. General Provisions

SECTION 215.1290: 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.

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

SECTION 215.1295: 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.

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

SECTION 215.1300: 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.

SECTION 215.1305: 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.

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

SECTION 215.1310: 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.

SECTION 215.1315: 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 215.1310 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.

SECTION 215.1320: POSSESSION OR PURCHASE OF SOLVENTS TO AID OTHERS IN VIOLATIONS, PROHIBITED--VIOLATIONS

OF SECTIONS 215.1310 TO 215.1315--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 215.1310 and 215.1315 hereof.
B. Any person who violates any provision of Sections 215.1310--215.1320 is guilty of an ordinance violation for the first (1st) violation.

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

SECTION 215.1325: EPHEDRINE CONTROL

A. *Definitions.* For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
COUNTER: Any obstructive, physical barrier that separates ephedrine products from access by a customer or the general public and which makes such products available to a customer or the general public only through or by the act of an employee of the seller.
EPHEDRINE: All forms of ephedrine, pseudoephedrine, ephedrine hydrochloride, pseudoephedrine hydrochloride, phenylpropanolamine and all combinations of these chemicals.
EPHEDRINE PRODUCT: Any product that contains ephedrine, its salts, isomers or salts of isomers as its sole active ingredient or in combination with less than therapeutically significant quantities or other active ingredients.
PACKAGE: Any number of pills, tablets, capsules, caplets or individual units of a substance held within a container intended for sale.
PERSON: Any individual, corporation, partnership, trust, limited liability company, firm, association or other entity selling an ephedrine product to customers.
SELL: To knowingly furnish, give away, exchange, transfer, deliver, surrender or supply, whether for monetary gain or not.
B. *Restrictions On Public Access To Ephedrine Products.* It shall be unlawful for any person to display or offer to sell any ephedrine product unless the ephedrine product is placed behind a counter.
C. *Exception.* The prohibition contained in Subsection (B) above shall not apply to the sale of animal feed containing ephedrine or dietary supplement products containing naturally occurring or herbal ephedra and extract of ephedra.
D. *Reporting Theft Of Ephedrine Products.*
    1. Any person who sells ephedrine products and who discovers a theft, disappearance or other loss of an ephedrine product shall report the theft, disappearance or loss in writing to the St. Charles Police Department within three (3) calendar days of such a discovery.
    2. Any person who sells ephedrine products shall report to the St. Charles Police Department any difference between the quantity of ephedrine products shipped and the quantity of ephedrine products received within three (3) calendar days of discovery. (R.O. 2009 §96.11; Ord. No. 02-283, 12-13-02)

SECTIONS 215.1330--215.1345: RESERVED

Division 2. Synthetic Cannabinoids

SECTION 215.1350: DEFINITIONS
For the purpose of this Division, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
ILLEGAL SMOKING PRODUCT: Any substance, whether described as tobacco, herbs, incense, spice or any blend thereof, which includes any one (1) or more of the follow chemicals:

1. 2-[(1R, 3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol (also known as CP47, 497) and homologues;
2. (6As, 10aS)-9-(hydroxmethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydro benzo[c]chromen-1-ol)(also known as HU-211 or Dexanabinol);
3. 1-Pentyl-3-(1-naphthoyl) indole (also known as JWH-018); or
4. Butyl-3-(1--naphthoyl) indole (also known as JWH-073);

regardless of whether the substance is marketed for the purpose of being smoked.
PERSON: An individual, corporation, partnership, entity, wholesaler, retailer or any licensed or unlicensed business. (Ord. No. 10-62 §1, 4-13-10)

SECTION 215.1355: SALE, GIFT, OFFER OR DISPLAY UNLAWFUL
It shall be unlawful for any person to sell, offer to sell, gift or publicly display for sale any illegal smoking product. (Ord. No. 10-62 §1, 4-13-10)

SECTION 215.1360: POSSESSION UNLAWFUL
It shall be unlawful for any person to knowingly possess any illegal smoking product. (Ord. No. 10-62 §1, 4-13-10)

SECTION 215.1365: PENALTY
Any person violating Section 215.1355 or 215.1360 of the Code of Ordinances of the City of St. Charles shall be guilty of an ordinance violation and subject to the penalty set forth in Section 215.1405(A). A separate offense shall be deemed committed for each sale, offer to sell, gift or public display for sale. Any person violating Section 215.1355 or 215.1360 a second (2nd) or subsequent time shall be guilty of an ordinance violation and upon a plea of guilty or a finding of guilt shall be subject to a sentence of no less than a fine of five hundred dollars ($500.00). (Ord. No. 10-62 §1, 4-13-10)

SECTIONS 215.1370--215.1385: RESERVED

Division 3. Drug Paraphernalia And Controlled Substances

SECTION 215.1390: DELIVERY TO MINORS
Any person eighteen (18) years of age or over who violates Section 215.1305 by

delivering drug paraphernalia to a person under eighteen (18) years of age who is at least three (3) years his/her junior is guilty of a separate and special offense and upon conviction shall be subject to the penalty set forth in Section 215.1405. (R.O. 2009 §135.22; CC 1981 §20-134; Ord. No. 82-14, 3-17-82)

Cross Reference--As to penalty, §215.1405.

SECTION 215.1395: ADVERTISING

It is unlawful for any person to place in any newspaper, magazine, handbill or other publication any advertisement knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. (R.O. 2009 §135.23; CC 1981 §20-135; Ord. No. 82-14, 3-17-82)

Cross Reference--As to penalty, §215.1405.

SECTION 215.1400: POSSESSION, DISTRIBUTION OR DELIVERY OF MDPV PROHIBITED--PENALTY

A. For purposes of this Section, the following words mean:
DELIVER: The actual, constructive, or attempted transfer from one person to another of MDPV, whether or not there is an agency relationship, and includes a sale.
DISTRIBUTE: To deliver other than by administering or dispensing MDPV.
MDPV: Includes any material, compound, mixture or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers of 3.4 Methylenedioxyprovalerone, Methylone, Mephedrone, 4-methoxymethcathinone, 4-Fluoromethcathinine, and 3-Fluoromethcathinone.
POSSESS: With the knowledge of the presence and nature of a substance, either actually or constructively in control of a substance. A person has actual possession if he/she has the substance on his/her person or within easy reach and convenient control. A person who, although not in actual possession, has the power and intention at a given time to exercise dominion or control over the substance either directly or through another person or persons is in constructive possession of it.
B. It shall be unlawful for any person to possession, distribute or deliver any substance containing MDPV.
C. The penalty for violation of this Section is set forth in Section 100.150 of the Code of Ordinances. (Ord. No. 11-77 §1, 4-20-11)

SECTION 215.1405: PENALTY

A. Any person who violates the provisions of Section 215.1355, 215.1360 or 215.1390 shall be confined in the City Prison for a term of not more than one (1) year or be fined not less than fifty dollars ($50.00) nor more than one thousand dollars ($1,000.00), or be punished by both such confinement and fine.
B. Any person who shall violate Section 215.1395 and no penalty is otherwise provided, shall pay a civil penalty as follows:

Section	*Offense*	*First Offense*	*Second Offense*	*Third and Subsequent Offenses*
215.1395	Advertisement of drug paraphernalia	$100.00	$300.00	$500.00

(R.O. 2009 §135.99; CC 1981 §§20-131, 20-134, 20-136; Ord. No. 75-73, 12-10-75; Ord. No. 82-14, 3-17-82; Ord. No. 10-62 §2, 4-13-10)

SECTIONS 215.1410--215.1450: RESERVED

ARTICLE VII. PUBLIC HEALTH AND SAFETY OFFENSES

Cross Reference--As to penalty, §100.150.

Division 1. Public Safety

SECTION 215.1460: 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.

Cross Reference--As to penalty, §100.150.

SECTION 215.1470: CISTERNS, WELLS AND DANGEROUS EXCAVATIONS TO BE SECURELY FENCED AND COVERED

It shall be the duty of every owner or occupant of an unenclosed lot of ground in this City having a cistern or well, or both, or any other deep or dangerous excavation thereon to cover or fence the same with a close, secure and substantial cover or fence and to keep and maintain the same so as to prevent persons or animals from falling therein. (R.O. 2009 §96.07; CC 1981 §20-51)

Cross Reference--As to penalty, §100.150.

SECTIONS 215.1480--215.1500: RESERVED

Division 2. Public Health

SECTION 215.1510: TATTOOING RESTRICTED
It shall be unlawful for any person to conduct the business of, solicit or offer to perform or perform any tattooing upon a live human body unless such person be a licensed medical or osteopathic doctor or physician. (R.O. 2009 §96.08; CC 1981 §20-58; Ord. No. 82-27, 4-21-82)

Cross Reference--As to penalty, §100.150.

SECTION 215.1520: SALE OF BODY PIERCING INSTRUMENTS TO PERSONS UNDER EIGHTEEN YEARS OF AGE PROHIBITED
It shall be unlawful for any person to sell or offer to sell in the City of St. Charles to any person under eighteen (18) years of age any device or instrument designed for the piercing of the human body or its skin, which device or instrument has as a purpose the attachment of objects of adornment to the human body. (R.O. 2009 §96.10; Ord. No. 97-278, 8-25-97)

SECTIONS 215.1530--215.1570: RESERVED

ARTICLE VIII. OFFENSES CONCERNING TOBACCO

Cross Reference--As to penalty, §100.150.

Division 1. In General

SECTION 215.1580: SMOKING IN ELEVATORS
It shall be unlawful for any person to smoke or to carry any lighted or burning tobacco in any form onto any elevator used by the general public. Any person who shall violate the provisions of this Section upon conviction shall be punished as provided in Section 100.150. (R.O. 2009 §96.04; CC 1981 §14-5; Ord. No. 79-15, 2-14-79)

Cross Reference--As to penalty, §100.150.

SECTIONS 215.1590--215.1610: RESERVED

Division 2. Offenses Concerning Tobacco And Minors

Cross Reference--As to minors--curfew, §§215.340 et seq.

SECTION 215.1620: DEFINITIONS
For purposes of this Division, 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.

SECTION 215.1630: 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 215.1660 of this Division 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);
    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 Division, 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 215.1660, 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 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.

SECTION 215.1640: 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.

SECTION 215.1650: 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.

SECTION 215.1660: 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 (½) 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".

SECTION 215.1670: 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.

SECTION 215.1680: 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 215.1630 of this Division. No person shall be liable for more than one (1) violation of Subsections (B) and (C) of Section 215.1630 on any single day.

SECTIONS 215.1690--215.1750: RESERVED

ARTICLE IX. MISCELLANEOUS OFFENSES

Cross Reference--As to penalty, §100.150.

SECTION 215.1760: PUTTING DEAD ANIMALS AND THE LIKE INTO POTABLE WATER

It shall be unlawful for any person to put or cause to be put any dead animal carcass or any part thereof or any fowl, offal or any other filth into any well, cistern, spring, reservoir, water tank, drinking fountain, trough or basin used for drinking purposes or into any brook or branch within this City, which is or may be used for household or domestic purposes or the water of which is or may be used by the public for drinking purposes. (R.O. 2009 §96.01; CC 1981 §14-3; Ord. No. 90-256, 10-4-90)

Cross Reference--As to penalty, §100.150.

SECTION 215.1770: DISPOSITION OF ANIMAL CARCASSES

Every person owning or caring for any animal that has died from any cause shall dispose of the animal carcass within twenty-four (24) hours after knowledge of such death, either

by arranging for a person permitted under Chapter 269, RSMo., to dispose of or transport it, or by the owner or person entitled to such body causing the same to be deposited in a permitted sanitary landfill notwithstanding any other provision of the law or rule to the contrary, allowing it to be buried in a sanitary landfill or buried, incinerated, composted, or disposed of in a manner approved by the State veterinarian within the twenty-four (24) hour period upon his/her own or any other available premises, provided that such disposition is in accordance with the provisions of Subsection (2) of Section 269.020, RSMo.

CHAPTER 220: HEALTH, SAFETY AND SANITATION--NUISANCES

Cross References--As to animals, ch. 210; as to noise, ch. 230; as to trees and shrubs, weeds, ch. 225.

ARTICLE I. GENERAL PROVISIONS

SECTION 220.010: MOSQUITO BREEDING PLACES

A. *Defined.* For the purpose of this Section, the following definition shall apply unless the context clearly indicates or requires a different meaning.
MOSQUITO BREEDING PLACES: Collections of water in which mosquitoes breed or are likely to breed are those contained in ditches, ponds, pools, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs (except horse troughs in frequent use), urns, cans, boxes, bottles, tubs, buckets, defective house roof gutters, tanks of flush closets or other water containers.

B. *Evidence.* The natural presence of mosquito larvae in standing or running water shall be evidence that mosquitoes are breeding therein.

C. *Treatment.* Collections of water in which mosquitoes breed or are likely to breed shall be treated by such one (1) or more of the following methods as shall be approved by the Director of Community Development:
   1. Screening with wire netting of at least sixteen (16) meshes to the inch each way or any other material which will effectually prevent the ingress or egress of mosquitoes.
   2. Complete emptying every seven (7) days of unscreened containers, together with their thorough drying or cleansing.
   3. Using a larvicide approved and applied under the direction of the Director of Community Development or his/her designee.
   4. Covering completely the surface of the water with kerosene, petroleum or paraffin oil once every seven (7) days.
   5. Cleaning and keeping sufficiently free of vegetable growth and other obstructions and stocking with mosquito-destroying fish.
   6. Filling or draining to the satisfaction of the Director of Community Development or his/her designee.

7. Proper disposal, by removal or destruction, of tin cans, tin boxes, broken or empty bottles and other articles likely to hold water. (R.O. 2009 §96.09; CC 1981 §14-41; Ord. No. 80-58, 6-3-80)

ARTICLE II. NUISANCES

SECTION 220.020: NUISANCES ENUMERATED

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

1. Any act done or committed or suffered to be done or committed by any person or any substance or things kept, maintained, placed or found in or upon any public or private place within the City which is injurious or dangerous to the public health or the manufacturing or vending of any article obnoxious to the health of the inhabitants of the City;
2. Any business carried on or pursuit followed or act done by any person to the hurt, injury, annoyance, inconvenience or damage of the public;
3. Any stockyard, slaughterhouse or any similar business which may be dangerous or detrimental to the public health in the City or within one (1) mile of the corporate limits thereof;
4. Any pond or pool of stagnant water upon any premises and any foul or dirty water or liquid when discharged through any drain, pipe or spout or thrown into or upon any street, thoroughfare or premises to the injury and annoyance of the public;
5. Any collection of standing or flowing water in which mosquitoes breed or are likely to breed, unless such collection of water is treated so as to effectively prevent such breeding;
6. Any privy or private vault kept in such a condition as to emit offensive, noxious or disagreeable odor and any substance emitting an offensive, noxious, unhealthy or disagreeable effluvium in the neighborhood where it exists. Any carcass of a dead animal which the owner or keeper permits to remain within the limits exceeding twenty (20) hours after death;
7. Any obstruction caused or permitted on any street or sidewalk to the danger or annoyance of the public and any stones, dirt, garbage, filth, slops, vegetable matter or other articles thrown or placed by any person on or in any street, alley, sidewalk or other public place or on any premises or any body or stream of water within the City which in any way may cause or is liable to cause any injury or annoyance to the public;
8. Confining or keeping within the City any animals or fowl in any unclean or filthy pen, shed or other enclosure so as to be a nuisance;
9. The keeping of hogs;
10. The keeping of horses, mules, sheep, goats, pigs or other animals in or under any dwelling;
11. Any cellar, vault, private drain, pool, privy, sewer or sink upon any premises permitted to become nauseous, foul, offensive or injurious to the public health;
12. Any bawdy house or building or room to which persons are allowed or permitted

by the owner, keeper or occupant to resort for the purpose of prostitution;

13. The placing, depositing or throwing or causing to be placed, deposited or thrown of any rubbish, garbage, trash, scrap paper, handbills, confetti, shavings, dirt, hulls, shells, stalks, dead animals or any other kind of waste materials on any sidewalk, street, parkways, road shoulders or other public places or on any private lots or premises in the City in such manner and extent to render the same unsightly, unclean or unsafe;
14. Paper, lumber, rocks, boxes, barrels, bottles, cans or other trash or debris or other material accumulating or remaining on any premise, whether improved or unimproved, occupied or vacant, or on any open lot or alley within the City in such a manner as to create a condition which provides shelter, food or protection for rodents or a breeding place for such rodents;
15. The abandonment, neglect or disregard of any premises so as to permit the premises to become unclean, with an accumulation of litter or waste thereon or to permit the premises to become unsightly, unsanitary or obnoxious or a blight to the vicinity or offensive to the senses of users of the public way abutting the premises and so to continue for a period longer than ten (10) days;
16. Any tree on any property which, by reason of its dying, decay or other reason, is a menace to the safety of persons using any street, alley or sidewalk or persons occupying any premises or parcel of ground;
17. The obstruction or blocking of any driveway or curb cut used as access to commercial property, whether on public or private property, by the use of parked motor vehicles, construction materials, debris or similar means. Closure of driveways or curb cuts may be accomplished by the use of decorative gates, wheel stops, planters or the installation of a continuous curb of no higher than the existing curb line as approved by the Director of Community Development.
18. Any violation of this Code of Ordinances which, if continued, is liable to endanger, annoy or injure the public;
19. Every act or thing done or made, permitted, allowed or continued on any property, public or private, by any person, his/her agent or employee to the damage or injury of any inhabitants of this City. (R.O. 2009 §96.20; CC 1981 §14-33; Ord. No. 80-58, 6-3-80; Ord. No. 80-60, 6-3-80; Ord. No. 80-78, 7-16-80; Ord. No. 80-101, 9-3-80; Ord. No. 01-157, 7-19-01)

Cross References--As to general offenses, ch. 215; as to obstructions, §§505.160 et seq.; as to penalty, §100.150.

SECTION 220.030: CREATION OR MAINTENANCE PROHIBITED

No person shall permit, cause, maintain, allow to remain or create within the corporate limits of the City or within one-half (½) mile of the corporate limits any nuisance as defined by Section 220.020. (R.O. 2009 §96.21; Ord. No. 95-82, 3-22-95)

Cross Reference--As to penalty, §100.150.

SECTION 220.040: NOTICE TO ABATE

Whenever any nuisance as defined in Section 220.020 exists, the Mayor or the Mayor's designee shall cause to be served a notice in writing upon the person permitting, causing,

maintaining, allowing to remain or creating the nuisance, stating the existence of the nuisance and requesting its abatement in the time specified in this Article. When such nuisance, in the opinion of the Mayor, endangers public health or safety, the Mayor may cause the notice to include the provision that the property owner, contractor, subcontractor or other entity identified as having responsibility for the nuisance shall not be issued any new permits of any type by the City and at the discretion of the Mayor may include provisions to stop all work and/or withhold inspections and/or withhold issuance of any new permits on any or all projects the contractor or subcontractor is currently engaged in. (R.O. 2009 §96.22; Ord. No. 95-82, 3-22-95; Ord. No. 04-192, 8-13-04; Ord. No. 07-162, 6-11-07)

SECTION 220.050: RESPONSIBILITY FOR ABATEMENT

Upon proper notice and opportunity to be heard, the person permitting, causing, maintaining, allowing to remain or creating the nuisance shall be responsible for its abatement. (R.O. 2009 §96.23; Ord. No. 95-82, 3-22-95)

SECTION 220.060: NOTICE PROCEDURE

The Mayor or the Mayor's designee shall give notice to abate to the person permitting, causing, maintaining, allowing to remain or creating the nuisance. The period within which the nuisance must be prevented, abated or removed, in compliance with the notice, shall be at least five (5) days after the posting of the property as set forth hereafter. If the nuisance is permitted, caused, maintained, allowed to remain or created by the occupant or owner of the premises or the agent of the occupant or owner or by a person other than the owner or occupant of the premises or the agent of the owner or occupant, the notice shall be served by certified mail at the last known address of the person permitting, causing, maintaining, allowing to remain or creating the nuisance. This notice shall be mailed at least five (5) days before the time of compliance by certified mail. In all instances, the notice shall also be posted at least five (5) days before the deadline for compliance in a conspicuous place upon the premises where the nuisance exists. (R.O. 2009 §96.24; Ord. No. 95-82, 3-22-95; Ord. No. 07-162, 6-11-07)

SECTION 220.070: CONTENT OF NOTICE

The notice shall direct prevention, abatement or removal of the nuisance within five (5) days from the posting of the premises and the notice shall advise that upon failure to comply with the notice to abate, the Mayor or the Mayor's designee shall undertake such prevention, abatement or removal of the nuisance at the cost of the occupant or owner of the premises or the agent of the occupant or owner of the premises or a person other than the occupant or owner of the premises or the agent of the occupant or owner of the premises if permitted, caused, maintained, allowed to remain or created by them or any of them or their agent. (R.O. 2009 §96.25; Ord. No. 95-82, 3-22-95; Ord. No. 07-162, 6-11-07)

SECTION 220.080: REQUEST FOR HEARING

The person to whom the notices are directed may file a written request for hearing within the period of compliance prescribed in Section 220.060. (R.O. 2009 §96.26; Ord. No. 95-82, 3-22-95)

SECTION 220.090: PROCEDURE FOR HEARING

A. The hearing shall be held as soon as practicable after the filing of the request and notice shall be sent to the person requesting the hearing by certified mail or personal service at least five (5) days in advance of the hearing.

B. At any such hearing the City may be represented by the City Attorney or his/her designee and the person to whom the notices have been directed may be represented by counsel and introduce such evidence and call such witnesses as either party deems necessary. The Mayor or the Mayor's designee shall conduct the hearing and his/her decision affirming or failing to find a nuisance shall be in writing and include findings of fact and conclusions of law. (R.O. 2009 §96.27; Ord. No. 95-82, 3-22-95; Ord. No. 07-162, 6-11-07)

SECTION 220.100: ABATEMENT OF NUISANCE

A. If the nuisance described in the notice has not been abated within the five (5) day period of compliance or in the event that the finding of a nuisance has been affirmed by the Mayor or his/her designee, hereafter the Mayor and his/her designee may prevent, abate or remove the nuisance. Whenever the nuisance prevented, abated or removed by the City was permitted, caused, maintained, allowed to remain or created by the occupant or owner of the premises or the agent of the occupant or owner of the premises, then all costs and expenses incurred by the City in preventing, abating or removing such nuisance on any property within the City may be assessed against the person permitting, causing, maintaining, allowing to remain or creating the nuisance. Pursuant to this Section, whenever the City has prevented, abated or removed a nuisance within the corporate limits of the City, the costs and expenses incurred may be assessed as a special tax bill against the real property upon which the nuisance existed.

B. Special tax bills for costs and expenses incurred by the City in the prevention, abatement or removal of nuisances shall be issued in the following manner:

1. When a nuisance has been prevented, abated or removed by the City pursuant to this Article, the Mayor shall, in writing, so report to the City Council. The City Council may, by ordinance, levy and assess a special tax and order the issuance of special tax bills against the real property upon which the nuisance existed.
2. The special tax bills issued against real property under the authority of this Section shall be a special lien against such property with the same effect as special tax bills issued pursuant to Sections 140.090 through 140.160.
3. Special tax bills issued pursuant to this Article shall be collected by the Director of Finance. If a lien is recorded at the office of the County Recorder of Deeds office, the fee for the recording of the lien shall also be assessed upon the property. (R.O. 2009 §96.28; Ord. No. 95-82, 3-22-95; Ord. No. 07-162, 6-11-07)

State Law References--Authority of city to abate nuisances and charge the expense thereof to owners or occupants of property, §71.780, RSMo.;

additional authority, §77.560, RSMo.

SECTION 220.110: COSTS ASSESSED UPON CONVICTION
Any person convicted of a violation of Section 220.020 shall be punished as provided in Section 100.150 and every day such nuisance is permitted, caused, maintained, allowed to remain or created after notice shall constitute a separate and distinct offense. Unless a special tax bill has been issued pursuant to this Article against the property upon which the nuisance had existed, the cost of abating or removing such nuisance may be made part of the judgment, by the judge, in addition to the fine imposed in case of conviction in Municipal Court of the person permitting, causing, maintaining, allowing to remain or creating any such nuisance. (R.O. 2009 §96.29; Ord. No. 95-82, 3-22-95)

SECTION 220.120: EMERGENCIES
In cases where it reasonably appears that there is an immediate danger to the health, life or safety of any person or the health, safety or general welfare of the people of this City, the Mayor may take emergency measures to abate and remove a nuisance as may be defined in this Article. The cost of such abatement or removal may be assessed in the manner prescribed in Sections 220.100 and 220.110. However, before assessing the costs, the Mayor shall hold a hearing not more than ten (10) days after the abatement or removal of the nuisance to determine the person permitting, causing, maintaining, allowing to remain or creating the nuisance and the proper assessment of costs and expenses. Such hearing shall be in accordance with Section 220.090. In instances wherein personal property is seized in order to prevent the spread of disease, compensation for the goods seized shall be made pursuant to Section 77.560, RSMo. (R.O. 2009 §96.30; Ord. No. 95-82, 3-22-95; Ord. No. 07-162, 6-11-07)

ARTICLE III. LITTER

SECTION 220.130: PURPOSE
A community is judged, in large part, by its outward appearance. The following regulations regarding litter within the City provide standards so as to promote the public health, safety and general welfare of the City. (R.O. 2009 §96.61; Ord. No. 02-237, 9-20-02)

SECTION 220.140: DEFINITIONS
For the purposes of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
GARBAGE: Waste resulting from the handling, cooking, processing, preparation, serving, storage and consumption of food, including animal, fish, fowl, fruits, vegetables or other matter which is subject to decomposition, decay, putrefaction and the generation of offensive and noxious gases or odors.

LITTER: Garbage, refuse and rubbish as defined herein and all other waste materials which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.
RECEPTACLES, PRIVATE AND PUBLIC: Private receptacles are containers made of durable, rust- resistant, water-tight, rodent-proof and easily cleaned material with close-fitting fly-tight covers. Public receptacles are litter containers which are placed on roadways or fastened to poles and maintained by the City and marked as "litter receptacles".
REFUSE: All putrescible and non-putrescible solid wastes including ashes, street cleaning waste, dead animals and all other abandoned personal property and solid matter industrial waste. *"Refuse"* includes animal offal, the droppings from pet animals, manure and feces.
RUBBISH: Non-putrescible and solid wastes, both combustible and non-combustible, including, but not limited to, circulars, leaflets, pamphlets, wrappers, handbills, newspapers and any other printed or non-printed paper material, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass and other similar materials. (R.O. 2009 §96.62; Ord. No. 02-237, 9-20-02)

SECTION 220.150: LITTER IN PUBLIC PLACES
No person shall throw, deposit or cause to be placed litter upon any street, sidewalk, alley or other public place within the City except in public and or private receptacles. (R.O. 2009 §96.63; Ord. No. 02-237, 9-20-02)
Cross Reference--As to penalty, §100.150.

SECTION 220.160: PLACEMENT OF LITTER IN RECEPTACLES
Persons placing litter in public receptacles or in any authorized private receptacles shall do so in such a manner and in such containers as will prevent it from being carried or deposited by wind and rain upon any street, sidewalk, alley or other public place or upon private property within the City. (R.O. 2009 §96.64; Ord. No. 02-237, 9-20-02)
Cross Reference--As to penalty, §100.150.

SECTION 220.170: SWEEPING LITTER INTO GUTTERS PROHIBITED
No person shall sweep into or deposit in any gutter, street, alley or other public place within the City the accumulation of any litter from any building or lot from any public or private sidewalk or driveway. Persons owning or occupying the property shall keep the sidewalks, entrance walks, parking lots and parking areas in front of or upon their premises free of litter. (R.O. 2009 §96.65; Ord. No. 02-237, 9-20-02)
Cross Reference--As to penalty, §100.150.

SECTION 220.180: LITTER IN WATERS
No person shall throw or deposit litter in any fountain, pond, wading pool, lake, river or other body of water within the City. (R.O. 2009 §96.66; Ord. No. 02-237, 9-20-02)
Cross Reference--As to penalty, §100.150.

SECTION 220.190: LITTER ON OCCUPIED PRIVATE PROPERTY

No person shall throw or deposit litter on any occupied private property within the City, whether owned by such person or not. The owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the wind and rain upon any street, sidewalk, alley or other public place or any private property. (R.O. 2009 §96.67; Ord. No. 02-237, 9-20-02)

Cross Reference--As to penalty, §100.150.

SECTION 220.200: OWNER TO MAINTAIN PREMISES FREE OF LITTER

The owner or person in control of any private property shall at all times maintain the property free of litter; provided however, this Section shall not prohibit the storage of litter in an authorized private receptacle for collection. (R.O. 2009 §96.68; Ord. No. 02-237, 9-20-02)

Cross Reference--As to penalty, §100.150.

SECTION 220.210: LITTER ON VACANT LOT

No person shall throw or deposit litter on any open or vacant private property or public property within the City whether owned by such person or not. (R.O. 2009 §96.69; Ord. No. 02-237, 9-20-02)

Cross Reference--As to penalty, §100.150.

SECTION 220.220: ANIMAL OFFAL AND OTHER OFFENSIVE WASTES

It is expressly recognized that animal offal, the droppings from pet animals, manure and feces create a danger to public health, safety and welfare when deposited on sidewalks, roadways or upon the shoulders of public roadways or shoulders of private property. It shall be the responsibility of the owner of such animals to dispose of such wastes in a sanitary manner as provided above. (R.O. 2009 §96.70; Ord. No. 02-237, 9-20-02)

Cross Reference--As to penalty, §100.150.

SECTION 220.230: LITTER FROM VEHICLES

A. The operator of every vehicle and trailer transporting solid waste materials or other materials within the City shall provide proper devices necessary to completely secure the solid waste or other material which because of size, weight and configuration could blow or bounce off the vehicle. Tailgates in an upright position, backboards of at least one (1) foot in height, ropes, chains, straps or a combination of these devices is required to completely secure other solid waste materials or other materials to prevent blowing, bouncing, leaking, falling or spillage. Materials shall not extend above the side, front or back of the cargo carrying portion of the vehicle unless the material is securely fastened to the vehicle.

B. No person shall throw or discard any litter materials out of any vehicle onto any roadway or public or private property. (R.O. 2009 §96.71; Ord. No. 02-237, 9-20-02)

Cross Reference--As to penalty, §100.150.

SECTION 220.240: PENALTIES AND ENFORCEMENT
Any person violating any provision of this Article shall be subject to the penalty set out in Section 100.150 of this Code. (R.O. 2009 §96.72; Ord. No. 02-237, 9-20-02)

ARTICLE IV. HANDBILLS

SECTION 220.250: DEFINITIONS
The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.
COMMERCIAL HANDBILL: Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter or literature which:

1. Advertises for sale any merchandise, product, commodity or thing;
2. Directs attention to any business or mercantile or commercial establishment or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales;
3. Directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged for the purpose of gain or profit, but the terms of this Subsection shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expense incident to such meeting, theatrical performance, exhibition or event of any kind when the meeting, performance, exhibition or event is held, given or takes place in connection with the dissemination of information or is promoting the interests of any non-profit organization or is in the furtherance of a civic or patriotic undertaking; provided that nothing contained in this Subsection shall be deemed to authorize the holding, giving to taking place of any meeting, theatrical performance, exhibition or event of any kind without a license, where such license is or may be required by any law of this State or under any ordinance of this City; or
4. While containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed and circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distributor.

HANDBILL DISTRIBUTOR: Any person engaging or engaged in the business for hire or gain of distributing commercial or non-commercial handbills, other than newspapers distributed to subscribers thereof or neighborhood newspapers containing current news and information as well as advertising matter distributed partly to subscribers and partly to the general public, and any person receiving compensation directly or indirectly for the distribution of such handbills.
NEWSPAPER: Any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with Federal Statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law or which has made or is making bona

fide application for entry into the United States mails as second (2nd) class matter or any neighborhood newspaper containing current news and information as well as advertising matter distributed partly to the general public and, in addition thereto, means and includes any periodical or current magazine regularly published with not less than four (4) issues per year and sold to the public.

NON-COMMERCIAL HANDBILL: Any printed or written matter, any sample or devise, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper booklet or any other printed or otherwise reproduced original or copies of any matter or literature not included in the definitions of a commercial handbill or a newspaper.

PRIVATE PREMISES: Any dwelling, house, building or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and includes any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

PUBLIC PLACE: Any and all streets, boulevards, avenues, lanes, alleys or other public ways and any and all public parks, squares, spaces, plazas, grounds and buildings. (R.O. 2009 §96.80; Ord. No. 07-232, 9-5-07)

SECTION 220.260: PURPOSE

To protect the people against the nuisance of promiscuous distribution of handbills and circulars, particularly commercial handbills, with the resulting detriment and danger to public health and safety, the public interest, convenience and necessity requires the regulation thereof and to that end the purposes of this Article are specifically declared to be:

1. Protect the people against the unlawful activities or operations of persons representing themselves as solicitors, canvassers or handbill distributors.
2. Protect local residents against trespassing by solicitors, canvassers or handbill distributors upon the private property of such residents if they have given reasonable notice that they do not desire to be solicited by such persons or do not desire to receive handbills or advertising matter.
3. Protect the people against the health and safety menace and the expense incident to the littering of the streets and public places by the promiscuous and uncontrolled distribution of advertising matter and commercial handbills.
4. Preserve to the people their constitutional right to receive and disseminate information not restricted under the ordinary rules of decency and good morals and public order, by distinguishing between the nuisance created by the promiscuous distribution of advertising and commercial circulars and the right to deliver non-commercial handbills to all who are willing to receive such handbills. (R.O. 2009 §96.81; Ord. No. 07-232, 9-5-07)

SECTION 220.270: COMPLIANCE

It shall be unlawful for any person to engage in the business of handbill distributor for hire or for any person to distribute commercial or non-commercial handbills without first complying with the terms of this Section and all other applicable laws and regulations. Nothing contained in this Section shall apply to any person advertising his/her business

or activity upon his/her own premises, if such business or activity is regularly established at a definite location in the City and if a license has been obtained therefore, if such license is required under the terms of any applicable law or ordinance. (R.O. 2009 §96.82; Ord. No. 07-232, 9-5-07)

SECTION 220.280: DEPOSIT OR DISTRIBUTION ON STREETS OR OTHER PUBLIC PLACES

No person shall throw or deposit any commercial or non-commercial handbill in or upon any sidewalk, street or other public place within the City. It shall not be unlawful, on any sidewalk, street or other public place within the City, for any person to hand out or distribute, without charge to the receiver thereof, any handbill to any person willing to accept it. (R.O. 2009 §96.83; Ord. No. 07-175, 6-22-07; Ord. No. 07-232, 9-5-07)

SECTION 220.290: CREATING LITTER PROHIBITED

Any person who shall distribute leaflets, handbills or other literature in such a manner that a substantial quantity of the literature remains on the sidewalks and roadways of the City shall be guilty of a violation of this Section. It is a defense to prosecution under this Section that the person distributing the literature has provided a trash receptacle large enough to contain the quantity of the literature which they intend to distribute; clearly designated the trash receptacle by posting a sign with the words "Dispose of Trash Here" on the receptacle; placed it within ten (10) feet of the place where the distribution of the literature is occurring and removed after the distribution of literature has ceased. (R.O. 2009 §96.84; Ord. No. 07-232, 9-5-07)

SECTION 220.300: DEPOSIT IN OR ON VEHICLES WHERE POSTED SIGNS PROHIBIT SUCH CONDUCT--PREVENTION OF SCATTERING BY WIND OR ELEMENTS--DISTRIBUTION TO OCCUPANTS OF VEHICLES

No person shall throw or deposit any commercial or non-commercial handbill in or upon any vehicle that is located upon a public or private parking lot which has signs posted prohibiting the conduct of placing handbills on vehicles; nor shall a person throw or deposit any commercial or non-commercial handbill in or upon any vehicle which has a sign indicating that no handbills should be placed upon the vehicle. Notwithstanding the fact that a handbill distributor is distributing commercial or non-commercial handbills in a public or private parking lot which does not have signs posted prohibiting the conduct of placing handbills on the vehicles, it shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast or through his/her agents, employees or otherwise to cause to be distributed, deposited, placed, thrown, scattered or cast any commercial or non-commercial handbill in or upon any vehicle except in a manner that will prevent the handbill from being scattered by the wind or elements. It shall not be unlawful, in any public place, for a person to hand out or distribute, without charge to the receiver thereof, any handbill to any occupant of a vehicle who is willing to accept it. (R.O. 2009 §96.85; Ord. No. 07-175, 6-22-07; Ord. No. 07-232, 9-5-07)

SECTION 220.310: DISTRIBUTION ON PRIVATE PROPERTY GENERALLY
Subject to all of the provisions of this Article, handbills may be distributed on private premises, provided they are so placed or deposited as to prevent them from being blown or from drifting about the premises, the sidewalks, streets or other public places. Handbills may not be deposited in mailboxes when prohibited by Federal laws or regulations. (R.O. 2009 §96.86; Ord. No. 07-175, 6-22-07; Ord. No. 07-232, 9-5-07)

SECTION 220.320: DISTRIBUTION ON POSTED PRIVATE PROPERTY--PREVENTION OF SCATTERING BY WIND OR ELEMENTS--COMPLIANCE WITH REQUEST NOT TO DISTRIBUTE
No person shall throw, deposit or distribute any commercial or non-commercial handbills upon any private premises, if there is placed thereon, in a conspicuous position near the entrance, a sign bearing the notice "No Trespassing", "No Peddlers or Agents", "No Advertisements" or any similar notice indicating in any manner that the occupants of the premises do not desire to be molested or have the right of privacy disturbed or to have any such handbills left upon the premises. Notwithstanding the fact that a handbill distributor is distributing commercial or non-commercial handbills on private premises which does not have signs posted prohibiting the conduct of depositing or distributing handbills on the premises, it shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast or through his/her agents, employees or otherwise to cause to be distributed, deposited, placed, thrown, scattered or cast any commercial or non-commercial handbill on the premises except in a manner that will prevent the handbill from being scattered by the wind or elements. A request by any person lawfully on the premises that such handbill not be distributed must be complied with. (R.O. 2009 §96.87; Ord. No. 07-175, 6-22-07; Ord. No. 07-232, 9-5-07)

SECTION 220.330: HANDBILL PRESUMPTION
If a handbill is found on another person's property or vehicle and permission was not given for the placement of the handbill on the property or vehicle, then it shall be presumed that the person whose name appears on the handbill as the person, promoter, business or performer who will benefit from the event or promotion set out in the handbill authorized placement of the handbill on the property or vehicle. This presumption may be overcome by proof that each person distributing the handbill and signed an acknowledgment that handbills are not to be distributed in violation of ordinances and by setting out in the acknowledgment the name and address of the person and the location the person was assigned to distribute handbills. (R.O. 2009 §96.88; Ord. No. 07-232, 9-5-07)

SECTION 220.340: EXEMPTIONS FROM ARTICLE
The provisions of this Article shall not apply to the distribution of mail by the United States, nor to newspapers, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. (R.O. 2009 §96.89; Ord.

No. 07-175, 6-22-07; Ord. No. 07-232, 9-5-07)

CHAPTER 225: TREES AND SHRUBS--WEEDS

ARTICLE I. TREES AND SHRUBS

Cross References--As to dumping into sewers and waterways, §215.030; as to health, safety and sanitation, ch. 220; as to nuisances, §§220.020 et seq.; as to streets and sidewalks, ch. 505.

SECTION 225.010: DEFINITIONS

For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

STREET TREE: Any tree located within the right-of-way of any public street or alley open to travel within the City.

TREE TOPPING OR TOP A TREE: Removing the vertical leader stems and cutting tree limbs back to a stub, bud or a lateral branch not large enough to assume a terminal role, resulting in decay of the trunk and/or main branches and sprout production. Usually involves removing more than one-third (€) of the tree canopy. (R.O. 2009 §92.01; CC 1981 §27-12; Ord. No. 88-6, 1-20-88; Ord. No. 01-156, 7-19-01)

SECTION 225.020: PERMIT REQUIRED TO PLANT TREES

No person shall plant or cause to be planted any street tree without first securing a permit therefor from the Director of Public Works of the City. Applications may be filed only by the owner of the property adjacent to the tree location. Applications for such permit shall be made to the Director of Public Works and shall indicate the species, size and location of the proposed tree as well as any other information deemed necessary by the Director of Public Works in order to secure compliance with the provisions of this Article. (R.O. 2009 §92.02; CC 1981 §27-19; Ord. No. 88-6, 1-20-88)

Cross Reference--As to penalty, §225.180.

SECTION 225.030: PERMIT REQUIRED TO WORK ON TREES--INFORMATION

A. *Permit Required To Work On Street Trees.* It shall be unlawful for any person to transplant, move or otherwise disturb, alter or do any surgery on any street tree without first obtaining a permit therefor from the Director of Public Works or designee; provided that a utility company which is performing maintenance work on its lines pursuant to Public Service Commission regulation does not need to obtain a permit to perform such work. Notwithstanding the foregoing exemption, a utility company which desires to remove or otherwise disturb street trees in order to install its lines shall either obtain the permit required by this Section if the lines are above ground or include the information

required by this Section in its application for an excavation permit pursuant to Sections 505.420 et seq., if the lines are below ground. The Director of Public Works or designee shall not issue the permit unless the work to be done shall be necessary to the proper maintenance and preservation of the street trees and the Director of Public Works or designee finds that the proposed method and workmanship thereof are consistent with standards of the International Society of Arboriculture. The Director may require the posting of a bond before a permit is granted. The bond shall be of sufficient amount to cover reasonable damages that may occur to life or property while the provisions of the permit are being carried out.

B. *Permits--Information To Be Shown--When Void.* Every permit granted by the Director of Public Works shall describe the work to be done, define the species, sizes and locations of all trees or shrubs concerned and contain a definite date of expiration. Any permit may be declared void if its terms are violated. (R.O. 2009 §92.03; CC 1981 §§27-23--27-24; Ord. No. 88-6, 1-20-88; Ord. No. 01-156, 7-19-01)

Cross Reference--As to penalty, §225.180.

SECTION 225.040: NO CHARGE FOR PERMITS

There shall be no charge for any permit issued pursuant to the provisions of this Article. (R.O. 2009 §92.04; CC 1981 §27-25; Ord. No. 88-6, 1-20-88)

SECTION 225.050: REQUIREMENTS FOR TRIMMING AND MAINTENANCE

A. All street trees shall be trimmed so as to provide on all sides other than the roadway side a clearance of nine (9) feet. On the roadway side of all major streets a clearance of fourteen (14) feet shall be provided and maintained and a clearance of twelve (12) feet shall be provided and maintained on the roadway side of any other street. The Director of Public Works shall have authority to trim or remove, if need be, any street tree or other tree located on public property or within any publicly held right-of-way which shall interfere with, or is about to interfere with, any street, sidewalk, public storm or sanitary sewer, pipeline or appurtenances or other public utility lines, poles and appurtenances. All tree pruning and trimming shall be done in compliance with the current issue of the American National Standards Institute (ANSI) A300 Tree, Shrub and Other Woody Plant Maintenance -- Standard Practices (Pruning).

B. *Tree Topping.*

1. It shall be unlawful for any person to top any tree on any City-owned land or public street right-of-way.
2. It shall be unlawful for any person working for hire to top any tree, whether on private or public land, within the corporate limits of the City; except that this Subsection shall not apply to work on any tree within that portion of the side yard behind the front building line or the rear yard, as defined in Section 400.050 of property utilized as a residence. (R.O. 2009 §92.05; CC 1981 §27-15; Ord. No. 88-6, 1-20-88; Ord. No. 01-156, 7-19-01; Ord. No. 02-65, 3-8-02; Ord. No. 03-303, 11-26-03)

Cross Reference--As to penalty, §225.180.

SECTION 225.060: TYPES OF TREES--HEIGHT CLASS

It shall be unlawful for any person to plant or cause to be planted any street tree of any type other than those shown in the following table:

Small Trees: 15 -- 30 feet in height (space 30 feet apart)	
Botanical Name	*Common Name*
Acer beurgeranum	Trident Maple
Acer campestre	Hege Maple
Acer ginnala	Amur Maple
Acer griseum	Paperbark Maple
Acer tataricum	Tartarian Maple
Acer truncatum	Purpleblow Maple
Amelanchier species	Serviceberry
Carpinus caroliniana	American Hornbeam
Cercis canadensis	Eastern Redbud
Chionanthus virginicus	White Fringe Tree
Cornus species	Dogwood species (requires special conditions)
Cotinus coggygria	Smokebush
Hamamelis species	Witchhazel
Hibiscus syricus	Rose of Sharon
Magnolia species	Magnolia species
Styrax japonicus	Japanese Snowbell
Syringa reticulata	Japanese Tree Lilac
Xanthocarpus sorbifolium	Yellowhorn
Medium Trees: Over 30 -- 40 feet in height (space 40 feet apart)	
Botanical Name	*Common Name*
Aesculus glabra	Ohio Buckeye
Cladrastis lutea	Yellowwood
Cotinus obovatus	American Smoketree
Koelreuteria paniculata	Golden Raintree
Maackia amurensis	Amur Maackia
Malus species	Malus species (select cultivars with upright/oval shape)
Ostrya virginiana	Hophornbeam
Parrotia persica	Persian Parrotia
Phellodendron amurense	Amur Corktree
Prunus serrulata	Kwanzan Cherry
Pyrus calleryana	Callery Pear (use cultivars only, i.e., "Cleveland Select")
Sassafrass albidum	Common Sassafras
Large Trees: Over 40 feet in height (space 40 -- 50 feet apart)	
Botanical Name	*Common Name*
Acer platanoides	Norway Maple
Acer rubrum	Red Maple
Acer saccharum	Sugar Maple
Aesculus hippocstanum	Horsechestnut
Alnus glutinosa	European Alder
Betula nigra	River Birch
Carpinus betulus	European Hornbeam
Celtis species	Hackberry
Cercidiphyllum japonicum	Katsuratree
Corylus colurna	Turkish Filbert
Eucommia ulmoides	Hardy Rubber Tree
Fagus species	Beech species

Fraxinus species	Ash species
Ginkgo biloba	Ginko (use male form only)
Gleditsia tricanthos varinermis	Thornless Honeylocust (use seedless cultivars)
Liriodendron tulipifera	Tuliptree
Metasequoia glyptostroboides	Dawn Redwood
Nyssa sylvatica	Blackgum
Platanus x acerifolia	London Plantree "Bloodgood"
Prunus x yedoensis	Yoshino Cherry
Pterocarya fraxinifolia	Caucasian Wingnut
Quercus alba	White Oak (produces acorns)
Quercus acutissima	Sawtooth Oak
Quercus bicolor	Swamp White Oak
Quercus imbricaria	Shingle Oak
Quercus macrocarpa	Bur Oak
Quercus phellos	Willow Oak
Quercus robur	English Oak
Quercus rubra	Red Oak
Quercus velutina	Black Oak
Saphora japonica	Japanese Pagodatree
Taxodium distichum	Baldcypress
Tilia species	Linden species
Ulmus americana	American Elm Hybrids
Ulmus parvifolia	Lacebark Elm
Zelkova serrata	Japanese Zelkova
Note: All trees should be single stem. Select the appropriate tree for the site, including height, spread, sunlight, soil conditions, width of planting area, overhead lines and underground utilities.	

(R.O. 2009 §92.06; CC 1981 §27-16; Ord. No. 88-6, 1-20-88; Ord. No. 01-156, 7-19-01)

Cross Reference--As to penalty, §225.180.

SECTION 225.070: MINIMUM DISTANCE OF STREET TREES FROM IMPROVEMENTS

It shall be unlawful for any person to plant or cause to be planted any street tree closer to any alley, private drive, street light, traffic signal or street intersection than the minimum distance shown from such improvements in the following table:

ee	Right-of-Way of Alleys	Edge Private Drives	Street Lights	Traffic Signals	Street Intersections
	5€	5€	30€	30€	40€
	5€	7€	30€	30€	40€
	5€	10€	30€	40€	40€
sured from the nearest point in feet					

(R.O. 2009 §92.07; CC 1981 §27-17; Ord. No. 88-6, 1-20-88; Ord. No. 92-148, 7-8-92; Ord. No. 01-156, 7-19-01)

SECTION 225.080: MINIMUM CLEARANCE BETWEEN TREES

It shall be unlawful to plant or cause to be planted any street tree without providing the following minimum clearance between such tree and any other street tree on the same side of the street:

1. The minimum clearance between the trunks of any two (2) street trees of the same

type shall be that clearance provided in Section 225.060.

2. The clearance between the trunks of any two (2) street trees of different types shall be determined and shall be that clearance arrived at by adding the minimum clearance shown for each type of street tree concerned, as shown in Section 225.060, and dividing the sum thereof by two (2).
3. The minimum clearance from any existing street tree not shown in Section 225.060 shall be determined by the Director of Public Works so that the existing street tree at its maturity will not come in conflict with or overlap the street tree to be planted at its maturity. (R.O. 2009 §92.08; CC 1981 §27-18; Ord. No. 88-6, 1-20-88)

SECTION 225.090: DUTY TO MAINTAIN TREES PLANTED--TRIMMING AND PRUNING SIDEWALK OVERHANG

A. *Duty To Maintain Street Trees Planted.* Any person applying for a permit to plant a street tree shall be solely responsible for the cost of purchase and planting of the tree. Maintenance of a street tree shall be the responsibility of the owner of the property adjacent to the tree location.

B. *Trimming, Pruning, Topping And The Like, Generally--Height To Be Trimmed Above Street And Sidewalk.* All trees standing in or extending over any street, including sidewalks, shall be kept trimmed to the heights described in Section 225.050. This provision applies to both street trees and trees located on private property. (R.O. 2009 §92.09; CC 1981 §§27-20--27-21; Ord. No. 88-6, 1-20-88)

SECTION 225.100: WHEN TREES OR SHRUBS DECLARED A NUISANCE

Any tree or shrub or part thereof located in, overhanging or interfering with the use of any highway or street in the City that, in the opinion of the Director of Public Works, violates the provisions of this Article or endangers the life, health, safety or property of the public shall be declared a public nuisance. The owner shall be notified of the existence of a nuisance and given a reasonable time for its correction or removal. If not corrected or removed within the time allotted, the Director of Public Works shall cause the nuisance to be corrected or removed and the cost shall be assessed against the owner or occupant and collected as provided by law. (R.O. 2009 §92.10; CC 1981 §27-22; Ord. No. 88-6, 1-20-88; Ord. No. 03-122, 5-27-03)

SECTION 225.110: COST-SHARING TREE REMOVAL AND TREE-TRIMMING PROGRAM

The City hereby establishes a Cost-Sharing Tree Removal and Tree-Trimming Program with the following guidelines:

1. The City will pay fifty percent (50%) of the costs of trimming or removing dangerous, dead or damaged trees located within City right-of-way. The remaining fifty percent (50%) of the costs must be paid by the landowners.
2. The City will contract to have the tree trimmed or removed and the landowners must pay the landowner's share of the costs to the City prior to the beginning of the trimming or removal.

3. The Director of Public Works or his/her designee will be the final judge as to whether the tree needs to be trimmed or removed.
4. Trees will be trimmed or removed on a first-come, first-served basis, except where the costs may be reduced by trimming or removing multiple trees in one (1) area.
5. The City's total share of the Cost-Sharing Tree Removal and Tree-Trimming Program shall not exceed amounts budgeted for the purpose.
6. Cost participation by the landowner can be waived by the Mayor when the income of the owner is substantially from Social Security or other comparable restrictive sources, such as railroad retirement, and when the total income of the family from all sources does not exceed guidelines by HUD, Section 8 or other Federal Housing Assistance Plans, as followed by the Mayor's office for utility tax refunds.
7. If the damage to the tree has been caused by the City, then the City will pay the entire cost.
8. No variance to this policy shall be granted unless seven (7) members of the City Council vote in favor of the variance. (R.O. 2009 §92.11; CC 1981 §27-22.1; Ord. No. 89-174, 8-16-89)

Cross References--As to cost-sharing sidewalk replacement program, §505.320; as to penalty, §225.180.

SECTION 225.120: UNLAWFUL TO DAMAGE TREES OR REMOVE PROTECTION DEVICES

A. *Unlawful To Damage, Injure Or Destroy Any Street Tree.* It shall be unlawful for any person to damage, injure or destroy any street tree unless the same shall be done pursuant to the provisions of this Article or to attach to, around or through any such tree any rope, wire, chain, sign, box or other material.

B. *Removing Or Injuring Guards Or Devices Placed To Protect Trees.* It shall be unlawful for any person to remove, injure or misuse any guard or device placed or intended to protect any tree on or in any street within the City. (R.O. 2009 §92.12; CC 1981 §§27-26--27-27; Ord. No. 88-6, 1-20-88; Ord. No. 03-122, 5-27-03)

Cross Reference--As to penalty, §225.180.

SECTION 225.130: IMPEDING FREE PASSAGE OF SUSTENANCE TO TREES OR SHRUBS

No person shall deposit, place or maintain upon any highway or street of the City any stone, brick, sand, concrete or other material which will impede the free passage of water, air and fertilizer to the roots of any tree or shrub growing therein, except by permission of the Director of Public
Works, or when such materials are designed for the construction of sidewalks, paving, gutters or other public improvements and have been placed under a permit granted by the Director. (R.O. 2009 §92.13; CC 1981 §27-28; Ord. No. 88-6, 1-20-88; Ord. No. 03-122, 5-27-03)

Cross Reference--As to penalty, §225.180.

SECTION 225.140: ADMINISTRATION AND ENFORCEMENT--INTERFERENCE

A. *Administration And Enforcement.* It shall be the responsibility of the Director of Public Works of this City to carry out, enforce and administer the provisions of this Article. The Director shall also have the authority to plant, replant, trim, prune, spray, fertilize and otherwise treat any tree or shrub located within the right-of-way of a public street whenever necessary to carry out the provisions of this Article.

B. *Interference With Enforcement.* No person shall prevent, delay or interfere with the Director of Public Works or any employees under the Director's control in the execution or enforcement of this Article; provided however, that nothing herein shall be construed as an attempt to prohibit the pursuit of any legal or equitable remedy in any court of competent jurisdiction for the protection of property rights by the owner of any property within the City. (R.O. 2009 §92.14; CC 1981 §§27-13--27-14; Ord. No. 88-6, 2-4-88)

Cross Reference--As to penalty, §225.180.

ARTICLE II. WEEDS

SECTION 225.150: PROHIBITED OVER CERTAIN HEIGHT

It shall be unlawful for the owner of any parcel of ground located within the corporate limits of the City to allow or maintain on any such parcel of ground any growth of weeds to a height in excess of eight (8) inches; provided however, that nothing in this Article shall be construed to apply to any field used for commercial farming purposes. (R.O. 2009 §92.25; CC 1981 §27-37; Ord. No. 3690, 8-26-69; Ord. No. 75-20, 4-9-75; Ord. No. 79-56, 6-6-79; Ord. No. 02-170, 7-9-02)

Cross Reference--As to penalty, §225.180.

State Law References--Authority to prevent and remove nuisances, §§77.530, 77.560, RSMo.

SECTION 225.160: NOTICE TO REMOVE--REMOVAL BY CITY UPON OWNER'S FAILURE

A. Whenever weeds, in violation of Section 225.150, 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 have violated Section 225.150. The Mayor or his/her designee shall give a hearing after four (4) days' notice thereof, either personally or by United States mail, to the owner or owners or his/her or their agents or by posting such notice on the premises; however, if no person or lawful representative of any entity claiming an interest in the subject property shall appear for the hearing, the Mayor or his/her designee may immediately declare the weeds to be a nuisance and order the same to be abated within five (5) days. Otherwise, following the hearing, the Mayor or his/her designee may declare the weeds to be a nuisance and order the same to be abated within five (5) days. In either case, if the weeds are not cut down and removed within five (5) days following the date of the hearing, the Mayor or his/her designee shall have the weeds cut down and removed and shall certify

the costs of same to the City Clerk who shall cause a special tax bill therefor against the property to be prepared and to be collected by the Director of Finance with other taxes assessed against the property; and the 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 Director of Finance on or before June first (1st) of each year. Such tax bills if not paid when due shall bear interest at the rate of eight percent (8%) per annum.

B. If weeds are allowed to grow on the same property in violation of Section 225.150 more than once during the same growing season, the Mayor or his/her designee may, without further notification, have the weeds removed and the cost of the same shall be billed in the manner described in Subsection (A) of this Section. The provisions of this Section shall 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. (R.O. 2009 §92.26; CC 1981 §27-38; Ord. No. 3423, 9-21-66; Ord. No. 75-20, 4-9-75; Ord. No. 79-56, 6-6-79; Ord. No. 80-59, 6-3-80; Ord. No. 82-70, 9-8-82; Ord. No. 04-215, 9-10-04; Ord. No. 07-162, 6-11-07)

Cross Reference--As to penalty, §225.180.

SECTION 225.170: OCCUPANT RESPONSIBLE FOR WEEDS

It shall be unlawful for any person occupying any property whether as owner, agent of owner, tenant or occupant to allow or permit any growth of weeds as defined in Section 225.150. (R.O. 2009 §92.27; CC 1981 §27-39; Ord. No. 82-70, 9-8-82)

SECTION 225.180: PENALTY

A. Any person who violates any provision of this Code for which no other penalty is set forth shall be subject to the penalty set forth in Section 100.150.

B. *Violation Concerning Height Of Weeds.*

1. Any owner, agent of owner, tenant or occupant who violates the provisions of Section 225.150 and allows, permits or maintains any growth of weeds to a height in excess of eight (8) inches shall, upon conviction, be punished as provided in Section 100.150.
2. Refusal to comply with an order to remove weeds shall be a separate offense. In addition to the requirement of removal of such weeds as required by this Chapter, any person who violates, omits, neglects or refuses to comply with the provisions of this Chapter and the written notice of the Mayor or the Mayor's designee, within the time limit stated in the notice, shall upon conviction thereof be punished as provided in Section 100.150. Each day that any violation shall continue shall constitute a separate offense. (R.O. 2009 §92.99; CC 1981 §27-40; Ord. No. 82-70, 9-8-82; Ord. No. 87-216, 11-6-87; Ord. No. 93-118, 6-2-93; Ord. No. 07-162, 6-11-07)

CHAPTER 230: NOISE CONTROL

SECTION 230.010: TITLE AND PURPOSE

A. This Chapter shall be known as the "Noise Control Ordinance" of the City.
B. The purposes of this Chapter are to abate certain loud, unnecessary, unnatural and unusual noises and to establish maximum noise limits for motor vehicle and transportation noise, construction power equipment noise and other general environmental noise. (R.O. 2009 §97.01; CC 1981 §20-138; Ord. No. 83-58, 8-10-83)

SECTION 230.020: DEFINITIONS

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANSI: American National Standards Institute or its successor bodies. All acoustical terminology shall be that contained in ANSI S1.1 "Acoustical Terminology".

ARI: Air-Conditioning and Refrigeration Institute or its successor bodies.

ASHRAE: American Society of Heating Refrigerating and Air-Conditioning Engineers or its successor bodies.

ASTM: American Society for Testing Materials or its successor bodies.

DECIBEL: A logarithmic unit of measurement which indicates the ratio between two (2) quantities, commonly electrical or sound energy levels or pressure levels. See *"SOUND PRESSURE LEVEL"*.

DISCRETE TONE: A sound wave whose instantaneous sound pressure varies essentially as a sinusoidal function of time.

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public utilities, municipal departments or commissions or any governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution system, collection, communication, supply or disposal system, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric substations, telephone exchange buildings, gas regulator stations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of utility service by such public utilities, municipal departments, commissions or any governmental agencies or for the public health, safety or welfare.

FLUCTUATING NOISE: A noise whose sound pressure level varies significantly but does not equal the ambient environmental level more than once during the period of observation.

IEC: International Electrotechnical Commission or its successor bodies.

IMPULSE NOISE: Characterized by brief excursions of sound pressure which significantly exceed the ambient environmental sound pressure. The duration of a single impulse is usually less than one (1) second.

INTERMITTENT NOISE: A noise whose sound pressure level equals the ambient environmental level two (2) or more times during the period of observation. The period of time during which the level of the noise remains at an essentially constant value different from that of the ambient noise level is on the order of one (1) second or more.

ISO: International Organization for Standardization or its successor bodies.
MAYOR: The Mayor or duly authorized representative.
MOTOR VEHICLE: Any passenger vehicle, truck, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power.
OCTAVE BAND: A frequency band with lower and upper cut-off frequencies having a ratio of two (2). The cut-off frequencies of seven hundred seven (707) Hertz and one thousand four hundred fourteen (1,414) Hertz define an octave band in common use.
PERIOD OF OBSERVATION: The time interval during which acoustical data are obtained. The period of observation is determined by the characteristics of the noise being measured and should also be at least ten (10) times as long as the response time of the instrumentation. The greater the variance in indicated sound level, the longer must be the observation time for a given expected accuracy of the measurement.
PERSON: Every natural person, partnership, association or corporation which may own, operate or control those devices or facilities herein described.
REPETITIVE IMPULSE NOISE: More than five (5) impulses per hour.
SAE: Society of Automotive Engineers or its successor bodies.
SOUND LEVEL OR NOISE LEVEL: For airborne sound, a weighted sound pressure level obtained by the use of metering characteristics and A-weighting as specified in the referenced standards. When the A-weighting is employed, it must be indicated.
SOUND PRESSURE LEVEL: A sound, in decibels, is twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of this sound to the reference sound pressure having the value of two (2) multiplied by 10^4 dynes per square centimeter.
STEADY NOISE: A noise whose level remains essentially constant.
ZONING DISTRICT: Districts established by the zoning ordinance of the City and found in Chapter 400 of this Code of Ordinances. (R.O. 2009 §97.02; CC 1981 §20-139; Ord. No. 83-58, 8-10-83; Ord. No. 07-162, 6-11-07)

SECTION 230.030: PROHIBITED USES

A. No person shall make or cause, permit or allow to be made, upon a public way or in such close proximity to a public way as to be distinctly and loudly audible upon such public way, any noise of any kind by crying, calling or shouting or by means of any whistle, rattle, bell, gong, clapper, hammer, drum, horn, hand organ, mechanically operated piano, other musical instrument, wind instrument, mechanical device, radio, phonograph, sound-amplifying or other similar electronic device; provided that a licensed peddler is not restricted or prohibited so long as he/she shall have met the requirements and conditions hereinafter specified in Subsection (E) below nor does this prohibition apply to bands and orchestras or similar musical bodies utilized as part of a parade or similar authorized musical production. The reasonable sounding of bells, chimes or similar devices by houses of religious worship and by ice cream trucks is exempt from the operation of this provision.
B. No person shall use or perform any hand organ or other musical instrument or device in any public way or public street of the City before 7:00 A.M. or after 10:00 P.M. of any day.
C. No person shall operate a gasoline-powered grass cutting device, lawn mower or similar mechanical apparatus normally used for cutting lawns, yards or fields before 7:00 A.M.

or after 10:00 P.M. of any day.

D. *Restricted Use Of Certain Equipment.*
   1. No person shall use or operate any pile driver, shovel, fork lifts, trash compactors, hammer, derrick, hoist, tractor, roller or any other mechanical apparatus in building or construction operations or for any other reason between the hours of 11:00 P.M. and 6:00 A.M., except for work on essential services, within six hundred (600) feet of a residence or hospital.
   2. No property owner, property manager, landlord or other person with any lawful property interest in a piece of property shall cause, allow the use or operation on of any pile driver, shovel, fork lift, trash compactor, hammer, derrick, hoist, tractor, roller or any other mechanical apparatus in building or construction operations on any property under their control between the hours of 11:00 P.M. and 6:00 A.M., except for work on essential services, within six hundred (600) feet of a residence or hospital.
   3. Any property owner, property manager, landlord or other person with any lawful property interest in a piece of property or control over a piece of property shall be individually and strictly liable for any violation of Subsection (D) which occurs on such property.

E. No person shall activate or cause or suffer to be activated any horn or audible signal device on any motor vehicle of any kind except as a warning of danger or peril as provided in Section 345.090.

F. No person shall operate or allow to be operated in any area zoned for commercial use any motor of a motor vehicle which weighs in excess of five (5) tons (ten thousand (10,000) pounds) for a consecutive period of longer than two (2) minutes while such vehicle is in a stationary location on private property located within one hundred fifty (150) feet of property devoted to residential uses; any property owner, property manager, landlord or other person with any lawful property interest in a piece of property or control over a piece of property shall be individually and strictly liable for any violation of Subsection (F) which occurs on such property. Except that the provisions of this Subsection shall not apply:
   1. When the vehicle or motor is being used in the course of normal productive work; except during the hours of 11:00 P.M. in the evening to 6:00 A.M. the following day from Sunday evening to Friday morning; and except between the hours of 11:00 P.M. in the evening to 7:00 A.M. the following day from Friday evening to Sunday morning;
   2. When the vehicle or motor is being used by a public utility, municipal department, commission or other governmental agency to provide essential services as hereinbefore defined;
   3. To buses operated for the transportation of passengers while standing in established bus turnarounds, terminals or storage yards; and
   4. To any vehicle standing within a completely enclosed structure.

G. No person shall operate an internal combustion powered street sweeping device, street vacuum or similar apparatus normally used for the cleaning of parking lots within one thousand two hundred (1,200) feet of an occupied residential structure between the hours of 11:00 P.M. in the evening to 6:00 A.M. the following day from Sunday evening to Friday morning and between the hours of 11:00 P.M. in the evening to 7:00 A.M. the

following day from Friday evening to Sunday morning. The operation of City-owned street sweeping devices is exempt from this restriction. The operation of any snow removal equipment while engaged in snow removal is exempt from this restriction.

H. *Noise Restrictions Dealing With Music.*
   1. No person shall use, cause to be used or operate any musical instrument or electronic device for playing music in such a manner as to create an unreasonably loud noise or so as to be plainly audible at a distance of twenty-five (25) or more feet from the sound source by another person located on a residential property before 7:00 A.M. or after 10:00 P.M. of any day except for a college, university or school hosting a school-sponsored athletic or social event as a part of its regular course and curriculum on a Friday or Saturday in which case musical instruments or electronic devices for playing music may be used or operated on school property from 7:00 A.M. to 11:59 P.M.
   2. No person shall use, cause to be used or operate any mechanical device, engine, generator or tool used for auto repair or alteration in such a manner as to create an unreasonably loud noise or so as to be plainly audible at a distance of twenty-five (25) or more feet from the sound source by another person located on a residential property before 7:00 A.M. or after 10:00 P.M. of any day.
   3. For the purposes of this Subsection, *"plainly audible sound"* shall mean any sound that can be detected by a person using his/her unaided hearing faculties. Example: If the sound source under investigation is a portable sound amplification or reproduction device, the enforcement officer need not determine the title of the song, specific words or the artist performing the song. The detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound.
   4. A variance from the provisions of this Subsection (H) may be granted in accordance with Section 230.110. (R.O. 2009 §97.03; CC 1981 §20-140(a--f); Ord. No. 83-58, 8-10-83; Ord. No. 91-17, 2-7-91; Ord. No. 97-427, 12-10-97; Ord. No. 99-60, 2-17-99; Ord. No. 01-170, 7-19-01; Ord. No. 02-190, 7-26-02; Ord. No. 03-122, 5-27-03; Ord. No. 03-290, 11-12-03; Ord. No. 05-174, 6-17-05; Ord. No. 10-208 §1, 9-29-10)

SECTION 230.040: NOISE LIMITS ON MOTOR VEHICLES

A. No person shall sell or offer for sale any motor vehicle that produces a maximum noise exceeding the following noise limit at a distance of fifty (50) feet from the centerline of travel, under test procedures, standards and recommended practices as itemized below and with reference to Sections 230.060 and 230.070. Such stock as is certified to the City on the effective date of this Chapter shall be exempt from the prohibition contained in this Section. Test procedures shall be in substantial conformity with standards and recommended practices established by the Society of Automotive Engineers, Inc., including SAE Recommended Practice J 184 and ANSI Standards S1.1 1960 and S1.4 1961.

	Type of Vehicle	***Date of Manufacture***	
Motorcycle	Before January 1, 1980		dB(A)
	After January 1, 1980		80 dB(A)

Test procedures according to SAE Proposed Standard J 331			
Any motor vehicle with a gross vehicle weight of ten thousand (10,000) pounds or more	Before July 1,1975 After January 1, 1975		86 dB(A) 84 dB(A)
Test procedures according to SAE Standard J 336a			
Passenger car, motor-driven cycle and any other motor vehicle	Before January 1, 1975 After January 1, 1975		dB(A) 80 db(A)
Test procedures according to SAE Standard J 986a			

B. *Noise Related To Operation Of Vehicle.*

1. *Noise limits as related to speed.*
   a. No person shall operate within the speed limits specified in this Section either a motor vehicle or combination of vehicles of a type subject to registration at any time or under any condition as to exceed the following noise limit for the category of motor vehicle, measured at a distance of not less than fifty (50) feet from the centerline of travel, under ANSI Standards S1.1 1960 and S1.4 1961 and SAE Standard J 184 with meter set for fast response and the A-weighted scale:

	Noise Limit in Relation to Posted Speed Limit	
Type of Vehicle	*35 mph or less*	*Over 35 mph*
Any motor vehicle with a manufacturer's GVW rating of ten thousand (10,000) pounds or more and any combination of vehicles towed by such motor vehicle	86 dB(A)	90 dB(A)
Any motorcycle	78 dB(A)	82 dB(A)
Any other motor vehicle and any combination of motor vehicles towed by such vehicle	73 4dB(A)	79 dB(A)

   b. This Subsection (B)(1) applies to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of this Code relating to motor vehicle mufflers for noise control.

2. No person shall operate a motor vehicle or combination of vehicles, of a type subject to registration, at any time or under any condition when the noise limit set forth in Appendix A to this Chapter is exceeded under stationary test procedures as outlined for this Section by the regulations as promulgated under Section 230.100.

C. No person shall sell, lease or agree to sell or lease any of the types of equipment herein enumerated which shall exceed the noise level herein established at a distance of fifty (50) feet, under test procedures and standards SAE J 184, SAE J 952b, ANSI S1.1 1960, ANSI S1.4 1961 and with reference to Sections 230.060 and 230.070.

Type of Equipment

Construction and industrial machinery, such as crawlers-tractors, dozers, rotary drills and augers, loaders, power shovels, cranes, derricks, motor graders, paving machines, off-highway trucks, ditchers, trenchers, compactors, scrapers, wagons, pavement breakers, compressors and pneumatic powered equipment, etc., but not including pile drivers:

	Noise Limit
Manufactured before January 1, 1980	86 dB(A)

Manufactured after January 1, 1980	80 dB(A)

Type of Equipment
Agricultural tractors and equipment:

	Noise Limit
Manufactured before January 1, 1980	86 dB(A)
Manufactured after January 1, 1980	80 dB(A)

Type of Equipment
Powered commercial equipment of twenty (20) hp or less intended for infrequent use in a residential area, such as chain saws, pavement breakers, log chippers, powered hand tools and the like:

Noise Limit
80 dB(A)

Type of Equipment
Powered equipment intended for repetitive use in residential areas. Such equipment includes lawn mowers, small lawn and garden tools, riding tractors, snow removal equipment:

	Noise Limit
Manufactured before January 1, 1978	70 dB(A)
Manufactured after January 1, 1978	65 dB(A)

D. No person shall alter, modify or change any exhaust muffler, intake muffler or other equipment designed to abate noise on any motor equipment unless such alteration, modification or change shall reduce the noise emitted by such equipment. Nothing in this Section shall be interpreted to prohibit the replacement of worn noise abatement equipment certified as meeting or exceeding specifications of the manufacturer's original equipment.

E. No person shall sell or offer for sale any engine powered pleasure vessel, engine powered craft or motor boat which may exceed the following noise limit as measured at the distance of fifty (50) feet under test procedures per SAE J 952b and with reference to SAE J 184 and ANSI Standards S1.1 1960, S1.4 1961 and Sections 230.060 and 230.070:

	Noise Limit
Manufactured before January 1, 1975	85 dB(A)
Manufactured after January 1, 1975	76 dB(A)

F. No person shall sell or offer for sale a new power-driven recreational or off-highway vehicle including dune buggies and snowmobiles, go-karts and mini bikes that produce noise measured at the distance of fifty (50) feet exceeding the following, under test procedures per SAE J 952b and with reference to SAE J 184 and ANSI Standards S1.1 1960, S1.4 1961 and Sections 230.060 and 230.070.

Type of Vehicle	**Noise Limit**
Snowmobile	73 dB(A)
Any other vehicle including dune buggy, all-terrain vehicle, mini-bike	73 dB(A)

This Subsection (F) shall not be interpreted to include motor homes, off-highway trucks, construction equipment and other equipment included under Subsections (A) and (C) above.

G. No person shall operate a motor-driven vehicle of a type not subject to registration for road use at any time or under any condition of acceleration or deceleration as to exceed

82 dB(A) as measured from the distance of fifty (50) feet under ANSI Standards S1.1 1960 and S1.4 1961 and SAE Standard J 184 with meter set for fast response and the A-weighted scale. This Subsection (G) shall not be interpreted to include the operation of off-highway trucks and construction equipment regulated under Subsection (C) of this Section. (R.O. 2009 §97.04; CC 1981 §20-140(g--j)(r--t); Ord. No. 83-58, 8-10-83; Ord. No. 91-17, 2-7-91; Ord. No. 97-427, 12-10-97; Ord. No. 99-60, 2-17-99; Ord. No. 01-170, 7-19-01; Ord. No. 02-190, 7-26-02; Ord. No. 03-122, 5-27-03; Ord. No. 03-217, 9-3-03)

Cross Reference--As to penalty, §100.150.

SECTION 230.050: MAXIMUM NOISE LEVELS IN CERTAIN ZONING DISTRICTS

A. In "I-1" Light Industrial zoning districts, at no point on the boundary of a residence, business or commercial district shall the sound pressure level of any individual operation or plant or the combined operations of any person, firm or corporation exceed the decibel levels in the designated octave bands shown below for the zoning districts indicted as measured using test equipment per ANSI Standards S1.1 1960, S1.4 1961, S1.11 1966 and S1.12 1967 and SAE J 184 and with reference to Sections 230.060 and 230.070.

Octave Band CenterFrequency (Hz)	**Maximum Sound Pressure Levels (dB) Along District Boundaries (Daytime, Steady Noise)**	
	Residence	Business--Commercial
31.5	72	79
63	71	78
125	65	72
250	57	64
500	51	58
1,000	45	52
2,000	39	46
4,000	34	41
8,000	32	39
	Maximum repetitive impulse noise sound pressure levels to be 10 dB lower than the values shown for steady noise.	

1. For monitoring purposes, the A scale levels (slow response) of 55 dB(A) and 62 dB(A) respectively for residence and business-commercial districts may be used. Any noise levels in excess of these values constitute a violation of this Subsection.
2. Where noise levels below the above-mentioned 55 dB(A) and 62 dB(A) are measured, the octave band test is to be applied in order to determine compliance with this Section.
3. Maximum nighttime sound pressure levels 10:00 P.M. to 7:00 A.M. are to be seven (7) dB lower than the values shown for daytime steady noise for each octave band center frequency.

B. In "M-2" Heavy Industrial zoning districts, at no point either on the boundary of a residence, business or commercial district or at one hundred twenty-five (125) feet from the nearest property line of a plant or operation, whichever distance is greater, shall the sound pressure level of any individual operation or plant or the combined operations of any person, firm or corporation exceed the decibel levels in the designated octave bands

shown below for the zoning districts included, as measured using test equipment per ANSI Standards S1.1 1960, S1.4 1961, S1.11 1966 and S1.12 1967 and SAE J 184 and with reference to Sections 230.060 and 230.070.

Octave Band Center Frequency (Hz)	***Maximum Sound Pressure Levels (dB) Along District Boundaries (Daytime, Steady Noise)***	
	Residence	Business--Commercial
31.5	75	80
63	74	79
125	69	74
250	64	69
500	58	63
1,000	52	57
2,000	47	52
4,000	43	48
8,000	40	45
	Maximum repetitive impulse noise sound pressure levels to be 10 dB lower than the values shown for steady noise.	

1. For monitoring purposes, the A scale levels (slow response) of 61 dB(A) and 66 dB(A) respectively for residence and business-commercial districts may be used. Any noise levels in excess of these values constitute a violation of this Section.
2. Where noise levels below the above-mentioned 61 dB(A) and 66 dB(A) values are measured, the octave band test is to be applied in order to determine compliance with this Section.
3. Maximum nighttime sound pressure levels 10:00 P.M. to 7:00 A.M. are to be seven (7) dB lower than the values shown for daytime steady noise or each octave band center frequency.

C. In business and commercial zoning districts, all activities involving the production, processing, cleaning, servicing, testing, repair of materials, goods or products or any property use shall conform with the performance standards stated in Subsection (A) above, provided that performance standards shall in every case be applied at the boundaries of the lot on which any such activities take place.

D. In residential zoning districts, any property use shall conform with the performance standards stated in Section (A) above for residence district boundaries, provided that performance standards shall in every case be applied at the boundaries of the lot on which such use is established.

E. The maximum sound pressure levels established in Subsections (A), (B), (C) and (D) to be applied to the boundaries of a lot shall not apply to construction sites. Construction site noise level shall be regulated by Section 230.030(D).

F. In all instances in which a "I-2" Heavy Industrial District does not adjoin a residence, business or commercial district, the performance standards governing noise for the "I-1" Light Industrial Districts shall apply at the nearest residence or commercial district boundary line, as these districts are defined and designated under the provisions of the zoning regulations set forth in Chapter 400.

G. Any property uses established in an industrial, business or commercial district shall be so operated as to comply with the performance standards governing vibrations set forth:

1. In an "I-2" industrial zoning district, any property use creating intense or shaking

vibrations such as are created by drop forges or heavy hydraulic surges shall be set back at least three hundred (300) feet from the zoning district line of any residence or commercial zoning district and at least one hundred fifty (150) feet from the zoning district line in any "I-1" industrial zoning district unless such operation is controlled in such manner as to prevent such transmission beyond the zoning district line of earth-shaking vibrations perceptible without the aid of instruments.

2. In an "I-1" industrial zoning district, business or commercial zoning district any property use creating earth-shaking vibrations such as are created by drop forges or hydraulic surges shall be controlled in such manner as to prevent transmission beyond the lot lines of earth-shaking vibrations perceptible without the aid of instruments. (R.O. 2009 §97.05; CC 1981 §20-140(k--q); Ord. No. 83-58, 8-10-83; Ord. No. 98-398, 9-14-98)

Cross Reference--As to penalty, §100.150.

SECTION 230.060: SAE STANDARDS AND RECOMMENDED PRACTICES

Test procedures as to noise levels emitted by motor vehicles and by engine powered equipment when offered for sale shall conform to SAE standards and recommended practices:

SAE J 184 Qualifying a Sound Data Acquisition System. SAE Recommended Practice.
SAE J 331 SAE Standard for Sound Levels for Motorcycles, as it is proposed on the effective date of this Chapter.
SAE J 366a Exterior Sound Level for Heavy Trucks and Buses. SAE Recommended Practice.
SAE J 952b Sound Levels for Engine Powered Equipment. SAE Standard.
SAE J 986a Sound Levels for Passenger Cars and Light Trucks. SAE Standard.

and such other and further standards as may be propounded in the code of recommended practices of the Director. (R.O. 2009 §97.06; CC 1981 §20-141; Ord. No. 83-58, 8-9-83)

SECTION 230.070: TEST EQUIPMENT STANDARDS

Test equipment standards applicable to tests and measurements described and required herein are:

ANSI S1.1 1960 Acoustic Terminology (ISO R131) (IEC 50-08)
ANSI S1.4 1961 General Purpose Sound Level Meters (IEC 123-1961)
ANSI S1.11 1966 Octave, Half Octave and Third Octave Band Filter Sets (IEC 225-1966)
ANSI S1.12 1967 Laboratory Standard Microphones
IEC 179 1965 Precision Sound Level Meters

and such other and further standards as may be propounded in the code of recommended practices of the Director. (R.O. 2009 §97.07; CC 1981 §20-142; Ord. No. 83-58, 8-9-83)

SECTION 230.080: CERTIFICATION OF COMPLIANCE

The Director may require, upon reasonable notice, that the manufacturer, distributor, importer or designated agent shall certify in writing to the City that his/her vehicles or

equipment sold or offered for sale within the City comply with the applicable provisions of the appropriate Sections of this Chapter. (R.O. 2009 §97.08; CC 1981 §20-143; Ord. No. 83-58, 8-9-83)

SECTION 230.090: RE-EVALUATION OF NOISE LEVEL LIMITS

It is the intent of the City to periodically re-evaluate the future noise level limits and other standards contained in this Chapter and, if it is determined to be appropriate, to adjust such standards either upward or downward in light of future possible advances in technology or the state of the art. (R.O. 2009 §97.09; CC 1981 §20-144; Ord. No. 83-58, 8-9-83)

SECTION 230.100: ENFORCEMENT OF REGULATIONS

A. The Chief of Police may establish regulations for the implementation of enforcement. Any regulation promulgated under this Section shall pertain only to the means, manner or method of implementation of enforcement of the Chapter and shall not change, alter or amend the requirements of the Chapter. The regulations promulgated hereunder or amendments or changes thereof shall become effective upon review and approval by the City Council.
B. Violation of the regulations promulgated under this provision shall be punished as provided for in Section 100.150.
C. Copies of the regulations promulgated under this Section shall be kept on file at the office of the City Clerk. These regulations shall be available for public inspection and copying during normal business hours. (R.O. 2009 §97.10; CC 1981 §20-145; Ord. No. 83-58, 8-10-83)

Cross Reference--As to penalty, §100.150.

SECTION 230.110: NOISE VARIANCES

A. The provisions of this Chapter shall not apply to those events, activities or locations which have been granted a variance, as hereinafter set out, by the City Council.
B. The City Council shall have the authority to grant variances subject to the conditions and under the circumstances set out in this Section. These variances, to be known and entitled as noise variances, shall exclude the event, activity or location for which the permit is issued from the operation and requirement of this Chapter, subject to the provisions of this Section.
C. Any person seeking a variance pursuant to this Section shall file an application with the City Clerk on a form prescribed by the Chief of Police. The application shall contain, in addition to such information as shall be required by the Chief of Police, information demonstrating that bringing the source of sound for which the variance is sought or the activity involved into compliance with this Chapter would cause an unreasonable hardship for the applicant, the community or for other persons. Upon receiving such an application, the Clerk shall submit it to the Mayor. Upon receipt of an application, the Mayor shall cause such investigation as he/she deems necessary to be made concerning the application. This investigation may include, but need not be limited to, consulting with such departments as he/she may deem necessary or desirable. The Mayor, subject to

the provisions of Subsection (D) below may, in his/her discretion, cause a public hearing to be held on any application for a noise variance. If no public hearing is held, the Mayor, subject to the provisions of Subsection (D) below, shall allow interested parties to submit written comments concerning an application for a noise variance. The applicant shall, prior to the investigation of the application by the Mayor, cause a public notice of the application for a noise variance to be published at least twice in a daily newspaper of general circulation published in the City in a form prescribed by the City Clerk.

D. The Mayor, in addition to such other investigation as he/she may deem necessary:
    1. Shall require applicant to show that the notice requirements herein provided for have been met;
    2. Shall permit applicant to offer such evidence as it desires to establish applicant's position that a variance should be granted;
    3. Shall permit those opposing applicant's request for a variance to offer evidence in opposition to the granting of a variance;
    4. May, in his/her discretion, refuse to receive or hear evidence that is cumulative and may reasonably limit the time allowed to present evidence by those supporting and those opposing the application.

E. The Mayor shall consider all evidence received pursuant to this Section and based upon this evidence and the results of his/her investigation shall make a recommendation to the City Council as to whether a noise variance should be granted. The Mayor shall make his/her recommendation based upon the factors set out in Subsection (F) and shall state the reasons for his/her recommendation in writing. The application and the recommendation of the Mayor shall be placed on the agenda of the City Council and shall be considered in due course according to the rules of the City Council. In deciding whether to grant the noise variance, the City Council shall consider the factors set out in Subsection (F) below. The City Council shall, by resolution, grant or deny the variance. If a resolution approving a noise variance is passed, the City Clerk shall issue a noise variance subject to the terms of this Section.

F. The following factors shall be considered in determining whether to grant the variance:
    1. The balance of the hardship to the applicant, the community and other persons in not granting the variance against the adverse impact on the health, safety and welfare of persons adversely affected and any other adverse effects of the granting of the variance.
    2. The number, if any, of previous variances granted to the applicant or for the same location or activity.
    3. The nearness of any residence or residences or any other use which would be adversely affected by noise in excess of the limits prescribed by the Chapter.
    4. The sound level of the sound to be generated by the event or activity.
    5. Whether the type of noise to be produced by the event is usual or unusual for the location or area for which the variance is requested.
    6. The density of population of the area in which the event or activity is to take place.
    7. The time of day or night which the activity or event will take place.
    8. The nature of the sound to be produced including, but not limited to, whether the sound will be steady, intermittent or of a repetitive impulse nature.

G. Neither the Mayor nor the City Council shall consider the communicative content of the

activity or event in determining whether to grant or deny a variance. The rights of all interested persons to due process of law and equal protection of law shall not be denied.

H. Variances shall only be granted subject to the following conditions:
   1. The event or activity for which the permit is sought shall be held in a public place.
   2. The event or activity for which the permit is sought shall be open to the public. There shall be no discrimination on the basis of race, color, creed, national origin or sex.
   3. Variances issued shall be subject to such reasonable conditions as the City Council shall require including, but not limited to:
      a. Limiting the days of the week for which the variance is valid.
      b. Limiting the number of days for which the variance is valid.
      c. Limiting the hours of the day or days for which the variance is valid. Such conditions shall be noted on the variance issued to the applicant and non-compliance with any condition of the variance shall terminate the variance and subject the applicant, event or activity to the provisions of this Chapter. The variance shall not be valid unless all conditions thereof are agreed to by the applicant or its duly authorized officer or agent, in writing.

I. Any variance issued pursuant to this Section shall be kept at the site of the event or activity for which the variance was obtained. The variance shall be displayed, on request, to any Law Enforcement Officer, environmental protection department employee or park patrol officer. The requirements of this Chapter are made express conditions of the granting of the variance and failure to comply with these conditions shall cause the variance to terminate as provided for in Subsection (H) of this Section.

J. The City Council, in granting or denying a variance pursuant to this Section, shall be an administrative body, acting in a quasi-judicial capacity, subject to review as provided in State Statutes pertinent to administrative proceedings. (R.O. 2009 §97.11; CC 1981 §20-146; Ord. No. 83-58, 8-10-83; Ord. No. 07-162, 6-11-07)

SECTION 230.120: NOISE CONTROL IN THE NEW TOWN AT ST. CHARLES

A. Pursuant to Ordinances 03-172 and 03-174, the Urban Code for New Town at St. Charles was adopted. Section 1.3.9.b of the Urban Code sets forth the general ambient noise standards which shall apply within the New Town at St. Charles as follows:
Sound levels in Zones T1, T2, T3 and T4 shall not exceed seventy-five (75) decibels between 6:00 A.M. and 12:00 A.M. Midnight and sixty-five (65) decibels between 12:00 A.M. Midnight and 6:00 A.M. Sound levels in Zones T5 and T6 shall not exceed eighty-five (85) decibels between 6:00 A.M. and 12:00 A.M. Midnight and seventy-five (75) decibels between 12:00 A.M. Midnight and 6:00 A.M. The sound level shall be measured at the property line of the property producing the noise with a sound level meter set to the A frequency rating.

B. Within the New Town at St. Charles, no person shall make, cause, permit or allow to be made any noise of any kind which exceeds the decibel level set forth in Subsection (A).

C. Violation of this Section shall be punished as provided in Section 100.150. (R.O. 2009 §97.12; Ord. No. 09-195, 11-3-09)

APPENDIX A TO CHAPTER 230. STATIONARY ENGINE NOISE

LIMITS

Vehicle	Stationary Engine Speed	Microphone Distance from Vehicle	Noise Limit dB(A)
tor vehicle with a turer's GVW rating of ten l (10,000) pounds or more combination of vehicles y such motor vehicle	Maximum governor speed (not applicable to vehicles without governors); ungoverned vehicles of this class shall be tested as provided for in Subsection (B)(1) of Section 230.040	35 feet from centerline of vehicle	93
torcycle	75% of motor speed at maximum developed horsepower	75 inches from near side of vehicle	95
er motor vehicle and any tion of motor vehicles towed vehicle	75% of motor speed at maximum developed horsepower	20 inches from end of tailpipe	90

(R.O. 2009 App. A to Ch. 230)

CHAPTER 235: EMERGENCY MANAGEMENT

SECTION 235.010: ESTABLISHMENT

There is hereby created within and for the City of St. Charles an emergency management organization to be known as the City of St. Charles Emergency Management Organization, which is responsible for the preparation and implementation of emergency functions required to prevent injury and minimize and repair damage due to disasters, to include emergency management of resources and administration of such economic controls as may be needed to provide for the welfare of the people, and emergency activities (excluding functions for which military forces are primarily responsible) in accordance with Chapter 44, RSMo., and supplements thereto, and the Missouri Emergency Operations Plan adopted thereunder.

SECTION 235.020: ORGANIZATION

This agency shall consist of a Director and other members appointed by the City of St. Charles 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 235.030: FUNCTIONS

The organization shall perform emergency management functions within the City of St. Charles 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 235.040: DIRECTOR

A. The Director will be appointed by the Mayor and shall serve at the pleasure of the Mayor.
B. The Director shall have direct responsibility for the organization, administration and operations of local emergency management operations, subject to the direction and control of the Mayor or City Council.
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 City of St. Charles Emergency Management Organization.

SECTION 235.050: SCOPE OF OPERATION

The City of St. Charles in accordance with Chapter 44, RSMo., may:

1. Appropriate and expend funds, make contracts, obtain and distribute equipment, materials and supplies for emergency management purposes; provide for the health and safety of persons, the safety of property; and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the Federal and State Governments.
2. Appoint, provide or remove rescue teams, auxiliary fire and Police personnel and other emergency operation teams, units or personnel who may serve without compensation.

SECTION 235.060: 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.

SECTION 235.070: CITY MAY ACCEPT SERVICES, ETC.

The Mayor of the City may, with the consent of the Governor, accept services, materials, equipment, supplies or funds gifted, granted or loaned by the Federal Government or an officer or agency thereof for emergency management purposes, subject to the terms of the offer.

SECTION 235.080: OATH

No person shall be employed or associated in any capacity in the City of St. Charles 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 City of St. Charles 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 City of St. Charles Emergency Management Organization, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence."

SECTION 235.090: OFFICE SPACE

The Mayor is authorized to designate space in any City-owned or leased building for the City of St. Charles Emergency Management Organization.

SECTION 235.100: AUTHORITY TO DECLARE CIVIL EMERGENCY

A. Whenever it is the judgment of the Mayor, or in the Mayor's absence or inability to act, the Mayor Pro Tem, that there reasonably appears to exist a state of civil emergency within the City or the clear threat of such a civil emergency exists, the Mayor shall be empowered, in order to preserve the peace and order of the City and protect its citizens and their property, in addition to any other power granted to the Mayor by law, to issue a proclamation declaring a state of civil emergency to exist.

B. The Mayor may in the proclamation exercise such of the following powers as to the Mayor may appear reasonably necessary for the purposes aforesaid:

1. Impose a curfew upon all or any portion of the City as the Mayor may deem advisable during such hours of the day or night as the Mayor deems necessary. In such times and in such places, all persons shall remove themselves to their places of residence, shall remain off and away from the public streets, sidewalks, parkways, parks and all other open or public places and shall not assemble, gather, loiter or congregate in any manner in groups, assemblies or meetings; provided however, persons performing medical services, essential utility services, public officials, Police Officers, Firefighters and all other persons explicitly enumerated as exempted in such proclamation may be exempted from the curfew;
2. Order the closing of any and all business establishments throughout the City or any portion thereof during the period for which the state of emergency exists or during the curfew hours;
3. Order discontinuance of selling, distributing, dispensing or giving away of any firearms or other weapons of any character whatsoever;
4. Order the closing of any or all establishments or portions thereof, the chief activity of which is the sale, distribution, dispensing or giving away of firearms or ammunition or other weapons of any character whatsoever;
5. Order the closing of all retail and wholesale liquor stores, taverns and other places dispensing, serving or permitting the consumption of intoxicating liquor;
6. Order the discontinuance of the sale, distribution or giving away of intoxicating liquors;

7. Order the closing of all private clubs or portions thereof wherein the consumption of intoxicating liquor is permitted;
8. Order the closing of gasoline stations and other establishments, the chief activity of which is the sale, distribution or dispensing of gasoline or other liquid, flammable or combustible products;
9. Designate any public place, public street, thoroughfare, boulevard, parking area and any other place closed to motor vehicles, persons and pedestrian traffic; and
10. Order all regular, special and reserve Policemen, Firemen and other conservators of the peace to report for duty assignment, such reporting to be in accordance with prearranged plans or under the direction of lawful authority. (R.O. 2009 §41.12; CC 1981 §7-12; Ord. No. 93-157, 7-9-93; Ord. No. 07-162, 6-11-07)

SECTION 235.110: WAIVER OF INSPECTION FEES

The Mayor may waive fees for inspections of buildings and facilities, including building fees, electrical fees, plumbing fees and other similar fees, when the inspections are necessary because of flooding or other natural disasters occurring within the City. (R.O. 2009 §41.13; CC 1981 §7-14; Ord. No. 93-181, 8-17-93; Ord. No. 07-162, 6-11-07)

CHAPTER 240: HUMAN RIGHTS

ARTICLE I. IN GENERAL

SECTION 240.010: 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 240.020: 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, public assistance recipient, sexual orientation 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.

ARTICLE II. COMMISSION ON HUMAN RIGHTS

SECTION 240.030: 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 City Council 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 City Council a full written report of all its activities and of its recommendations.

SECTIONS 240.040--240.050: RESERVED

ARTICLE III. DISCRIMINATORY PRACTICES

SECTION 240.060: 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, public assistance recipient, sexual orientation 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, public assistance recipient, sexual orientation 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, public assistance recipient, sexual orientation 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, public assistance recipient, sexual orientation 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, public assistance recipient, sexual orientation 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 240.060, 240.070 and 240.080, 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.

SECTION 240.070: 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, public assistance recipient, sexual orientation 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, public assistance recipient, sexual orientation 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.

SECTION 240.080: 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, public assistance recipient, sexual orientation or familial status.

SECTION 240.090: DISCRIMINATION IN PUBLIC ACCOMMODATIONS PROHIBITED-- EXCEPTIONS

A. All persons within the City of St. Charles 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, public assistance recipient, sexual orientation 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 240.020 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, public assistance recipient, sexual orientation 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 240.020 and this Section.

SECTION 240.100: 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, public assistance recipient, sexual orientation 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.

SECTION 240.110: 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 240.060, 240.070 and 240.080:

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 240.060, 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.

ARTICLE IV. ENFORCEMENT PROCEDURES

SECTION 240.120: 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 240.130: 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 240.140: 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 245: SOLID WASTE MANAGEMENT

Cross References--As to abandonment of airtight or semi-airtight containers, §215.1460; as to disposition of animal carcasses, §215.1770.

ARTICLE I. GENERAL PROVISIONS

SECTION 245.010: DEFINITIONS

For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORIZED COLLECTOR: A person with whom the City has contracted for the

collection, removal and disposal of garbage and rubbish.
BOARD OF HEALTH: The duly elected and designated Board of Health of the City.
BUSINESS ESTABLISHMENT: Stores, restaurants, hotels, offices, wholesale establishments, retail establishments, hospitals, plants, shops, manufacturing establishments, schools and churches. (The term shall not be construed to include apartments, flats, private dwellings, trailer courts or boarding houses.)
GARBAGE: Food waste from homes, kitchens, apartments, hotels, restaurants, stores, markets and similar establishments.
HOUSEHOLD SERVICE CARTS: Receptacles for trash and refuse intended primarily for household use, equipped with handles and wheels of a capacity not exceeding one hundred (100) gallons, capable of being wheeled by one (1) person and dumped into trash collection trucks by one (1) person with the use of special equipment installed upon the trucks. Any household service cart shall meet the above description and, in addition thereto, be approved by the City and the authorized collector and be compatible with the equipment installed upon the authorized collector's trash collection trucks.
HOUSEHOLD UNIT: Any room or grouping of rooms located within a building or mobile home and forming a single housekeeping unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by any number of individuals living together as a single housekeeping unit.
RECYCLABLES: Newspapers, household glass containers, bimetal cans, aluminum cans and plastics.
RECYCLING: The separation and reuse of materials which might otherwise be disposed of as solid waste.
RUBBISH: Refuse such as waste paper, rags, cartons, boxes, excelsior, leather, cloth materials, shrub trimmings tied in bundles not to exceed four (4) feet in length, yard trimmings, cans, plastics, glass, crockery, ashes and clinkers from heating plant furnaces or other materials light in weight and easily handled or a combination of any two (2) or more of the foregoing types of materials. This term shall not include ashes or cinders from other than household or small heating plants, tree limbs, street sweepings, catch-basin murk, concrete, dirt, concrete mortar or plaster mortar, stones, bricks, scrap metal or other similar construction materials or materials resulting from the erection or destruction of buildings. (R.O. 2009 §50.01; CC 1981 §13-1; Ord. No. 3705, 11-6-69; Ord. No. 84-26, 3-22-84; Ord. No. 91-146, 8-7-91)

State Law References--Collection and disposal of garbage in cities of the third class, §§71.680--71.690, RSMo.

SECTION 245.020: COLLECTION, REMOVAL AND DISPOSAL

A. All garbage and rubbish, as defined in Section 245.010, within the City shall be collected, removed and disposed of by the City or an authorized collector in accordance with and subject to the provisions of this Article; provided however, that nothing in this Article shall be construed as prohibiting duly authorized and licensed haulers from collecting and removing garbage and rubbish from business establishments as defined in Section 245.010. All such collections shall be made between the hours of 7:00 A.M. and 6:00 P.M.
B. The owner of any room, dwelling house, apartment or other building shall dispose of the garbage and rubbish in the manner required by this Article.

C. It shall be unlawful for the owner or possessor of any room, dwelling house, apartment or other building operated or used as a residential, commercial or industrial use to not maintain garbage and rubbish disposal service. (R.O. 2009 §50.02; CC 1981 §13-2; Ord. No. 3705, 11-6-69; Ord. No. 82-15, 3-17-82; Ord. No. 88-178, 9-21-88; Ord. No. 93-122, 6-2-93; Ord. No. 06-278, 10-10-06)

SECTION 245.030: UNLAWFUL DISPOSITION

It shall be unlawful for any person to dispose of any garbage, rubbish, furniture items, appliances or machinery of any type or any other items by depositing the same in or on any public alley, street, roadway, vacant lot or property of any kind or character within the City or by burning same; provided however, that nothing in this Article shall be construed to prohibit the disposition of garbage or rubbish by burying or disposing of same in an incinerator approved by the Board of Health and provided for by the State Statutes. (R.O. 2009 §50.03; CC 1981 §13-3; Ord. No. 80-85, 7-23-80)

Cross Reference--As to penalty, §245.450.

SECTION 245.040: DUTY OF OWNER TO PROVIDE CONTAINERS

Each owner of any room, dwelling house, apartment or other building shall provide, and renew when necessary, a sufficient number of containers to hold the garbage or rubbish accumulating thereon. (R.O. 2009 §50.04; CC 1981 §13-4; Ord. No. 93-122, 6-2-93)

SECTION 245.050: CONTAINERS SPECIFICATIONS AND CONTENTS

A. Garbage and rubbish shall be placed in containers equipped with tight-fitting covers and constructed of rigid materials such as galvanized metal, polyurethane or other materials capable of being a freestanding container. All containers shall be equipped with strong handles on the outside and shall be water-tight. Each container shall have a capacity of not less than five (5) gallons nor more than one hundred (100) gallons and, within these limits, shall be of sufficient capacity to hold all garbage and rubbish accumulating on the premises between collections. The contents thereof shall be kept in such condition that they can at all times be readily and fully removed by the City or its authorized collector. Large, heavy-duty plastic bags may be used in lieu of the containers specified above.
B. The use of household service carts is not mandatory, but shall be encouraged. Nothing herein shall prohibit the use of containers which are larger than those specified above where such containers are designed for automated dumping by the City's authorized collector.
C. Recyclables may be placed in recycling containers as designated by the authorized collector. (R.O. 2009 §50.05; CC 1981 §13-5; Ord. No. 3705, 11-6-69; Ord. No. 73-31, 5-23-73; Ord. No. 80-85, 7-23-80; Ord. No. 80-106, 9-3-80; Ord. No. 84-26, 3-22-84; Ord. No. 88-178, 9-21-88; Ord. No. 91-146, 8-7-91)

Cross Reference--As to penalty, §245.450.

SECTION 245.060: LOCATION OF CONTAINERS

A. It shall be unlawful to place or keep garbage or rubbish containers or containers for

recyclables on any public street or alley, except on private property; provided however, that such containers may be placed on designated locations on public streets or alleys on collection days for a sufficient length of time to permit the City or its authorized collector to make collection of such garbage or rubbish.

B. Containers for garbage, rubbish or recyclables shall be placed and at all times kept on private property in either the rear yard or the side yard behind the front building line; provided however, that on collection days such containers shall be placed in plain view of the rear of the premises when the premises are adjacent to the alley and collection is done from the alley. When the premises are not adjacent to the alley and the collection is done from a street, then such containers shall, on collection days, be placed in plain view adjacent to the curb in front of such premises. No container may be placed for collection prior to 5:00 P.M. of the day before the scheduled pickup. At no time shall containers be stored in the front yard, a porch or in front of a garage, provided however,

C. It shall be the duty of the householder or person in charge of the premises to remove containers from the premises adjacent to the street curb not later than Midnight of the day of pickup. If more than one (1) container is necessary to hold the garbage, rubbish or recyclables accumulating on the premises or if more than one (1) container is used for the garbage, rubbish or recyclables from any building, all containers shall be placed at the same location for collection. (R.O. 2009 §50.06; CC 1981 §13-6; Ord. No. 91-46, 3-8-91; Ord. No. 99-355, 10-12-99; Ord. No. 03-122, 5-27-03)

Cross Reference--As to penalty, §245.450.

SECTION 245.070: MAINTENANCE OF CONTAINERS

All garbage and rubbish containers shall be maintained in a good and sanitary condition by the owner thereof. Household service carts which are rented or leased by the authorized collector shall be maintained by the authorized collector; provided however, that the authorized collector shall not be required to maintain or repair any containers which are damaged as the result of vandalism, fire, burning or melting or impact with vehicles of the owner of the household unit. (R.O. 2009 §50.07; CC 1981 §13-7; Ord. No. 84-26, 3-22-84)

Cross Reference--As to penalty, §245.450.

SECTION 245.080: PLACING UNAUTHORIZED MATERIALS IN CONTAINERS

It shall be unlawful for any person to deposit in a container from which garbage or rubbish is to be removed by the City or its authorized collector any material other than garbage and rubbish as defined in this Article. If any such container contains any material other than garbage or rubbish, neither the City nor its authorized collector shall be obligated to remove the contents of such container. (R.O. 2009 §50.08; CC 1981 §13-8; Ord. No. 3124, 7-24-63)

Cross Reference--As to penalty, §245.450.

SECTION 245.090: PROVISION AND USE OF CONTAINERS AT CERTAIN CONSTRUCTION SITES

A. The owner or contractor for the construction or building of a commercial building, industrial building or apartment building with four (4) or more units shall provide a trash container on the site with a capacity of not less than one (1) cubic yard.
B. The owner or contractor for the construction or building of residential buildings having three (3) units or less shall provide a trash container on the site with a capacity of not less than one (1) cubic yard; provided that when an owner or contractor is constructing or building on not more than three (3) abutting lots, he/she shall not be required to provide more than one (1) trash container.
C. The owner or contractor shall cause all debris, trash, rubbish, wastes, paper and all other like materials to be deposited in the trash container daily.
D. The owner or contractor shall cause the trash container to be emptied at sufficient intervals to insure that the container does not overflow.
E. The Community Development Department and the Police Department shall be responsible for the enforcement of the provisions of this Section and all officers and employees of the City shall report any violations to these departments.
F. Before approval of any inspection of any stage of construction or work is given, the Inspector shall insure that the provisions of this Section are complied with. (R.O. 2009 §50.09; CC 1981 §13-9; Ord. No. 74-32, 7-24-74)

SECTION 245.100: FREQUENCY AND TIME OF COLLECTION--SCHEDULE

A. The City or its authorized collector shall collect and remove garbage and rubbish from each household unit according to the terms and provisions of this Article and the City or its authorized collector shall furnish such owners or occupants with a schedule of collection and removal of garbage and rubbish from the premises. If the regular day of collection, as provided within the schedule, should be a holiday, the schedule of collection shall provide for the collection and removal of garbage and rubbish from such premises on such a holiday with the exception that there shall be no pickups on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. In the event a listed holiday falls on a scheduled collection day, residential units shall be serviced on the next day that residential service is provided anywhere in the City.
B. Bundles of brush shall be a maximum of four (4) feet long and one and one-half (1½) feet in diameter. (R.O. 2009 §50.10; CC 1981 §13-10; Ord. No. 3410, 8-10-66; Ord. No. 3705, 11-6-69; Ord. No. 78-64, 9-27-78; Ord. No. 88-178, 9-21-88; Ord. No. 91-146, 8-7-91)

SECTION 245.110: SCAVENGING AND UNAUTHORIZED COLLECTIONS

A. No person shall, without authorization from the City, collect or pick up or cause to be collected or picked up any recyclable materials placed at curbside for collection or in any recycling receptacle placed by the City or its authorized collector.
B. Nothing in this Section is intended to prevent anyone from donating or selling recyclable materials from their own rubbish. (R.O. 2009 §50.11; CC 1981 §13-11; Ord. No. 91-146, 8-7-91)

Cross Reference--As to penalty, §245.450.

SECTION 245.120: VEHICLES USED FOR COLLECTION

The City or its authorized collectors shall, in the collection of garbage, rubbish and recyclables, use only vehicles that are mechanically safe at all times, in clean and sanitary condition at all times; provided that the vehicles used in the moving of garbage shall be of steel covered and leak-proof construction. (R.O. 2009 §50.12; CC 1981 §13-12; Ord. No. 91-146, 8-7-91; Ord. No. 01-201, 9-5-01)

Cross Reference--As to penalty, §245.450.

SECTION 245.130: SERVICE PROVIDED--NOTICE OF NEW CUSTOMERS

The contractor shall provide the service of garbage removal to all household units within the City except business establishments. The Water Department shall notify the contractor of all new customers within the City once each month. (R.O. 2009 §50.13; CC 1981 §13-13; Ord. No. 3705, 11-6-69; Ord. No. 80-85, 7-23-80)

SECTION 245.140: UNAUTHORIZED COLLECTION OR REMOVAL

The collection and removal of garbage and rubbish by trucks or other vehicles in the City or the holding out or solicitation of such business by any person who does not have a contract with or who is not duly authorized and licensed by the City for the collection, removal and disposal of garbage and rubbish shall be unlawful. (R.O. 2009 §50.15; CC 1981 §13-15)

Cross Reference--As to penalty, §245.450.

SECTION 245.150: EXEMPTION FROM CHARGES

A. *When Authorized.* A household unit may be exempt from the obligation to pay for garbage and rubbish removal upon a showing of undue hardship.
B. *Investigation Of Application.* Upon application for exemption from payment of the garbage and rubbish removal fee, the Mayor shall cause an investigation to be made to determine if such undue hardship exists.
C. *Grant Of Exemption.* Upon affirmative recommendation of the Mayor, a household may be exempt from payment of the garbage and rubbish removal fee, however, the City's authorized collector shall continue to collect garbage and rubbish from the exempted household unit. (R.O. 2009 §50.16; CC 1981 §§13-19--13-21; Ord. No. 78-34, 5-31-78)

SECTION 245.160: REVOCATION OF EXEMPTION

Any exemption granted by the Mayor pursuant to Section 245.150 may be revoked upon a finding that such undue hardship no longer exists. (R.O. 2009 §50.17; CC 1981 §13-22; Ord. No. 78-34, 5-31-78)

SECTION 245.170: RESERVED

ARTICLE II. COLLECTION STANDARDS

SECTION 245.180: OBSTRUCTION OF ACCESS TO MAILBOXES BY PLACEMENT OF CONTAINERS PROHIBITED

It shall be unlawful for an authorized collector to obstruct access to a mailbox by the placement of a solid waste, recycling or yard waste container. (R.O. 2009 §50.18; Ord. No. 09-51, 4-9-09)

ARTICLE III. CONTENTS FOR COLLECTION

SECTION 245.190: MONTHLY COLLECTION BY CITY

The City may provide, by contract, for the collection of garbage and rubbish within the City for the removal therefrom and disposal thereof on the basis of a fixed sum per month from each household unit. (R.O. 2009 §50.30; CC 1981 §13-34)

SECTION 245.200: BIDDING CONDITIONS AND REQUIREMENTS

A. *To Be Let To Lowest And Best Bidder And The Like.* All contracts for collecting, removing and disposing of garbage and rubbish under the provisions of this Article shall be let to the lowest and best bidder, the right being reserved to reject any and all bids; provided that if no bids are received or all are rejected, the City may proceed to let the contract as if no bids had been sought or received by advertising for new bids; provided however, that nothing herein shall prohibit the City from extending or modifying the contract of an authorized collector during the term thereof.

B. *Advertisement For Bids.* The City shall advertise for sealed bids, for any work to be done by contract under the provisions of this Article, by publication for two (2) consecutive weeks in a newspaper published daily or having general distribution in the City.

C. *Bids--To Be Accompanied By Bidder's Deposit.* All bids submitted under the provisions of this Article shall be accompanied by a surety in the form of a bid bond, cash or a certified or cashier's check or money order in the sum of fifty thousand dollars ($50,000.00) as a guarantee that the successful bidder will, upon the award being made, enter into the contract provided for by this Article. The cash or checks of unsuccessful bidders shall be returned to them.

D. *Bidders To Furnish Statement Of Financial Condition, Nature Of Equipment And The Like.* Each bidder under the provisions of this Article shall, if requested, submit to the City a written statement showing in detail the kind, character and nature of the equipment he/she proposed to use, a statement of his/her financial condition and such other information requested as will bear upon his/her ability to comply with his/her contract during its entire term. (R.O. 2009 §50.31; CC 1981 §§13-35, 13-37, 13-39--13-40; Ord. No. 3124, 7-24-63; Ord. No. 78-64, 9-27-78; Ord. No. 84-26, 3-22-84; Ord. No. 88-178, 9-21-88; Ord. No. 08-178, 9-3-08)

Cross Reference--As to penalty, §245.450.

SECTION 245.210: CONTRACT AND BOND FILED BY SUCCESSFUL BIDDER

Upon the award of a contract under the provisions of this Article being made, the successful bidder shall, within ten (10) days, file with the City Clerk a contract duly executed by it for the performance of the work provided for by this Article and within such ten (10) days shall likewise file with the City Clerk a bond in the amount that is equal to the cost of providing contracted services to single-family dwelling units for a period of twelve (12) months plus five hundred thousand dollars ($500,000.00) for service to multi-family dwelling units, with securities to be approved by the Mayor, conditioned that it will faithfully perform all the terms and conditions of the contract, will comply with all of the laws, ordinances, rulings and orders of the United States, the State, the County and the City; that it will make payment to all persons to whom it may become indebted by reason of this contract; and that it will pay all damages to the City that may arise from injury to person or property as the result of any negligence on its part in the doing of the work and should the bidder fail to execute such contract or to file such bond as herein provided, within the time specified, the deposit of fifty thousand dollars ($50,000.00) as referred to in Section 245.200(C) shall be forfeited to the City as liquidated damages and deposited to the General Fund of the City.

Upon filing the contract and bond as herein provided, the amount accompanying its bid shall be returned to it. (R.O. 2009 §50.32; CC 1981 §13-41; Ord. No. 78-64, 9-27-78; Ord. No. 88-178, 9-21-88; Ord. No. 08-178, 9-3-08)

Cross Reference--As to penalty, §245.450.

SECTION 245.220: CONDITIONS OF CONTRACT--PERIOD

A. *Conditions Of Contract.* The contract to be entered into under the provisions of this Article shall provide that the contractor furnish the necessary vehicles and trucks, which shall be of the type required under the provisions of Section 245.120, for the collection, removal and disposal of garbage and rubbish. Such contract shall further provide that the contractor shall furnish the necessary labor, which labor shall be able-bodied, neat in appearance and of good moral character and all of such labor shall be employees qualified in accordance with the laws of the State and make collections as often as may be designated by the City in Section 245.100 and such collections shall be made from the rear of premises or from the curb or other accessible place designated according to Section 245.060. Such contract shall also provide that the contractor shall not permit garbage or rubbish to be placed or scattered upon any public or private street, alley, drive or public place. Such contract shall also provide that the contractor shall replace any garbage or rubbish receptacle, can, container or lid damaged by himself/herself or his/her agents or employees; that he/she shall remove paper placed in the receptacle, can or container so as to leave the premises in a neat and clean condition. Such contract shall also provide that all garbage and rubbish collected within the City shall be immediately removed by the contractor and disposed of by the contractor in a manner and by a method both lawful under and permitted by the laws of the State including, but not limited to, the rules and regulations of the Board of Health. In addition to the stipulations enumerated herein, such contract shall contain such other provisions not inconsistent with this Article as shall, in the judgment of the officers of the City, best protect the City.

B. *Period.* The published notice required by this Article will call for sealed bids for a contract period of three (3) years with the option of the City for renewal for an additional three (3) years. (R.O. 2009 §50.33; CC 1981 §§13-42--13-43; Ord. No. 88-178, 9-21-88; Ord. No. 03-122, 5-27-03)

Cross Reference--As to penalty, §245.450.

SECTION 245.230: INSURANCE REQUIRED OF CONTRACTOR

Contracts entered into under the provisions of this Article shall provide that the contractor will obtain and keep in force during the life of such contract Workers' Compensation insurance and a policy of liability insurance indemnifying both the contractor and the City from liability that may be incurred in the performance of this contract by the contractor with an insurance company approved by the City for one million dollars ($1,000,000.00) per person and five million dollars ($5,000,000.00) per occurrence for personal injury and for property damage, the premiums therefor to be paid by the contractor. The contractor shall, as evidence of such insurance contract, file with the City a copy of such insurance policy or policies. (R.O. 2009 §50.34; CC 1981 §13-44; Ord. No. 78-64, 9-27-78; Ord. No. 88-178, 9-21-88; Ord. No. 91-146, 8-7-91; Ord.

No. 08-178, 9-3-08)

Cross Reference--As to penalty, §245.450.

ARTICLE IV. SANITARY LANDFILLS

SECTION 245.240: DEFINITIONS

For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AQUIFER: A subsurface water-bearing bed or stratum of sand, gravel or bedrock which stores or transmits water in recoverable quantities or is capable of yielding water to wells or springs.

BEDROCK: The solid rock stratum underlying solid and unconsolidated service materials.

BULKY WASTE: Non-putrescible solid wastes consisting of waste materials from dwelling units and commercial, industrial, institutional or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in waste transportation vehicles by waste haulers with the equipment available therefor. Bulky residential waste is bulky waste generated on residential premises other than automobiles and construction and demolition materials. Bulky waste does not include automobiles or demolition or construction waste.

CELL: Compacted waste in a sanitary landfill that is enclosed on all sides by cover material.

CLAY SOIL: Soil as defined by the American Society for Testing and Material (ASTM) Standard Test Method D2487-85, Classification of Soils for Engineering Purposes.

CLEAN FILL: Uncontaminated soil, rock, sand, gravel, concrete, asphaltic concrete, cinderblocks, brick, minimal amounts of wood and metal, and inert solids as approved by rule or policy of the State Department of Natural Resources for fill, reclamation or other beneficial use.

COMBUSTIBLE WASTE: All waste substances capable of incineration or burning, but excluding explosive or highly flammable material.

DAILY COVER: Clay soil with a minimum thickness of six (6) inches placed over waste in a landfill at the end of the day or completion of a cell, whichever comes first.

DEMOLITION AND CONSTRUCTION WASTE: Waste materials from the demolition and construction of residential, industrial or commercial structures and related improvements not including materials defined as *"clean fill"* under this Section.

DEPARTMENT: The Department of Community Development.

DIRECTOR: The Director of Community Development and the deputies, assistants and employees of that department designated to perform functions on his/her behalf.

FACILITY: With no modifying words appearing before it, used only in Sections where a sanitary landfill is being discussed, means any sanitary landfill which is the subject of such Section.

FINAL COVER: Compacted clay soil with a minimum thickness of three (3) feet placed over waste in a sanitary landfill which is more substantial than a daily cover.

FINANCIAL ASSURANCE INSTRUMENT: An instrument or instruments including, but

not limited to, cash or surety bond, letters of credit, corporate guarantee or secured trust fund. The form and content of the financial assurance instrument shall meet or exceed the requirements of the Director of Community Development. The instrument shall be reviewed and approved or disapproved by the City Attorney.
FLOOD PLAIN: The area designated as the 500-year special flood hazard and floodway on the Flood Boundary and Floodway Maps and Flood Insurance Rate Maps approved by the Federal Emergency Management Agency.
FREE LIQUID: Liquid that will drain freely by gravity from solid materials.
GARBAGE: All animal and vegetable waste and all putrescible matter.
HAZARDOUS AND DANGEROUS RESIDUES: Residues that are toxic or poisonous, corrosive, irritating or sensitizing, radioactive, biologically infectious, explosive or flammable or that present a significant hazard to human health and the environment.
INTERMEDIATE COVER: The cover material placed over waste, which is in areas that have been idle for more than sixty (60) days, in a layer not less than two (2) feet after compaction.
LANDFILL: A waste disposal site in which waste is deposited.
LEACHATE: Liquid that has percolated through waste and contains extracted, dissolved or suspended materials from the waste.
NON-COMBUSTIBLE WASTE: All waste substances not capable of incineration or burning, including ashes, glass, metal, earthenware and the like.
PERSON: Any individual, partnership, corporation, association, institution, City, County, other political subdivision, authority, State agency or institution, or Federal agency or institution.
PUBLIC CONVENIENCE AND NECESSITY: Something fitting or suited to the public need.
REFUSE: All waste substances including garbage as well as combustible and non-combustible wastes.
SANITARY LANDFILL: A solid waste disposal area which accepts commercial and residential solid waste.
SLUDGE: The accumulated semi-solid suspension of settled solids deposited from wastewaters or other fluids in tanks or basins.
SOIL: Unconsolidated material above the bedrock.
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 not including hazardous waste, recovered materials, overburden, rock tailings, matte, slag or other waste material resulting from mining, milling or smelting.
VECTOR: Any animal, bird or an organism that is capable of transmitting a pathogen from one organism to another.
WASTE: Garbage, offal, refuse and other discarded materials, including liquid, gaseous, solid and semi-solid materials, resulting from industrial, commercial, agricultural and domestic activities.
WORKING FACE: That portion of the sanitary landfill where wastes are discharged and are spread and compacted prior to the placement of cover material. (R.O. 2009 §50.45; CC 1981 §13-101; Ord. No. 91-187, 9-18-91)

SECTION 245.250: QUARRIES AS SANITARY LANDFILLS

No person shall permit the disposing of any refuse in any quarry in the City unless the same is operated as a sanitary landfill in accordance with this Article. (R.O. 2009 §50.46; CC 1981 §13-102; Ord. No. 91-187, 9-18-91)

Cross Reference--As to penalty, §245.450.

SECTION 245.260: DUMPING ON PROPERTY WITHOUT PERMIT PROHIBITED

No person, including a person hauling or disposing of waste for a fee, shall deposit or dispose or cause to be deposited or disposed of any waste on any property in the City not operated under a permit issued by the City Council. Nothing in this Article shall prohibit or prevent the owner or operator of a farm engaged in the raising and feeding of swine from disposing of garbage for the feeding of swine owned by that person so long as such disposal shall not constitute a nuisance or a health hazard to the people of the City or contrary to the health regulations of the City. The feeding of swine shall be subject to the laws of the State, including Sections 266.410 through 266.460, RSMo. (R.O. 2009 §50.47; CC 1981 §13-103; Ord. No. 91-187, 9-18-91)

Cross Reference--As to penalty, §245.450.

SECTION 245.270: REGULATIONS FOR OPERATING SANITARY LANDFILLS

A. Any person to whom a permit is issued for operating a sanitary landfill shall comply with the following provisions:
   1. Operations at a sanitary landfill permitted under this Article shall not be conducted between the hours of 6:00 P.M. and 7:00 A.M.
   2. Each sanitary landfill shall display a prominent sign containing the words "Approved Sanitary Landfill operated by permission of the City Council of the City of Saint Charles, Missouri".
   3. Waste shall be spread in layers not to exceed two (2) feet in thickness and compacted to reduce it to the smallest practical volume.
   4. Following compaction, waste shall be confined to the smallest practical area on the working face.
   5. A responsible supervisor shall be present at the sanitary landfill at all times when the area is open to receive waste and shall monitor the receipt of waste to assure that waste not permitted at the sanitary landfill is in fact not received.
   6. At the conclusion of each day, the waste received and compacted that day shall be covered with a layer of material "daily cover" which shall be not less than six (6) inches compacted in thickness. Cover material shall consist of compacted clay soil. Cover shall be applied more frequently than daily if necessary to prevent blowing garbage, waste and other refuse. Daily cover must be applied regardless of weather. The material used as daily cover material must be available in all weather and a minimum fifteen (15) day stockpile of such cover must be maintained on the site of the sanitary landfill.
   7. Bulky waste, including furniture, shall be crushed on solid ground and pushed into the working face near the bottom of the cell.

8. Water treatment plant sludges containing no free liquid and digested wastewater treatment plant sludges containing no free liquid shall be placed on the working face along with solid wastes and covered with garbage or other refuse immediately.
9. Incinerator and air pollution control residues shall be incorporated into the working face and covered at such intervals as necessary so that the residues will not become airborne. Hazardous and dangerous residues shall not be placed in a sanitary landfill.
10. Surface water and runoff from around the sanitary landfill shall be diverted so that it does not run into the sanitary landfill. Sanitary landfill construction and operation shall include grading to promote rapid surface water runoff without excessive erosion. The grade shall not exceed thirty-three and one-third percent (33€%). Surface watercourses shall be constructed and runoff shall be controlled to handle a twenty (20) year frequency, thirty (30) minute duration rainfall.
11. Leachate collection and treatment systems shall be used to protect ground and surface water resources.
12. Ground and off-site surface water will be controlled and diverted in order to minimize, and eliminate if reasonably possible, contact with waste.
13. No burning shall be permitted.
14. A decomposition gas control plan shall be implemented to prevent danger to occupants of adjacent property.
15. Gases shall be controlled to prohibit explosive or toxic accumulation of gas.
16. Vector control programs shall be implemented to prevent or rectify vector control problems.
17. A landscaped greenbelt at least two hundred (200) feet in width shall be provided and maintained along the perimeter of the sanitary landfill.
18. Litter control devices (such as fences and vegetation) shall be used near the working face and elsewhere to prevent blowing and accumulation of litter. Litter shall be collected from fences and the ground surface each day and shall be incorporated into the daily cell at the end of each day or placed in a secure container. An opaque fence, at least six (6) feet tall, shall be placed and maintained within the landscaped greenbelt along the entire perimeter of the sanitary landfill. Gates shall be opaque.
19. Garbage and litter refuse easily moved by wind shall be covered promptly to prevent such matter from becoming airborne and scattered.
20. Vegetation and natural windbreaks shall be used to improve appearance and operation of the sanitary landfill.
21. Adequate equipment shall be maintained on the site of the sanitary landfill and preventive maintenance shall be performed to assure that the pushing, compaction and covering required by this Article can be continuously performed.
22. Fire extinguishers shall be provided on all equipment.
23. Provisions shall be made for extinguishing fires in waste, equipment and structures on the sanitary landfill site.
24. Communications equipment shall always be available and operable on the sanitary landfill site in order that fire and police services may be quickly summoned in the event of an emergency.

25. The sanitary landfill operator shall not permit persons to scavenge in the sanitary landfill.
26. Access to the sanitary landfill site shall be limited to established roadways and limited to hours when operating personnel are on duty.
27. Traffic arriving to deposit waste at the sanitary landfill shall be directed to designated disposing points near the active face.
28. Dust on the sanitary landfill site shall be controlled for safety purposes and to prevent nuisances.
29. Intermediate clay cover must be applied to all areas idle for more than sixty (60) days in a layer not less than one (1) foot after compaction.
30. Final clay cover shall be applied on each area immediately as completed in a layer not less than two (2) feet after compaction.
31. Vegetation shall be planted as soon as reasonably possible following placing of final cover and shall be planted so as to maximize surface water runoff.
32. *Records to be maintained.*
    a. Records shall be maintained on site covering the following matters:
        (1) Problems and complaints regarding operation of the sanitary landfill.
        (2) Monitoring of leachate sampling and analysis; gas sampling and analysis; and ground and surface water analysis.
        (3) Records of vector control efforts.
        (4) Records of dust and litter control efforts.
        (5) Records of quantity of waste handled.
    b. Such records shall be made contemporaneously with the occurrence of the matters recorded.
33. The sanitary landfill operator shall annually seek samples of all drinking water sources within one-half (½) mile of the sanitary landfill. The samples will be tested for contaminants by the operator. All samples shall be collected and tested by a certified laboratory in accordance with the methods and procedures established by the Missouri Department of Natural Resources, Division of Environmental Quality, as approved or recognized by the Environmental Protection Agency. All samples shall comply with the Missouri public drinking water regulation. The Director may require testing for specific organics/priority pollutants if deemed appropriate by the Director. The operator will maintain records of the efforts to contact owners or operators of all drinking water sources within one-half (½) mile, including the reasons for not gaining access to the sources not tested.
34. The operator of the sanitary landfill shall provide an exit wheel wash which will remove mud, dirt, litter and other sticky substances from the wheels of the trash hauling vehicles which have deposited waste in the sanitary landfill, before the trash hauling vehicles return to drive upon streets.
35. At the direction of the Director of Community Development, the permittee shall remove waste, dirt, litter or foreign matter of any kind carried into or deposited upon any public street or public sidewalk of the City within one-half (½) mile of the sanitary landfill or returning from the sanitary landfill operated by the permittee. The permittee shall perform such removal within twenty-four (24) hours of receiving direction from the Director of Community Development.

36. A triple-layered liner with monitoring system shall be installed on the sanitary landfill bottom and on all sides and surfaces which touch any existing soil or rock surface. The liners shall be designed and constructed so that each of the three (3) liners are inert and liquid-tight. The liner system shall be designed and constructed in order to allow chemical monitoring and sampling from between the three (3) layers. The monitoring system shall be capable of obtaining samples from the lowest elevation in the sanitary landfill.

B. Any exception to the above operating provisions may be granted by the Director of Community Development only upon the approval of a majority of the full City Council. Requests for exceptions to the operating provisions shall be made to the Director of Community Development and the requests shall be presented to the City Council by the Mayor within thirty (30) days. A hearing on the requested exception shall be held by the City Council within thirty (30) days of its presentation to the City Council. A decision by the Council must be rendered within fifteen (15) days of that hearing.

C. The Director may impose additional requirements subject to specific site conditions. The Mayor shall advise the City Council of the additional requirements imposed upon a sanitary landfill at the next regular City Council meeting after the additional requirements are imposed. The operator of the sanitary landfill may appeal any decision of the Director of Community Development under this Subsection to the City Council within five (5) days of the decision. Any appeal by the operator must be heard within thirty (30) days of the filing of the appeal and a decision by the Council must be rendered within fifteen (15) days of that hearing. (R.O. 2009 §50.48; CC 1981 §13-104; Ord. No. 91-187, 9-18-91; Ord. No. 03-122, 5-27-03; Ord. No. 07-162, 6-11-07)

Cross Reference--As to penalty, §245.450.

SECTION 245.280: PERMIT REQUIRED

It is unlawful for any person to use any land, premises or property within the City for the dumping or disposal of any refuse or waste materials of any kind without first securing a permit to do so. (R.O. 2009 §50.49; CC 1981 §13-105; Ord. No. 91-187, 9-18-91)

Cross Reference--As to penalty, §245.450.

SECTION 245.290: APPLICATION

The application for a permit to operate a sanitary landfill shall be filed with the Director of Community Development. With the application the applicant shall deliver to the Director of Community Development a non-refundable application fee of five thousand dollars ($5,000.00). Upon the completion of the City's evaluation of the application, but before receiving a permit, the applicant shall reimburse the department for all reasonable costs of evaluation incurred by the City above five thousand dollars ($5,000.00). The application shall contain a written request for the issuance of a permit for the construction and operation of a sanitary landfill and shall include a waste facility plan for the construction, operation and closure of the sanitary landfill, which waste facility plan shall be consistent with the provisions of this Chapter pertaining to construction, operation and closure of a sanitary landfill and shall include the following:

1. The type of waste, if any, including chemical and biological characteristics, if other than garbage and other refuse is to be disposed of in the sanitary landfill.

2. A metes and bounds description of the site proposed for development of the sanitary landfill signed, sealed and dated by a Missouri professional engineer.
3. A map signed, sealed and dated by a Missouri registered professional engineer showing the proposed site with existing and proposed topography at contour intervals of five (5) feet or less.
4. A map signed, sealed and dated by a Missouri registered professional engineer showing:
   a. Actual land use and zoning within one-half (½) mile of the site, including location of all residences, buildings, public and private wells, watercourses, springs, lakes, rock outcroppings, caves, sinkholes and soil or rock borings.
   b. Easements for electric, gas, water, sewer and other utility easements or lines that are located on, under or over the disposal site.
   c. The public roads and access roads within a two (2) mile radius to be used for delivery of garbage and other refuse to and within the sanitary landfill.
5. A plan prepared or approved by a Missouri registered professional engineer for the construction and operation of the sanitary landfill which includes:
   a. A description of the place where waste is to be placed on the site.
   b. A description and discussion of the geology and hydrology of the site and a description of how the entire sanitary landfill plan for construction and operation minimizes the impact on surface water and ground water resources. Such description shall include:
      (1) Current and projected use of water resources within one-half (½) mile of the facility.
      (2) Ground water elevation and proposed separation between the lowest point of the lowest cell and the predicted maximum water table elevation.
      (3) Background and initial quality of water resources within one (1) mile of the facility.
      (4) Provisions for surface water runoff control to minimize infiltration and erosion of cover material. On-site drainage structures and channels should be designed for at least a twenty (20) year frequency, thirty (30) minute duration rainfall.
      (5) Potential of leachate generation and proposed control systems for the protection of ground and surface water resources. Plans shall include an operation and maintenance program including the administration and financing of the leachate treatment system during and following the facility's operation.
      (6) A map showing proposed location and design of observation wells, sampling stations and testing programs planned.
      (7) A map and description of soil and bedrock to a depth adequate to allow evaluation of the water quality protection provided by the soil and bedrock.
      (8) If the sanitary landfill is to be located in a flood plain, then plans shall show the protection planned against at least the 500-year flood frequency flood plain elevation plus three (3) feet freeboard by impervious levees and other appropriate means to prevent the floodwaters from contacting garbage and other refuse. Also, a volumetric and conveyance evaluation must be provided describing the potential problems created by any

restriction of the flood flow due to the location of the sanitary landfill.

(9) Descriptions of all private and public drinking water sources (such as wells and springs) within one-half (½) mile of the site. The operator shall seek samples from all private and public drinking water sources within one-half (½) mile of the site and shall make a baseline water quality study on all such private and public drinking water sources. The operator will maintain records of the efforts to contact owners or operators of all private and public drinking water sources within one-half (½) mile, including the reasons for not gaining access to the sources not tested.

c. A discussion of the effect of precipitation, evapotranspiration and climatological conditions on the operation of the sanitary landfill and the affected environment.

d. A description of characteristics of on-site soils with respect to their effect on sanitary landfill operations, such as daily cover, dusting, vehicle maneuverability and mud tracking by vehicles.

e. A discussion of potential inter-relationship of the sanitary landfill, local aquifers and surface waters based on applicable records or other sources of information.

f. Description of an effective dust control program.

g. Description of the liner (bottom and sides) which will minimize the migration of leachate from the sanitary landfill.

h. Assessment of the need for decomposition gas control and indication of any collection wells, vents, barriers or other control or processing measures to be provided. Plans for the control of decomposition gases shall be for on-site control; and decomposition gases shall be collected and processed or vented to the atmosphere directly through the cover material, cut-off trenches or ventilation system in such a way that they do not accumulate in explosive or toxic concentrations.

i. Description of contingency programs for vector control.

j. Plans for effectively covering and protecting waste, including:

(1) Cover material sources, quantities and soil classifications as defined by the American Society for Testing and Materials (ASTM) Standard Test Method D2487-85, Classification of Soils for Engineering Purposes.

(2) The capability of the cover material to cover waste at least as well as soil, minimize fire hazards, infiltration of precipitation, odors and blowing litter, control gas venting and vectors, discourage scavenging, provide a pleasing appearance and to compact and not be blown by the wind.

(3) Surface grades and side slopes needed to promote maximum runoff, without excessive erosion, to minimize infiltration.

(4) Procedures to maintain a cover material integrity such as regarding and recovering.

(5) Procedures to promote vegetative growth as promptly as possible to combat erosion and improve appearance of idle and completed areas.

6. A description of the equipment proposed to be used to compact the garbage and other refuse and cover material, preserving land resources and minimizing moisture infiltration and settlement.

7. A description of the arrangements to be made whereby substitute equipment will

be made available to provide uninterrupted service during routine maintenance periods or equipment breakdowns.

8. The period of time the applicant is seeking to operate the sanitary landfill and the daily hours of operation.
9. A description of a plan for closure, including:
   a. Conformity with any applicable zoning approval.
   b. Final elevations and contours.
   c. Vegetation establishment.
   d. Erosion control.
   e. Air pollution control (methane).
   f. Settling correction.
   g. Final cover source, depth, compaction.
   h. Safety considerations.
   i. Access to the site for inspections and subsequent use of the site.
   j. Surface water control.
   k. Monitoring wells with a maximum spacing of two hundred (200) feet apart which are down gradient of the sanitary landfill and at least two (2) wells which are up gradient of the sanitary landfill to be used as background wells.
   l. Leachate control and monitoring.
   m. Ground water and surface water sampling.
   n. A description of how and when the landfill will be closed and, if applicable, a description of plans for closing portions of the landfill during the operational life of the landfill.
   o. A written estimate, in current dollars, of the cost of closure of the landfill and, if applicable, an estimate of the cost of closing portions of the landfill during the operational life of the landfill. The estimate shall equal the cost of closure at the time in the landfill's life when the extent and manner of its operation would make closure the most expensive unless the closure plan demonstrates that the most expensive closure can be avoided, in which case the estimate shall equal the lesser cost.
10. A description of the projected use of the completed sanitary landfill, including:
    a. Maintenance programs and provisions, where necessary, for monitoring and controlling decomposition gases, leachate and water.
    b. Provisions for an additional depth of cover material to allow cultivation and to support vegetation in addition to that required for final cover.
    c. A description of the types of structures anticipated to be constructed on or near the completed sanitary landfill. Major structures should not be planned for location on the completed sanitary landfill.
11. A statement that an application for zoning approval, if necessary, has been applied for, is concurrently being applied for with the filing of the sanitary landfill application or will be applied for within seven (7) days of the filing of this application.
12. A schedule for the construction and completion of the sanitary landfill stated with respect to the time of the issuance of a permit for construction and operation of the sanitary landfill.
13. Other information as required by the Director of Community Development. The applicant may appeal any requirement for other information issued by the

Director of Community Development under this Section to the City Council within five (5) days of the Director's decision. Any appeal by the applicant must be heard within thirty (30) days of the filing of the appeal and a decision by the Council must be rendered within fifteen (15) days of that hearing. (R.O. 2009 §50.50; CC 1981 §13-106; Ord. No. 91-187, 9-18-91)

Cross Reference--As to penalty, §245.450.

SECTION 245.300: INVESTIGATIONS AND REPORTS

A. The Director of Community Development shall review the application to determine whether the granting of the permit to the applicant would provide for the safe and adequate management of solid waste. In reviewing the application, the Director of Community Development may confer with any other department head of the City and they shall advise him/her regarding the application. The Director of Community Development shall inspect the site of the proposed sanitary landfill with the Director of Public Works or his/her designee. The Director of Community Development shall make a report giving his/her recommendations to the City Council. The applicant shall receive a copy of the report.

B. The Director of Community Development shall include in the report an analysis of the applicant's estimate of the cost of closure. The Director of Community Development shall determine if the applicant's estimate of the cost of closure is adequate and will actually cover the cost of closure; if the submitted estimate is deemed to be inadequate, the application will be returned to the applicant as incomplete. The applicant may appeal the determination of the Director of Community Development concerning the adequacy of the applicant's estimate of the cost of closure to the City Council within five (5) days of the Director's report to the City Council. Any appeal by the applicant must be heard within thirty (30) days of the filing of the appeal and a decision by the Council must be rendered within fifteen (15) days of that hearing. The City Council shall publish findings of fact and conclusions of law which shall include a determination of the cost of closure.

C. The application may be resubmitted, if returned as incomplete, with an estimate equal to an amount which, in the opinion of the Director of Community Development, is adequate to cover the cost of closure; or if the determination has been appealed under the provisions of Subsection (B) above, the application may be resubmitted including an estimate equal to the determination of the City Council after its hearing of the appeal. (R.O. 2009 §50.51; CC 1981 §13-107; Ord. No. 91-187, 9-18-91)

Cross Reference--As to penalty, §245.450.

SECTION 245.310: GRANTING PERMIT--FEE--BOND

A. Upon receipt of the report and recommendation of the Director of Community Development, the City Council shall decide whether to approve or deny the application. If the City Council finds that the granting of the permit to the applicant would provide for the safe and adequate management of solid waste, the City Council shall approve the waste facility plan, as it may be modified by the City Council, and approve the permit. If the permit is denied, the City Clerk shall notify the applicant.

B. After approval by the City Council, such permit shall be issued by the Director of Finance upon payment of ten thousand dollars ($10,000.00) to the City by the applicant.

This payment shall be the annual permit fee for the first (1st) year of the operation of the sanitary landfill. The fee shall cover the costs related to inspections and report analysis. In addition, the applicant shall deliver to the City a cash bond, corporate bond or other financial assurance instrument equal to the estimated cost of closure contained in Section 245.290 (9)(o). The cash or corporate bond or other financial instrument shall run to the City and shall be conditioned as follows:

1. The permittee, its agent and servants will comply with all the terms, conditions, provisions, requirements and specifications contained in this Article and comply with the laws and regulations of all governments having jurisdiction.
2. The permittee, its agents and servants will faithfully operate the sanitary landfill for which the permit is issued in accordance with the provisions of this Article and the approved waste facility plan.
3. The permittee, its agents and servants will save harmless the City from any expense incurred through the failure of the permittee, its agents and servants to operate and maintain the sanitary landfill as required by this Article and the waste facility plan, including any expense the City may incur for correcting any condition or violation of this Article by the City's own labor and equipment.
4. *Approval by certain officials before acceptance.*
   a. Before acceptance all bonds shall be approved by the City Attorney. If a corporate bond is offered, it shall be executed by a surety or guaranty company qualified to transact business in the State. If a cash bond is offered, it shall be deposited with the Director of Finance who shall give his/her official receipt therefor, reciting that cash has been deposited in compliance with and subject to the provisions of this Article.
   b. In addition, no permit for the construction and operation of a sanitary landfill shall be issued nor shall such a facility be operated until and unless the applicant acquires public liability insurance approved by the Director of Community Development governing all proposed operations of the applicant pertaining to the business of constructing and operating a sanitary landfill and covering all vehicles to be operated in the conduct thereof. The insurance shall be with an insurer acceptable to the Director and shall include coverage in one (1) policy or multiple policies for any contractors or subcontractors engaged by the insured for such business. Evidence of such insurance shall be filed with the Director of Finance. Such insurance will provide coverage for each person up to one hundred thousand dollars ($100,000.00) with an overall limit as to all persons for each accident of one million dollars ($1,000,000.00) and one million dollars ($1,000,000.00) for property damage. The above described public liability insurance shall be maintained at all times during operation of the sanitary landfill. Notice of the cancellation of any of the aforementioned coverage shall be made to the Director of Finance ten (10) days before the cancellation. (R.O. 2009 §50.52; CC 1981 §13-108; Ord. No. 91-187, 9-18-91)

Cross Reference--As to penalty, §245.450.

SECTION 245.320: FINANCIAL ASSURANCE INSTRUMENT REQUIRED FOR CLOSURE AND POST-CLOSURE

A. *Closure--Financial Assurance Instrument.* No person shall construct or operate a sanitary landfill without providing a financial assurance instrument required for closure imposed pursuant to Section 260.226, RSMo.
B. *Post-Closure--Financial Assurance Instrument.* No person shall operate a sanitary landfill which does not provide the financial assurance instrument required for post-closure maintenance as described in or as may be imposed pursuant to Section 260.227, RSMo. (R.O. 2009 §50.53; CC 1981 §§13-109--13-110; Ord. No. 91-187, 9-18-91)

Cross Reference--As to penalty, §245.450.

SECTION 245.330: EXISTING SANITARY LANDFILLS

Sanitary landfills which operated or were permitted to be constructed or operate pursuant to Statutes, orders or rules in effect prior to the effective date of this Article or that operated or were permitted to be constructed or operate pursuant to Statutes, orders or rules before the sanitary landfills were annexed into the City limits are exempted from the requirements of presenting an initial waste facilities plan. Notwithstanding the foregoing, however, a person operating a sanitary landfill shall within thirty (30) days of the effective date of this Article, or within thirty (30) days of the annexation of the sanitary landfill site into the City, file with the Director of Community Development a copy of the sanitary landfill's plans which were originally approved by the Missouri Department of Natural Resources pursuant to Chapter 260, RSMo., and as may be thereafter amended or supplemented. In addition, the person operating the sanitary landfill shall submit a verified statement that the operation of the sanitary landfill is in compliance with the plans submitted to the Department of Natural Resources and shall submit a plan for closure in compliance with the closure requirements of this Article imposed upon applicants for new facilities. Thereafter, within thirty (30) days of the filing of the aforesaid plans and statement of compliance by the operator of the sanitary landfill, the Director of Community Development shall, if the operator is found to be in compliance with the plans submitted and with the ordinances of the City relating to the operation of sanitary landfills, issue the operator a permit upon payment of the fees set forth in Section 245.310 of this Article. With the exception of the matters discussed above, sanitary landfills existing at the effective date of this Article must comply with all other provisions of this Article. (R.O. 2009 §50.54; CC 1981 §13-111; Ord. No. 91-187, 9-18-91)

SECTION 245.340: PERMIT RENEWED ANNUALLY

A. The operator of each facility permitted under this Article shall apply to renew such permit annually for each year beginning with each anniversary date of the issuance of the initial permit, whether the construction of the facility is completed or not. The renewal application shall be delivered to the Director of Community Development at least thirty (30) days prior to each anniversary date of the initial permit and shall request that a renewal permit be issued for a period of one (1) year and contain the following information:
    1. Any changes in the waste facility plan which must be made to reflect actual usage or condition.
    2. Any changes in operating plans, area design or closure costs affecting the plan for

closure.
3. Total waste received at the facility during the previous year.
4. Water quality sampling results of monitoring wells and drinking water sources within one-half (½) mile.
5. Leachate sampling results, methane treatment, gas control and/or other monitoring system result.
6. Equipment replaced or changed or anticipated to be replaced or changed.
7. A report indicating the infrastructures which have been put in place.
8. If the facility is still under construction, whether the construction is proceeding according to the schedule shown in the waste facility plan.

B. Upon receipt of the renewal application described above and the payment of the annual licensing fee as set forth below, the Director of Community Development shall issue a renewal permit for the sanitary landfill. The Director shall not issue the renewal permit if the permit has been revoked pursuant to this Article. The annual permit fee shall be ten thousand dollars ($10,000.00). The cash bond, corporate bond or other financial assurance instrument shall be renewed at an amount which reflects any changes in operating plans, landfill design or closure costs affecting the plan for closure. (R.O. 2009 §50.55; CC 1981 §13-112; Ord. No. 91-187, 9-18-91)

Cross Reference--As to penalty, §245.450.

SECTION 245.350: NOTICE OF INTENT OF CLOSE--CLOSURE

A. *Notification Of Intent To Close Sanitary Landfill.* The operator shall notify the Director of Community Development six (6) months prior to permanent or planned closure of its intent to close a sanitary landfill.

B. *Closure Of Sanitary Landfills.* In addition to the provisions of the waste facility plan covering the closure of a sanitary landfill, the following criteria shall be complied with:
1. Three (3) feet of compacted final cover plus six (6) inches of topsoil, mulch, compost or other material capable of supporting vegetation is required. An additional one (1) foot of compacted final cover (for a total of three (3) feet compacted final cover) may be substituted by the operator for the six (6) inches of topsoil, provided that adequate vegetation cover can be established.
2. Vegetative cover shall be established as soon as possible following closure. Repeated seedings shall be undertaken, if required.
3. The sanitary landfill operator shall annually seek samples of all drinking water sources within one-half (½) mile of the sanitary landfill. Public and private water wells within one-half (½) mile of the sanitary landfill shall be sampled for the contaminants specified by the Director annually for twenty (20) years after closure and as specified in the approved plan for closure. The samples will be tested for contaminants by the operator. The operator will maintain records of the efforts to contact owners or operators of all drinking water sources within one-half (½) mile, including the reasons for not gaining access to the sources not tested.
4. On-site downstream gradient ground water monitoring wells shall be sampled quarterly for indicator contaminants and annually for twenty (20) years for all contaminants as specified by the Director.
5. The operator shall file with the St. Charles County Recorder of Deeds, within two

(2) months of closure, a metes and bounds description and licensed surveyor's plat which includes the types of waste disposed of at the site, the location of wastes, depth of the fill and location and description of any leachate, gas control or other monitoring systems which are to be maintained and a designation of who will maintain such systems. (R.O. 2009 §50.56; CC 1981 §§13-113--13-114; Ord. No. 91-187, 9-18-91)

Cross Reference--As to penalty, §245.450.

SECTION 245.360: AUTHORITY TO ENFORCE--INSPECTIONS

A. The officer responsible for the enforcement of the provisions of this Article shall be the Director of Community Development. The Director shall provide adequate and frequent inspections of all sanitary landfills. The Director shall notify any person operating a sanitary landfill who is violating the provisions of this Article of the specific manner in which this Article is being violated.

B. The notice shall:
   1. Be in writing;
   2. Include a description of the sanitary landfill site sufficient for identification;
   3. Include a statement of the reason or reasons why it is being issued;
   4. Include a correction statement, specifying what is to be done and allowing a reasonable period for compliance. (R.O. 2009 §50.57; CC 1981 §13-115; Ord. No. 91-187, 9-18-91)

SECTION 245.370: PERMIT SUSPENDED OR REVOKED

A. A permit shall be immediately suspended and activity shall cease if the permittee fails to maintain the public liability insurance required under this Article. If the permittee fails to maintain the public liability insurance required under this Article for a period of thirty (30) days, the permit shall be revoked. The permittee of the sanitary landfill may appeal the revocation or suspension under this Section to the City Council within five (5) days of the revocation or suspension. Any appeal by the permittee must be heard within thirty (30) days of the filing of the appeal and a decision by the Council must be rendered within fifteen (15) days of that hearing. The permit shall remain suspended or revoked during the appeal process.

B. A permit for operation of a sanitary landfill shall be immediately suspended or revoked if the sanitary landfill is operated in a manner causing an immediate danger to the public health and welfare of the residents of the City or the persons operating and using the sanitary landfill. The permittee of the sanitary landfill may appeal the revocation or suspension under this Section to the City Council within five (5) days of the revocation or suspension. Any appeal by the permittee must be heard within thirty (30) days of the filing of the appeal and a decision by the Council must be rendered within fifteen (15) days of that hearing. The permit shall remain suspended or revoked during the appeal process.

C. *Reasons For Suspension/Revocation--Notice.*
   1. A permit for operation of a sanitary landfill may be suspended or revoked, following a hearing before the City Council, for any one (1) or more of the following reasons:

a. Failure to comply with the provisions of the waste facility plan.
b. Failure to comply with the provisions of this Chapter applicable to the sanitary landfill.
c. Willful misstatement of facts contained in any application or renewal application.
d. When a sanitary landfill which has previously been opened and has accepted waste, but has not received any waste for a twelve (12) month period. In such event, the operator shall immediately begin the closure procedure established by the waste facility plan.

2. The City Clerk shall provide at least ten (10) calendar days' notice to the operator of the hearing to be held to consider the suspension or revocation of the permit to operate a sanitary landfill. The hearing shall be open to the public. A decision by the Council must be rendered within fifteen (15) days of that hearing. (R.O. 2009 §50.58; CC 1981 §13-116; Ord. No. 91-187, 9-18-91)

Cross Reference--As to penalty, §245.450.

SECTION 245.380: COMPLIANCE WITH PLAN AND OTHER REQUIREMENTS

No person shall operate a sanitary landfill in a manner that does not comply with the approved waste facility plan for such facility and which does not comply with the requirements of this Chapter pertaining to operation of such facility. Failure to comply with the waste facility plan or the requirements of this Article pertaining to operating a sanitary landfill shall be a violation by the person in whose name the permit is issued, as well as every agent, employer or contractor assigned to construct or operate the facility who:

1. Performs acts precluded by the waste facility plan or this Article;
2. Fails to perform acts required by the waste facility plan or this Chapter;
3. Fails to maintain conditions required by the waste facility plan or this Chapter; or
4. Maintains conditions prohibited by the waste facility plan or this Article. (R.O. 2009 §50.59; CC 1981 §13-117; Ord. No. 91-187, 9-18-91)

Cross Reference--As to penalty, §245.450.

SECTION 245.390: RIGHT OF ENTRY FOR INSPECTION

A. The Director of Community Development is authorized to enter and inspect sanitary landfill premises at any time to ensure that the sanitary landfill is being operated consistently with the waste facility plan, this Article and in the interests of the health and welfare of the residents of the City. Routine inspections shall be made during normal operational hours of the facility. Where there is a suspected hazard, entry may be made at any time.

B. If any person operating a sanitary landfill licensed under this Chapter refuses to allow the lawful entry and inspection of the sanitary landfill, the City Attorney or Prosecuting Attorney or a designated assistant may make application for the issuance of a search warrant pursuant to Section 135.100. Any area used by a sanitary landfill licensed under this Chapter shall be considered a "business premise". (R.O. 2009 §50.60; CC 1981 §13-118; Ord. No. 91-187, 9-18-91)

ARTICLE V. SOLID WASTE HAULER OR COLLECTOR LICENSING

SECTION 245.400: HAULERS OR COLLECTORS OF GARBAGE, RUBBISH, YARD WASTE OR RECYCLABLES SHALL BE LICENSED

In addition to any and all other licenses and permits required by this City, no person shall engage in the business of hauling or collecting garbage, rubbish, yard waste or recyclables from business establishments, residences or any other locations unless such person shall first have secured from the Finance Director a hauler's license and a hauler's vehicle license for each individual motor vehicle under the provisions of this Article. No person shall operate a motor vehicle and engage in the aforementioned activities unless said person shall have first secured from the Finance Director a hauler's driver license for each individual driver under the provisions of this Article. Nothing contained in this Article shall be construed to allow a licensed hauler to collect from those locations for which a franchise is required under Sections 245.190 through 245.230 without first obtaining a franchise. (R.O. 2009 §50.70; Ord. No. 01-201, 9-5-01)

SECTION 245.410: REQUIREMENTS FOR HAULER'S LICENSE TO ISSUE--TERM

A. Application to be a licensed hauler shall be made in writing, signed and sworn by the hauler applicant or by its duly authorized agent, upon forms provided by the Finance Director. The application shall contain the full name and residence address of the applicant, place of business and the business telephone number of the applicant.
B. Every licensed hauler shall carry public liability and property damage insurance and Workers' Compensation insurance for its employees with solvent and responsible insurers authorized to transact such insurance in the State and qualified to assume the risk or the amounts hereinafter set forth under the laws of the State, to secure payment of any loss or damage resulting from any occurrence arising out of or caused by the operations of the licensee or use of any of the licensee's vehicles. The public liability and property damage insurance policies shall contain a minimum limit at least one million dollars ($1,000,000.00) per person and five million dollars ($5,000,000.00) per occurrence and shall be maintained throughout the period of licensure. Should any policy be canceled, the City shall be notified in writing of such cancellation at least ten (10) days before the effective cancellation date. Each hauler licensed under this Article shall pay a license fee of fifty dollars ($50.00) as provided in Section 605.160.
C. If the hauler's license application has been properly executed and proof of the required insurance has been presented, the Finance Director shall issue to the applicant a hauler's license upon payment of the applicable fee.
D. A hauler's license shall be for a term of one (1) year and shall be renewable annually upon payment of the fee set forth in Subsection (B).
E. A licensed hauler shall retain in each vehicle licensed pursuant to Section 245.430 a preprinted statement which shall contain the following information:
    1. The full name and address of the licensed hauler and the number of the hauler's license.

2. The license number or the vehicle identification number of the vehicle.
3. A listing of any and all violations of this Chapter for which the hauler or the individual driver has been convicted within the twenty-four (24) months preceding the issuance of the current hauler's license. (R.O. 2009 §50.71; Ord. No. 01-201, 9-5-01; Ord. No. 08-178, 9-3-08)

SECTION 245.420: REQUIREMENTS FOR HAULER'S DRIVER LICENSE TO ISSUE--TERM

A. Application for a hauler's driver license shall be made in writing, signed and sworn by the hauler applicant, upon forms provided by the Finance Director. The application shall contain the full name and residence address of the applicant, place of business and the business telephone number of the applicant.
B. There shall be no license fee charged for issuance of a hauler's driver license.
C. If the hauler's driver license application has been properly executed, the Finance Director shall issue to the applicant a hauler's driver license upon payment of the applicable fee and presentation of a valid driver's license issued to the applicant. The licensee shall carry the hauler's driver license at all times while engaged in collection or hauling.
D. A hauler's driver license shall be for a term of one (1) year and shall be renewable annually upon payment of the fee set forth in Subsection (B). (R.O. 2009 §50.72; Ord. No. 01-201, 9-5-01)

SECTION 245.430: REQUIREMENTS FOR HAULER'S MOTOR VEHICLE LICENSE TO ISSUE--TERM

A. Application for a hauler's motor vehicle license shall be made in writing, signed and sworn by the hauler applicant, upon forms provided by the Finance Director. The application shall contain the full name and residence address of the applicant, place of business and the business telephone number of the applicant and the vehicle identification number.
B. For each hauler's motor vehicle licensed under this Article the applicant shall pay a license fee of fifty dollars ($50.00) as provided in Section 605.160.
C. If the hauler's motor vehicle license application has been properly executed, the Finance Director shall issue to the applicant a hauler's motor vehicle license upon payment of the applicable fee, which license shall consist of a sticker emblem designating the year for which the license is issued and a license number identical with the number of the application. One (1) side of the emblem shall be of adhesive material of such strength and composition that the emblem cannot be removed from the surface to which it is applied without being mutilated or destroyed. It shall be the duty of the licensee to affix such emblem in a conspicuous place upon the vehicle for which the same was issued.
D. A hauler's motor vehicle license shall be for a term of one (1) year and shall be renewable annually upon payment of the fee set forth in Subsection (B). (R.O. 2009 §50.73; Ord. No. 01-201, 9-5-01)

SECTION 245.440: PENALTIES FOR VIOLATION--SUSPENSION OR REVOCATION OF LICENSES

A. Any person who violates any of the provisions of this Chapter shall be punished by a fine of not more than five hundred dollars ($500.00) or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment.
B. In addition to the penalties set forth in Subsection (A), whenever the Mayor, after due notice and hearing, shall find any licensee under this Article has violated any of the provisions of this Chapter, the Mayor may suspend the license for a period not to exceed six (6) months. If the licensee shall have repeatedly suffered suspensions under the provisions of this Chapter, the Mayor shall have the power to revoke the license and the licensee shall not thereafter be qualified or eligible to hold such a license for period of two (2) years from the date of revocation. Nothing contained herein shall be construed to prohibit prosecution in the Municipal Court for violation of any of the provisions of this Chapter and proceedings under this Subsection and in the Municipal Court may occur simultaneously. (R.O. 2009 §50.74; Ord. No. 01-201, 9-5-01; Ord. No. 07-162, 6-11-07)

SECTION 245.450: PENALTY

A. Any person who violates any provision of this Chapter for which no other penalty is set forth shall be subject to the penalty set forth in Section 100.150.
B. Any person who violates any of the provisions of the Article set forth in Sections 245.240 et seq., shall be punished by a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment. (R.O. 2009 §50.99; CC 1981 §13-119; Ord. No. 91-187, 9-18-91)

CHAPTER 250: CEMETERIES

State Law References--Authority to regulate cemeteries, §77.120, RSMo.; cemeteries in general, §§214.010 through 214.410, RSMo.

ARTICLE I. GENERAL PROVISIONS

SECTION 250.010: IMPROPER USE OR CONDUCT

It shall be unlawful for any person to use any cemetery, graveyard or burial ground for any other purpose than as a burial ground or to be guilty of any unseemly, offensive or lascivious conduct within or about any cemetery, graveyard or burial ground. The provisions of Section shall apply to all cemeteries, graveyards or burial grounds within this City and to all such burial grounds within three (3) miles thereof belonging to this City. (R.O. 2009 §93.01; CC 1981 §6-1)

SECTION 250.020: DISTURBING GRAVE OR BURIAL SITE

It shall be unlawful for any person not acting pursuant to a burial permit to knowingly disturb any grave or burial site, including prehistoric human bones, unless the same be

specifically authorized by the Mayor. Any person who may be digging, including persons using tools, machines and equipment, who shall observe bones, caskets or other indications of human burial shall cease and stop work and notify the Mayor. The Mayor shall cause the site to be investigated and shall determine whether such constitute a human burial and whether reburial is required. The Mayor shall be authorized to stop any work in which the disturbing of a grave or burial site is likely and may permit work to proceed upon conditions reasonably likely to preserve the human remains. (R.O. 2009 §93.02; CC 1981 §6-3; Ord. No. 83-72, 9-21-83; Ord. No. 07-162, 6-11-07)

SECTION 250.030: VANDALIZING CEMETERIES AND PROPERTY THEREIN

A. It shall be unlawful for any person knowingly to vandalize, destroy, mutilate, disfigure, deface, injure or remove any tomb, monument or gravestone or other structure placed in any cemetery or any fence, railing or other work for the protection or ornamentation of any such cemetery or place of burial of any human being or tomb, monument or gravestone, memento or memorial or other structure aforesaid or of any lot within such cemetery.
B. Pursuant to Section 214.010, RSMo., any person violating Subsection (A) at or within a cemetery owned by the City of St. Charles shall be subject to a mandatory penalty of one thousand dollars ($1,000.00) for each violation. Any person violating Subsection (A) at or within a private cemetery shall be subject to a mandatory penalty of five hundred dollars ($500.00) for each violation. In addition to any other penalty, the offender shall be ordered to pay restitution for the damage or loss to the property.
C. Signs advising of the aforesaid one thousand dollar ($1,000.00) penalty shall be posted at any cemetery owned by the City of St. Charles. Owners or operators of a private cemetery are encouraged, within their complete discretion, to post signs advising of the aforesaid five hundred dollar ($500.00) penalty. (R.O. 2009 §93.03; Ord. No. 00-157, 6-9-00)

ARTICLE II. OAK GROVE CEMETERY REGULATIONS

SECTION 250.040: RULE OF CONSTRUCTION--PURPOSE

A. *Definition.* Whenever the words *"the cemetery"* shall appear in this Article, they shall be construed to mean the Oak Grove Cemetery.
B. *Purpose.* The cemetery shall be for the purpose of affording persons of all classes and conditions a place of burial. (R.O. 2009 §93.15; CC 1981 §§6-14--6-15)

SECTION 250.050: PURCHASE OF GRAVE SPACE

A. Oak Grove Cemetery grave space may be purchased only by City residents, former City residents, or by a spouse, son, daughter, grandchild, parent, sibling, grandparent, aunt or uncle of a person buried in the cemetery. Any person who is not a current resident or a former resident and who desires to purchase grave space may do so after providing proof

to the Sexton that a relative is buried in the cemetery.

B. Any person desiring to purchase grave space in the cemetery shall pay to the Sexton the price set out in Section 250.070.

C. Any person who desires to sell or convey a grave space shall first convey or offer to sell the same to the City at the current established value. The City shall either repurchase or refuse to repurchase the grave space within thirty (30) days of the offer to sell or convey the grave space. The offer shall be directed to the Sexton.

D. If the City refuses to repurchase the grave space in accordance with Subsection (C) of this Section, then the owner or the administrator of owner's estate on the owner's behalf may sell the grave space to any resident or former resident of the City or to a spouse, son, daughter, grandchild, parent, sibling, grandparent, aunt or uncle of a person buried in the City cemetery. The City shall be notified of the sale of the grave space when it is sold or conveyed to someone other than the City. (R.O. 2009 §93.16; CC 1981 §6-18; Ord. No. 76-12, 2-11-76; Ord. No. 83-85, 10-5-83; Ord. No. 86-79, 4-18-86; Ord. No. 88-232, 11-16-88; Ord. No. 10-185 §1, 9-8-10)

SECTION 250.060: FORM AND EXECUTION OF DEED

A. The deed from the City for the cemetery lot, part of lot or grave space paid for shall be made in the name of the City and shall be signed by the Mayor, countersigned by the City Clerk and sealed with the corporate Seal of the City and shall convey the lot, part of lot or grave space, therein described, to the purchaser and his/her heirs and assigns forever and shall recite the names of the grantee and the price of the lot or space conveyed.

B. The restrictions contained in Section 250.050(C) and (D) shall also be stated in the deed from the City. (R.O. 2009 §93.17; CC 1981 §6-20; Ord. No. 86-79, 4-18-86)

SECTION 250.070: SCHEDULE OF PRICES OF GRAVE SPACES

The prices for cemetery grave spaces in City cemeteries shall be as follows:

Infants (1.5 feet by 3 feet)	(Price included in interment fee)
Regular (4 feet by 10 feet)	$405.00
Cremation (3 feet by 3 feet)	$250.00

(R.O. 2009 §93.18; CC 1981 §6-19; Ord. No. 3516, 9-20-67; Ord. No. 76-12, 2-11-76; Ord. No. 79-81, 8-29-79; Ord. No. 82-12, 3-17-82; Ord. No. 87-102, 5-20-87; Ord. No. 93-14, 1-21-93; Ord. No. 94-311, 12-7-94; Ord. No. 99-247, 7-22-99; Ord. No. 03-254, 10-13-03)

Cross Reference--As to penalty, §100.150.

SECTION 250.080: BURIAL FEES

A. The fees, except when otherwise ordered by the Mayor pursuant to Section 250.140(E), for interment of a human body shall be as follows:

Oak Grove Cemetery Fees

Grave Fees

1. *Grave type*
   Fee
   Infants under 2 years (1.5€ x 3€)
   Inc.
   Regular (4€ x 10€)
   $ 550.00
   Cremation (3€ x 3€)
   320.00

Burial Fees
Infant's Grave Including Grave Site

2. *Burial day (completed before closing)*
   Fee
   Monday--Friday
   $ 325.00
   Saturday
   450.00
   Sunday
   580.00
   City holidays
   580.00
3. *Burial day (completed after closing--3:00 P.M.)*
   Fee
   Monday--Friday
   $ 450.00
   Saturday
   580.00
   Sunday
   830.00
   City holidays
   830.00

Infant's Grave On Pre-Owned Grave Site

4. *Burial day (completed before closing)*
   Fee
   Monday--Friday
   $ 140.00
   Saturday
   265.00
   Sunday
   395.00
   City holidays
   395.00
5. *Burial day (completed after closing--3:00 P.M.)*
   Fee
   Monday--Friday
   $ 265.00

Saturday
395.00
Sunday
650.00
City holidays
650.00

Single Depth Grave

6. *Burial day (completed before closing)*
Fee
Monday--Friday
$ 735.00
Saturday
865.00
Sunday
990.00
City holidays
990.00
7. *Burial day (completed after closing--3:00 P.M.)*
Fee
Monday--Friday
$ 865.00
Saturday
990.00
Sunday
1,245.00
City holidays
1,245.00

Double Depth Grave

8. *Burial day (completed before closing)*
Fee
Monday--Friday
$ 920.00
Saturday
1,050.00
Sunday
1,175.00
City holidays
1,175.00
9. *Burial day (completed after closing--3:00 P.M.)*
Fee
Monday--Friday
$1,050.00
Saturday
1,175.00
Sunday

1,430.00
City holidays
1,430.00

Cremations Without A Service

10. *Burial day (completed before closing)*

Fee
Monday--Friday
$ 150.00
Saturday
305.00
Sunday
430.00
City holidays
430.00

11. *Burial day (completed after closing--3:00 P.M.)*

Fee
Monday--Friday
$ 305.00
Saturday
430.00
Sunday
685.00
City holidays
685.00

Cremations With A Service

12. *Burial day (completed before closing)*

Fee
Monday--Friday
$ 305.00
Saturday
430.00
Sunday
660.00
City holidays
660.00

13. *Burial day (completed after closing--3:00 P.M.)*

Fee
Monday--Friday
$ 430.00
Saturday
660.00
Sunday
815.00
City holidays
815.00

B. The fee herein prescribed shall be payable before burial and shall also cover the services of the Sexton for registering the burial.
C. For each grave opening, the Sexton shall pay over to the Director of Finance for deposit in the City Treasury to the credit of the General Fund the total amount of funds collected for the opening and closing of graves. (R.O. 2009 §93.19; CC 1981 §6-21; Ord. No. 3643, 3-12-69; Ord. No. 76-12, 2-11-76; Ord. No. 79-81, 8-29-79; Ord. No. 82-12, 3-17-82; Ord. No. 86-238, 9-2-86; Ord. No. 87-102, 5-20-87; Ord. No. 88-242, 11-30-88; Ord. No. 93-14, 1-21-93; Ord. No. 94-311, 12-7-94; Ord. No. 97-49, 1-31-97; Ord. No. 99-247, 7-22-99; Ord. No. 03-254, 10-13-03; Ord. No. 10-185 §1, 9-8-10)

Cross Reference--As to penalty, §100.150.

SECTION 250.090: DISINTERMENT FEES

When an interment has been made in the cemetery and a disinterment is desired for the purpose of moving the body to another grave in the cemetery or to another cemetery, the person causing such disinterment shall pay the Sexton the fees provided in Section 250.080, which the Sexton shall account for as provided in this Chapter. (R.O. 2009 §93.20; CC 1981 §6-22; Ord. No. 10-185 §1, 9-8-10)

SECTION 250.100: CEMETERY FUNDS

A. Three-fourths (¾) of the proceeds of the sale of the lots, half-lots, single grave spaces or cremation spaces/niches in the cemetery shall become and constitute a Perpetual Care Fund which shall be kept separate and apart from any monies belonging to the City and no part of the principal of the fund shall ever be used or expended for any purpose whatever, but shall be loaned out by the City at the highest rate of interest obtainable, to be secured by real estate security or invested in approved Municipal, State or National Government Bonds, and the income and interest therefrom arising shall be used under the direction of the City Council in repairing, beautifying and improving the cemetery and in paying the expense necessary in the management of the fund and for no other purposes.
B. The remaining one-fourth (¼) of the proceeds of the sale of the lots, half-lots, single grave spaces or cremation spaces/niches in the cemetery shall be deposited into a Lot Repurchase Fund which shall be kept separate and apart from any monies belonging to the City and from the Perpetual Care Fund, such money as shall accumulate in the fund shall be used only to repurchase lots, half-lots, single grave spaces and cremation spaces/niches which had previously been sold to persons. This Section shall not be construed so as to require the repurchase of any lot, half-lot, single grave space or cremation spaces/niches in the cemetery. (R.O. 2009 §93.21; CC 1981 §6-23; Ord. No. 86-78, 4-18-86; Ord. No. 10-185 §1, 9-8-10)

SECTION 250.110: CONSTRUCTION REQUIREMENTS FOR GRAVE SITES

A. *Fences, Coping And Railing.* No fences, coping or railing around lots or graves in the cemetery shall hereafter be constructed.
B. *Corner Or Line Markers.* No markers or construction of any type marking the corners or lines of any lot shall be constructed or allowed unless the same shall be on or below the level of the ground surface.

C. *Level Of Lots Filled In Or Graded.* No lot in the cemetery shall be filled in or graded to more than ten (10) inches above the level of the adjacent walk or roadway.
D. *Planting Trees And Shrubs.* The planting of trees and shrubbery will not be permitted in or about the cemetery, except as done or ordered by the City staff.
E. *Grave Stones And Markers--Monuments.* No wooden grave markers will be allowed. All gravestones and markers and lot and grave monuments extending above the ground level shall have a four (4) inch apron of concrete or stone on all sides thereof and such apron shall not extend above the ground level. Foundations for monuments and grave markers shall be constructed according to the specifications of the City and such foundation work and apron work shall be done by or under the supervision of the Sexton. (R.O. 2009 §93.22; CC 1981 §§6-24--6-28; Ord. No. 10-185 §1, 9-8-10)

Cross Reference--As to penalty, §100.150.

SECTION 250.120: PERSONS PROHIBITED ON GROUNDS AT NIGHT

No person shall be allowed in Oak Grove Cemetery from one (1) hour after sunset continuing to one (1) hour before sunrise without first obtaining permission from the Sexton. (R.O. 2009 §93.23; CC 1981 §6-29; Ord. No. 81-82, 9-2-81)

Cross Reference--As to penalty, §100.150.

ARTICLE III. ADMINISTRATION

SECTION 250.130: ISSUANCE OF DEEDS

The City shall issue the deeds for all lots, half-lots and single grave spaces sold by the Sexton and keep an accurate record and detailed account showing the number of lots, half-lots and single grave spaces sold, to whom sold, the location, date and at what price. (R.O. 2009 §93.35; CC 1981 §6-17; Ord. No. 88-232, 11-16-88)

SECTION 250.140: DUTIES OF SEXTON

A. *Sells Lots--Keep Plat Records.*
   1. It shall be the duty of the Sexton to sell lots, half-lots and single grave spaces and report such sales for issuance of deeds.
   2. The plat of the blocks, lots, avenues and walks of Oak Grove Cemetery shall remain on file in the office of the Sexton. The Sexton shall also be responsible for keeping the plat of the cemetery up to date.
B. *Deliver Monies And Fees To Director Of Finance.* The Sexton shall deliver to the Director of Finance all money received from the sale of grave spaces and any other fees received by the Sexton.
C. *Keep Burial Register.* The Sexton shall also cause to be maintained at such office a record of the owner of each burial lot or interment space described in the current plat of the cemetery and a record of all dead human remains buried or interred at the cemetery, which record shall include the name of each deceased person buried or interred at the cemetery, the date of burial or interment, the location of burial or interment and, if

known, the name and address of the funeral director who provided the memorial service or other final arrangements for the deceased person. The cemetery operator shall cause reasonable assistance to be provided to burial lot or interment space owners in locating their lots or spaces and to the family or other interested persons in locating the place of burial or interment of deceased persons whose remains are buried or interred in the cemetery.

D. *Burial Dead Bodies.* It shall be the duty of the Sexton to bury each dead body that is to be interred in the cemetery.

E. *Burial At Request Of Indigent Person.* If any person desiring to bury any corpse in the cemetery shall be unable to pay the Sexton the fee therefor which the Sexton is required to collect for digging and filling the grave and shall satisfy the Mayor that he/she is in fact unable to pay it, the Mayor is authorized to direct the Sexton to render such service without any fee therefor. (R.O. 2009 §93.36; CC 1981 §§6-16, 6-41--6-44; Ord. No. 88-231, 11-16-88; Ord. No. 88-232, 11-16-88)

CHAPTER 255: PARKS AND RECREATION

ARTICLE I. GENERAL PROVISIONS

SECTION 255.010: DEFINITIONS

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOARD: The St. Charles Public Park Board.

DIRECTOR: Any person immediately in charge of any park area and its activities, to whom all park attendants of such areas are responsible.

PARK: A park reservation, playground, recreation center, building or any other area owned or used by the City and devoted to active or passive recreation.

PARK RANGER, PARK PATROL, PARK SECURITY, PARK POLICE, PARK SUPERVISORY EMPLOYEE OR ATTENDANT: Any person employed by the City or the Board.

POLICE: A person authorized and commissioned by the City as a Law Enforcement Officer.

VEHICLE: Any wheeled or tracked conveyance, whether motor-powered, animal-drawn or self-propelled. The term shall include any trailer in tow of any size, kind or description. Exception is made for vehicles in the service of the City parks. (R.O. 2009 §99.01; CC 1981 §21-40; Ord. No. 77-23, 6-1-77; Ord. No. 81-41, 5-6-81)

Cross Reference--As to rules of construction and definitions generally, §100.020.

SECTION 255.020: HOURS OF OPERATION

A. Except for unusual and unforeseen emergencies, parks shall be open to the public every

day of the year during designated hours. The opening and closing hours for each individual park shall be posted therein for public information or a public notice shall be posted every six (6) months on the bulletin board in Blanchette Park advising of the closed hours of all individual parks.

B. Any person authorized by permit of the Board or the Director may be in any park or area during closed periods. (R.O. 2009 §99.02; CC 1981 §21-48; Ord. No. 77-23, 6-1-77)

SECTION 255.030: CLOSED AREAS

Any section or part of any park or entire park may be declared closed to vehicles or the public by the Board, the Police, the Director, park security, park police, park patrol, Park Ranger and any supervisory park employee or attendant at any time and for any interval of time, either temporarily or at regular and stated intervals, daily or otherwise and either entirely or merely to certain uses as the Board, the Director, the Police, Park Security, Park Police, Park Patrol, Park Ranger and any supervisory park employee or attendant may find reasonably necessary to protect public property. (R.O. 2009 §99.03; CC 1981 §21-49; Ord. No. 77-23, 6-1-77)

SECTION 255.040: LOST AND FOUND ARTICLES

The finding of lost articles by park attendants shall be reported to the Director who shall make every reasonable effort to locate the owners. The Director shall make every reasonable effort to find articles reported as lost. (R.O. 2009 §99.04; CC 1981 §21-50; Ord. No. 77-23, 6-1-77)

ARTICLE II. RULES AND REGULATIONS

SECTION 255.050: PROHIBITIONS CONCERNING PARK PROPERTY

A. It shall be unlawful for any person, while in or about any City park, to:
   1. Willfully mark, deface, disfigure, injure, tamper with, displace or remove any building, bridge, tables, benches, fireplaces, railings, paving or paving materials, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.
   2. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of six (6) years shall use the restrooms and washrooms designated for the opposite sex.
   3. Dig or remove any rock, stones, trees, shrubs or plants; down timber or other wood or materials; or make any excavation by tool, equipment, blasting or other means or agency except on special written permit as provided for in this Chapter.
   4. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands, except on special written permit as provided for in this Chapter.

5. Damage, cut, carve, transplant or remove any tree or plant or injure the bark or pick the flowers of any tree or plant; nor shall any person attach any rope, wire or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas or in any other way injure or impair the natural beauty or usefulness of any area.
6. Climb any tree or walk, stand or sit upon monuments, vases, fountains, railings, fences or gun carriages or upon any other property not designated or customarily used for such purposes.
7. Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles or projectiles of any kind or nature at any animal, reptile or bird; nor shall any person remove or have in his/her possession the young of any wild animal or the eggs or nest or young of any reptile or bird; nor shall he/she collect, remove, have in his/her possession, give away, sell or offer to sell or buy or offer to buy or accept as a gift any specimen, alive or dead, of any of the group of tree snails. Exception to the foregoing is made in that snakes known to be deadly poisonous, such as rattle snakes, water moccasins, coral snakes or other deadly reptiles, may be killed on sight.
8. Give or offer or attempt to give any animal or bird any tobaccos, alcohol, drug or other known noxious substances.

B. It shall be unlawful for any person, while in or about any City park, to:
   1. Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, swimming pool, pond, lake, stream or any other body of water in or adjacent to any park or any tributary, stream, storm sewer or drain flowing into such waters any substance, matter or thing, liquid or solid, which will or may result in the pollution of such waters.
   2. Bring into, dump, deposit or leave any bottles, broken glass, ashes, papers, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash upon the grounds of any City park. Nor shall such refuse or trash be placed in any waters in or contiguous to any park.

C. It shall be unlawful for any person to bring into Frontier Park any beverage containing alcohol in any percentage during the period of special events occurring or scheduled to occur therein including the Festival of the Little Hills, Fourth (4th) of July Celebration and the St. Louis Symphony Concert. Licensed vendors shall be exempt from this prohibition. No person shall have upon his/her person nor possess any beverage containing alcohol in any percentage while leaving or departing from Frontier Park during such period of special events. (R.O. 2009 §99.15; CC 1981 §21-41; Ord. No. 77-23, 6-1-77; Ord. No. 82-60, 8-18-82)

Cross References--As to offenses against property generally, §§215.010 et seq.; as to alcohol in parks generally, §255.170; as to penalty, §100.150.

SECTION 255.060: TRAFFIC REGULATIONS

It shall be unlawful for any person, while in or about any City park, to:

1. Fail to comply with all applicable provisions of the State and City motor vehicle traffic laws in regard to equipment and operation of vehicles, together with such regulations as are contained in these rules and any other provision of this Code

and any other ordinance of the City.

2. Fail to obey all traffic officers and park employees, such persons being authorized and instructed to direct traffic whenever needed in the parks in accordance with the provisions of such regulations as may be issued by the Board or by the Director.
3. Fail to observe all traffic signs indicating speed, direction, caution, stopping or parking and all others posted for proper control and to safeguard life and property.
4. Drive or ride a vehicle at a rate of speed exceeding fifteen (15) miles per hour, except upon such roads as the Board or the Director may designate, by posted signs, for faster travel.
5. Drive or park any vehicle on any park area except the paved park roads or parking areas or such other areas as may on occasion be specifically designated as temporary parking areas by the Board or by the Director.
6. Drive or operate a vehicle in the opposite direction than what has been designated.
7. Drive or ride a vehicle on a closed driveway past a barricade or remove a barricade for the purpose of riding or driving a vehicle or any other purpose onto a closed driveway or other area of a park.
   a. The closing of park driveways or parks or any section of park driveways or parks shall be at the direction of the Board, the Police, Director or park supervisory employees.
   b. The closing of park driveways or any section thereof shall be accomplished by the erection of a suitable barrier across the driveway.
   c. The criteria for closing park driveways or any section thereof shall be to promote public health, welfare and safety and to protect public property.
8. Drive a truck upon the driveways, parking lots or any other areas, except when making deliveries or operation or maintenance supplies to the park or some social function operating under permit of the Board or the Director. A panel or pickup truck shall be permitted when used exclusively as a passenger vehicle.
9. Repair, service or maintain a vehicle; except, that this Subsection (9) shall not apply to park vehicles and all workshops and garages in the parks. (R.O. 2009 §99.16; CC 1981 §21-42; Ord. No. 77-23, 6-1-77)

Cross Reference--As to penalty, §100.150.

SECTION 255.070: PARKING REGULATIONS

A. It shall be unlawful for any person, while in or about any City park, to:
   1. Park a vehicle in other than an established or designated area and such use shall be in accordance with directions and instructions of any attendant who may be present.
   2. Park on a road or driveway at any time. No stopping or parking is permitted on the left-hand side of any one-way road or driveway. The only exception being by direction of the Director or officer in charge when designated parking areas overflow.
   3. Double park any vehicle on any road or parkway unless directed by a park official.
   4. Fail to use a muffler adequate to deaden the sound of the engine in a motor vehicle.

B. All other parking restrictions are to be as posted by order of the Board, the Director or the Police Department.
C. It shall be unlawful for any person while in or about any City park to bring into or possess upon the paved portion of the roadway or within any area for the designating of parking of automobiles any beverage containing alcohol in any percent in an open container, open can or bottle or to consume any alcoholic beverage upon the roads or driveway or designated parking area. (R.O. 2009 §99.17; CC 1981 §21-43; Ord. No. 77-23, 6-1-77; Ord. No. 83-99, 11-2-83)

Cross Reference--As to alcohol prohibited or restricted in parks, §255.170.

SECTION 255.080: BICYCLE REGULATIONS

It shall be unlawful for any person, while in or about any City park, to:

1. Ride a bicycle on other than a paved vehicular road or path designated for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or on any paved area reserved for pedestrian use.
2. Ride a bicycle other than on the right-hand side of the road paving as close as conditions permit; bicycles shall be kept in single file when two (2) or more are operating as a group. Bicyclists shall at all times operate their machines with reasonable regard to the safety of others and shall signal all turns and stops.
3. Ride any other person on a bicycle.
4. Leave a bicycle in a place other than a bicycle rack when such rack is provided and there is space available.
5. Leave a bicycle lying on the ground or paving or set against trees or in any place or position where other persons may trip over or be injured by such bicycle.
6. Ride a bicycle on any road thirty (30) minutes after sunset or before thirty (30) minutes before sunrise without an attached headlight plainly visible at least two hundred (200) feet in front of such bicycle and without a red taillight or red reflector plainly visible from at least one hundred (100) feet from the rear of such bicycle. (R.O. 2009 §99.18; CC 1981 §21-44; Ord. No. 77-23, 6-1-77)

Cross References--As to bicycles generally, §§365.010 et seq.; as to penalty, §100.150.

SECTION 255.090: BATHING AND SWIMMING

It shall be unlawful for any person, while in or about any City park, to:

1. Swim, wade, bathe or wash in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefor and in compliance with such regulations as are herein set forth or may be hereafter adopted. Nor shall any person frequent any waters or places customarily designated for the purpose of swimming or bathing or congregate thereat when such activity is prohibited by the Director upon a finding that such use of the water would be dangerous or otherwise inadvisable.
2. Frequent any swimming pool, bathhouse, waters or places designated for the purpose of swimming or bathing or congregate thereat, except between such hours of the day as shall be designated by the Director for such purposes for each

individual area.

3. Allow himself/herself to be so covered with a bathing suit as to indecently expose his/her person. No person shall appear in bathing costume at any place in the parks except within the limits of designated bathing places or areas.
4. Dress or undress on any area or in any vehicle, toilet or other places, except in such bathing houses or structures as may be provided for that purpose. (R.O. 2009 §99.19; CC 1981 §21-45(a); Ord. No. 77-23, 6-1-77; Ord. No. 81-41, 5-6-81)

Cross References--As to bathing while insufficiently clothed, §215.710; as to penalty, §100.150.

SECTION 255.100: HUNTING AND FIREARMS

A. It shall be unlawful for any person, while in or about any City park, to hunt, trap or pursue wildlife at any time. No person shall use, carry or possess firearms of any description or air pistols, spring guns, bows and arrows, slings or any other forms of weapons potentially inimical to wildlife and dangerous to human safety or any instrument that can be loaded with fire blank cartridges or any kind of trapping device. Shooting into park areas from beyond park boundaries is forbidden. The carrying, possession or use of firearms of any description or air rifles, air pistols, spring guns, bows and arrows, slings or any other forms of weapons shall be permissible while such weapons are being carried to and from a designated area of use of the aforementioned weapons. All such weapons shall be carried in an unloaded and in carrying cases or broken down.

B. Any civic, fraternal, benevolent or other organization may make application to the Director of the Park Department for a permit to hold a "black powder shoot", using muzzle-loaders, as a part of major festivals and celebrations held in Frontier Park. The application shall specify the types of muzzle-loaders to be used, the types of powder and projectiles and the time and place of the use. The Director, after consultation with the Chief of Police, may issue the permit if, in the Director's opinion, the use of muzzle-loaders will not endanger the public peace or public safety. (R.O. 2009 §99.20; CC 1981 §21-45(b); Ord. No. 77-23, 6-1-77; Ord. No. 81-41, 5-6-81; Ord. No. 86-214, 8-13-86)

Cross References--As to weapons regulations, §§215.950 et seq.; as to penalty, §100.150.

SECTION 255.110: PICNIC AREA USE

It shall be unlawful for any person, while in or about any City park, to:

1. Picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.
2. Violate the regulation that use of the individual fireplaces together with tables and benches follows generally the rule of "first come, first served".
3. Use any portion of the picnic areas, tables or any building or structure therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are

crowded.

4. Have exclusive use of any area unless granted such permission by the Director.
5. Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere. (R.O. 2009 §99.21; CC 1981 §21-45(c); Ord. No. 77-23, 6-1-77; Ord. No. 81-41, 5-6-81)

Cross Reference--As to penalty, §100.150.

SECTION 255.120: CAMPING

It shall be unlawful for any person, while in or about any City park, to camp in other than the day camp area of McNair Park, which area shall only be available for organized camping and used by persons under adequate supervision and at the direction and permission of the Director, which permission shall only be granted to bona fide camping organizations. No person shall set up a shack or any other temporary shelter, other than tents, for the purpose of overnight camping; nor shall any movable structure or special vehicle be used for such purposes, such as house trailers, camp trailers, camp wagons or the like. (R.O. 2009 §99.22; CC 1981 §21-45(d); Ord. No. 77-23, 6-1-77; Ord. No. 81-41, 5-6-81)

Cross Reference--As to penalty, §100.150.

SECTION 255.130: GAMES

It shall be unlawful for any person, while in or about any City park, to:

1. Take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, golf, horseshoes, stones, arrows, javelins or use of any radio controlled model planes or radio controlled model boats, except in areas set apart for such forms of recreation. The playing of games involving frisbees, wiffle ball, nerf ball, volleyball and badminton will be allowed except in parking lots and areas of public congestion.
2. Participate in organized football and soccer practice and games before August thirtieth (30th) of any year in any park under the control of the Board; provided however, that football and soccer practice and games can be participated in on a year-round basis at the St. Charles Sports Complex.
3. Play so-called beer contests of all descriptions in any park under the control of the Board with the exception of Ed Bales Park and Elm Park. (R.O. 2009 §99.23; CC 1981 §21-45(e); Ord. No. 77-23, 6-1-77; Ord. No. 81-41, 5-6-81; Ord. No. 04-71, 3-26-04)

Cross Reference--As to penalty, §100.150.

SECTION 255.140: HORSEBACK RIDING

It shall be unlawful for any person, while in or about any City park, to ride a horse or pony or allow to run at large a horse, pony or other similar animal, except in conjunction with a civic parade sponsored by a bona fide organization of the City with the permission

of the Director. Such horseback riding shall be confined to the driveways of the park. When permitted in parades, horses shall be thoroughly broken, properly restrained, ridden with due care and shall not be allowed to graze or go unattended, nor shall they be hitched to any rock, tree or shrub. (R.O. 2009 §99.24; CC 1981 §21-45(f); Ord. No. 77-23, 6-1-77; Ord. No. 81-41, 5-6-81)

Cross Reference--As to penalty, §100.150.

SECTION 255.150: TENNIS COURTS

Players shall limit play to one (1) hour for singles or doubles when other tennis players are waiting to play.

1. Players must wear tennis shoes.
2. Persons sixteen (16) years of age and older and who are residents of the City will have priority to use tennis courts after 6:00 P.M.
3. Tennis courts may be reserved by the Park Department for practices, games, lessons or tournaments for a definite period of time as determined by the Board, Director or supervisory park employees.
4. Players or spectators shall not sit or stand on the ends of the courts. (R.O. 2009 §99.25; CC 1981 §21-45(g); Ord. No. 77-23, 6-1-77; Ord. No. 81-41, 5-6-81)

SECTION 255.160: MUSICAL INSTRUMENTS AND SOUND EQUIPMENT

A. It shall be unlawful for any person, while in or about any City park, to operate or play any musical instrument, radio, mechanical record or tape player, loudspeaker, public address system or sound amplifying equipment of any kind within the boundaries of any park in such a manner as to cause the sound emanating therefrom to exceed a loudness of seventy-five (75) decibels when measured on the seventy (70) decibel scale at a distance of fifteen (15) feet from the sound source, without a written permit issued by the Board or the Director.

B. In the event the operation or playing of any musical instrument, radio, mechanical record or tape player, loudspeaker, public address system or sound amplifying equipment shall unduly disturb other park occupants or persons living near the parks, the Director, Police, Park Security, Park Police, Park Patrol, Park Ranger and any supervisory park employee or attendant shall have the authority to order the person responsible for such disturbances to reduce the level of sound to a sound level that will not unduly disturb other park occupants or persons living near any park, regardless of any permit or sound levels.

C. In the event the person responsible for disturbing other park occupants or persons living near any park, by operating or playing any musical instrument, radio, mechanical record or tape player, loudspeaker, public address system or sound amplifying equipment of any description, refuses to reduce the sound level as directed by the Director, Police, Park Security, Park Police, Park Patrol, Park Ranger or any security service personnel employed by the Board and any supervisory park employee or attendant, such person shall be subject to arrest and/or ejection from the park, regardless of any permit. (R.O. 2009 §99.26; CC 1981 §21-45(h); Ord. No. 77-23, 6-1-77; Ord. No. 81-41, 5-6-81)

Cross References--As to noise control, ch. 230; as to penalty, §100.150.

SECTION 255.170: ALCOHOL OR DRUGS PROHIBITED IN PARK

It shall be unlawful for any person, while in or about any City park, to:

1. *Alcohol generally.* Possess intoxicating beverages or to drink intoxicating beverages when said beverages have an alcohol content in excess of fourteen percent (14%) by weight, except that the foregoing shall not apply to functions in Memorial Hall. Functions in areas or facilities in which the alcohol content of intoxicating beverages is not in excess of fourteen percent (14%) by weight is allowed under permits issued by the Park Board; or to sales made by the Parks Department or by vendors licensed to make such sales by the Park Board.
2. *Keg or draught beer.* Have or cause to be brought in keg or draught beer of any kind, with the exception of the Ed Bales Area in Point DuSable Park and Schneider/Kiwanis Park, except that the foregoing shall not apply to the licensed sale of intoxicating beverages sold under the supervision of the Director, nor shall it apply to the licensed sale of five percent (5%) keg or draught beer by a bona fide organization of the City operating under the permission of the Public Park Board.
3. *Beverage coolers.* Have a beverage cooler with beer in it on the athletic fields or in the spectator areas of the athletic fields of any park under the control of the Board.
4. *Beverage cooler capacity.* Have or cause to be brought in beverage in larger than three (3) case capacity.
5. *Drunkenness.* Have entered or be under the influence of intoxicating liquor.
6. *Alcohol consumption by minors.* Drink or consume alcoholic beverages who has not attained the age of twenty-one (21) years.
7. *Drugs.* Be under the influence of drugs, consume or use drugs or possess drugs of any kind, type or description unless prescribed by a doctor of medicine. (R.O. 2009 §99.27; CC 1981 §21-46(1--7); Ord. No. 80-4, 1-16-80; Ord. No. 81-41, 5-6-81; Ord. No. 82-9, 3-17-82; Ord. No. 82-59, 8-18-82; Ord. No. 86-213, 8-13-86; Ord. No. 97-249, 8-14-97; Ord. No. 02-191, 7-26-02; Ord. No. 06-152, 6-27-06)

Cross Reference--As to penalty, §100.150.

SECTION 255.180: OTHER PROHIBITED BEHAVIOR

It shall be unlawful for any person, while in or about any City park, to:

1. *Explosives and the like.* Bring or have in his/her possession or set off, except in designated areas, or otherwise cause to explode or discharge or burn any firecrackers, torpedoes, rockets or other fireworks or explosives of inflammable material or discharge them or throw them into any such area from land or highway adjacent thereto. This prohibition includes any substances or compound that would be dangerous from any of the foregoing standpoints. The area in Bales Park, that is north of the treatment plant, is to be designated as a model rocket launching site for rockets that conform to the specifications of the National Association of Rocketry and which are not more than one-half (½) pound in weight.
2. *Domestic animals.* Be responsible for the entry of a dog or other domestic animal, unless such animal shall be restrained at all times on adequate leashes not

greater than six (6) feet in length. No person shall be responsible for the entry of a dog or other domestic animal whether or not restrained by a leash during the period of special events at the Frontier Park including the Festival of the Little Hills, Fourth (4th) of July Celebration and the St. Louis Symphony Concert. The prohibition shall not apply to Seeing Eye dogs, K-9 Corps dogs or to parade animals and horses being ridden as part of crowd control at special events.

3. *Reserved fields and the like.* Occupy any seat or bench, baseball diamond, building, football field, soccer field, tennis court, horseshoe court or enter into or loiter or remain in any pavilion or other park structure or grounds or section thereof which may be reserved and designated by the Board or the Director for use by a person.
4. *Attire.* Appear at any place in other than proper clothing, with the exception of restricted bathing areas.
5. *Soliciting.* Solicit alms or contributions for any purpose, whether public or private.
6. *Fires.* Build or attempt to build a fire on the ground, paving or any other areas except under such regulations as may be designated by the Director.
7. *Closed areas.* Enter an area posted as "Closed To The Public"; nor shall any person use or abet the use of any area in violation of posted notices.
8. *Ice skating.* Go onto ice on any waters, except such areas as are designated as skating fields; provided a safety signal is displayed.
9. *Loitering, disorderly conduct and the like.* Sit or lounge on vehicles without the permission of the owners; or engage in loud, boisterous, threatening, abusive, insulting or indecent language; or engage in any disorderly conduct or behavior tending to a breach of the public peace; or create a nuisance.
10. *Permits.* Fail to produce and exhibit any permit from the Director he/she claims to have, upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.
11. *Disturbing, and the like, others.* Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit. (R.O. 2009 §99.28; CC 1981 §21-46(8--19); Ord. No. 77-23, 6-1-77; Ord. No. 80-4, 1-16-80; Ord. No. 81-41, 5-6-81; Ord. No. 82-9, 3-17-82; Ord. No. 82-59, 8-28-83; Ord. No. 86-213, 8-13-86)

Cross References--As to alcohol in frontier park, §255.050(C); as to penalty, §100.150.

SECTION 255.190: ADVERTISING IN PARK

It shall be unlawful for any person, while in or about any City park, to:

1. Expose or offer for sale any article or thing or to station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing. Exception here made as to any regularly licensed concessionaire acting by and under the authority and regulation of the Board or the Director.
2. Announce, advertise or call the public attention in any way to any article or service for sale or hire.
3. Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever on any public land, building, wall, fence, tree, post or highway or road

adjacent to a park, except as permitted by Section 400.1630(4).

4. Pass out handbills, newspapers, pamphlets, newsletters, literature or pictures, designed to promote the sale of any item or thing, without the written permission of the Board or the Director.
5. The provision of this Section relating to merchandising, advertising and signs shall not apply to regularly licensed concessionaires or organizations acting under authority and regulation of the Board, the Director or in Memorial Hall as approved by the Director. (R.O. 2009 §99.29; CC 1981 §21-47; Ord. No. 77-23, 6-1-77; Ord. No. 06-191, 7-28-06)

Cross References--As to signs, generally, §§400.1370 et seq.

SECTION 255.200: CAMPING PROHIBITED ON NON-PARK PROPERTY

No person shall camp, set up a tent or temporary shelter for the purpose of overnight camping; nor shall any movable structure or special vehicle, such as house trailers, camp trailers, camp wagons or recreational vehicle, be used for such purposes on any non-park property. The Mayor shall have the authority to waive the prohibition of this Section. (R.O. 2009 §99.30; Ord. No. 06-261, 9-22-06; Ord. No. 07-162, 6-11-07)

ARTICLE III. ADMINISTRATION AND ENFORCEMENT

SECTION 255.210: PERMITS REQUIRED FOR CERTAIN ACTIVITIES

A. *Required.* A permit shall be obtained from the Board or the Director by any person before participating in the following park activities: sponsorship of a public picnic, public celebration or event or concert; organized use of picnic grounds by persons, schools, companies and the like, baseball or softball fields, tennis courts, soccer fields, football fields and any other areas or fields to be used for scheduled practice, league play, games or tournament play.

B. *Application.* A person seeking issuance of a permit hereunder shall file an application with the appropriate Director. The application shall state:
   1. The name and address of the applicant.
   2. The name and address of the person sponsoring the activity.
   3. The day and hours for which the permit is desired.
   4. The park or portion thereof for which such permit is desired.
   5. An estimate of anticipated attendance.
   6. Any other information which the Director shall find reasonably necessary for a fair determination as to whether a permit should be issued.

C. *Standards For Issuance.*
   1. The Director shall issue a permit when he/she finds:
      a. The proposed activity of use of the park will not reasonably interfere with or detract from the general public enjoyment of the park.
      b. The proposed activity and use will not reasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
      c. The proposed activity or use is not reasonably anticipated to incite violence,

crime or disorderly conduct.

d. The proposed activity will not entail unusual, extraordinary or burdensome expense or Police operation by the City.

e. The facilities desired have not been reserved for other use at the day and hour required in the application.

2. In the event the Director finds he/she is unable to issue a permit due to the circumstances involved, he/she is to submit the request to the Board for determination.

D. *Appeal.* Within thirty (30) days after receipt of an application, the Director shall apprise an applicant in writing of his/her reasons for refusing a permit and any aggrieved person shall have the right to appeal in writing within ten (10) days to the Board which shall consider the application under the standards set forth in Subsection (B) of this Section and sustain or override the Director's decision within thirty (30) days or at the next regular meeting of the Board. The decision of the Board shall be final.

E. *Effect Of Permit.* A permittee shall be bound by all park rules and regulations and all applicable provisions of this Code and any other ordinance of the City fully as though such were inserted in such permit. The permittee agrees that all persons involved in the presentation of the event will observe the terms and conditions of the permit, when issued, and will comply with requests of park officials concerning traffic arrangements, crowd control measures, use of park facilities and sound that may unduly disturb other patrons of the park or citizens of the City.

F. *Liability Of Permittee.* The person to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person whatever by reason of the negligence of the person to whom such a permit shall have been issued.

G. *Revocation.* The Board or the Director shall have authority to revoke a permit upon finding of violation of any rule, code or ordinance provision or upon good cause shown. (R.O. 2009 §99.40; CC 1981 §21-51; Ord. No. 77-23, 6-1-77)

SECTION 255.220: ENFORCEMENT OF PARK RULES AND REGULATIONS

A. *Enforcement Officials.* The Director, Police, Park Security, Park Police, Park Patrol, Park Ranger or any security service personnel employed by the Board and any supervisory park employee or attendant shall, in connection with their duties imposed by law, diligently enforce the rules and regulations.

B. *Arrest Or Ejection.* The Director, Police, Park Security, Park Police, Park Patrol, Park Ranger or any security service personnel employed by the Board and any supervisory park employee or attendant shall have the authority to have arrested or to eject from the park any person acting in violation of park rules and regulations or any code or ordinance provision governing the parks of the City.

C. *Seizure Of Property.* The Director, Police, Park Security, Park Patrol, Park Ranger or any security service personnel employed by the Board and any supervisory park employee or attendant shall have the authority to seize and confiscate any property, thing, animal or device in the park used in violation of these rules and regulations. (R.O. 2009 §99.41; CC 1981 §21-52; Ord. No. 77-23, 6-1-77; Ord. No. 88-147, 7-20-88; Ord. No. 90-168, 6-21-90)

TITLE III. TRAFFIC CODE

CHAPTER 300: GENERAL PROVISIONS

Cross References--As to general penalty, §100.150; as to abandoned vehicles, ch. 375; as to parades, ch. 370; as to streets and sidewalks, ch. 505; as to vehicles for hire, ch. 645.

SECTION 300.010: DEFINITIONS

For the purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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.

CLASS I BICYCLE ROUTE: A completely separated right-of-way designated exclusively for bicycles and used for recreational travel.

CLASS II BICYCLE ROUTE: A restricted right-of-way for preferential use by bicycles.

CLASS III BICYCLE ROUTE: A roadway that is officially designated as a bicycle route, but shared by motorized vehicles and bicycles.

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. The 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.

DE FACTO PUBLIC STREETS: The following are de facto public streets:

Ami Court
Avignon Court
Avignon Parkway
Bayonne Drive
Beau Court
Bel Rae Court
Diekamp Lane
Duclair Parkway
Fleur Drive
Hillcrest Place
King Drive (Rosewall to Forest Hills)
Kircher Drive

DRIVER: Every person who drives or is in actual physical control of a vehicle.

ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE: A self-balancing, two- non-tandem wheeled device designed to transport only one (1) person, with an electric propulsion system with an average power of seven hundred fifty (750) watts (one (1) horsepower), whose maximum speed on a paved level surface, when powered solely by such a propulsion system while ridden by an operator who weighs one hundred seventy (170) pounds, is less than twenty (20) miles per hour.

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 305.030 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: See *"STREET OR HIGHWAY"*.
IMPROVED HIGHWAY: Any highway which has been paved with gravel, macadam, concrete, brick or asphalt or surfaced in such manner that it has a hard, smooth surface.
INTERSECTION:

1. The area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict;
2. Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

LANED ROADWAY: A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.
LIVE LOAD: The weight of the cargo or passengers of a commercial motor vehicle in addition to that of the chassis and body of the vehicle.
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 Chapter placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.
OWNER: Any person, firm, corporation or association who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this Chapter.
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 Police Department of the City 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.
PROVISIONAL STREET: Any street which is contiguous only to single-family residential property and which has been accepted by the City in accordance with Section 505.330.
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.
RECREATIONAL VEHICLE: Any unit primarily designed as temporary living quarters for recreation, camping or travel use which either contains its own motive power as in the case of, but not limited to, motor homes, motor coaches, mini-motor homes or recreational vans or is permanently mounted on a vehicle such as, but not limited to, a truck camper or pickup camper.
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 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.
SCOOTER: A device with two (2) wheels, a footboard between and steered by a handlebar.
SIDEWALK: The 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.
SKATEBOARD: A single platform mounted on wheels, which is propelled solely by human power and which is steered by a set of trucks or other devices which aid in controlling the movement or direction of the platform.
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.

STATE HIGHWAY: A highway maintained by the State as a part of the State highway system.
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, the entire width between the lines of de facto public streets and the entire width between the lines of provisional streets.
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 Chapter.
TRAFFIC: Pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any highway for purposes of travel.
TRAFFIC CONTROL SIGNAL: Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.
VEHICLE: Any mechanical device on wheels designed primarily for use or used on streets, except motorized bicycles, vehicles propelled or drawn by horses or human power or vehicles used exclusively on fixed rails or tracks or cotton trailers or motorized wheelchairs operated by physically disabled persons. (R.O. 2009 §70.01; CC 1981 §18-1; Ord. No. 75-35, 8-6-75; Ord. No. 75-41, 8-6-75; Ord. No. 87-97, 5-13-87; Ord. No. 89-25, 2-8-89; Ord. No. 91-51, 3-8-91; Ord. No. 96-49, 2-21-96; Ord. No. 97-70, 3-5-97; Ord. No. 01-212, 9-21-01; Ord. No. 03-131, 6-4-03)

State Law References--Similar provisions, §§300.010, 301.010(10), RSMo.

CHAPTER 305: OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

SECTION 305.010: PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS

The provisions of this Chapter shall apply to the driver of any vehicle owned by or used in the service of the United States Government, this State, County or City and it shall be unlawful for any driver to violate any of the provisions of this Chapter, except as otherwise permitted in this Chapter. (R.O. 2009 §70.10; CC 1981 §18-3; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.095, RSMo.

SECTION 305.020: PERSONS PROPELLING PUSHCARTS OR RIDING ANIMALS

Every person propelling any pushcart or riding an animal upon a roadway and every person driving any animal-driven vehicle shall be subject to the provisions of this Chapter applicable to the driver of any vehicle, except those provisions of this Chapter which by their very nature can have no application. (R.O. 2009 §70.11; CC 1981 §18-4; Ord. No. 75-35, 8-6-75)

Cross Reference--As to animals and fowl, ch. 210.
State Law Reference--Similar provisions, §300.085, RSMo.

SECTION 305.030: AUTHORIZED EMERGENCY VEHICLES

A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this Section, but subject to the conditions herein stated.
B. The driver of an authorized emergency vehicle may:
    1. Park or stand, irrespective of the provisions of this Chapter;
    2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
    3. Exceed the maximum speed limits so long as he/she does not endanger life or property;
    4. Disregard regulations governing direction of movement or turning in specified directions.
C. The exemptions granted to an emergency vehicle pursuant to Subsection (B) 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. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his/her reckless disregard for the safety of others. (R.O. 2009 §70.12; CC 1981 §18-5; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.100, RSMo.

SECTION 305.040: OBEDIENCE TO POLICE AND FIRE OFFICIALS

No person shall knowingly fail or refuse to comply with any lawful order or direction of a Police Officer or Fire Department official. (R.O. 2009 §70.13; CC 1981 §18-22; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.080, RSMo.

SECTION 305.050: LICENSE REQUIRED FOR OPERATION OF MOTORIZED BICYCLE

No person shall operate a motorized bicycle on any street in the City unless the person has a valid license to operate a motor vehicle. (R.O. 2009 §70.14; Ord. No. 03-131, 6-4-03)

CHAPTER 310: TRAFFIC CONTROL DEVICES, SIGNS, SIGNALS AND MARKINGS

SECTION 310.010: 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 this Title and any other traffic ordinance of the City to make effective the applicable provisions of this Title and any ordinance of the City and may place and maintain such additional traffic control devices as he/she may deem necessary to regulate traffic under this Traffic Code and any other applicable ordinance of the City or under State law or to guide or warn traffic. (R.O. 2009 §70.25; CC 1981 §18-360; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.130, RSMo.

SECTION 310.020: 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 Highway Commission or resolution adopted by the City Council. 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. (R.O. 2009 §70.26; CC 1981 §18-361; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.135, RSMo.

SECTION 310.030: 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. (R.O. 2009 §70.27; CC 1981 §18-362)

State Law Reference--Similar provisions, §300.140, RSMo.

SECTION 310.040: OFFICIAL TRAFFIC CONTROL DEVICES

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 ordinary 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. (R.O. 2009 §70.28; CC 1981 §18-363; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.145, RSMo.

SECTION 310.050: 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. (R.O. 2009 §70.29; CC 1981 §18-364; Ord. No. 75-35, 8-6-75)

SECTION 310.060: TRAFFIC CONTROL SIGNAL LEGEND

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 work 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 310.070, 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 310.070, 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.
   b. The driver of a vehicle which is stopped as close as practicable at the entrance

to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection in obedience to a red signal may cautiously enter the intersection to make a right turn but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection, except that the State Highway Commission, with reference to an intersection involving a State highway and local authorities with reference to an intersection involving other highways under their jurisdiction, may prohibit any such right turn against a red signal at any intersection where safety conditions so require, the 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 310.070, pedestrians facing a steady red signal alone shall not enter the roadway.

d. 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. (R.O. 2009 §70.30; CC 1981 §18-365; Ord. No. 75-35, 8-6-75)

Cross References--As to pedestrians, §§345.010 et seq.
State Law Reference--Similar provisions, §300.155, RSMo.

SECTION 310.070: PEDESTRIAN CONTROL SIGNALS

Whenever special pedestrian control signals exhibiting the words "Walk" or "Don't Walk" are in place, such signals shall indicate as follows:

1. *Walk.* Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.
2. *Wait, don't walk or appropriate symbols.* 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. (R.O. 2009 §70.31; CC 1981 §18-367; Ord. No. 75-35, 8-6-75)

Cross References--As to pedestrians, §§345.010 et seq.
State Law Reference--Similar provisions, §300.160, RSMo.

SECTION 310.080: FLASHING SIGNALS

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 pass such signal only with caution.
3. 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 Code of Ordinances. (R.O. 2009 §70.32; CC 1981 §18-368; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.165, RSMo.

SECTION 310.090: 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. (R.O. 2009 §70.33; CC 1981 §18-369; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.170, RSMo.

SECTION 310.100: UNAUTHORIZED SIGNS, SIGNALS OR MARKINGS

A. 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 devices or any railroad sign or signal and no person shall place and maintain, nor shall the City Council permit on any street, alley or highway in the City, any traffic control sign, signal or marking bearing thereon any commercial advertising. This Section shall not be deemed to prohibit the erection on private property adjacent thereto of signs giving useful information and of a type that cannot be mistaken for official signs; provided that such signs do not hide from view the effectiveness of any official traffic control signs, signals, markings or devices or railroad signs and signals.
B. Every such prohibited sign, signal, marking, device or other obstruction to expeditious traffic movement is declared a public nuisance. (R.O. 2009 §70.34; CC 1981 §18-370; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.175, RSMo.

SECTION 310.110: INTERFERENCE WITH TRAFFIC CONTROL OR RAILROAD DEVICES

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic control device or any railroad sign or signal or inscription, shield or insignia thereon or any other part thereof. (R.O. 2009 §70.35; CC 1981 §18-371; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.180, RSMo.

SECTION 310.120: TRAFFIC ENGINEER TO DESIGNATE CROSSWALKS

AND ESTABLISH SAFETY ZONES

The City Traffic Engineer is 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. (R.O. 2009 §70.36; CC 1981 §18-372; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.195, RSMo.

SECTION 310.130: TRAFFIC LANES

A. The City Traffic Engineer is 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. (R.O. 2009 §70.37; CC 1981 §18-373; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.200, RSMo.

CHAPTER 315: ADMINISTRATION AND ENFORCEMENT

SECTION 315.010: AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS

A. It shall be the duty of the officers of the Police Department or such officers as are assigned by the Chief of Police to enforce all street traffic laws of the City and all of the State vehicle laws applicable to street traffic in the City.
B. Officers of the Police Department or such officers as are assigned by the Chief of Police are authorized to direct all traffic by voice, hand or signal in conformance with traffic laws; provided that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.
C. Officers of the Fire Department, when at the scene of a fire, may direct or assist the Police in directing traffic thereat or in the immediate vicinity. (R.O. 2009 §70.50; CC 1981 §18-21; Ord. No. 75-35, 8-6-75)

Cross References--As to fire department, ch. 205; as to police department, ch. 200.

State Law Reference--Similar provisions, §300.075, RSMo.

SECTION 315.020: RECORDS OF TRAFFIC VIOLATIONS

A. The Police Department shall keep a record of all violations of this Code and any other traffic ordinance 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.

B. All such records and reports shall be public records unless otherwise required by law. (R.O. 2009 §70.51; CC 1981 §18-23; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.025, RSMo.

SECTION 315.030: DRIVER FILES TO BE MAINTAINED

The Police Department shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions and complaints reported for each driver, which shall be filed alphabetically under the name of the driver concerned. (R.O. 2009 §70.52; CC 1981 §18-24; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.045, RSMo.

SECTION 315.040: ANNUAL TRAFFIC SAFETY REPORTS

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. (R.O. 2009 §70.54; CC 1981 §18-26; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.050, RSMo.

SECTION 315.050: EMERGENCY AND EXPERIMENTAL REGULATIONS

A. The Chief of Police, by and with the approval of the City Traffic Engineer, is empowered to make regulations necessary to make effective the provisions of the Traffic Code and any other traffic ordinance 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. (R.O. 2009 §70.55; CC 1981 §18-72; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.065, RSMo.

SECTION 315.060: TEMPORARY TRAFFIC CONTROL DURING SPECIAL EVENTS

The Mayor may authorize the temporary closing of streets, the temporary prohibition of parking and other temporary direction of traffic during the Festival of the Little Hills, the Riverfest, the Oktoberfest, the Lewis and Clark Rendezvous Days or other special events. When appropriate signs have been installed, no person shall operate or park a vehicle in violation of the temporary regulations established by the Mayor. (R.O. 2009 §70.56; CC 1981 §18-27.1; Ord. No. 89-38, 2-23-89; Ord. No. 07-162, 6-11-07)

SECTION 315.070: 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. (R.O. 2009 §70.58; CC 1981 §18-53; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.060, RSMo.

CHAPTER 320: MOTOR VEHICLE OFFENSES

ARTICLE I. ACCIDENTS

SECTION 320.010: LEAVING THE SCENE OF AN 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.

State Law Reference--Similar provisions, §577.060, RSMo.

SECTION 320.020: IMMEDIATE NOTICE OF ACCIDENT

The driver of a vehicle involved in an accident resulting in injury to or death of any person or total damage to all property to an apparent extent of five hundred dollars ($500.00) or more shall immediately by the quickest means of communication give notice of such accident to the Police Department if such accident occurs within the City.

State Law Reference--Similar provisions, §300.110, RSMo.

SECTION 320.030: 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 all property to an apparent extent of five hundred dollars ($500.00) or more 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.

State Law Reference--Similar provisions, §300.115, RSMo.

SECTION 320.040: 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 320.030 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 320.030 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. (R.O. 2009 §74.21; CC 1981 §18-105; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.120, RSMo.

ARTICLE II. DRIVING WHILE INTOXICATED--RECKLESS OPERATION AND OTHER OFFENSES

SECTION 320.050: CARELESS AND IMPRUDENT DRIVING

Every person operating a motor vehicle within the City shall operate or drive such motor vehicle in a careful and prudent manner and in the exercise of the highest degree of care.

1. A person is guilty of operating a motor vehicle in a careless and imprudent manner whenever such a person operates a motor vehicle in such a manner that there is likelihood of danger to property of another or to the life or limb of any person, taking into consideration the time of day, the amount of vehicular and pedestrian traffic, the condition of the street or highway, the atmospheric conditions and the location with reference to intersecting streets or highways, curves, residences or schools.
2. A person is guilty of operating a motor vehicle on a parking lot in a careless and imprudent manner whenever such person operates a motor vehicle on a public or private parking lot in such a manner that there is likelihood of danger to property of another or to the life or limb of any person, taking into consideration the time of day, the amount of vehicular traffic and pedestrian traffic, the condition of the parking lot, the atmospheric conditions and the location with reference to adjacent streets, highways, residences or schools.
3. A prima facie case of careless and imprudent driving shall exist whenever:
   a. A person operating a motor vehicle is racing another person operating a motor

vehicle;

b. A violation of a traffic law results in an accident with another vehicle;
c. A person operates a motor vehicle at a speed twice the speed limit or at such a rate of speed so as to recklessly endanger the property of another of the life or limb or any person;
d. A motor vehicle crosses a marked centerline so as to force a motor vehicle traveling in the opposite direction to turn away to avoid a collision; or
e. A person operates a motor vehicle in such a manner so as to attempt to outrun, evade or outdistance a pursuing police vehicle. (R.O. 2009 §74.35; CC 1981 §18-174; Ord. No. 74-22, 5-22-74 ; Ord. No. 98-397, 9-14-98)

SECTION 320.060: 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.

State Law Reference--Similar provisions, §577.010, RSMo.

SECTION 320.070: DRIVING WITH CERTAIN BLOOD ALCOHOL CONTENT

A person commits the offense of "driving with excessive blood alcohol content" if such person operates a motor vehicle in this State with eight-hundredths of one percent (0.8%) or more by weight of alcohol in such person's blood. 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.

State Law Reference--Similar provisions, §577.012, RSMo.

SECTION 320.080: DRIVING ON PARKING LOTS

A. Sections 320.010, 320.050, 320.060, 320.070, 355.030, 355.040 and 360.060 shall apply to and be in force on all publicly used parking lots, drive-ins and all areas upon which the public is invited or permitted to operate motor vehicles, whether such parking lots, drive-ins and other publicly used areas are publicly or privately owned or held.
B. Anyone violating the provisions of this Section shall be guilty of an ordinance violation and shall be subject to the penalties provided for in Section 100.150 of this Code. (R.O. 2009 §74.38; CC 1981 §18-177; Ord. No. 3433, 10-5-66; Ord. No. 80-104, 9-3-80)

SECTION 320.090: DRIVING ON UNPAVED PROPERTY PROHIBITED

A. *Driving On Unpaved Property Prohibited.*
1. It shall be unlawful for any person to willfully and without right destroy, deface, injure or molest any yard, lawn, garden, courtyard or any other unpaved portion of any parcel of ground owned by another person by operating a motor vehicle thereupon.
2. It shall be unlawful for any person to willfully and intentionally operate a motor

vehicle upon any unpaved portion of any parcel of ground owned by another person without the express consent of such owner.

3. In enforcing the provisions of this Section, there shall be a rebuttable presumption that the owner of a vehicle involved in a violation of this Section was the operator of the vehicle at the time such violation occurred. For purposes of this Section, the person in whose name the vehicle is registered with the State Department of Revenue shall be deemed to be the owner of the vehicle.

B. *Reward For Information Used To Prosecute Persons Who Damage Property By Driving On Unpaved Property.*

1. A reward will be paid to any person supplying information which is used in the prosecution of violations of Subsection (A) of this Section, if the information supplied leads to the conviction of the person charged with a violation of that Section. If two (2) or more persons supply information correctly leading to the conviction, the reward will be divided equally between the informants. Rewards will be paid upon the conviction of the person charged. The exact amount of the reward will be determined by the Mayor upon the recommendations of the Chief of Police and Director of the Public Works Department and shall be not less than one hundred dollars ($100.00) and not more than two hundred dollars ($200.00). The recommendations shall be based upon the extent and severity of the violation.
2. The City and its employees will keep confidential the identity of any informant unless testimony of the informant is deemed necessary for the successful prosecution of the offense or unless otherwise ordered by a court.
3. Rewards shall be paid only from account number 01-026-7312 as established in the City's budget. If payments for rewards exhaust the amount appropriated for that purpose, no further rewards will be paid unless authorized by supplemental appropriations. (R.O. 2009 §74.39; CC 1981 §§18.178--18-178.1; Ord. No. 75-19, 4-9-75; Ord. No. 86-107, 5-15-86; Ord. No. 07-162, 6-11-07)

CHAPTER 325: SPEED RESTRICTIONS

SECTION 325.010: EXCESSIVE ACCELERATION PROHIBITED

It shall be unlawful for any person, in operating a motor vehicle within the City, to so accelerate the motor vehicle as to cause such motor vehicle to:

1. Travel sideways in any manner;
2. Cause audible noise by the friction of the tire on the pavement; or
3. Cause the tires of such vehicle to leave skid marks upon the pavement; except when such acceleration is reasonably necessary to avoid a collision or occurs as a result of snow, water or gravel upon the pavement. (R.O. 2009 §72.015; CC 1981 §18-183; Ord. No. 83-69, 9-8-83)

Cross References--As to speed regulations, sch. I; as to noise control, ch. 230.

SECTION 325.020: SPEED LIMIT ZONES

The following speed limit zones are hereby created in which the maximum vehicular speeds shall be as follows:

1. In all portions of the City, except as otherwise stated, the maximum speed permitted shall be twenty-five (25) miles per hour.
2. In the congested districts, as designated, the maximum speed permitted shall be fifteen (15) miles per hour.
3. No person shall drive a motor vehicle at a rate faster than fifteen (15) miles per hour within a distance of two hundred (200) feet on each side of any school property when school age children are present on a street, alley, sidewalk or public right-of-way. (R.O. 2009 §72.016; CC 1981 §18-239(a),(b)(1--3); Ord. No. 75-35, 8-6-75; Ord. No. 82-35, 5-19-82; Ord. No. 84-5, 1-18-84; Ord. No. 84-101, 8-23-84; Ord. No. 85-106, 8-8-85; Ord. No. 85-177, 11-7-85; Ord. No. 85-242, 12-20-85; Ord. No. 86-290, 10-21-86; Ord. No. 92-10, 1-23-92; Ord. No. 92-295, 12-2-92; Ord. No. 93-70, 4-21-93; Ord. No. 93-242, 10-20-93; Ord. No. 97-217, 6-18-97)

Cross References--As to speed limits, sch. I.

SECTION 325.030: REGULATING 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. (R.O. 2009 §72.017; CC 1981 §18-240; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.210, RSMo.

SECTION 325.040: SPEED METERS AND THE LIKE

The use of and results determined by any speed meter, machine or mechanism which seeks to reduce the error of manual operation to a minimum shall be acceptable as evidence where driving in excess of posted speed limits is the cause of action; except that the use thereof shall not be construed to exclude any competent evidence secured by any other manner or means. (R.O. 2009 §72.018; CC 1981 §18-241)

SECTION 325.050: FLASHING SCHOOL ZONE LIGHTS--TIME FOR OPERATION

Whenever illuminated, flashing school zone signals have been installed to mark a school zone, the lights shall be in operation:

1. From thirty (30) minutes before the start of the first (1st) school class until the first (1st) school class commences; and
2. From the dismissal of the last school class until thirty (30) minutes following final dismissal. (R.O. 2009 §72.019; Ord. No. 07-271, 10-18-07; Ord. No. 09-28, 2-5-09)

CHAPTER 330: TURNING RESTRICTED--SIGNALS

SECTION 330.010: REQUIRED POSITION AND METHOD OF TURNING AT INTERSECTIONS, PARKING LOTS, PRIVATE DRIVEWAYS AND PRIVATE STREETS--USE OF TURN SIGNALS

A. The driver of a vehicle intending to turn at an intersection, parking lot entrance or exit, private driveway or private street 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.
      c. A vehicle shall not be driven in the lane for a distance more than five hundred (500) feet.

B. *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 operator's vehicle to the right shall

extend such operator's arm at an angle above horizontal so that the same may be seen in front of and in the rear of the vehicle and shall slow down and approach the intersecting highway as near as practicable to the right side of the highway along which such operator is proceeding before turning.

3. An operator or driver intending to turn the operator's vehicle to the left shall extend such operator's arm in a horizontal position so that the same may be seen in the rear of the vehicle and shall slow down and approach the intersecting highway so that the left side of the vehicle shall be as near as practicable to the centerline of the highway along which the operator is proceeding before turning.
4. The signals herein required shall be given either by means of the hand and arm or by a signal light or signal device in good mechanical condition of a type approved by the State Highway Patrol; however, when a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle, then such signals shall be given by such light or device. A vehicle shall be considered as so constructed or loaded that a hand and arm signal would not be visible both to the front and rear when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load exceeds twenty-four (24) inches or when the distance from the center of the top of the steering post to the rear limit of the body or load thereon exceeds fourteen (14) feet, which limit of fourteen (14) feet shall apply to single vehicles or combinations of vehicles. The provisions of this Subsection shall not apply to any trailer which does not interfere with a clear view of the hand signals of the operator or of the signaling device upon the vehicle pulling such trailer; provided further, that the provisions of this Section as far as mechanical devices on vehicles so constructed that a hand and arm signal would not be visible both to the front and rear of such vehicle as above provided shall only be applicable to new vehicles registered within this State after the first (1st) day of January, 1954.
5. The driver of a vehicle shall use turn signals in executing a maneuver set forth in Section 330.010(A). (R.O. 2009 §72.045; CC 1981 §18-268; Ord. No. 75-35, 8-6-75; Ord. No. 98-252, 6-17-98; Ord. No. 00-55, 2-16-00)

State Law References--Similar provisions, §§300.215, 304.019, RSMo.

SECTION 330.020: 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. (R.O. 2009 §72.046; CC 1981 §18-269; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.220, RSMo.

SECTION 330.030: LIMITATIONS ON U-TURNS AND THE LIKE

A. *Authority To Place Restricted Turn Signs.* The City Traffic Engineer is 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.
B. *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.
C. When signs are erected giving notice thereof, no person shall make a U-turn on the following streets:
    1. Traveling northbound on Fifth Street at the westbound I-70 on-ramp.
    2. First Capitol Drive and Cunningham.
D. When signs are erected giving notice thereof, no person shall make a left turn at the following location between the hours of 7:00 A.M. and 7:00 P.M.:
    1. From the St. Charles Post Office driveway onto southbound North Fifth Street.
E. When signs are erected giving notice thereof, no vehicle over eighteen thousand (18,000) pounds shall make a left turn or right turn onto the driveway located between 1753 and 1757 Doris Walters Lane from Doris Walters Lane between the hours of 2:00 A.M. and 8:00 A.M. (R.O. 2009 §72.047; CC 1981 §§18-270--18-271; Ord. No. 75-35, 8-6-75; Ord. No. 94-168, 7-6-94; Ord. No. 06-92, 4-26-06; Ord. No. 06-173, 6-30-06; Ord. No. 07-23, 2-9-07)

State Law References--Similar provisions, §§300.225--300.230, RSMo.

SECTION 330.040: 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. (R.O. 2009 §72.048; CC 1981 §18-272; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.235, RSMo.

CHAPTER 335: STOP AND YIELD INTERSECTIONS

ARTICLE I. RIGHT-OF-WAY

SECTION 335.010: VEHICLES APPROACHING OR ENTERING INTERSECTIONS

The operator of a vehicle shall have the right-of-way over the operator of another vehicle which is approaching from the left on an intersecting highway and it shall be unlawful for the operator of a vehicle to fail to yield the right-of-way to the operator of another vehicle which is approaching from the right on an intersecting highway. (R.O. 2009 §72.060; CC

1981 §18-179; Ord. No. 75-35, 8-6-75)

SECTION 335.020: 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.

SECTION 335.030: VEHICLES 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 Section 335.070(B) 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 the highway as to constitute an immediate hazard during the time which such driver is moving across or within the intersection. (R.O. 2009 §72.062; CC 1981 §18-261; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.275, RSMo.

SECTION 335.035: VEHICLES 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. (R.O. 2009 §72.063; CC 1981 §18-262; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.280, RSMo.

SECTION 335.040: 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 the roadway. (R.O. 2009 §72.064; CC 1981 §18-263; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.285, RSMo.

ARTICLE II. STOP AND YIELD INTERSECTIONS

SECTION 335.050: STOP SIGNS REQUIRED
Whenever any ordinance of the City designates and describes a street location, it shall be the duty of the City Traffic Engineer to place and maintain a stop sign at such location. (R.O. 2009 §72.075; Ord. No. 04-120, 6-29-04)

SECTION 335.060: OTHER INTERSECTIONS WHERE STOP OR YIELD REQUIRED
The City 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 Section 335.035 in which event he/she shall cause to be erected a yield sign at every place where obedience thereto is required. The City Engineer shall cause to be erected a stop sign at every location where the erection of a stop sign is authorized by a duly adopted ordinance.

State Law Reference--Similar provisions, §300.265, RSMo.

SECTION 335.070: 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. (R.O. 2009 §72.077; CC 1981 §18-260; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.270, RSMo.

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. (R.O. 2009 §72.078; CC 1981 §18-264; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.290, RSMo.

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;
    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. (R.O. 2009 §72.079; CC 1981 §18-265; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.295, RSMo.

SECTION 335.100: TURNABLE OR MOVABLE STOP SIGNS

A. Except when directed to proceed by a Police Officer, every driver of a vehicle approaching a turnable or movable stop sign shall stop within the roadway before passing upon any portion of the roadway perpendicular to the curb line at the location of such sign. This provision shall be enforced only on school days between the hours of 7:00 A.M. and 4:30 P.M. when stop signs are plainly visible to the driver of such vehicle.

B. *Turnable Or Movable Stop Sign Locations.* Except when directed to proceed by a Police Officer, every driver of a vehicle approaching a turnable or movable stop sign shall stop within the roadway before passing upon any portion of the roadway perpendicular to the curb line at the location of such sign at locations determined by the Traffic Commission. (R.O. 2009 §72.080; CC 1981 §18-266; Ord. No. 82-36, 5-19-82; Ord. No. 98-399, 9-14-98)

CHAPTER 340: MISCELLANEOUS TRAFFIC REGULATIONS

ARTICLE I. GENERAL PROVISIONS

SECTION 340.010: SOLICITING OCCUPANTS OF MOTOR VEHICLES

A. *Definitions.* For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ROADWAY: The portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. "Roadway" includes lanes commonly used for parking.

SIDEWALK: The 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.

STREETS AND HIGHWAYS: 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.

B. No person shall stand on a street or highway open to vehicular traffic and solicit or attempt to solicit employment, business or contributions from the occupants of any motor vehicle, except from the occupants of parked motor vehicles located in the roadway and adjacent to a sidewalk where the solicitor is on a sidewalk. (R.O. 2009 §72.002; CC 1981 §18-423; Ord. No. 88-46, 3-25-88)

SECTION 340.020: OBSTRUCTING PUBLIC THOROUGHFARE--SOLICITATION

A. It shall be unlawful for any person to:
   1. Obstruct in any manner any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians.
   2. Commit any act or place any object in or upon any public street, public highway, public sidewalk or any other public place or building which is an obstruction or interference to the free and uninterrupted use of such property or to any business lawfully conducted by anyone in, upon, facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress, thereon and thereto.
   3. Engage, directly or indirectly in the solicitation of money, donations, property or financial assistance or sell, offer to sell or distribute for any purpose any article, object or material of any kind or nature in or upon the travelled portion of any public street, highway, alley or thoroughfare.

B. When any person causes or commits any of the conditions or acts enumerated in Subsections (A)(1), (2) or (3) above, any Law Enforcement Officer shall order such person to cease and desist in such act or acts and to move on or to disperse. Any person who fails or refuses to obey such an order shall be guilty of a violation of this Section. (R.O. 2009 §72.003; CC 1981 §20-119; Ord. No. 3499, 8-19-67; Ord. No. 3894, 12-7-71; Ord. No. 73-38, 6-20-73; Ord. No. 80-13, 2-6-80; Ord. No. 82-2, 1-6-82; Ord. No. 88-46, 3-25-88)

ARTICLE II. OVERTAKING AND PASSING--MANNER OF DRIVING ON ROADWAY

SECTION 340.030: 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 side thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
   2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle 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 highway, road or street with unobstructed pavement of sufficient width for two (2) or more lines of vehicles in each direction;
   3. Upon a one-way street; or

4. Upon any highway, road or street with unobstructed pavement of such width and clearly marked for four (4) or more lanes of traffic; provided that the driver of a motor vehicle may overtake and pass another vehicle upon the right under the foregoing conditions only 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; however, the provisions of this Subsection (B)(4) shall not relieve a driver 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 roadway 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 that 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 or tunnel or when approaching within one hundred (100) feet of or at any railroad grade crossing. (R.O. 2009 §72.030; CC 1981 §18-182)

State Law Reference--Similar provisions, §304.016, RSMo.

SECTION 340.040: DISTANCE AT WHICH VEHICLE MUST FOLLOW

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.

SECTION 340.050: SCHOOL BUSES

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.

State Law Reference--Similar provisions, §304.050, RSMo.

SECTION 340.060: ONE-WAY STREETS AND ALLEYS

A. *Authority To Sign One-Way Streets And Alleys.* Whenever any provision of this traffic

code or ordinance of the City designates any one-way street or alley, the City Traffic Engineer shall place and maintain signs giving notice thereof and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

B. *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.

C. *Authority To Restrict Direction Of Movement On Streets During Certain Periods.*

1. The City Traffic Engineer is 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.
2. 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. (R.O. 2009 §72.034; CC 1981 §§18-225--18-227; Ord. No. 75-35, 8-6-75)

State Law References--Similar provisions, §§300.240--300.250, RSMo.

ARTICLE III. FUNERAL PROCESSIONS

SECTION 340.070: DEFINITIONS

As used in this Article, the following terms 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. (R.O. 2009 §72.050; Ord. No. 99-357, 10-21-99)

SECTION 340.080: RIGHT-OF-WAY FOR FUNERAL PROCESSIONS

A. Except as otherwise provided for in this Subsection, 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.

B. 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.

C. 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 Section 304.022, RSMo., or when directed to do so by a Law Enforcement Officer. (R.O. 2009 §72.051; Ord. No. 99-357, 10-21-99)

SECTION 340.090: OPERATION OF FUNERAL PROCESSIONS

A. 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.

B. No person shall operate any vehicle as part of an organized funeral procession without the flashing emergency lights of such vehicle being lighted.

C. Toll free passage shall be given on all toll bridges, tunnels and other toll highways to all vehicles in an organized funeral procession. (R.O. 2009 §72.052; Ord. No. 99-357, 10-21-99)

SECTION 340.100: VIOLATIONS RELATING TO FUNERAL PROCESSIONS

A. Any person who is not an operator of a vehicle in an organized funeral procession shall not:
   1. Drive between the vehicles comprising an organized funeral procession while such vehicles are in motion and have the flashing emergency lights lighted pursuant to Section 340.090(B), 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;
   2. Join a funeral procession for the purpose of securing the right-of-way granted in Section 340.080; or
   3. Attempt to pass any vehicle in an organized funeral procession, except where a passing lane has been specifically provided.

B. When an organized funeral procession is proceeding through a red signal light as permitted in Section 340.080, 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.

C. Any person violating the provisions of this Section is guilty of an infraction which shall be punishable by a fine not to exceed one hundred dollars ($100.00). (R.O. 2009 §72.053; Ord. 99-357, 10-21-99)

ARTICLE IV. MISCELLANEOUS PROHIBITIONS

SECTION 340.110: CLINGING TO OR HANGING ON VEHICLES

A. 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.

B. *Hanging On Vehicles Prohibited.* No person shall hang onto or ride on the outside or the rear end of any motor vehicle while moving upon a roadway. (R.O. 2009 §72.110; CC 1981 §§18-7--18-8; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.350, RSMo.

SECTION 340.120: CUTTING THROUGH PRIVATE PROPERTY

It shall be unlawful for any person to operate a motor vehicle through any private property for the purpose of avoiding a traffic control device or street intersection. (R.O. 2009 §72.111; CC 1981 §18-180; Ord. No. 82-68, 9-8-82)

SECTION 340.130: FOLLOWING FIRE APPARATUS

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.

State Law Reference--Similar provisions, §300.300, RSMo.

SECTION 340.140: 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. (R.O. 2009 §72.113; CC 1981 §18-191; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.305, RSMo.

SECTION 340.150: VEHICLES, MOTORIZED BICYCLES, MOTORIZED SCOOTERS, MOTORIZED SKATEBOARDS AND MOTORIZED SKATES ON SIDEWALKS OR BICYCLE PATHS

A. The driver of a vehicle shall not drive within any sidewalk area or bicycle path except as a permanent or temporary driveway.

B. 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. (R.O. 2009 §72.114; CC 1981 §18-197; Ord. No. 75-35, 8-6-75; Ord. No. 95-132, 5-4-95; Ord. No. 03-131, 6-4-03)

State Law Reference--Similar provisions, §300.330, RSMo.

SECTION 340.160: 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. (R.O. 2009 §72.115; CC 1981 §18-198; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.335, RSMo.

SECTION 340.170: 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. (R.O. 2009 §72.116; CC 1981 §18-199; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.340, RSMo.

SECTION 340.180: 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. (R.O. 2009 §72.117; CC 1981 §18-201; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.355, RSMo.

SECTION 340.190: RAILROAD TRAINS NOT TO BLOCK STREETS

A. 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.

B. It shall be unlawful for any person to stand or leave any engine, locomotive, car or train standing on any street or conduct or place the same so as to obstruct the passage along or crossing of any street for a period of time longer than five (5) minutes; except that this provision shall not apply to trains or cars in motion other than those engaged in switching. (R.O. 2009 §72.118; CC 1981 §§18-202, 20-57; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.360, RSMo.

SECTION 340.200: DRIVING THROUGH SAFETY ZONE

No vehicle shall at any time be driven through or within a safety zone. (R.O. 2009 §72.119; CC 1981 §18-203; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.365, RSMo.

SECTION 340.210: STREETS CLOSED TO THROUGH TRAFFIC

Whenever the proper signs are posted indicating any street or part thereof is closed to through traffic, no person shall drive a vehicle upon any such street or portion thereof, except for the purpose of going to or from a residence within such closed area. (R.O. 2009 §72.120; CC 1981 §18-214.1; Ord. No. 92-190, 8-19-92)

SECTION 340.220: ELECTRIC PERSONAL ASSISTIVE DEVICES

A. An electric personal assistive mobility device may be operated upon a street, sidewalk and bicycle path. Every person operating such a device shall be granted all of the rights and be subject to all of the duties applicable to a pedestrian pursuant to Chapter 304, RSMo.
B. Persons under sixteen (16) years of age shall not operate an electric personal assistive mobility device, except for an operator with a mobility-related disability.
C. An electric personal assistive mobility device shall be operated only on roadways with a speed limit of forty-five (45) miles per hour or less. This shall not prohibit the use of such device when crossing roadways with speed limits in excess of forty-five (45) miles per hour. (R.O. 2009 §72.121; Ord. No. 03-131, 6-4-03)

CHAPTER 345: PEDESTRIANS' RIGHTS AND DUTIES

SECTION 345.010: SUBJECT TO TRAFFIC CONTROL DEVICES

Pedestrians shall be subject to traffic control signals as heretofore declared in Sections 310.060 and 310.070, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this Chapter. (R.O. 2009 §72.090; CC 1981 §18-414)

State Law Reference--Similar provisions, §300.370, RSMo.

SECTION 345.020: RIGHT-OF-WAY IN CROSSWALK

A. The driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this Chapter.
B. The provisions of this Section shall not relieve a pedestrian from the duty of using due care for his/her safety. 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 as to constitute an immediate hazard.
C. The provisions of Subsection (B) shall not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within any marked crosswalk or within any unmarked crosswalk at an intersection.
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. (R.O. 2009 §72.091; CC 1981 §18-415; Ord. No. 75-35, 8-6-75; Ord. No. 82-69, 9-8-82)

State Law Reference--Similar provisions, §300.375, RSMo.

SECTION 345.030: PEDESTRIANS TO USE RIGHT-HALF OF CROSSWALK

Pedestrians shall move, whenever practicable, upon the right-half of crosswalks. (R.O. 2009 §72.092; CC 1981 §18-416; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.380, RSMo.

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. (R.O. 2009 §72.093; CC 1981 §18-417; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.385, RSMo.

SECTION 345.050: WHEN PEDESTRIANS 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. (R.O. 2009 §72.094; CC 1981 §18-418; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.390, RSMo.

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. (R.O. 2009 §72.095; CC 1981 §18-419; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.395, RSMo.

SECTION 345.070: OBEDIENCE TO BRIDGE AND RAILROAD SIGNALS

A. No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate or barrier after a bridge operation signal indication has been given.
B. No pedestrian shall pass through, around, over or under any crossing, gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or

closed. (R.O. 2009 §72.096; CC 1981 §18-420; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.400, RSMo.

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. (R.O. 2009 §72.097; CC 1981 §18-421; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.405, RSMo.

SECTION 345.090: DRIVERS TO EXERCISE HIGHEST DEGREE OF CARE

Notwithstanding other provisions of this Chapter, 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. (R.O. 2009 §72.098; CC 1981 §18-422; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.410, RSMo.

SECTION 345.100: 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 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. (R.O. 2009 §72.099; CC 1981 §18-6; Ord. No. 75-35, 8-6-75)

CHAPTER 350: PARKING REGULATIONS

Cross References--As to off-street parking--general provisions, §§400.660 et seq.; as to off-street parking and loading, §§400.710 et seq.

ARTICLE I. GENERAL PROVISIONS

SECTION 350.010: APPLICATION--REGULATIONS NOT EXCLUSIVE

A. *Application.* The provisions of this Chapter 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.

B. *Regulations Not Exclusive.* The provisions of this Chapter 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. (R.O. 2009 §73.01; CC 1981 §§18-315--18-316; Ord. No. 75-35, 8-6-75)

State Law References--Similar provisions, §§300.520--300.525, RSMo.

SECTION 350.020: PARKING SIGNS REQUIRED

Whenever by this Chapter 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 such signs are erected and in place at the time of any alleged offense. (R.O. 2009 §73.02; CC 1981 §18-320; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.545, RSMo.

SECTION 350.030: POLICE MAY REMOVE ILLEGALLY PARKED VEHICLES

A. Members of the Police Department are authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety or to a garage designated or maintained by the Police Department or otherwise maintained by the City under the circumstances hereinafter enumerated:
   1. When any vehicle is left unattended upon any bridge, viaduct or causeway or in any tube or tunnel where such vehicle constitutes an obstruction to traffic.
   2. When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide its custody or removal.
   3. When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.
   4. When any vehicle has been left unattended on the highway of Interstate 70, Missouri Route 364 or Missouri Route 370 for more than forty-eight (48) hours.
   5. When any vehicle has been left unattended on the highway of Missouri Route 94 from the intersection of Missouri Route 94 with Interstate 70 to the south City limit for more than forty-eight (48) hours.
   6. *Alleys.* When any vehicle shall be parked in an alley under such conditions as to leave available less than twelve (12) feet of the roadway for the free movement of vehicular traffic.
   7. When any vehicle shall be parked on a highway or on an alley so as to obstruct a driveway.
   8. Whenever a motor vehicle is parked upon any property owned or operated by the City for the parking of motor vehicles for a longer period of time than is lawfully permitted for a vehicle to remain parked thereon, without regard to parking charges.
   9. Whenever a motor vehicle is found unattended upon any property owned or

controlled by the City not devoted to the parking of motor vehicles.

10. Whenever a vehicle is parked in a prohibited area that is so designated by signs or other official markings.
11. When any vehicle has been left unattended on the highway of Missouri Route 94 from the intersection of Missouri Route 94 and Barthel Street and the north City limit for more than forty-eight (48) hours.

B. Whenever an officer removes a vehicle from a street as authorized in this Section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, the officer shall immediately give or cause to be given notice in writing to the owner of the fact of the removal and the reasons therefor and of the place to which the vehicle has been removed. In the event any vehicle is stored in a public garage, a copy of the notice shall be given to the proprietor of the garage.

C. Whenever an officer removes a vehicle from a street under this Section and does not know and is not able to ascertain the name of the owner or for any other reason is unable to give the notice to the owner as herein before provided and in the event the vehicle is not returned to the owner within a period of three (3) days, then and in that event the officer shall immediately send or cause to be sent a written report of such removal by mail to the State department whose duty it is to register motor vehicles and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal and the name of the garage or place where the vehicle is stored.

D. Notwithstanding any other requirements of this Chapter, no signs shall be required to be posted at any of the locations enumerated in this Section for enforcement of this Section. (R.O. 2009 §73.03; CC 1981 §18-87; Ord. No. 75-35, 8-6-75; Ord. No. 88-94, 6-10-88; Ord. No. 88-118, 3-23-88; Ord. No. 89-48, 3-22-89; Ord. No. 90-128, 5-17-90; Ord. No. 90-261, 10-4-90; Ord. No. 96-64, 3-6-96)

Cross Reference--As to abandoned vehicles, ch. 375.
State Law Reference--Similar provisions, §300.595, RSMo.

SECTION 350.040: ANGLE PARKING

A. *Signs Or Markings.*

1. 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 Highway Commission has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.
2. 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.
3. Forty-five degree (45°) angle parking is established along the east side of Third Street between Washington and Jefferson Streets.
4. Ninety degree (90°) angle parking is established in the cul-de-sac on Evergreen Drive.

B. *Obedience To 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.

C. *Permits For Loading Or Unloading To The Curb.*

1. 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.
2. It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit. (R.O. 2009 §73.04; CC 1981 §§18-285--18-287; Ord. No. 75-35, 8-6-75; Ord. 94-290, 11-2-94; Ord. No. 94-327, 12-14-94; Ord. No. 08-156, 8-18-08)

Cross Reference--As to penalty, §350.430.

State Law References--Similar provisions, §§300.420--300.430, RSMo.

SECTION 350.050: MUNICIPAL PARKING LOTS AND GARAGES

A. *Parking In Designated Spaces.* All persons parking on the municipally-owned and operated parking lots and parking garage shall park only in the properly designated parking spaces.

B. *Unlawful Presence On Lots.* It shall be unlawful for any person to be upon or in any vehicles upon any parking lot in the municipal parking system between the hours of 8:00 P.M. and 6:00 A.M., except for that period of time necessary to park or retrieve any vehicles being parked upon such municipal parking lot.

C. *Riverfront Parking Lot At Riverside Drive And South Main Street.*

1. No person shall park a vehicle on the riverfront parking lot located near Riverside Drive and South Main Street during the Festival of the Little Hills or Riverfest in areas not designated as valet parking without paying three dollars ($3.00) each time the vehicle is parked. No person shall park a vehicle on the riverfront parking lot in those areas designated as valet parking without paying seven dollars ($7.00) each time the vehicle is parked during the Festival of the Little Hills or Riverfest or without paying four dollars ($4.00) each time the vehicle is parked at any other time.
2. No person shall park any vehicle on the riverfront parking lot located near Riverside Drive and South Main Street between the hours of 2:00 A.M. and 5:00 A.M. during the Festival of the Little Hills, Lewis and Clark Rendezvous Days, Oktoberfest, Civil War Living History Days or Riverfest.
3. No person shall park any vehicle on the riverfront parking lot located near Riverside Drive and South Main Street between the hours of 2:00 A.M. and 5:00 A.M. on days not listed in Subsection (B) above.
4. Waivers of the fee and other restrictions contained in this Section may be granted by the Mayor or the Mayor's designee to City Officials performing official City business; to City employees performing official City business; to lessees of the City's docking facilities located at the parking lot and their employees, suppliers and customers; to festival exhibitors and organizers; and to other similar persons. The Mayor shall issue regulations concerning the applicability and procedures for waiver of the provisions of this Section.

D. *Parking Garage.*

1. No person shall park a vehicle in the parking garage located at the intersection of Monroe Street and Second Street during the Festival of the Little Hills or Riverfest without paying three dollars ($3.00) each time the vehicle is parked. Parking cards shall not be used for access to the parking garage during these festivals.
2. Except as provided in Subsection (D)(1) above, no person shall park a vehicle in the parking garage located at the intersection of Monroe Street and Second Street without either paying two dollars ($2.00) each time the vehicle is parked or using a properly issued parking card. The parking card fee for unreserved parking shall be thirty dollars ($30.00) each month. The fee for a permit for reserved parking shall be seventy-five dollars ($75.00) each month.
3. Waivers of the fee and other restrictions contained in Subsection (D)(1) above may be granted by the Mayor or the Mayor's designee to City Officials performing official City business; to City employees performing official City business; to lessees of space in the City Hall, their employees, suppliers and customers; to festival exhibitors and organizers; and to other similar persons. The Mayor shall issue regulations concerning the applicability and procedures for waiver of the provisions of Subsection (D)(1) above.
4. No person shall park any vehicle less than six (6) feet seven (7) inches in height in any space marked "Parking for vehicles six (6) feet seven (7) inches or more in height only" in the parking garage located at the intersection of Monroe Street and Second Street.
5. No person shall park any vehicle in any space designated as "City Employee Parking Only" in the parking garage located at the intersection of Monroe Street and Second Street, unless a City-issued "Employee Parking" sticker is attached to the vehicle.

E. *Parking Permits.*

1. In areas designated "Permit Parking Only" within any municipal parking lot, no person shall park a vehicle at any time unless:
   a. The person, pursuant to a contract with the City, parks the vehicle in a space properly marked by the City as a restricted parking space, or
   b. The vehicle is within a parking space not designated as restricted parking and the vehicle displays a valid City of St. Charles parking lot permit.
2. All such parking permits shall be issued by the Public Works Department. The monthly fee for each parking permit shall be ten dollars ($10.00). The regular parking permits shall be issued in monthly increments; however, the permit period shall not be for more than twelve (12) months. Restricted parking permits shall be issued only in accordance with a contract with the City and only for a one (1) year term. If a restricted parking permit holder renews the permit sixty (60) days before its expiration date, then the permit holder shall receive a preference over other applicants for that parking space. (R.O. 2009 §73.05; CC 1981 §§18-327, 18-330--18-331, 20-100; Ord. No. 80-99, 8-27-80; Ord. No. 84-74, 6-21-84; Ord. No. 92-36, 3-4-92; Ord. No. 92-276, 11-12-92; Ord. No. 93-222, 9-22-93; Ord. No. 93-253, 11-3-93; Ord. No. 94-26, 2-1-94; Ord. No. 94-37, 2-16-94; Ord. No. 94-63, 3-15-94; Ord. No. 94-125, 5-25-94; Ord. No. 94-155, 6-29-94; Ord. Ord.

No. 97-47, 1-22-97; Ord. No. 98-46, 1-22-98; Ord. No. 07-162, 6-11-07)

Cross References--As to penalty, §350.430; as to municipal parking lot, sch. IV.

SECTION 350.060: LENGTH OF PARKING SPACE FOR CITY FIRE TRUCKS

There is hereby established a sixty-six (66) foot parking space for the parking of City fire trucks only on the east side of Second Street eighteen (18) feet north of the north curb line of Jefferson Street. When signs are erected giving plainly visible notice thereof, no person shall park a vehicle at this location. (R.O. 2009 §73.06; Ord. No. 95-22, 2-8-95; Ord. No. 95-142, 5-17-95; Ord. No. 07-06, 1-3-07)

ARTICLE II. STOPPING, STANDING AND PARKING

SECTION 350.070: STANDING OR PARKING CLOSE TO CURB

Except as otherwise provided in Sections 350.050 and 350.080, 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; provided however, that such vehicle shall not be so stopped or parked with the wheels beyond the back of the curb line. (R.O. 2009 §73.15; CC 1981 §18-284; Ord. No. 75-35, 8-6-75; Ord. No. 77-63, 1-4-78)

State Law Reference--Similar provisions, §300.415, RSMo.

SECTION 350.080: LAMPS ON PARKED VEHICLES

A. Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half-hour after sunset and a half-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-hour after sunset and a half-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:
    1. 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 the 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 head lamps upon a parked vehicle shall be depressed or dimmed. (R.O. 2009

§73.16; CC 1981 §18-288; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.435, RSMo.

SECTION 350.090: STOPPING, STANDING AND PARKING PROHIBITIONS

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, except on the east side and in the cul-de-sac of North Village Drive or in any residential driveway that is less than twenty-two (22) feet in length in which case enforcement of the prohibition against stopping, standing or parking shall not occur absent the receipt of a complaint;
      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;
      i. At any place where official signs prohibit stopping;
      j. On a bicycle path.
   2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
      a. Within three (3) feet of a public or private driveway; provided that enforcement of this restriction as to private driveways shall only be initiated after receipt of a complaint;
      b. Within ten (10) feet of a fire hydrant on the cul-de-sac at Evergreen Drive, within fifteen (15) feet of all other fire hydrants within the City, or within ten (10) feet of a mailbox; provided that enforcement of this restriction as to mailboxes shall only be initiated after receipt of a complaint;
      c. Within twenty (20) feet of a crosswalk at an intersection;
      d. Within thirty (30) feet upon the approach to any flashing signal, stop sign or traffic control signal located at the side of a roadway;
      e. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of the entrance (when properly signposted);
      f. At any place where official signs prohibit standing;
      g. To cause a site distance obstruction that creates a traffic hazard. In such case the vehicle, at the Police Officer's discretion, may be immediately towed.
   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;

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. (R.O. 2009 §73.17; CC 1981 §18-289; Ord. No. 75-35, 8-6-75; Ord. No. 95-132, 5-4-95; Ord. No. 04-241, 10-1-04; Ord. No. 04-259, 11-8-04; Ord. No. 05-190, 7-13-05; Ord. No. 07-124, 4-24-07; Ord. No. 10-231 §2, 11-10-10; Ord. No. 11-133 §1, 7-8-11)

Cross Reference--As to penalty, §350.430.

State Law Reference--Similar provisions, §300.440, RSMo.

SECTION 350.100: 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. (R.O. 2009 §73.18; CC 1981 §18-290; Ord. No. 75-35, 8-6-75)

Cross Reference--As to penalty, §350.430.

State Law Reference--Similar provisions, §300.445, RSMo.

SECTION 350.110: 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 twelve (12) 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. (R.O. 2009 §73.19; CC 1981 §18-291; Ord. No. 75-35, 8-6-75; Ord. No. 88-105, 6-23-88; Ord. No. 89-48, 3-22-89; Ord. No. 90-128, 5-17-90; Ord. No. 90-261, 10-4-90)

Cross Reference--As to penalty, §350.430.

State Law Reference--Similar provisions, §300.450, RSMo.

SECTION 350.120: 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. (R.O. 2009 §73.20; CC 1981 §18-292; Ord. No. 75-35, 8-6-75)

Cross Reference--As to penalty, §350.430.

State Law Reference--Similar provisions, §300.455, RSMo.

SECTION 350.130: PARKING ADJACENT TO SCHOOLS

A. The City Traffic Engineer is 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. (R.O. 2009 §73.21; CC 1981 §18-293; Ord. No. 75-35, 8-6-75)

Cross Reference--As to penalty, §350.430.

State Law Reference--Similar provisions, §300.460, RSMo.

SECTION 350.140: 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. (R.O. 2009 §73.22; CC 1981 §18-294; Ord. No. 75-35, 8-6-75)

Cross Reference--As to penalty, §350.430.
State Law Reference--Similar provisions, §300.465, RSMo.

SECTION 350.150: STANDING OR PARKING ON ONE-WAY STREETS OR ROADWAYS

A. *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.
B. *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. (R.O. 2009 §73.23; CC 1981 §§18-295--18-296; Ord. No. 75-35, 8-6-75)

Cross References--As to one-way streets and alleys, §§340.060 et seq.
State Law References--Similar provisions, §§300.470--300.475, RSMo.

SECTION 350.160: STANDING OR PARKING IN FIRE LANES

Where signs have been erected indicating a public or private area to be designated as a fire lane, no person shall stand or park a vehicle within the area of the thirty (30) feet adjacent to such sign or impede in any way the free movement of vehicular traffic within such area. (R.O. 2009 §73.24; CC 1981 §18-296.1(a); Ord. No. 81-37, 4-15-81; Ord. No. 93-100, 5-5-93)

Cross Reference--As to penalty, §350.430.

SECTION 350.170: HAZARDOUS OR CONGESTED PLACES

A. The City Traffic Engineer is authorized to determine and designate by proper signs placed 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. (R.O. 2009 §73.25; CC 1981 §18-297; Ord. No. 75-35, 8-6-75)

Cross Reference--As to penalty, §350.430.

State Law Reference--Similar provisions, §300.480, RSMo.

SECTION 350.180: NOTICE TO REMOVE VEHICLE

It shall be the duty of the Chief of Police, whenever he/she has knowledge or is informed that any vehicle is parked or placed in violation of the preceding Section, to forthwith give a written notice to the owner or driver of such vehicle or, if he/she is not able to ascertain the name and whereabouts of such owner or driver, to place a written notice in a conspicuous place upon such vehicle requiring that such vehicle be moved within a reasonable time, which time shall be specified in such notice and shall not exceed forty-eight (48) hours. Such notice may be served or placed upon or within such vehicle by the Chief of Police or any Policeman of the City and a copy shall be kept by the officer serving the same, who shall make his/her written return thereon, setting out when and where served, on whom served and such officer shall subscribe his/her name thereto. It shall be unlawful for the owner or driver thereof to fail to remove any such vehicle within the time specified in such notice. (R.O. 2009 §73.26; CC 1981 §18-298)

Cross Reference--As to penalty, §350.430.

SECTION 350.190: PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS

A. When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described by ordinance.

B. All parking restrictions previously adopted by ordinance shall be continued at the present locations thereof. Any addition or deletion of parking restrictions from and after January 1, 1982, as authorized in Subsection (A) above is included in Schedule III, Parking Restrictions of this Title. (R.O. 2009 §73.28; CC 1981 §18-317; Ord. No. 75-35, 8-6-75; Ord. No. 82-48, 6-16-82; Ord. No. 99-275, 8-11-99; Ord. No. 99-334, 9-23-99; Ord. No. 99-335, 9-23-99; Ord. No. 99-336, 9-23-99; Ord. No. 00-130, 5-19-00)

State Law Reference--Similar provisions, §300.530, RSMo.

SECTION 350.200: STOPPING, STANDING OR PARKING PROHIBITED DURING CERTAIN HOURS

A. *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 district or upon any of the streets described by ordinance.

B. *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. (R.O. 2009 §73.29; CC 1981 §§18-318--18-319; Ord. No. 75-35, 8-6-75)

State Law References--Similar provisions, §§300.535--300.540, RSMo.

SECTION 350.210: PARKING OF CERTAIN VEHICLES AND TRAILERS PROHIBITED

A. *Definitions.* For the purposes of this Section, the following terms shall have these prescribed meanings:
COMMERCIAL VEHICLE: Every vehicle in excess of three-fourths (¾) ton gross vehicle weight designed, maintained or used primarily for the transportation of property or more than eight (8) passengers.
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.

B. *Parking By Commercial Vehicles Prohibited Except For Certain Purposes In Certain Districts-- Exception.* It shall be unlawful for any person to encumber any public street, road, alley or highway within the City by placing or parking or causing to be placed or parked thereon any commercial vehicle, except when loading and unloading, in zoning districts "R-1C", "R-1D", "R-1E", "R-2", "R-3A", "R-M". Special permission may be granted for repairmen to park in such areas for periods up to eight (8) hours by the Chief of Police.

C. *Parking Of Motor Trucks, Trailers, Tractor Trailer And Truck Trailers.*
   1. No person shall park any licensed motor truck or trailer or truck-trailer combination over twelve thousand (12,000) pounds gross vehicle weight, manufacturer's rating or any truck designed for hauling a tractor-trailer upon any street, public parking lot or public parking area for greater than one (1) hour between 5:00 P.M. and 8:00 A.M.
   2. Except when loading or unloading, no person shall park any licensed motor truck or trailer or truck-trailer combination over twelve thousand (12,000) pounds gross vehicle weight, manufacturer's rating or any truck designed for hauling a tractor-trailer upon any private parking lot, parking area or other private property for greater than one (1) hour between 5:00 P.M. and 8:00 A.M. where signs are erected at the entrances of the parking lot, parking area or a restricted or assigned parking area prohibiting such parking and notifying that unauthorized parking is subject to the issuance of a citation for illegal parking.
   3. The signs described in Subsection (C)(2) shall be of dimensions not less than seventeen (17) inches by twenty-two (22) inches, with letters of a font size not less than one (1) inch in height.

D. *Parking Of Trailers Prohibited Except For Certain Purposes In Certain Districts.* It shall be unlawful for any person to encumber any public street, road, alley or highway within the City by placing or parking or causing to be placed or parked thereon, any trailer, except when loading and unloading, in zoning districts "HCD", "C-1", "C-2" or "C-3".

E. No person shall park any recreational vehicle upon any City street except for no more than twenty-four (24) consecutive hours for the purpose of loading and unloading if the owner is present. (R.O. 2009 §73.30; CC 1981 §18-322; Ord. No. 84-99, 8-23-84; Ord. No. 96-49, 2-21-96; Ord. No. 98-443, 10-22-98; Ord. No. 04-125, 6-18-04; Ord. No. 04-156, 7-23-04; Ord. No. 05-03, 1-11-05)

Cross Reference--As to penalty, §350.430.

SECTION 350.220: PARKING ON RIVERSIDE DRIVE DURING FESTIVALS IN FRONTIER PARK

During any City festival held in Frontier Park, no person shall park any vehicle, except passenger cars, passenger vans and pickup trucks, in the parking spaces on the west side of Riverside Drive from the Blanchette Creek Bridge north to First Capitol Drive and on the east side of Riverside Drive from First Capitol Drive north to Monroe Street. (R.O. 2009 §73.31; Ord. No. 98-192, 4-23-98; Ord. No. 05-242, 9-16-05)

SECTION 350.230: NUMBER OF VEHICLES PERMITTED TO BE KEPT AT "R1-E" ZONED PROPERTIES

A. No more than six (6) vehicles shall be allowed per family or dwelling unit within an "R1-E" Single-Family Residential Zoning District. This shall include vehicles parked on the property of the dwelling unit and vehicles parked on the street.
   1. For purposes of this Subsection, vehicles shall include automobiles, trucks, motorcycles, recreational vehicles as defined in Section 400.050, boats, trailers, any other conveyance which requires State registration to be operated on public streets and those machines described in Section 375.010.
   2. For purposes of this Subsection, *"family"* is defined as persons who are related by blood, marriage or adoption, living together and occupying a single housekeeping unit with single kitchen facilities or a group of persons living together and occupying a single housekeeping unit with single kitchen facilities, of which group no person shall be unrelated to more than two (2) persons in the group or any group of people related by blood, marriage or adoption and one (1) other unrelated person residing at the dwelling unit.
   3. For purposes of this Subsection, *"dwelling unit"* shall have the same meaning as in Section 400.050.

B. Any vehicle in excess of the six (6) described in Subsection (A) shall be subject to immediate towing pursuant to Section 350.030(A)(10) in areas that are so designated by signs or other official markings. This provision shall apply to vehicles parked on the street. Vehicles parked on private property shall only be towed upon application and issuance of a search warrant pursuant to Chapter 135 of this Code. (R.O. 2009 §73.32; Ord. No. 05-288, 11-4-05)

ARTICLE III. STOPPING FOR LOADING AND UNLOADING

SECTION 350.240: TRAFFIC ENGINEER TO DESIGNATE CURB LOADING ZONES

The City Traffic Engineer is 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. (R.O.

2009 §73.40; CC 1981 §18-332; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §360.485, RSMo.

SECTION 350.250: COMMERCIAL DELIVERIES IN THE HISTORIC DOWNTOWN DISTRICT PROHIBITED DURING CERTAIN HOURS

It shall be unlawful for any vehicle with a gross vehicle weight of thirty-two thousand (32,000) pounds or more to encumber Main Street within the Historic Downtown District between the hours of 11:00 A.M. and 1:00 P.M. daily for the purpose of making a commercial delivery. (R.O. 2009 §73.41; Ord. No. 09-03, 1-7-09)

SECTION 350.260: 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. (R.O. 2009 §73.42; CC 1981 §18-334; Ord. No. 75-35, 8-6-75)

Cross Reference--As to penalty, §350.430.

State Law Reference--Similar provisions, §300.495, RSMo.

SECTION 350.270: STANDING IN FREIGHT CURB LOADING ZONE

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. (R.O. 2009 §73.43; CC 1981 §18-335; Ord. No. 75-35, 8-6-75)

Cross Reference--As to penalty, §350.430.

State Law Reference--Similar provisions, §300.500, RSMo.

SECTION 350.280: PUBLIC CARRIER STOPS AND STANDS

The City Traffic Engineer is 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. (R.O. 2009 §73.44; CC 1981 §18-336; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.505, RSMo.

SECTION 350.290: BUSES AND TAXICABS

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. (R.O. 2009 §73.45; CC 1981 §18-337; Ord. No. 75-35, 8-6-75)

Cross References--As to taxicabs, §§645.030 et seq.; as to parking buses in municipal lots restricted, sch. IV.

SECTION 350.300: 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. (R.O. 2009 §73.46; CC 1981 §18-338; Ord. No. 75-35, 8-6-75)

Cross Reference--As to penalty, §350.430.

State Law Reference--Similar provisions, §300.515, RSMo.

ARTICLE IV. SNOW EMERGENCY ROUTES

SECTION 350.310: AUTHORITY TO PROHIBIT PARKING DURING SNOW EMERGENCY

Whenever the Mayor has declared a snow emergency on the basis of falling snow, sleet or freezing rain or on the basis of a forecast by the United States Weather Bureau or other weather service of snow, sleet or freezing rain, that weather and/or road conditions will make it necessary that motor vehicle traffic be expedited, the Mayor, through the declaration of a snow emergency, shall have power to restrict and prohibit vehicles being parked on a designated and posted snow emergency route by making said declaration as provided further in this Article. (R.O. 2009 §73.60; CC 1981 §18-350; Ord. No. 79-3, 1-10-79; Ord. No. 97-451, 12-17-97; Ord. No. 07-162, 6-11-07)

SECTION 350.320: DECLARATION OF EMERGENCY--TERMINATION

A. *Declaration By Mayor To Be Announced.*

1. The Mayor shall cause each declaration of a snow emergency made pursuant to this Subsection to be publicly announced by means of broadcast and telecast by stations within normal operating range covering the City and shall cause the declaration to be further announced in newspapers of general circulation when feasible. Each announcement made by the Mayor shall include the time it became or will become effective.
2. The Mayor shall make and keep, or cause to be made or kept, a record of each time the declarations are made in accordance with this Section.

B. *Termination Of Emergency.* Whenever the Mayor shall find that an emergency situation no longer exists, it shall be the Mayor's duty to declare that the snow emergency has terminated in the same manner as prescribed in this Section. (R.O. 2009 §73.61; CC 1981 §§18-351--18-352; Ord. No. 79-3, 1-10-79; Ord. No. 97-451, 12-17-97; Ord. No. 07-162, 6-11-07)

SECTION 350.330: SIGNS TO MAKE SNOW EMERGENCY ROUTES

On each route designated as a snow emergency route, the City Traffic Engineer shall post special signs at intervals indicating that this is an emergency snow route. These signs shall be distinctive and uniform in appearance and shall be plainly readable to persons traveling on the street or highway. The City Traffic Engineer shall determine those routes to be designated as snow routes and shall file a list of those routes in the office of the City Clerk. (R.O. 2009 §73.62; CC 1981 §18-353; Ord. No. 79-3, 1-10-79; Ord. No. 97-451, 12-17-97)

SECTION 350.340: REMOVAL OF VEHICLES--DISPOSITION

A. Whenever any vehicle shall be found parked or abandoned on a snow removal emergency route in violation of this Subsection, such vehicle may be removed immediately.
B. Within forty-eight (48) hours of the removal of such vehicle, the Chief of Police shall give notice to the registered owner of the vehicle, if known, and to any holder of a security interest in the vehicle, that the vehicle has been impounded and stored for violation of this Article. This notice shall be sent by certified mail and give the location of the vehicle and the costs incurred by the City for removal and storage.
C. Unclaimed vehicles may be disposed of in accordance with the provisions of Section 375.090.
D. Vehicles may be redeemed in accordance with the provisions of Section 375.100. If the owner or the security interest holder requests a hearing, the Chief of Police shall make the determinations required by Section 375.100(B) and shall determine whether the vehicle was parked or abandoned in violation of this Article. (R.O. 2009 §73.63; CC 1981 §18-354; Ord. No. 79-3, 1-10-79; Ord. No. 87-207, 10-22-87)

SECTION 350.350: RESTRICTIONS ON DEPOSITING SNOW AND ICE

No person shall deposit or cause to be deposited snow or ice on or against a fire hydrant or on any sidewalk, street or loading and unloading area of a public transportation system; except that snow and ice may be temporarily windowed on public roadways incident to the cleaning thereof or temporarily windowed on curbs incident to the

cleaning of sidewalks and business districts. (R.O. 2009 §73.64; CC 1981 §18-355; Ord. No. 79-3, 1-10-79)

Cross Reference--As to penalty, §350.430.

SECTION 350.360: INTERFERENCE WITH SNOW PLOWS

No person shall impede or interfere in any way with a snow plow or other snow removal vehicle while such snow plow or other snow removal vehicle is in operation on City streets. (R.O. 2009 §73.65; CC 1981 §18-356; Ord. No. 79-3, 1-10-79)

Cross Reference--As to penalty, §350.430.

SECTION 350.370: CONFLICTS

Any provision of this Article which becomes effective by declaration by the Mayor or upon the occurrence of certain weather conditions shall, while temporarily in effect, take precedence over conflicting provisions of law normally in effect; except that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized emergency vehicles or emergency traffic directions of a Police Officer. (R.O. 2009 §73.66; CC 1981 §18-357; Ord. No. 79-3, 1-10-79; Ord. No. 97-451, 12-17-97; Ord. No. 07-162, 6-11-07)

ARTICLE V. DISABLED PARKING

SECTION 350.380: DEFINITIONS

For the purposes of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

DISABLED ACCESS AISLE: Any space adjacent to at least one (1) side of a disabled parking space, as defined below, is the length of such disabled space, is a minimum of five (5) feet in width and is striped with either blue, yellow or white traffic paint in a cross-hatch design so as to increase its visibility.

DISABLED PARKING SPACE: Any space designated as reserved for disabled persons by means of a sign upon which is inscribed the international symbol of accessibility in white on a blue background and may also have inscribed the words "disabled or reserved parking" whether upon public or private property open to public use.

OWNER OR JOINT OWNERS OF MOTOR VEHICLES: Residents of the State, at least one (1) of whom is physically disabled.

PHYSICALLY DISABLED: A natural person who is blind, as defined in Section 8.700, RSMo., or a natural person with medical disabilities which prohibits, limits, or severely impairs one's ability to ambulate or walk, as determined by a licensed physician or other authorized health care practitioner as follows:

1. The person cannot ambulate or walk fifty (50) or less feet without stopping to rest due to a severe and disabling arthritic, neurological, orthopedic condition, or other severe and disabling condition; or
2. The person cannot ambulate or walk without the use of, or assistance from, a

brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or

3. Is restricted by a respiratory or other disease to such an extent that the person's forced respiratory expiratory volume for one (1) second, when measured by spirometry, is less than one (1) liter, or the arterial oxygen tension is less than sixty (60) mm/hg on room air at rest; or
4. Uses portable oxygen; or
5. Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association; or
6. A person's age, in and of itself, shall not be a factor in determining whether such person is physically disabled or is otherwise entitled to disabled license plates and/or disabled windshield hanging placards within the meaning of Sections 301.141 to 301.143, RSMo.

VEHICLE: Any non-commercial vehicle whose gross weight does not exceed twelve thousand (12,000) pounds.

VEHICLES AUTHORIZED TO BE PARKED IN DISABLED SPACE: Those vehicles with one (1) of the following:

1. A distinguishing license plate or card issued pursuant to Section 301.071, RSMo. (Disabled Veterans) or Section 301.142, RSMo. (Physically Disabled Persons).
2. A driver who is obviously physically disabled as defined above.
3. Any motor vehicle designed and operated for transporting physically disabled persons. (R.O. 2009 §73.80; CC 1981 §18-358.1; Ord. No. 91-27, 2-7-91; Ord. No. 97-46, 1-22-97)

SECTION 350.390: PROHIBITED PARKING

It shall be unlawful for any person to park or stand a vehicle or to own a vehicle which is parked in any disabled parking space or disabled access aisle, unless the person is an owner or joint owner of a motor vehicle transporting a physically disabled person and such vehicle is one authorized to be parked in a "disabled parking space". (R.O. 2009 §73.81; CC 1981 §18-358.2; Ord. No. 91-27, 2-7-91; Ord. No. 97-46, 1-22-97)

Cross References--As to penalty, §350.430; as to disabled parking, §§350.380 et seq.

SECTION 350.400: RESIDENTIAL DISTRICT DISABLED PARKING SPACES

A. Any owner or tenant of a building or facility open to the public or any person possessing a current distinguishing license plate or card issued pursuant to Section 301.071, RSMo. (Disabled Veterans) or Section 301.142, RSMo. (Physically Disabled Persons) may apply to have a parking space on a public street in a residential district designated as a disabled parking space. The application shall be filed with the Department of Public Works on a form approved by the Department.
B. The designated parking spaces covered by this Section shall be issued only to physically disabled persons as defined by Section 301.142, RSMo., and those persons eligible for disabled veteran license plates as set forth in Section 301.071, RSMo.
C. The Director of Public Works shall determine whether the parking space shall be

designated as a disabled parking space based upon the following considerations:

1. Proximity of residences of individuals who possess a current disabled parking identification card or sticker.
2. Access to and proximity of driveways by those physically disabled persons or disabled veterans as provided above.
3. Access to and proximity to off-street parking spaces, including driveways, by those physically disabled persons or disabled veterans as provided above.
4. Number and proximity of other disabled parking spaces on public streets in the area.
5. Number of days or nights per week on which the space will be in use, including the length of time each day or each night it will be in use.
6. Parking restrictions already in existence in the area.
7. Traffic and pedestrian safety considerations.
8. No parking space on a public street shall be designated as a disabled parking space unless written consent has been obtained from the owners of the property adjacent to the parking space.
9. Disabled parking spaces on public streets shall be restricted to the use of any person properly possessing a current distinguishing license plate or card issued pursuant to Section 301.071, RSMo. (Disabled Veterans) or Section 301.142, RSMo. (Physically Disabled Persons) and shall not be reserved for any specific individual.

D. If the application is disapproved, then the applicant may appeal in writing to the Mayor within thirty (30) days after the disapproval.

E. If the application is approved by the Director of Public Works or by the Mayor, then the Director of Public Works is authorized to install signs indicating the parking space is restricted.

F. Designation of a parking space as a disabled parking space shall be valid for one (1) year and may be renewed annually.

G. If the person receiving a designated parking space under this Section should no longer be eligible for a current distinguishing license plate or card as provided above or should no longer reside at the residence which was stated in the application for a designated space, the designated parking space shall be terminated. (R.O. 2009 §73.84; CC 1981 §18-359.1; Ord. No. 91-27, 2-5-91; Ord. No. 05-22, 1-14-05; Ord. No. 07-162, 6-11-07)

Cross Reference--As to penalty, §350.430.

SECTION 350.410: DISABLED PARKING DESIGNATED

When signs are erected giving plainly visible notice thereof, no person shall park any vehicle unless the vehicle is authorized to be parked in a disabled parking space as defined in Section 350.380, on the west side of Second Street from a point one hundred thirty-six (136) feet north of Monroe Street north ninety-nine (99) feet. (R.O. 2009 §73.85; Ord. No. 93-251, 11-3-93)

Cross Reference--As to penalty, §350.430.

ARTICLE VI. VALET AND BICYCLE PARKING ZONES

SECTION 350.420: ESTABLISHMENT OF VALET PARKING ZONES

A. Pursuant to the provisions of this Section, valet parking zones shall be established on such public streets and in such places and in such number as shall be determined by the City Council to be in the best interest of the City, its citizens and visitors in order to provide convenient parking near the point of destination in those portions of the City designated as business districts by Chapter 400, Zoning Code.

B. A valet parking zone shall be created only upon the written request submitted to the Department of Community Development by the owner or occupant of the property adjacent to the site of the proposed valet parking zone and the subsequent approval by the City Council of a permit therefore setting forth the terms of the operation of the valet parking zone, which terms shall include, but may not be limited to, those set forth in this Section. Each request shall be accompanied by an application form provided by the Department of Community Development and shall include the location of the proposed valet parking zone, a written plan of operations, the location where vehicles will be parked, proof of lawful right to park vehicles, and such other information as may be requested by the City. Each such request must be accompanied by a non-refundable initial permit application fee of three hundred dollars ($300.00). Each such permit shall obligate the holder thereof (the "permittee") to operate the valet parking zone and perform all of the obligations, duties and responsibilities set forth in the permit and in this Section. All such permits issued shall thereafter be subject to renewal by the City Council as of April first (1st) of every calendar year. In determining whether to renew a permit, the City Council shall consider the manner in which the valet parking zone has been operated, the degree to which the applicant has complied with the requirements set forth in this Section and the permit and the best interests of the City and its citizens and visitors.

C. Valet parking zones shall be established only in those areas designated as "business districts" pursuant to Chapter 400, Zoning Code of the Code of Ordinances of the City. Valet parking zones shall be established only on public streets and the adjacent sidewalks, and shall be adjacent to the property to be served by the valet parking zone as specified in the permit to be issued pursuant to Subsection (B) above. The City shall determine the location and length of all valet parking zones based on factors including, but not limited to, traffic flow, pedestrian safety and impact on the overall streetscape. The valet parking zone shall not extend more than eight (8) feet into the street from the curb and there shall be no obstruction of fire hydrants, pedestrian crosswalk or a disabled corner cut. All stanchions, ropes or other objects delineating the valet parking area shall be temporary and removed immediately when valet parking hours end.

D. The City shall provide appropriate signage, at its cost, prohibiting parking in valet parking zones between 5:30 P.M. and 11:30 P.M. and designating such zones "No Parking, Valet Only, Tow Away Zone" or "No Parking, Loading and Valet Only, Tow Away Zone".

E. The permittee shall remove all vehicles to be parked by valets from the valet parking zone and from any other portion of a public right-of-way as quickly as possible and in any case within ten (10) minutes. Vehicles so removed shall not be parked in public streets, alleys or publicly owned surface parking lots.

F. The permittee, at its own expense and cost, shall keep the valet parking zone, including the sidewalk frontage and curb and gutter immediately adjacent to it, in a neat, orderly

and clean appearance and condition, free from debris, nuisance and filth and provide for the removal of snow, ice, trash and waste therefrom.

G. The permittee shall operate the valet parking zone, or cause the same to be operated, in accordance with all requirements of this Section. In the event that the permittee retains the services of a valet parking company, the permittee shall provide written notice of the name of the company to the Director of Community Development and to the Chief of Police.

H. The City may, at anytime, require the removal or suspension of valet parking areas when street, sidewalk or utility repairs necessitate such action, or in an emergency situation or for safety considerations, without notice. The City, its officers and employees shall not be responsible for any valet parking fixtures relocated during an emergency.

I. The permittee shall provide and maintain, at its own expense and cost, general liability insurance in full force and effect for the valet parking zones in standard form generally in use in the State of Missouri with insurance companies having a current "best" rating of not less than A and a financial rating not less than Class VII and authorized to do business in the State of Missouri in the amount of five hundred thousand dollars ($500,000.00) for any accident or occurrence resulting in bodily injury to or death of one (1) person and an amount of at least one million five hundred thousand dollars ($1,500,000.00) for any accident or occurrence resulting in bodily injury to or the death of more than one (1) person and comprehensive property damage insurance covering liability for damage to all property from any accident or occurrence in an amount of not less than two hundred fifty thousand dollars ($250,000.00). Executed copies of said policies of insurance or certificates thereof shall be delivered to the Director of Community Development within thirty (30) days of the date on which the City Council authorizes the issuance of the permit. No permit shall be issued unless and until the policy or policies or certificate(s) have been delivered to the Director of Community Development. Not less than thirty (30) days prior to the expiration of the term of each such policy, a renewal or replacement insurance policy or certificate thereof shall be delivered to the Director of Community Development; failure of the permittee to comply with the requirements of this Subsection shall be grounds for immediate termination of the permit notwithstanding any other provision of this Section or the permit. All said policies of insurance delivered to the City must contain a provision that the company writing said policy will give the City twenty (20) days' notice in writing in advance of any cancellation, lapse or reduction in the amount of insurance. All of said policies of insurance must contain a provision naming the City, its agents, employees, guests and invitees as an additional insured.

J. Any person who shall violate any provision of this Section, or any person who shall take part in or assist in the violation of this Section, shall be guilty of a misdemeanor punishable by a fine of not less than twenty-five dollars ($25.00) and not more than five hundred dollars ($500.00) for each violation. Any vehicle parked in violation of Subsection (D) hereof may be subject to being towed. (Ord. No. 10-23 §1, 2-19-10)

SECTION 350.425: ESTABLISHMENT OF BICYCLE PARKING ZONES

A. Pursuant to the provisions of this Section, bicycle parking zones shall be established on such public streets and in such places and in such number as shall be determined by the City Council to be in the best interest of the City, its citizens and visitors in order to

provide convenient bicycle parking near the point of destination in those portions of the City designated as business districts by Chapter 400, Zoning Code.

B. A bicycle parking zone shall be created only upon the written request submitted to the Department of Community Development by the owner or occupant of the property adjacent to the site of the proposed bicycle parking zone and the subsequent approval by the City Council of a permit therefor setting forth the terms of the operation of the bicycle parking zone, which terms shall include, but may not be limited to, those set forth in this Section. Each request shall be accompanied by an application form provided by the Department of Community Development and shall include the location of the proposed bicycle parking zone, a written plan of operations and the hours for bicycle-only parking, and such other information as may be requested by the City. Each such request must be accompanied by a non-refundable initial permit application fee of three hundred dollars ($300.00). Each such permit shall obligate the holder thereof (the "permittee") to operate the bicycle parking zone and perform all of the obligations, duties and responsibilities set forth in the permit and in this Section. All such permits issued shall thereafter be subject to renewal by the City Council as of April first (1st) of every calendar year. In determining whether to renew a permit, the City Council shall consider the manner in which the bicycle parking zone has been operated, the degree to which the applicant has complied with the requirements set forth in this Section and the permit and the best interests of the City and its citizens and visitors.

C. Bicycle parking zones shall be established only in those areas designated as "business districts" pursuant to Chapter 400, Zoning Code of the Code of Ordinances of the City. Bicycle parking zones shall be established only on public streets and the adjacent sidewalks, and shall be adjacent to the property to be served by the bicycle parking zone as specified in the permit to be issued pursuant to Subsection (B) above. The City shall determine the location and length of all bicycle parking zones based on factors including, but not limited to, traffic flow, pedestrian safety and impact on the overall streetscape. The bicycle parking zone shall not extend more than eight (8) feet into the street from the curb and there shall be no obstruction of fire hydrants, pedestrian crosswalk or a handicapped corner cut. All racks, stanchions, ropes or other objects delineating the bicycle parking area shall be temporary and removed immediately when bicycle parking hours end.

D. The City shall provide appropriate signage, at its cost, prohibiting parking in bicycle parking zones during established hours and designating such zones "No Parking, Bicycles Only, Tow Away Zone" or "No Parking, Loading and Bicycles Only, Tow Away Zone".

E. The permittee, at its own expense and cost, shall keep the bicycle parking zone, including the sidewalk frontage and curb and gutter immediately adjacent to it in a neat, orderly and clean appearance and condition, free from debris, nuisance and filth and provide for the removal of snow, ice, trash and waste therefrom.

F. The City may, at anytime, require the removal or suspension of bicycle parking zones when street, sidewalk or utility repairs necessitate such action, or in an emergency situation or for safety considerations, without notice. The City, its officers and employees shall not be responsible for any bicycle parking racks or fixtures relocated during an emergency.

G. The permittee shall provide and maintain, at its own expense and cost, general liability insurance in full force and effect for the bicycle parking zones, in standard form generally

in use in the State of Missouri with insurance companies having a current "best" rating of not less than A and a financial rating not less than Class VII and authorized to do business in the State of Missouri in the amount of five hundred thousand dollars ($500,000.00) for any accident or occurrence resulting in bodily injury to or death of one (1) person and an amount of at least one million five hundred thousand dollars ($1,500,000.00) for any accident or occurrence resulting in bodily injury to or the death of more than one (1) person and comprehensive property damage insurance covering liability for damage to all property from any accident or occurrence in an amount of not less than two hundred fifty thousand dollars ($250,000.00). Executed copies of said policies of insurance or certificates thereof shall be delivered to the Director of Community Development within thirty (30) days of the date on which the City Council authorizes the issuance of the permit. No permit shall be issued unless and until the policy or policies or certificate(s) have been delivered to the Director of Community Development. Not less than thirty (30) days prior to the expiration of the term of each such policy, a renewal or replacement insurance policy or certificate thereof shall be delivered to the Director of Community Development; failure of the permittee to comply with the requirements of this Subsection shall be grounds for immediate termination of the permit notwithstanding any other provision of this Section or the permit. All said policies of insurance delivered to the City must contain a provision that the company writing said policy will give the City twenty (20) days' notice in writing in advance of any cancellation, lapse or reduction in the amount of insurance. All of said policies of insurance must contain a provision naming the City, its agents, employees, guests and invitees as an additional insured.

H. Any person who shall violate any provision of this Section, or any person who shall take part in or assist in the violation of this Section, shall be guilty of an ordinance violation punishable by a fine of not less than twenty-five dollars ($25.00) and not more than five hundred dollars ($500.00) for each violation. (Ord. No. 11-64 §1, 3-30-11)

ARTICLE VII. PENALTY

SECTION 350.430: PENALTY

A. Any person who shall violate any parking regulation of the City for which no other penalty is set forth shall be guilty of an infraction and upon conviction thereof shall be fined ten dollars ($10.00) if such fine is paid within seventy-two (72) hours of the violation, otherwise such fine shall be not less than twenty-five dollars ($25.00) nor more than seventy-five dollars ($75.00).

B. Any person who parks in an area in excess of posted time limits or any person who parks in a parking space regulated by a parking meter and allows the time on the meter to expire shall be fined ten dollars ($10.00) if such fine is paid within seventy-two (72) hours of the violation, otherwise such fine shall be not less than twenty-five dollars ($25.00) nor more than seventy-five dollars ($75.00).

C. Any person who violates Section 350.160 shall be fined not less than forty-five dollars ($45.00).

D. A violation of Section 350.390 shall be punishable by a fine of not less than fifty dollars

($50.00) nor more than three hundred dollars ($300.00) in addition to the costs, if any, of the impounding and towing of the vehicle. The fine for any second (2nd) or subsequent offense committed within a one (1) year period shall be two hundred dollars ($200.00) in addition to the cost, if any, of the impounding and towing of the vehicle.

E. A violation of Section 350.210(C) shall be punishable by a fine of not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00) in addition to the costs, if any, of the impounding and towing of the vehicle and/or trailer. The fine for any second (2nd) or subsequent violation committed within a one (1) year period shall be two hundred dollars ($200.00) in addition to the cost, if any, of the impounding and towing of the vehicle and/or trailer. (R.O. 2009 §73.99; CC 1981 §§18-296.1(b), 18-299; Ord. No. 80-95, 8-27-80; Ord. No. 81-37, 4-15-81; Ord. No. 88-194, 10-19-88; Ord. No. 91-27, 2-7-91; Ord. No. 93-100, 5-5-93; Ord. No. 94-134, 6-17-94; Ord. No. 94-199, 8-17-94; Ord. No. 97-57, 2-20-97; Ord. No. 05-03, 1-11-05)

CHAPTER 355: EQUIPMENT--LOADS

ARTICLE I. EQUIPMENT

SECTION 355.010: STUDDED TIRES

No person shall operate any motor vehicle upon any road or highway of this State between April first (1st) and November first (1st) while the motor vehicle is equipped with tires containing metal or carbide studs. (R.O. 2009 §75.01; CC 1981 §18-130)

State Law Reference--Similar provisions, §307.171, RSMo.

SECTION 355.020: PROJECTIONS FROM 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 Section 355.040, 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. (R.O. 2009 §75.02; CC 1981 §18-131)

State Law Reference--Similar provisions, §307.170(5), RSMo.

SECTION 355.030: 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. (R.O. 2009 §75.03; CC 1981 §18-132)

State Law Reference--Similar provisions, §307.170(2), RSMo.

SECTION 355.040: LIGHTS

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 Chapter 307, RSMo., requires. 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.

State Law References--Lights generally, §§307.020 et seq., RSMo.

SECTION 355.050: PASSENGER RESTRAINT SYSTEM

A. *Definitions.* As used in Subsections (B) and (C) below, the following words have the following 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: The person who is in actual physical control of a motor vehicle.

PASSENGER CAR: Every motor vehicle designed for carrying ten (10) persons or less and used for the transportation of persons; except that the term shall not include motorcycles, motorized bicycles, motortricycles and trucks with a licensed gross vehicle weight of twelve thousand (12,000) pounds or more.

B. 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 passenger of a passenger car manufactured after January 1, 1968, operated on a street or highway in this State, and persons less than eighteen (18) years of age operating or riding in a truck, as defined in Section 301.010, RSMo., on a street or highway of this State 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 307.179, RSMo., 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 307.179, RSMo.

C. 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 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 in height, 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 the 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.

D. No person shall be stopped, inspected or detained solely to determine compliance with the provisions contained in this Section.

E. The provisions of this Section shall not be applicable to persons who have a medical reason for failing to have a seat belt fastened about his/her body, to any person employed by the United States Postal Service while performing duties for that Federal agency which requires the operator to service postal boxes from a vehicle, to persons operating or riding a motor vehicle being used in agricultural work-related activities, to any person required to make frequent entry into and exit from a vehicle or to any public carrier for hire. (R.O. 2009 §75.05; CC 1981 §18-450(a--c),(e),(f)(1); Ord. No. 84-27, 3-22-84; Ord. No. 86-9, 1-8-86; Ord. No. 01-99, 5-21-01; Ord. No. 09-22, 2-5-09)

State Law References--Passenger restraint system, §§307.178--307.179, RSMo.

SECTION 355.060: EQUIPMENT FOR MOTORIZED BICYCLES AND ELECTRICAL PERSONAL ASSISTIVE MOBILITY DEVICES

A. No person shall operate a motorized bicycle on any street in this City unless it is equipped in accordance with the minimum requirements for construction and equipment of MOPEDS as required by Section 307.196, RSMo.

B. Every electric personal assistive mobility device (EPAMD) when in use on a roadway 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. (R.O. 2009 §75.06; Ord. No. 03-131, 6-4-03)

ARTICLE II. LOADINGS, WEIGHT AND OTHER RESTRICTIONS

SECTION 355.070: UNSAFE AND DANGEROUS VEHICLES

It shall be unlawful for any person to operate, or for an owner to permit to be operated, a motor vehicle while such vehicle is unsafe and in a dangerous condition upon any public street within the City. (R.O. 2009 §75.15; CC 1981 §18-205)

SECTION 355.080: OVERLOADING VEHICLES PROHIBITED

All motor vehicles, and every trailer and semi-trailer operating upon the public highways 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.

SECTION 355.090: WEIGHT REGULATIONS

A. No vehicle or combination of vehicles shall be moved or operated on any highway, street or alley in the City having a greater weight than that described under Section 304.180, RSMo., provided that the City Council and State Highway Commission or their legal agents for their respective jurisdictions, whenever by thawing or frost, rains or soft conditions due to construction, reconstruction and maintenance, adverse critical weather conditions or other causes detrimental to the surface or physical condition of such highways, streets and alleys in the City, are authorized to limit the weights described under this Section to such an amount and in such manner as will preserve their economical use by the general public. When posted or marked it shall be unlawful to transport any gross load in excess of the posted notice and in addition to conviction and punishment for a misdemeanor, the registered owner of any such vehicle shall be held liable in any court of competent jurisdiction for destructive damages to the surface and physical conditions pertaining, by an action of the State, City or any interested person.
B. Any person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished in accordance with the provisions of Section 304.240, RSMo., and the same rates of punishment shall apply

where weights are limited in excess of those posted as apply to those exceeded under Section 304.180, RSMo. (R.O. 2009 §75.17; CC 1981 §18-207)

State Law References--Vehicle weight regulations, §§304.180 et seq., RSMo.

SECTION 355.100: 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. (R.O. 2009 §75.18; CC 1981 §18-208; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.550, RSMo.

CHAPTER 360: VEHICLE LICENSING

ARTICLE I. GENERAL PROVISIONS

SECTION 360.010: VEHICLE LICENSE PLATES REQUIRED

No motor vehicle or trailer shall be operated or parked on any highway of this City unless it shall have displayed thereon a valid current license plate or set of license plates issued for that motor vehicle or trailer by the Director of Revenue of the State. Each such plate shall be securely fastened to the motor vehicle in a manner so that all parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not impaired. License plates shall be fastened to all motor vehicles except trucks, tractors, truck-tractors or truck-tractors licensed in excess of twelve thousand (12,000) pounds, on the front and rear of such vehicles not less than eight (8) nor more than forty-eight (48) inches above the ground, with the letters and numbers thereon right side up. The license plates on trailers, motorcycles, motortricycles and motorscooters shall be displayed on the rear of such vehicles with the letters and numbers thereon right side up. The license plates 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. Any reciprocal license of another State accepted by the State shall satisfy this requirement. The required current vehicle tag described in Section 301.130, RSMo., shall also be properly affixed upon the license plate. (R.O. 2009 §71.08; CC 1981 §18-163; Ord. No. 83-51, 7-20-83; Ord. No. 83-92, 10-18-83; Ord. No. 96-50, 2-21-96)

SECTION 360.020: DRIVING WITH SUBSTITUTE PLATES

No person shall operate a motor vehicle or trailer upon the highways of this City 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 of the State or the placard herein authorized, 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. (R.O. 2009 §71.09; CC 1981 §18-164; Ord. No. 83-51, 7-20-83)

SECTION 360.030: VEHICLE STATE INSPECTION STICKERS REQUIRED

No motor vehicle which is required to be registered in this State shall be operated or parked on any highway of this City unless it shall have displayed thereon a valid current State inspection sticker, seal or other device from a duly authorized official inspection station, except those vehicles exempt pursuant to State law. (R.O. 2009 §71.10; Ord. No. 97-45, 1-22-97)

ARTICLE II. PROHIBITIONS

SECTION 360.040: DRIVING WITHOUT A LICENSE

A. No person whose operator's or chauffeur's license and driving privilege as a resident or non-resident has been canceled, suspended or revoked under the provisions of Chapter 302, RSMo., or Chapter 577, RSMo., shall drive any motor vehicle upon the highways of this City while such license and privilege is canceled, suspended or revoked and before an official reinstatement notice or termination notice is issued.

B. No person whose operator's or chauffeur's license has expired shall drive any motor vehicle upon the highways of this City unless such person has in his/her possession a current temporary license or other current authorization permitting the operation of motor vehicles by such person in the State. (R.O. 2009 §71.20; CC 1981 §18-170; Ord. No. 83-51, 7-20-83; Ord. No. 83-92, 10-18-83)

SECTION 360.050: OPERATOR'S LICENSE TO BE IN HOLDER'S POSSESSION

No person shall drive a motor vehicle upon the highways of the City except such person who possesses an operator's license which shall be carried at all times by the holder thereof while driving a motor vehicle and shall be displayed upon demand of any officer of the Highway Patrol or any Police Officer or Peace Officer or any other duly authorized persons for inspection when demand is made therefor. Failure of any chauffeur or operator of a motor vehicle to exhibit his/her license to any duly authorized officer shall be presumptive evidence that such person is not a duly licensed chauffeur or motor vehicle operator. (R.O. 2009 §71.21; CC 1981 §18-171; Ord. No. 83-51, 7-20-83)

SECTION 360.060: AGE OF OPERATOR

Any person at least fifteen (15) years of age who, except for age or lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain a license pursuant to Sections 302.010 to 302.340, RSMo., may apply for and the Director shall issue a temporary instruction permit entitling the applicant, while having such permit in the applicant's immediate possession, to drive a motor vehicle of the appropriate class upon the highways for a period of twelve (12) months, but any such person, except when operating a motorcycle or motortricycle, must be accompanied by a licensed operator for the type of motor vehicle being operated who is actually occupying a seat beside the driver for the purpose of giving instruction in driving the motor vehicle, who is at least twenty-one (21) years of age, and in the case of any driver under sixteen (16) years of age, the licensed operator occupying the seat beside the driver shall be a grandparent, parent, guardian, a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the Department of Elementary and Secondary Education or a qualified instructor of a private drivers' education program who has a valid driver's license. An applicant for a temporary instruction permit shall successfully complete a vision test and a test of the applicant's ability to understand highway signs which regulate, warn or direct traffic and practical knowledge of the traffic laws of this State, pursuant to Section 302.173, RSMo. In addition, beginning January 1, 2007, no permit shall be granted pursuant to this Section unless a parent or legal guardian gives written permission by signing the application and in so signing, state they, or their designee as set forth in Subsection (2) of this Section, will provide a minimum of forty (40) hours of behind-the-wheel driving instruction, including a minimum of ten (10) hours of behind-the-wheel driving instruction that occurs during the nighttime hours falling between sunset and sunrise. The forty (40) hours of behind-the-wheel driving instruction that is completed pursuant to this Section may include any time that the holder of an instruction permit has spent operating a motor vehicle in a driver training program taught by a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the Department of Elementary and Secondary Education or by a qualified instructor of a private drivers' education program. If the applicant for a permit is enrolled in a Federal residential job training program, the instructor, as defined in Subsection (5) of this Section, is authorized to sign the application stating that the applicant will receive the behind-the-wheel driving instruction required by this Section. (R.O. 2009 §71.22; CC 1981 §18-172)

State Law Reference--Minimum age of operator of licensees, §302.060(2), RSMo.

SECTION 360.070: INSURANCE IDENTIFICATION CARD TO BE CARRIED IN MOTOR VEHICLE AT ALL TIMES

A. An insurance identification card, as defined by Section 303.024, RSMo., shall be carried in an insured motor vehicle at all times. The operator of an insured motor vehicle shall exhibit the insurance identification card on the demand of any Peace Officer who lawfully stops such operator or investigates an accident while that officer is engaged in the performance of the officer's duties. If the operator fails to exhibit an insurance identification card, the officer shall notify the State Director of Revenue, in the manner determined by the Director, and the officer may issue a summons to the operator pursuant to Subsection (B) of this Section. A motor vehicle liability insurance policy, a motor

vehicle liability insurance binder or receipt which contains the policy information required in Subsection (2) of Section 303.024, RSMo., shall be satisfactory evidence of insurance in lieu of an insurance identification card.

B. No person operating a motor vehicle shall fail to exhibit an insurance identification card or other satisfactory evidence of insurance in lieu of such card upon the demand of any Peace Officer, when any Peace Officer lawfully stops such operator or investigates an accident while that officer is engaged in the performance of the officer's duties. 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 summons. (R.O. 2009 §71.23; Ord. No. 98-51, 1-22-98)

CHAPTER 365: BICYCLES, MOTORCYCLES AND SIMILAR VEHICLES

ARTICLE I. BICYCLES AND MOPEDS

SECTION 365.010: DEFINITIONS

For the purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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.

BICYCLIST: A person operating or in actual physical control of a bicycle, including a person on foot walking a bicycle.

MOPED: 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.

MOPEDER: A person operating or in actual control of a moped, including a person on foot walking a moped.

PEDESTRIAN: A person on foot, on a skateboard, on foot walking a bicycle or a moped or on a scooter.

VEHICLE: Every device, excluding scooters, skateboards, wagons, wheelchairs, unicycles, pushcarts, tricycles and other children's toys in, upon or by which any person or property is or may be transported or drawn upon a roadway or sidewalk. (R.O. 2009 §76.01; CC 1981 §18-436; Ord. No. 88-209, 11-2-88)

SECTION 365.020: RULES OF THE ROAD

A. *Carrying Articles.* No bicyclist or mopeder shall carry any article which prevents the use of both hands in the control and operation of the bicycle or moped. A bicycler or mopeder shall keep at least one (1) hand on the handlebars at all times.

B. *Left Turns.* Bicyclists and mopeders shall use the procedures established by the laws of this State and other ordinances of this City for left turns by vehicles upon a roadway.

C. *Rights And Duties.* Every operator of a bicycle or moped on a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle, except as to the provisions of this Chapter and except as to the provisions of laws and other ordinances which by their nature can have no application.

D. *Operation.* No operator of a bicycle or moped shall operate a bicycle or moped in excess of the posted speed limit or in a manner so as to endanger the life, limb or property of the operator or of any other person.

E. *Parking.*
   1. Bicycles and mopeds may be parked on any sidewalk where such parking is not prohibited by official traffic control devices and where such parking will not unreasonably obstruct pedestrian or other traffic.
   2. No bicycle or moped shall be secured to any fire hydrant.

F. *Passengers.* No bicycle or moped shall be used to carry more persons at one (1) time than the number for which it is designed or equipped.

G. *Position On Roadway.*
   1. Every operator of a bicycle or moped traveling at less than the normal speed of traffic on a roadway shall ride as near to the right-hand curb or edge of the roadway as practicable, except when reasonably necessary to maintain the safe operation of the vehicle.
   2. Every bicyclist or mopeder on a one-way roadway with two (2) or more marked traffic lanes shall ride as near to the left-hand curb or edge of such roadway as practicable.

H. *Sidewalks And Crosswalks.* Except as permitted under Subsection (M) of this Section, no person shall operate a moped or bicycle upon a sidewalk or in a sidewalk area. Except as permitted under Subsection (M) of this Section, a bicycle or moped shall be walked, not operated, upon a sidewalk and the mopeder or bicyclist shall be granted all the rights and shall be subject to all the duties applicable to a pedestrian under the same circumstances. A bicycle or moped may be operated across a roadway upon a crosswalk and shall be granted all the rights and shall be subject to all the duties applicable to a pedestrian under the same circumstances.

I. *Turn Signals.* Operators of bicycles and mopeds shall give a signal of their intention to turn right or left continuously during not less than the last one hundred (100) feet traveled by their vehicle before turning and shall give a signal while the vehicle is stopped, waiting to turn. A hand or arm signal need not be given continuously if the hand is needed in the control or operation of the vehicle.

J. *Turns.* Whenever official traffic control devices indicate that no right, left or U-turn is permitted, no operator of a bicycle or moped shall make such a turn.

K. *Single File.* Operators of bicycles or mopeds on a roadway shall ride single file.

L. *Bicycle Paths.* Bicycles may be operated upon a sidewalk when said sidewalk is designated a bicycle path by official traffic control signals. All operators of bicycles on a

designated bicycle path shall yield the right-of-way to pedestrians using the bicycle path. (R.O. 2009 §76.02; CC 1981 §18-437; Ord. No. 88-209, 11-2-88; Ord. No. 95-131, 5-4-95)

Cross Reference--As to penalty, §365.180.

SECTION 365.030: RIDING SCOOTER, SKATEBOARD OR SKATES

A. *Riding Scooters Or Skateboards On Sidewalks, Alleyways And Roadways.*
   1. No person shall ride a scooter or skateboard on:
      a. Roadways.
      b. Sidewalks in a commercial zoning district.
   2. Any person operating a skateboard or scooter shall be granted all of the rights and shall be subject to all of the duties applicable to all other pedestrians.
   3. Notwithstanding their status as pedestrians, scooter and skateboard operators shall yield the right-of-way to all pedestrian traffic upon the sidewalk.
   4. No more than one (1) person shall ride on a scooter or skateboard at one time.

B. *Riding Scooters, Skateboards, Skates And In-Line Skates On All Areas Of City Parking Garages Prohibited.* No person shall ride a scooter, skateboard, skates or in-line skates on any area of a City parking garage. (R.O. 2009 §76.03; CC 1981 §§18-439--18-439.1; Ord. No. 89-25, 2-8-89; Ord. No. 89-135, 7-12-89; Ord. No. 92-250, 10-21-92; Ord. No. 93-110, 6-2-93; Ord. No. 98-233, 5-20-98)

Cross Reference--As to penalty, §365.180.

SECTION 365.040: USE OF HELMETS

A. No person fifteen (15) years of age or younger shall ride a bicycle within the municipal boundaries of the City as an operator or passenger without properly wearing an approved bicycle helmet securely fastened by chin or neck strap.

B. An approved bicycle helmet is headgear which meets or exceeds the impact standard for protective helmets set by the U.S. Consumer Products Safety Commission Federal safety standards.

C. No parent, custodian or legal guardian of a person fifteen (15) years of age or younger shall allow that person to ride or be a passenger on a bicycle within the municipal boundaries of the City as set out in this Section without wearing an approved bicycle helmet. This is an offense of absolute liability. (R.O. 2009 §76.04; Ord. No. 06-141, 6-14-06)

Cross Reference--As to penalty, §365.180.

ARTICLE II. MOTORCYCLES

SECTION 365.050: RIDING ON MOTORCYCLES

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. (R.O. 2009 §76.15; CC 1981 §18-200; Ord. No. 75-35, 8-6-75)

State Law Reference--Similar provisions, §300.345, RSMo.

SECTION 365.060: SAFETY HELMETS REQUIRED

Every person who shall operate or ride a motorcycle, motor scooter, motorbike or similar motor vehicle, or who shall be a passenger thereon, is hereby required to wear upon his/her head a protective safety helmet and shatter-proof protective eye shield, glasses or goggles while operating or riding such motorcycle, motorbike, motor scooter or similar motor vehicle. Such protective safety helmet must conform to the standards and specifications for protective headgear for vehicular users approved by the American Standards Association, incorporated on June 22, 1966, such standards and specifications being on file in the City offices and incorporated by reference. (R.O. 2009 §76.16; CC 1981 §18-204(a); Ord. No. 3498, 8-5-67)

Cross Reference--As to penalty, §365.180.

ARTICLE III. ALL-TERRAIN VEHICLES

SECTION 365.070: DEFINITION

For the purposes of this Article, the following definition shall apply unless the context clearly indicates or requires a different meaning.

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. (R.O. 2009 §76.30; CC 1981 §18-215; Ord. No. 93-86, 4-21-93)

SECTION 365.080: PROHIBITED ON STREETS OR SIDEWALKS--EXCEPTIONS

A. No person shall operate an all-terrain vehicle upon the streets of this City, except as follows:
   1. All-terrain vehicles operated for agricultural purposes or industrial on-premise purposes between the official sunrise and sunset on the day of operation.
   2. All-terrain vehicles owned and operated by a governmental entity for official use.

B. No person shall operate an all-terrain vehicle upon the sidewalks of this City. (R.O. 2009 §76.31; CC 1981 §18-216; Ord. No. 93-86, 4-21-93)

Cross Reference--As to penalty, §365.180.

SECTION 365.090: PROHIBITED IN STREAM--EXCEPTIONS

No person shall operate an all-terrain vehicle within any stream or river in this City,

except that all-terrain vehicles may be operated within waterways which flow within the boundaries of land which an all-terrain vehicle operator owns or has permission to be upon. (R.O. 2009 §76.32; CC 1981 §18-217; Ord. No. 93-86, 4-21-93)

Cross Reference--As to penalty, §365.180.

SECTION 365.100: LICENSE AND FLAG REQUIRED

A person operating an all-terrain vehicle on a street pursuant to an exception covered in this Chapter shall have a valid operator's or chauffeur's license, but shall not be required to have 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, 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. (R.O. 2009 §76.33; CC 1981 §18-218; Ord. No. 93-86, 4-21-93)

SECTION 365.110: CARELESS DRIVING--UNDER THE INFLUENCE--HELMET REQUIRED

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 unless the individual is at least eighteen (18) years of age. (R.O. 2009 §76.34; CC 1981 §18-219; Ord. No. 93-86, 4-21-93)

Cross Reference--As to penalty, §365.180.

SECTION 365.120: PASSENGERS PROHIBITED--EXCEPTION

No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes. (R.O. 2009 §76.35; CC 1981 §18-220; Ord. No. 93-86, 4-21-93)

Cross Reference--As to penalty, §365.180.

ARTICLE IV. LOW-SPEED VEHICLES

SECTION 365.130: DEFINITION

For the purposes of this Article, the following definition shall apply unless the context clearly indicates or requires a different meaning.

LOW-SPEED VEHICLE: A motor vehicle that is four-wheeled; whose speed range is at least twenty (20) miles per hour and not more than twenty-five (25) miles per hour on a paved level surface; whose gross vehicle weight is less than three thousand (3,000) pounds; has successfully completed the neighborhood electric vehicle America test program conducted by the Federal Department of Energy; conforms to the definition and requirements for low-speed vehicles, as adopted in the Federal motor vehicle safety

standards for low-speed vehicles under 49 CFR 571.500; and complies with Section 365.150. (R.O. 2009 §76.40; Ord. No. 08-160, 8-21-08)

SECTION 365.140: OPERATION OF LOW-SPEED VEHICLES ON STREETS PERMITTED

A. A low-speed vehicle may be operated upon the streets of the City of St. Charles if it meets the requirements of this Article. Every person operating a low-speed vehicle shall be granted all the rights and shall be subject to all the duties applicable to the driver of any other motor vehicle except as to the special regulations in this Article.
B. The operator of a low-speed vehicle shall observe all State and City traffic laws and rules of the road.
C. A low-speed vehicle shall not be operated on a street or highway with a posted speed limit greater than thirty-five (35) miles per hour. This provision shall not be construed to prohibit a low-speed vehicle from crossing, at an intersection or permitted crossing point, a street or highway with a posted speed limit greater than thirty-five (35) miles per hour. (R.O. 2009 §76.41; Ord. No. 08-160, 8-21-08)

SECTION 365.150: LOW-SPEED VEHICLE STANDARDS

A low-speed vehicle shall:

1. Meet the definitional requirements contained in Section 365.130;
2. Be manufactured in compliance with the National Traffic Safety Administration and comply with the standards in 49 CFR 571.500; and
3. Be equipped with:
   a. Headlamps;
   b. Front and rear turn signals;
   c. Stop lamps;
   d. Reflex reflectors; one (1) red on each side as far to the rear as practicable and one (1) red on the rear;
   e. An exterior mirror mounted on the driver's side and either an exterior mirror on the passenger side or an interior rearview mirror;
   f. A parking brake;
   g. A windshield that conforms to the requirements of the Federal motor vehicle safety standard of glazing materials (49 CFR 571.205);
   h. A vehicle identification number (VIN) that complies with Federal law as provided in 49 CFR 565; and
   i. A type 1 or type 2 seatbelt assembly conforming to 49 CFR 571.209 and Federal motor Vehicle Standard 209 for each designated seating position. (R.O. 2009 §76.42; Ord. No. 08-160, 8-21-08)

SECTION 365.160: LOW-SPEED VEHICLES--DRIVER'S LICENSE AND INSURANCE REQUIRED

Every operator of a low-speed vehicle shall:

1. Possess a valid driver's license issued by the State, pursuant to Chapter 302, RSMo.; and

2. Maintain financial responsibility as required by Chapter 303, RSMo. (R.O. 2009 §76.43; Ord. No. 08-160, 8-21-08)

SECTION 365.170: LOW-SPEED VEHICLES--TITLE AND REGISTRATION
It shall be the responsibility of the operator or owner of a low-speed vehicle to comply with State titling or registration requirements. (R.O. 2009 §76.44; Ord. No. 08-160, 8-21-08)

SECTION 365.180: PENALTY
A. Any person who violates any provision of this Chapter for which no other penalty is set forth shall be subject to the general penalty set forth in Section 100.150 of this Code.
B. Every person convicted of a violation of any provision of the Article set forth in Sections 365.010 through 365.040 shall be punished by a fine of not more than fifty dollars ($50.00). (R.O. 2009 §76.99; CC 1981 §§18-204(b), 18-440; Ord. No. 3498, 8-5-67; Ord. No. 88-209, 11-2-88; Ord. No. 92-249, 10-21-92; Ord. No. 06-141, 6-14-06)

CHAPTER 370: PARADES AND PUBLIC ASSEMBLIES

SECTION 370.010: DEFINITIONS
For the purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
PARADE: Any parade, march or procession comprising more than six (6) vehicles or group of pedestrians more than eight (8) feet in width or more than forty (40) feet in length or any ceremony, show, exhibition or pageant of any kind or any similar display in or upon any street, park or other City property in this City.
PARADE PERMIT: A permit as required by this Chapter. (R.O. 2009 §98.01; CC 1981 §20-176; Ord. No. 78-66, 10-4-78; Ord. No. 03-122, 5-27-03)

SECTION 370.020: PERMIT REQUIRED--EXCEPTION FOR FUNERALS
No person shall engage in, participate in, aid, form or start any parade, unless a parade permit shall have been obtained from the Chief of Police; provided however, that this Chapter shall not apply to funeral processions. (R.O. 2009 §98.02; CC 1981 §20-177; Ord. No. 78-66, 10-4-78)
Cross Reference--As to penalty, §100.150.

SECTION 370.030: APPLICATION FILING AND CONTENTS
A. *Application--Filing Period.* A person seeking issuance of a parade permit required by this Chapter shall file an application with the Chief of Police on forms provided by such officer not less than five (5) days nor more than thirty (30) days before the date on which it is proposed to conduct the parade.

B. *Application--Contents.* The application for a parade permit required by this Chapter shall set forth the following information:
   1. The name, address and telephone number of the person seeking to conduct such parade;
   2. If the parade is proposed to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization;
   3. The name, address and telephone number of the person who will be the parade chairperson and who will be responsible for its conduct;
   4. The date when the parade is to be conducted;
   5. The route to be traveled, the starting point and the termination point;
   6. The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals and description of the vehicles;
   7. The hours when such parade will start and terminate;
   8. A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;
   9. The location by streets of any assembly areas for such parade;
   10. The time at which units of the parade will begin to assemble at any such assembly area or areas;
   11. The interval of space to be maintained between units of such parade;
   12. If the parade is designed to be held by and on behalf of or for any person other than the applicant, the applicant for such permit shall file with the Chief of Police a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his/her behalf;
   13. Any additional information which the Chief of Police shall find reasonably necessary to a fair determination as to whether a permit should issue. (R.O. 2009 §98.03; CC 1981 §§20-178--20-179)

SECTION 370.040: LATE APPLICATIONS

The Chief of Police, where good cause is shown therefor, shall have the authority to consider any application hereunder which is filed less than two (2) days before the date such parade is proposed to be conducted. (R.O. 2009 §98.04; CC 1981 §20-180)

SECTION 370.050: STANDARDS FOR ISSUANCE

The Chief of Police shall issue a permit required by this Chapter, upon written approval of the Mayor, when, from a consideration of the application and from such other information as may otherwise be obtained, he/she finds that:
   1. The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
   2. The conduct of the parade will not require the diversion of so great a number of Police Officers of this City to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the City;
   3. The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of this City other than that to be occupied by the proposed line of march and areas contiguous

thereto;

4. The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
5. The conduct of such parade will not interfere with the movement of firefighting equipment en route to a fire;
6. The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;
7. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;
8. The parade is not to be held for the sole purpose of advertising any product, cause, goods or event and is not designed to be held purely for private profit. (R.O. 2009 §98.05; CC 1981 §20-181; Ord. No. 78-66, 10-4-78)

SECTION 370.060: NOTICE OF REJECTION

If the Chief of Police or Mayor disapprove the application for a parade permit required by this Chapter, they shall mail to the applicant, within five (5) days after the date upon which the application was filed, a notice of their action. (R.O. 2009 §98.06; CC 1981 §20-182)

SECTION 370.070: APPEAL FROM DENIAL OF APPLICATION

In the event the Mayor disapproves the application for a permit under this Chapter, the applicant has the right to appeal directly to the City Council. (R.O. 2009 §98.07; CC 1981 §20-187; Ord. No. 78-66, 10-4-78)

SECTION 370.080: ALTERNATE PARADE PERMITS

The Chief of Police, in denying an application for a parade permit required by this Chapter, shall be empowered, upon written approval of the Mayor, to authorize the conduct of the parade on a date, at a time or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within two (2) days after notice of the action of the Chief of Police, file a written notice of acceptance with the Chief of Police. An alternate parade permit shall conform to the requirements of and shall have the effect of a parade permit under this Chapter. (R.O. 2009 §98.08; CC 1981 §20-183)

SECTION 370.090: PERMIT CONTENTS

Each parade permit issued under the provisions of this Chapter shall state the following information:

1. Starting time;
2. Minimum speed;
3. Maximum speed;
4. Maximum interval of space to be maintained between the units of the parade;
5. The portions of the streets to be traversed that may be occupied by the parade;

6. The maximum length of the parade in miles or fractions thereof;
7. Such other information as the Chief of Police shall find necessary to the enforcement of this Chapter. (R.O. 2009 §98.09; CC 1981 §20-184; Ord. No. 78-66, 10-4-78)

SECTION 370.100: DUTIES OF PERMITTEE

A. *Chairperson To Have Permit On Person During Parade.* The parade chairperson or other person heading or leading such activity shall carry the parade permit required by this Chapter upon his/her person during the conduct of the parade.
B. *Duties Of Permittee.* A permittee under the provisions of this Chapter shall comply with all permit directions and conditions and with all applicable laws and ordinances. (R.O. 2009 §98.10; CC 1981 §§20-185, 20-188)

SECTION 370.110: REVOCATION OF PERMIT

The Chief of Police shall have the authority to revoke a parade permit issued under the provisions of this Chapter upon application of the standards for issuance as herein set forth. (R.O. 2009 §98.11; CC 1981 §20-186)

CHAPTER 375: ABANDONED VEHICLES

Cross References--As to tow trucks, §§645.170 et seq.

SECTION 375.010: DEFINITIONS

For the purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLE: Any vehicle which does not possess an engine or has one (1) or more flat or missing tires or otherwise is incapable of being operated for want of a major component of the vehicle shall be deemed an abandoned, wrecked, dismantled or inoperative vehicle. Any vehicle missing significant body parts such as the hood, fender, cab, door or trunk lid may be deemed to be abandoned, wrecked, dismantled or inoperative. Any vehicle which is located on public property, on a public street or alley or on private property and which does not have lawfully affixed thereto an unexpired license plate and a current motor vehicle safety inspection certificate shall be deemed an abandoned, wrecked, dismantled or inoperative vehicle.

PRIVATE PROPERTY: Any real property within the City which is privately owned and which is not public property.

PUBLIC PROPERTY: Any street, highway, alley or alleyway, which shall include the entire width between the boundary lines of every way publicly maintained for the purpose of vehicular travel, and shall mean any other publicly-owned property or facility.

VEHICLE: A machine propelled or pushed or pulled by power other than human power designed to travel along the ground or in water by use of wheels, treads, runners or slides and transport persons or property or pull machinery and shall include, without limitation,

automobiles, trucks, trailers, motorcycles, motorbikes, motor scooters, tractors, go-carts, golf carts, campers, buggy and wagons, recreational and camping trailers, boats, boats on a trailer, camper shells, cargo/enclosed trailers, race car trailers, equipment trailers, car haulers, concession/specialty trailers, motorcycle-ATV-snowmobile trailers and landscape trailers. (R.O. 2009 §90.01; CC 1981 §18-385; Ord. No. 98-126, 3-9-98; Ord. No. 04-223, 9-10-04)

SECTION 375.020: ABANDONED VEHICLES OR VEHICLES OTHERWISE IN VIOLATION OF CITY CODE DECLARED A NUISANCE--EXCEPTIONS

A. No person shall park, store, leave or permit the parking, storing or leaving of any vehicle which is in violation of any provision of City Code or abandoned, wrecked, dismantled or inoperative, whether attended or not, upon any public or private property within the City. The presence of a vehicle in violation of City Code or an abandoned, wrecked, dismantled or inoperative vehicle on public or private property is declared a public nuisance in violation of this Chapter and may be abated in accordance with the provisions of this Chapter.

B. This Section shall not apply to:
   1. Any vehicle enclosed within a building on private property or stored behind a solid fence of not less than six (6) feet in height at a legally conforming business operating in the appropriate business zone. A tarpaulin, tent or other similar temporary structure shall not be deemed to satisfy the requirements of this Section.
   2. Property operated as any service station, automobile repair shop, body repair shop, tow truck operator or auto, truck or trailer business enterprise lawfully licensed by the City and properly operated in the appropriate business zone pursuant to the zoning laws of the City; provided the vehicle is not located on said property outside of a building for more than thirty (30) days. In the event a vehicle is located on said property outside of a building for more than thirty (30) days, then the notice procedures stated in Section 375.050(D) shall apply.
   3. Any vehicle that is in working order and in an operable condition, whether or not the vehicle displays a current Missouri license plate, upon which the owner or occupant of the private property where the vehicle is located has obtained or has initiated the process to obtain a mechanic's lien. Upon the request of the Director of Community Development or his/her representative, the owner or occupant of the property where the vehicle is located shall be required to provide written documentation to verify that a mechanic's lien has either been obtained or has been applied for. Copies of said documentation must be kept on the dashboard of the vehicle for ready inspection by Department of Community Development personnel. In the event said documentation is not provided, the notice procedures stated in Section 375.050(D) shall apply.

C. Notwithstanding the foregoing provisions, the parking, storing or leaving of not more than one (1) vehicle which does not have lawfully affixed thereto an unexpired license plate and a current motor vehicle safety inspection certificate, but is otherwise operable, shall be permitted upon private real property only by the owner of the real property or the person in charge of the private real property and shall only be located within a building or

located in the rear yard on a paved driveway or paved parking area.

D. As used throughout this Chapter, the terms *"operable condition"* and *"working order"* shall be defined as a vehicle that will start and operate under its own power. The term *"occupant of the private property"* shall include a tenant or manager of the business legally operating on the property. (R.O. 2009 §90.02; CC 1981 §18-386; Ord. No. 98-126, 3-9-98; Ord. No. 04-223, 9-10-04; Ord. No. 06-342, 12-20-06)

Cross References--As to penalty, §100.150; as to junk dealers, ch. 625.

SECTION 375.030: SERVICE OF NOTICE TO REMOVE FROM PRIVATE OR PUBLIC PROPERTY

A. In the case of an abandoned, wrecked, dismantled or inoperative vehicle or a vehicle otherwise in violation of City Code being present upon private property, the Chief of Police shall cause to be served a notice in writing upon the occupant of the land where the nuisance exists or in the case where there is no occupant, then upon the owner of the property or the owner's agent stating the existence of the nuisance and requesting its removal in the time specified in this Chapter.

B. In the case of an abandoned, wrecked, dismantled or inoperative vehicle or a vehicle otherwise in violation of City Code being present upon public property, the Chief of Police shall cause to be served a notice in writing securely attached upon the vehicle, giving notice of the existence of the nuisance and requesting its removal in the time specified in this Chapter. A notice shall be sent to the registered owner of the vehicle. (R.O. 2009 §90.03; CC 1981 §18-387; Ord. No. 98-126, 3-9-98; Ord. No. 04-223, 9-10-04)

SECTION 375.040: RESPONSIBILITY FOR REMOVAL

A. Upon proper notice and opportunity to be heard, the owner of the abandoned, wrecked, dismantled or inoperative vehicle or a vehicle otherwise in violation of City Code and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal. In the event of removal and disposition by the City, the owner or occupant of the private property where same is located shall be liable for the expenses incurred. Where the vehicle to be removed is upon public property, the registered owner of the vehicle shall be responsible for removal expenses.

B. The vehicle shall be removed to a location where it will no longer be classified as an abandoned vehicle or a vehicle otherwise in violation of City Code, will be enclosed within a building on private property or will be moved to the property of an automobile repair shop, body repair shop, junk yard, tow-truck operator or auto, truck or trailer business enterprise lawfully licensed by the City and properly operated in the appropriate business zone pursuant to the zoning laws of the City. Removal of the vehicle to another location on the streets or on private property while it is still an abandoned vehicle or a vehicle otherwise in violation of City Code shall constitute a separate offense. If proper notice has been given prior to the move of the vehicle to the new location in violation of this Section, no new notice shall be required for removal of the vehicle in accordance with Section 375.070. (R.O. 2009 §90.04; CC 1981 §18-388; Ord. No. 98-126, 3-9-98; Ord. No. 04-223, 9-10-04)

SECTION 375.050: NOTICE PROCEDURE--CONTENTS

A. *Notice Procedure.* The Chief of Police or the Chief's designee shall give notice of removal to the owner or occupant of the private property where the vehicle is located. The notice shall be posted, at least forty-eight (48) hours before the time of towing, in a conspicuous place upon the private property on which the vehicle is located and duplicate copies shall be delivered, at least forty-eight (48) hours before the time of towing, by hand delivery or certified mail to the owner or occupant of the private property at the last known address. Where the vehicle to be removed is upon public property, a notice shall be securely affixed to the vehicle.

B. *Content Of Notice.* The notice shall direct removal and the notice shall advise that upon failure to comply with the notice to remove within forty-eight (48) hours may result in a citation for violation of the City Code for each day the vehicle remains and that upon failure to comply with the notice to remove within forty-eight (48) hours, the Chief of Police or the Chief's designee may undertake such removal at the cost of the registered owner of the vehicle.

C. A vehicle may be towed and summons may be issued without a notice if, previously:
   1. A notice has been issued for the same vehicle on the same property; or
   2. The owner or occupant of the property has been issued a notice concerning any abandoned, wrecked, dismantled or inoperative vehicle on the property; or
   3. A proper notice has been issued for the vehicle at another location within the City.

D. A vehicle located on property described in Section 375.020(B)(2) for more than thirty (30) days shall be subject to the following procedure:
   1. *Notice procedure.* The Chief of Police or the Chief's designee shall give notice of removal to the owner or occupant of the property where the vehicle is located and to the registered owner of the vehicle. The notice shall be posted in a conspicuous place upon the property on which the vehicle is located, affixed to the vehicle and duplicate copy mailed by certified mail to the owner or occupant of the property at the last known address of the owner or occupant and to the registered owner of the vehicle.
   2. *Content of notice.* The notice shall direct removal of the vehicle within thirty (30) days from the date of the notice. The notice shall further state that upon failure to comply with the notice of removal, the Chief of Police or the Chief's designee may undertake the removal of the vehicle at the cost of the owner or occupant of the property or at the cost of the registered owner of the vehicle. Prior to the expiration of the thirty (30) day period for removal, the owner or occupant of the property on which the vehicle is located or the registered owner of the vehicle may request an extension from the Director of Community Development. Such request shall be in writing on a form provided by the Community Development Department and include an explanation for why additional time is needed for the removal of the vehicle. The Director of Community Development may grant one (1) extension of not more than thirty (30) days. Upon expiration of the thirty (30) day extension, if the property is not in compliance with the Chapter, the vehicle may be removed. (R.O. 2009 §90.05; CC 1981 §§18-389--18-390; Ord. No. 98-126, 3-9-98; Ord. No. 06-342, 12-20-06)

SECTION 375.060: HEARING REQUEST AND PROCEDURE

A. *Request For Hearing.* The persons to whom the notices are directed may file a written request for hearing before the Chief of Police or the Chief's designee within the forty-eight (48) hour period of compliance prescribed in Section 375.050(A).
B. *Procedure For Hearing.*
    1. The hearing shall be held as soon as practicable after the filing of the request and notice shall be sent to the persons requesting the hearing at least ten (10) days in advance of the hearing.
    2. At any such hearing the City and the persons to whom the notices have been directed may introduce such evidence and call such witnesses as either party deems necessary. The Chief of Police or the Chief's designee shall conduct the hearing and his/her decision affirming or failing to find a nuisance shall be in writing and include findings of fact and conclusions of law. (R.O. 2009 §90.06; CC 1981 §§18-391--18-392; Ord. No. 98-126, 3-9-98; Ord. No. 06-342, 12-20-06)

SECTION 375.070: REMOVAL OF MOTOR VEHICLES FROM PROPERTY

A. If the violation described in the notice has not been remedied within the forty-eight (48) hour period of compliance or in the event that the nuisance has been affirmed by the Chief of Police or the Chief's designee, thereafter the Chief of Police or the Chief's designee may take possession of the abandoned, wrecked, dismantled or inoperative vehicle and remove it from the public or private property. It shall be unlawful for any person to interfere with, hinder or refuse to allow such person or persons to enter upon private property for the purpose of removing a vehicle under the provisions of this Chapter.
B. For the purposes of this Section, the violation described in the notice shall not be considered to be remedied if the vehicle has merely been moved to another location on the streets or on private property while it is still an abandoned vehicle or a vehicle otherwise in violation of City Code, unless:
    1. It is enclosed within a building on private property, or
    2. It is moved to the property of an automobile repair shop, body repair shop, junk yard, tow-truck operator or auto, truck or trailer business enterprise lawfully licensed by the City and properly operated in the appropriate business zone pursuant to the zoning laws of the City; provided the vehicle is not located on said property outside of a building for more than thirty (30) days. (R.O. 2009 §90.07; CC 1981 §18-393; Ord. No. 98-126, 3-9-98; Ord. No. 04-223, 9-10-04; Ord. No. 06-342, 12-20-06)

SECTION 375.080: NOTICE OF REMOVAL

A. A report indicating the storage location of the vehicle shall be submitted by the Chief of Police to the Director of Revenue of the State.
B. Within forty-eight (48) hours of the removal of such vehicle, the Chief of Police shall give notice to the registered owner of the vehicle, if known, to any holder of a security interest in the vehicle and to the owner or occupant of the private property from which the vehicle was removed, that the vehicle has been impounded and stored for violation of this Chapter. This notice shall be sent by certified mail and give the location of the

storage of the vehicle. (R.O. 2009 §90.08; CC 1981 §18-394; Ord. No. 98-126, 3-9-98; Ord. No. 06-342, 12-20-06)

SECTION 375.090: DISPOSITION OF VEHICLES

A. The Chief of Police or the Chief's designee may sell the vehicle at public auction if it is unclaimed for at least sixty (60) days after the removal of the vehicle, after posting public notices for at least ten (10) days at the storage location and publication of the notice in a daily newspaper, as defined in Sections 493.045 through 493.050, RSMo., of the County of St. Charles. In addition, if the vehicle was upon private property, then there shall be a posting of notices at the place of removal for at least ten (10) days. The notice shall include a description of the vehicle, including any identifying marks or numbers, the date and place it was found and the time and place of the public auction.

B. The proceeds of the sale shall be used first (1st) to pay the person who towed the vehicle at the request of the Chief of Police or the Chief's designee a sum of money (not to exceed the bid contract price) that will reasonably compensate the person for the towing service performed; second (2nd) the person who stores the vehicle the sum of two dollars ($2.00) per day for each day or fraction thereof the vehicle was stored; the balance of the proceeds, if any, shall be turned over to the Director of Finance and the same shall be added to the City's general revenue funds. (R.O. 2009 §90.09; CC 1981 §18-395; Ord. No. 98-126, 3-9-98)

SECTION 375.100: REDEMPTION OF IMPOUNDED VEHICLES

A. The owner of any vehicle seized under the provisions of this Chapter or the holder of a valid security interest thereon which is in default, may redeem such vehicle at any time after its removal but prior to the sale thereof upon proof of ownership and payment to the Chief of Police or the Chief's designee a sum as may be determined for the actual expense of removal and storage and any preliminary sale advertising expenses.

B. The owner of any vehicle seized under the provisions of this Chapter, or the holder of a valid security interest thereon which is in default, may request a hearing before the Chief of Police or the Chief's designee to determine the actual expenses of removal and storage. Upon request of the hearing, the vehicle may be released upon proof of ownership or the holding of a valid security interest thereon which is in default and upon posting of a bond equal to the accrued removal and storage expenses as may be submitted by the towing and storage contractor. The Chief of Police or the Chief's designee shall then hold a hearing within ten (10) days to determine the actual expenses of removal and storage and this determined amount shall be assessed against the owner or holder of a valid security interest thereon which is in default. (R.O. 2009 §90.10; CC 1981 §18-396; Ord. No. 98-126, 3-9-98)

SCHEDULE I. SPEED LIMITS

In accordance with the provisions of Chapter 325, and when signs are erected giving notice thereof, it shall be unlawful for any person to drive a vehicle at a speed in excess of the speeds listed below on the streets as designated.

Street
Speed Limit

All Alleys (Ord. 02-277)
15 mph
Circle Drive (Ord. 82-35)
15 mph
Diekamp Lane (Ord. 06-294)
15 mph
Evans Street (Ord. 82-35)
15 mph
Forest Avenue from Evans Avenue to Perry Street (Ord. 03-272)
15 mph
Gary Court (Ord. 06-167)
15 mph
Gum Tree Place (Ord. 82-35)
15 mph
Howell Street (Ord. 82-35)
15 mph
Main Street from Boone's Lick to Clark Street (Ord. 92-295)
15 mph
Nathan Avenue (Ord. 82-35)
15 mph
Oak Avenue (Ord. 82-35)
15 mph
Osage Street (Ord. 82-35)
15 mph
Powell Street (Ord. 82-35)
15 mph
Dardenne Street (Ord. 82-35)
20 mph
Fox Hill Road (Ord. 06-279)
25 mph
Boone's Lick Road from Fifth Street to First Capital Drive (Ord. 82-35)
30 mph
Droste Road from West Clay Street to the City limits (Ord. 82-35)
30 mph
Duchesne Drive from Droste Road to Elm Street (Ord. 82-35)
30 mph
Ehlmann Road from Harry S. Truman Road to Shady Springs Lane (Ord. 05-286)
30 mph
Elm Street (Ord. 82-35)
30 mph
Fifth Street from 200 feet south of McDonough Street to Olive Street (Ord. 82-35)
30 mph
First Capital Drive (Highway 94) from Sixth Street to West Clay Street (Ord. 82-35)
30 mph

Fox Hill Road (Ord. 82-35)
30 mph
Hawks Nest Drive from Duchesne Drive to Zumbehl Road (Ord. 00-270)
30 mph
Pralle Lane between Old Highway 94 and Kunze Drive (Ord. 08-88)
30 mph
Randolph Street from Fifth Street to Concordia Lane (Ord. 98-176)
30 mph
Regency Parkway from Bogey Road to Zumbehl Road (Ord. 86-290)
30 mph
Riverside Drive (Ord. 82-35)
30 mph
Second Street (Highway 94) from Bayard Street to Tecumseh Stree (Ord. 82-35)
30 mph
Tecumseh Street (Highway 94) from Second Street to Third Street (Ord. 82-35)
30 mph
Third Street (Highway 94) from Tecumseh Street to 300 feet north of Barthel Avenue (Ord. 82-35)
30 mph
West Clay Street from First Capital Drive (Highway 94) to the most eastern intersection of Westbury Drive (Ord. 82-35)
30 mph
Zumbehl Road from Campus Drive northwestwardly to the City limits (Ord. 82-35)
30 mph
Bethman Road (Ord. 82-35)
35 mph
Boschertown Road (Ord. 82-35)
35 mph
Country Club Road (Ord. 82-35)
35 mph
Fifth Street from McDonough Street south to a point 200 feet north of San Juan Drive (Ord. 84-101)
35 mph
Fox Hill Road from North Randolph Street east to Missouri State Route 94 (Ord. 07-133)
35 mph
Hackmann Road (Ord. 03-121)
35 mph
Hemasath Road (Ord. 03-121)
35 mph
Muegge Road (Ord. 82-35)
35 mph
Mueller Road (Ord. 82-35)
35 mph
New Town Boulevard (Ord. 06-308)
35 mph
Seeburger Road (Ord. 82-35)

35 mph
South River Road from its intersection with South Fifth Street to Friedens Road (Ord. 92-10) 35 mph
Third Street (Highway 94) from 300 north of Barthel Avenue to 3/10 mile south of the northern City limits (Ord. 82-35)
35 mph
Zumbehl Road from its intersection with First Capital Drive south (Highway 94 South) to a point north 1,660 feet (Ord. 85-242)
35 mph
Zumbehl Road from its intersection with First Capital Drive south (Highway 94 South) to West Clay Street (Ord. 06-113)
35 mph
Cave Springs Road from the south City limits north to Ehlmann Road (Ord. 84-5)
40 mph
Friedens Road (Ord. 93-242)
40 mph
Little Hills Expressway from State Route 94 to Boshertown (Ord. 93-70)
40 mph
Old State Highway 94 from a point 760 feet north of Pralle Lane south to a point 1,900 feet south of McClay Road (Ord. 82-35)
40 mph
West Clay Street from the most eastern intersection of Westbury Drive to the City limits (Ord. 82-35)
40 mph
Zumbehl Road from the Highway I-70 North Service Road (West Clay Street) south to a point 1,660 feet north of First Capital Drive South (Highway 94 South) (Ord. 85-242)
40 mph
Fairgrounds Road from Fifth Street to Missouri State Highway 94 (First Capital Drive) (Ord. 82-35)
45 mph
First Capital Drive (Highway 94) from Boone's Lick Road south to Friedens Road (Ord. 82-35)
45 mph
North Outer Road to I-70 (West Clay Street) from Zumbehl Road to the west City limits (Ord. 82-35)
45 mph
South Outer Road to I-70 (West Clay Street) from Missouri State Highway 94 (First Capital Drive) to the west City limits (Ord. 82-35)
45 mph
Third Street (Highway 94) from 3/10 mile south of the City limits to the City limits (Ord. 82-35)
45 mph
Missouri State Highway 94 from Friedens Road south to the south City limits (Ord. 82-35) 55 mph
Interstate 70 within the corporate limits of the City (Ord. 96-130)

60 mph
Missouri State Route 370 within the corporate limits of the City (Ord. 95-191)
60 mph
(R.O. 2009 Ch. 77 Sch. I; CC 1981 §§18-239--18-239(b); Ord. No. 82-35, 5-19-82; Ord. No. 84-5, 1-18-84; Ord. No. 84-101, 8-23-84; Ord. No. 85-106, 8-6-85; Ord. No. 85-177, 11-5-85; Ord. No. 85-242, 10-20-85; Ord. No. 86-290, 10-21-86; Ord. No. 92-10, 1-23-92; Ord. No. 92-295, 12-2-92; Ord. No. 93-70, 4-21-93; Ord. No. 93-242, 10-20-93; Ord. No. 96-130, 4-17-96; Ord. No. 98-176, 4-22-98; Ord. No. 00-270, 9-21-00; Ord. No. 02-277, 11-22-02; Ord. No. 03-121, 5-27-03; Ord. No. 03-272, 10-23-03; Ord. No. 05-286, 11-2-05; Ord. No. 06-113, 5-4-06; Ord. No. 06-167, 6-30-06; Ord. No. 06-279, 10-10-06; Ord. No. 06-294, 11-8-06; Ord. No. 06-308, 11-29-06; Ord. No. 07-133, 5-9-07; Ord. No. 08-88, 5-9-08)

SCHEDULE II. WEIGHT AND LOAD RESTRICTIONS

A. *Over 18,000 Pounds.*
1. Restrictions.
a. When signs are erected giving plainly visible notice, no person shall operate or drive, or cause to be operated or driven, any motor-truck over eighteen thousand (18,000) pounds licensed vehicle weight, manufacturer's rating, upon or along those streets designated by ordinance, including:

Street
Location

Alley (Ord. 09-182) Between First
Capital and Jackson
Foxhill Road (within City) (Ord. 00-47) From
North Drive to Boschertown Road
Fourth Street (Ord. 03-208) From
Tecumseh Street to Morgan Street
Graystone Drive (Ord. 06-287)
Muegge Road (Ord. 01-70) Old Highway
94 to Old Muegge Road
North Fifth Street (Ord. 04-97) From
Clark Street to Olive Street and

Bainbridge Street to Tecumseh Street
Riverbluff Drive (Ord. 92-172) From
South Main Street to Fifth Street
Rodeo Drive (Ord. 92-172)
Third Street (Ord. 92-172) From Morgan
Street to Olive Street
Wilshire Valley Boulevard (Ord. 92-172)
Wilshire Valley Drive (Ord. 92-172)
All local streets as determined by the latest current functional classification study performed for the City (Ord. 03-237)

b. Nothing herein contained shall be construed to impair the right to cross such streets within such limits of intersecting points, nor to enter such streets where it is required to deliver or pick up goods, wares or merchandise to a person or business resident upon such streets.

2. Any violation hereunder shall be subject to the general penalty clause for offenses punishable in the Municipal Court.

B. *Over 12,000 Pounds.*

1. *Restrictions.*

a. When signs are erected giving plainly visible notice, no person shall operate or drive, or cause to be operated or driven, any motor-truck over twelve thousand (12,000) pounds licensed vehicle weight, manufacturer's rating, except for motorcoaches, upon or along those streets designated by ordinance, including:

Street ***Location***	
Boone's Lick Road (Ord. 99-136)	From Fifth Street east to its terminus
Clark Street (Ord. 98-283)	From Main Street to Second Street
Elm Street (Ord. 07-59)	Between Kingshighway to Elm Point Industrial Drive
Main Street (Ord. 82-47)	From Boone's Lick Road to Madison Street
Riverside Drive (Ord. 98-283)	From Boone's Lick Road to North Main Street
South Main Street (Ord. 98-283)	From Boone's Lick Road to South River Road

b. Nothing herein contained shall be construed to impair the right to cross such streets within such limits of intersecting points, nor to enter such streets where it is required to deliver to or pick up goods, wares or merchandise from a person or business resident upon such streets.

2. Any violation hereunder shall be subject to the general penalty clause for offenses punishable in the Municipal Court.

C. *Exceptions.* No person shall drive or operate a truck or commercial vehicle licensed in excess of the established maximum vehicle weight as licensed by the State over the streets designated by ordinance; provided that this shall not apply to school buses, tour buses or vehicles delivering material, equipment or supplies to property along such designated streets. (R.O. 2009 Ch. 77 Sch. II; CC 1981 §§18-211--18-213; Ord. No. 82-47, 6-16-82; Ord. No. 85-211, 11-22-85; Ord. No. 92-172, 7-30-92; Ord. No. 98-283, 7-24-98; Ord. No. 99-136, 5-6-99; Ord. No. 00-47, 2-16-00; Ord. No. 01-70, 4-18-01; Ord. No. 03-208, 8-25-03; Ord. No. 03-237, 9-18-03; Ord. No. 04-97, 5-25-04; Ord. No. 05-182, 6-22-05; Ord. No. 06-287, 10-20-06; Ord. No. 07-59, 3-13-07; Ord. No. 09-182, 10-2-09)

SCHEDULE III. PARKING RESTRICTIONS

Table III-A. Parking Prohibited

Parking is prohibited at the following locations in accordance with the provisions of Section 350.190 of the Code of Ordinances of the City of St. Charles, Missouri. (Note: This list contains only those locations prescribed after January 1, 1982, as prescribed by Section 350.190. Even though they are not listed in this Schedule, all parking restrictions adopted by ordinance prior to January 1, 1982, are still in effect.)

Street	***Restriction***
Alley (Ord. 84-159)	Which runs in between and parallel to Riverside Drive and Main Street from a point 62 feet north of Monroe Street north 40 feet on the west side of the alley
Alley (Ord. 88-230)	Between Main Street and Second Street from First Capitol Drive to Madison Street, excepting therefrom the location of the loading zone along the east side of the alley which runs in between and parallel to Main Street and Second Street from the north curb line of First Capitol Drive north 160 feet
Alley (Ord. 09-182)	Along both sides located between and parallel to First Capitol Drive and Jackson Street from the western curb line of Seventh Street west 160 feet
Alley (Ord. 10-278)	Along both sides located between and parallel to Main Street and Second Street from Jackson Street to Tompkins Street
Apple Blossom Lane (Ord. 92-208)	In front of 3019 Apple Blossom Lane on the north side of Apple Blossom Lane
South side of Barbour Street (Ord. 03-324)	From Benton Avenue to South Sixth Street
Bayard Street (Ord. 87-236)	From Second Street east 155 feet on the north side of Bayard Street
North Benton Street (Ord. 86-8)	From Jefferson Street north 150 feet on both sides of North Benton Street
Berlekamp Drive (Ord. 84-62)	From Country Club Road east to Norwood Drive on the north side of Berlekamp Drive
Bogey Estates Drive (Ord. 84-161)	From Berlekamp Drive to Shadow Wood Drive on both sides of Bogey Estates Drive
Boone's Lick Road (Ord. 82-11)	From Fifth Street to First Capitol Drive on the north side of Boone's Lick Road
North side of Boone's Lick Road (Ord. 04-151)	From South Main Street to South Second Street
Cave Springs Road (Ord. 84-16)	From the south City limits line north to Ehlmann Road on both sides of Cave Springs Road
Cedarbrook Drive (Ord. 87-133)	West from the northern edge of West Clay Street north 60 feet on the east side of Cedarbrook Drive
Cedarbrook Drive (Ord. 87-133)	East starting at a point 75 feet north

of West Clay Street north 20 feet on the west side of Cedarbrook Drive

Chargene (Ord. 88-1) From West Clay Street 125 feet along the east side of Chargene

Chargene (Ord. 88-1) From West Clay Street 160 feet along the west side of Chargene

Chargene (Ord. 96-308) From West Clay Street to Chesstal on the west side of Chargene

Clark Street (Ord. 83-90) From the western curb line of Sixth Street west 157 feet on the south side of Clark Street

Clark Street (Ord. 86-80) From Benton Avenue eastwardly 24 feet on the northern side of Clark Street

Clark Street (Ord. 88-67) East 100 feet from the intersection of Clark Street and Benton Avenue along the north side of Clark Street

Clark Street (Ord. 97-168) From Second Street to Third Street on the south side of Clark Street

Clark Street (Ord. 93-27) From Sixth Street west 100 feet on the north side of Clark Street

Clark Street (Ord. 04-229) On south side from Fourth Street west 100 feet

Cole Boulevard (Ord. 86-109) From Droste Road south 65 feet on the west side of Cole Boulevard

Compton Parkway (Ord. 10-233) Within the hammerhead turnaround located 670 feet north of the western curb line of Eaton Drive at the terminus of Compton Parkway

Connie Drive (Ord. 96-166) The east curb line of Ruth Drive east 105 feet on the south side of Connie Drive

Country Club Road (Ord. 83-16) From Fairways Circle to Muegge Road on both sides of Country Club Road

Dardenne Street (Ord. 84-159) From a point 135 feet east of Rosebrae Drive west 175 feet on the north side of Dardenne Street

Decatur Street (Ord. 96-217) Beginning at a point 112 feet west of the west curb line of Second Street west 20 feet on the south side of Decatur Street

Deroy Lane (Ord. 92-57) Along both sides of Deroy Lane

Diekamp Lane (Ord. 01-218) From Old Highway 94 South west to its terminus on the north and west side of Diekamp Lane

Diekamp Lane (Ord. 07-165) On the south side starting at a point 1,070 feet west of Old Highway 94 westwardly 720 feet

Droste Road (Ord. 99-192) From Charbo Street to Glenco Drive on both sides of Droste Road

Droste Road (Ord. 87-236) From Glenco Drive east 100 feet on the north side of Droste Road

Droste Road (Ord. 93-247) From Norwich Drive east 180 feet on both

sides of Droste Road	
Droste Road (Ord. 93-247)	From Norwich Drive west 230 feet on both sides of Droste Road
Droste Road (Ord. 88-67)	East 100 feet and west 100 feet from the intersection of Droste Road and Ruth Drive along the south side of Droste Road
Droste Road (Ord. 98-123)	209 feet west of Ruth Drive east to Cole Boulevard on the south side of Droste Road
Droste Road (Ord. 86-331)	From Tilbury Lane to Zumbehl Road on both sides of Droste Road
Duchesne Drive (Ord. 84-110)	From the north curb line of Elm Street north 525 feet on the east side of Duchesne Drive
Duchesne Drive (Ord. 84-110)	From the north curb line of Elm Street north 465 feet on the west side of Duchesne Drive
Duchesne Drive (Ord. 96-13)	From Peggy Place north 135 feet on the west side of Duchesne Drive
Duchesne Drive (Ord. 11-39)	Along the west side from St. Robert Lane north 100 feet
East Arpent Street (Ord. 08-111)	Along the south side beginning at a point 200 feet east of the eastern curb line of Rue Royale eastwardly 30 feet
Elm Point Industrial Drive (Ord. 03-115)	From a point 100 feet north of Deerfield Drive south 670 feet on both sides of Elm Point Industrial Drive
Elm Street Drive (Ord. 92-8)	From Briarcliff Drive to its northeastern terminus along the north side of Elm Street Drive
Elm Street (Ord. 96-249)	From 253 feet east of Hunters Ridge west to Marie Drive on both sides of Elm Street
Fairgrounds Road (Ord. 83-16)	Boone's Lick Road south to the State maintenance facility on both sides of Fairgrounds Road
Fifth Street (Ord. 98-194)	From Adams Street north 50 feet on the east side of Fifth Street
Foxborough Circle (along the westside) (Ord. 05-132)	From the southern curb line of Riverchase Parkway south 100 feet
North Fifth Street (Ord. 03-273)	From Adams Street south 132 feet on the east side of North Fifth Street
South Fifth Street in the 1700 Block (Ord. 98-131)	From San Juan Drive to Rio Vista Drive along the east side of South Fifth Street
First Capitol Drive (Ord. 98-280)	From Oak Street east to a point 115 feet east of Ninth Street on the north side of First Capitol Drive
First Capitol Drive (Ord. 85-95)	From Main Street to Second Street along the south side of First Capitol Drive

First Capitol Drive (Ord. 98-280) From Eighth Street west 75 feet on the south side of First Capitol Drive
First Capitol Drive (Ord. 85-95) From Fourth Street to Fifth Street along the south side of First Capitol Drive
Forest Gate Drive (Ord. 04-235) From Rosewall Drive east 100 feet (both sides)
Forest Hills Drive (Ord. 90-139) Along the north side of Forest Hills Drive
Forest Hills Drive (Ord. 04-234) From Regency Parkway east 90 feet (south side)
Franklin Street (Ord. 01-217) From Fifth Street east to Fourth Street on the south side of Franklin Street
Franklin Street (Ord. 01-118) From Fifth Street west 150 feet on the south side of Franklin Street
Franklin Street (Ord. 02-164) From Sixth Street east 150 feet on the south side of Franklin Street
Gallaher Avenue (Ord. 88-17) From Hartford Place east 70 feet on the south side of Gallaher Avenue
Gamble Street (Ord. 87-53) From the north curb line of Watson Street north 137 feet along the east side of Gamble Street
Graystone Drive (Ord. 02-20) From the southern curb line of Zumbehl Road south 662 feet
Gustane Drive (Ord. 87-153) From Boone's Lick Road north 50 feet on the east side of Gustane Drive
Harry S. Truman Boulevard (Ord. 10-236) Beginning at a point 1,435 feet north of Ehlmann Road northwardly 2,280 feet on both sides
Harvest Ridge Drive (Ord. 03-139) From Kunze Drive south 430 feet on the west side of Harvest Ridge Drive
Hastings Way (Ord. 02-165) From a point 815 feet east of Elm Point Road east 75 feet on the north side of Hastings Way
Hastings Way (Ord. 01-270) West side from Runnymede Drive north 350 feet
Hawks Nest Drive (Ord. 92-9) From Falcons Way south to Lynnbrook Drive along the east side of Hawks Nest Drive
Hawks Nest Drive (Ord. 90-123) From Forest Gate Drive north 100 feet along the west side of Hawks Nest Drive
Hawks Nest Drive (Ord. 99-69) From Forest Gate Drive north 150 feet on the west side of Hawks Nest Drive
Hempstead Street (Ord. 08-111) Along the north side beginning at a point 145 feet from the western curb line of Canal Street westwardly 30 feet
Heritage Landing (Ord. 93-171) Right-of-way which runs from Heritage Landing northwardly 650 feet and is bordered to the east by Missouri State Route 94 South and to the west by Old State Route 94 South
Highway 94 South (Ord. 85-72) From Sherman Drive south 730 feet

on the east side of Highway 94 South

Jefferson Street (Ord. 89-199) From Fifth Street west 175 feet on the north side of Jefferson Street

Jefferson Street (Ord. 98-501) From Fifth Street west 200 feet on the south side of Jefferson Street

Jefferson Street (Ord. 93-234) From Kingshighway east 190 feet on the north side of Jefferson Street

Jefferson Street (Ord. 95-287) From the east curb line of Fifth Street east 100 feet on the south side of Jefferson Street

Jefferson Street (Ord. 07-216) On the south side beginning at a point 283 feet west of the western curb line of Fifth Street westwardly 70 feet

Jefferson Street (Ord. 10-279) On the south side from Fourth Street to Fifth Street

Kettering Drive (Ord. 95-4) From Hackmann Road southeastwardly 286 feet on the southwesterly side of Kettering Drive

Kingshighway (Ord. 86-109) 75 feet north and 75 feet south of its intersection with Bennett Avenue on the west side of Kingshighway

Kingshighway (Ord. 03-325) Beginning at a point 413 feet north of Park Avenue north 50 feet on the west side of Kingshighway

Lawrence Street (Ord. 02-23) From Second Street east 170 feet on the south side of Lawrence Street

Little Hills Expressway (Ord. 94-307) Along both sides of Little Hills Expressway

Little Hills Industrial Boulevard (Ord. 98-341) On the south side of Little Hills Industrial Boulevard

Little Hills Parkway (Ord. 96-18) On both sides of Little Hills Parkway

Madison Street (Ord. 01-67) From Fifth Street east 100 feet on the south side of Madison Street

Madison Street (Ord. 84-161) From the western curb line of Fifth Street west 325 feet on the north side of Madison Street

South Main Street (Ord. 96-216) From Reservoir Avenue to Riverbluff Drive on both sides of South Main Street

Main Street (Ord. 87-112) Starting at a point 145 feet north of Adams Street north 60 feet on the east side of Main Street

Marie Drive (Ord. 04-83) Along south side in front of 20 and 21 Marie Drive

North Main Street (Ord. 89-28) Beginning 183 feet north of the north curb line of Adams Street and continuing 58 feet in a northwardly direction

North Main Street (Ord. 90-23) From a point 150 feet south of the southern curb line of Clark Street north 20 feet on the west side of North Main Street

South Main Street (Ord. 03-221) From Reservoir Avenue north 100 feet on the east side of South Main Street

McDonough Street (Ord. 99-61)	From a point 140 feet west of South Main Street west 25 feet along the south side of McDonough Street
McDonough Street (Ord. 03-114)	From the eastern curb line of Fifth Street east 52 feet along the south side of McDonough Street
Mercantile Drive (Ord. 95-229)	From North Drive north to its terminus
Monroe Street (Ord. 96-77)	From the mid-block alley west to the eastern curb line of Fifth Street along the south side of Monroe Street
Monroe Street (Ord. 98-452)	Beginning at a point 125 feet east of Fourth Street east 45 feet on the north side of Monroe Street
Monroe Street (Ord. 06-169)	From North Fourth Street east 128 feet on the north side
Monroe Street (Ord. 93-226)	From Second Street east 51 feet on the north side of Monroe Street
Muegge Road (Ord. 83-16)	From Mexico Road to Old Highway 94 South on both sides of Muegge Road
Mueller Road (Ord. 83-5)	From the western edge of Boschertown Road west to the eastern edge of Airport Road on the south side of Mueller Road
Mueller Road (Ord. 97-167)	200 feet on either side of the Sysco Food Services truck entrance on the north side of Mueller Road
Mueller Road (Ord. 06-19)	From New Town Boulevard to Boschertown Road on both sides of Mueller Road
MO 370 and Elm Street/New Town Boulevard (Ord. 06-249)	Westbound MO 370 off-ramp to Elm Street/New Town Boulevard, a distance of 0.23 miles Westbound MO 370 on-ramp from Elm Street/New Town Boulevard, a distance of 0.16 miles Eastbound MO 370 off-ramp to Elm Street/New Town Boulevard, a distance of 0.20 miles Eastbound MO 370 on-ramp from Elm Street/New Town Boulevard, a distance of 0.30 miles
Ninth Street (Ord. 99-275)	From First Capitol Drive north 118 feet on the west side of Ninth Street
Oak Street (Ord. 85-72)	From First Capitol Drive south 150 feet on the west side of Oak Street
Old Highway 94 South (Ord. 86-228)	From Sherman Drive north approximately 200 feet to its terminus on both sides of Old Highway 94 South
Olive Street (Ord. 83-59)	From the eastern curb line of Fourth Street east to the western curb line of Third Street on the south side of Olive Street

Olson Drive (Ord. 85-234) On the north side of the street
Pam Avenue (Ord. 98-281) From Elm Street south 65 feet on the west side of Pam Avenue
Perry Street (Ord. 84-79) From the west curb line of Fifth Street west 150 feet on the north side of Perry
Perry Street (Ord. 84-79) From the west curb line of Fifth Street west 60 feet on the south side of Perry Street
Perry Street (Ord. 84-160) From the eastern curb line of Seventh Street east 36 feet on the south side of Perry Street
Pike Street (Ord. 92-277) From Fifth Street west 175 feet along the south side of Pike Street
Pike Street (Ord. 04-201) From South Main Street west 165 feet (south side)
Randolph Street (Ord. 10-237) On the south side from the western curb line of Madonna Drive west 158 feet
Riverchase Parkway (Ord. 05-132) South side from the western curb line of Foxborough Circle west 105 feet
Riverside Drive (Ord. 05-188) From Boone's Lick Road north to a point 105 feet north of First Capitol Drive on the east side of Riverside Drive
Riverside Drive (Ord. 05-188) From North Main Street south to a point 87 feet south of Monroe Street on the east side of Riverside Drive
Riverside Drive (Ord. 05-188) From North Main Street south to a point 46 feet south of First Capitol Drive on the west side of Riverside Drive
Riverside Drive (Ord. 05-188) From a point 835 feet south of First Capitol Drive south 285 feet on the west side of Riverside Drive
Riverside Drive (Ord. 05-188) From Boone's Lick Road north 685 feet on the west side of Riverside Drive
Rosebrae Drive (Ord. 86-248) From Dardenne Street to Esterling Drive on the south side of Rosebrae Drive
Rosewall Drive (Ord. 90-139) Along the north side of Rosewall Drive
St. George Lane (Ord. 03-274) From Duchesne Drive east 93 feet on the south side of St. George Lane
Second Street (Ord. 93-226) From Adams Street to Monroe Street on the east side of Second Street
Second Street (Ord. 83-5) From the northern curb line of Boone's Lick Road north to the southern curb line of McDonough Street on the west side of Second Street
Second Street (Ord. 93-254) From a point 47 feet south of Howard Street south 87 feet on the west side of Second Street
Second Street (Ord. 86-149) From Jackson Street south 50 feet along the west side of Second Street

Second Street (Ord. 97-82)	From Pike Street south 75 feet on the east side of Second Street
Second Street (Ord. 85-220)	On the west side of Second Street, from Wilkinson Street south 65 feet (1731 North Second Street)
Shadow Wood Drive (Ord. 84-161)	From Bogey Estates Drive south 430 feet on both sides of Shadow Wood Drive
Shady Wood Court (Ord. 94-92)	On the north side of the street and within the cul-de-sac portion of Shady Woods Court
Sherman Drive (Ord. 85-72)	From Highway 94 South east 500 feet on both sides of Sherman Drive
Shutten Street (Ord. 08-111)	Along the west side beginning at a point 119 feet north of the northern curb line of Galt House Drive northwardly 30 feet
Sibley Street (Ord. 84-110)	From the east curb line of Duchesne Drive east to the west curb line of Briarwood Court on the south side of Sibley Street
Sibley Street (Ord. 84-110)	From the east curb line of Duchesne Drive east 250 feet on the north side of Sibley Street
Sibley Street (Ord. 00-318)	From Gamble Street west to College Drive on the south side of Sibley Street
Sibley Street (Ord. 82-19)	From the western curb line of Houston Street to the eastern curb line of Anderson Street on the south side of Sibley Street
Sibley Street (Ord. 07-259)	On the north side from the western curb line of Kingshighway westwardly 75 feet
Sixth Street (Ord. 94-25)	From the northeast corner of Sixth and Jefferson north 18 feet on the east side of Sixth Street
Sixth Street (Ord. 83-16)	From the north curb line of Morgan Street north 145 feet on the west side of Sixth Street
Sixth Street (Ord. 86-109)	75 feet north and 75 feet south of its intersection with Monroe Street on both sides of Sixth Street
Sixth Street (Ord. 93-94)	From the north curb line of Perry Street north 115 feet on the west side of Sixth Street
Sixth Street (Ord. 03-222)	From a point 70 feet north of the northern curb line of Morgan Street, north 70 feet on the east side of Sixth Street
South Drive (Ord. 91-155)	Boone's Lick Road to its terminus at the Interstate 70 right-of-way, along the west side of South Drive
South Service Road (Bogey Road) (Ord. 85-87)	500 feet on either side of the entrance to the San Miguel Apartments on the south side of the South Service Road
South Seventh Street (Ord. 09-212)	On the east side from the southern curb line

of First Capitol Drive south 80 feet
Sunset Drive (Ord. 07-132) On the south side from the west curb line of St. Charles Avenue west 90 feet
Tenth Street (Ord. 89-210) From Jefferson Street to Washington Street on the east side of Tenth Street
Terrie Lane (Ord. 86-109) From Zumbehl Road north approximately 80 feet on both sides of Terrie Lane
Third Street (Ord. 97-83) From Monroe Street north 30 feet on the west side of Third Street
Third Street (Ord. 83-15) From the southern curb line of Tecumseh Street south 150 feet on the west side of Third Street
Third Street (Ord. 83-15) From the southern curb line of Tecumseh Street south 100 feet on the east side of Third Street
North Third Street (Ord. 01-240) West side both 100 feet north and south of its intersection with Emmons Avenue and Barthel Avenue
North Third Street (Ord. 88-176) From Tecumseh Street north 200 feet on the west side of North Third Street
North Third Street (Ord. 90-54) From Washington Street south 65 feet along the east and west side of North Third Street
North Third Street On the west side beginning at a point 62 feet north of Bainbridge Street northwardly 246 feet
Timberidge Drive (Ord. 92-278) Within the circular portion of the cul-de-sac at the western end of Timberidge Drive
Tompkins Street (Ord. 03-116) From the east curb line of First Capitol Drive east 210 feet on the north side of Tompkins Street and 240 feet on the south side of Tompkins Street
Vine Street (Ord. 84-15) From a point 430 feet south of Gallaher Street north 40 feet on both sides of Vine Street
Water Street (Ord. 88-80) From Fifth Street west to the alley on the north side of Water Street
Water Street (Ord. 89-210) From Fifth Street to Benton Avenue on both sides of Water Street
Water Street (Ord. 90-265) From Main Street west to the alley which runs in between and parallel to Main Street and Second Street on both sides of Water Street
Water Street (Ord. 02-293) On the south side from South Fourth Street west 170 feet
Watson Street (Ord. 86-64) From the east curb line of Gamble Street east 100 feet on the north side of Watson Street
Watson Street (Ord. 06-138) From the western curb line of Houston Street west 20 feet on the south side
Watson Street (Ord. 06-138) From the eastern curb line of Houston Street east 20 feet on the south side
Watson Street (Ord. 97-76) Between Houston and Lindenwood from the

west edge of the entrance to the Lindenwood University parking lot west 25 feet on the south side of Watson Street

Watson Street (Ord. 93-145) From Kingshighway west 80 feet on both sides of Watson Street

Watson Street (Ord. 07-194) On the south side beginning at a point 290 feet west of the western curb line of Kingshighway westwardly 110 feet

West Adams Street (Ord. 92-56) 18 feet east and west of the alley which runs in between and parallel to Kingshighway and Houston Street along the north and south side of West Adams Street

Westbury Drive (Ord. 84-70) From Chartom-Mar Drive west 710 feet on the south side of Westbury Drive

Westbury (Ord. 85-149) From the eastern intersection of West Clay Street and Westbury Drive south 150 feet on both sides of Westbury Drive

West Clay Street (Ord. 85-72) From a point 100 feet west of the western edge of Zumbehl Road west 200 feet on the north side of West Clay Street

West Clay Street (Ord. 85-72) From a point 850 feet west of the western edge of Zumbehl Road west 400 feet to the eastern edge of Campus Drive on the north side of West Clay Street

West Randolph Street (Ord. 85-72) From Boschertown Road east to the Norfolk & Southern Railway Crossing on both sides of West Randolph Street

Westborough Drive (Ord. 02-252) On either side from the northern curb line of Droste Road north 100 feet

Whitelake Drive (Ord. 03-5) From a point 235 feet east of Black Forest Drive east and south 135 feet on the south and west side of Whitelake Drive

Wild Goose Run (Ord. 98-164) From Country Club Road south 110 feet on the west side of Wild Goose Run

Wilshire Valley Drive (Ord. 97-338) From Wilshire Valley Boulevard north to its terminus on the east side of Wilshire Valley Drive

Zumbehl Road (Ord. 86-149) Between West Clay Street and Campus Drive on all City portions of Zumbehl Road

Table III-B. No Parking At Certain Times And Days

Location	***Restriction***
Clover Blossom Trail on the east side of Clover Blossom Trail (Ord. 95-228)	8:00 A.M. to 12:00 Noon Monday through Friday, excluding holidays, September through May
Diekamp Farm Trail from the main	8:00 A.M. to 12:00 Noon Monday through

Friday, excluding holidays, entrance across from Francis Howell North High School including the cul-de-sac area (Ord. 95-228)	September through May
Diekamp Farm Trail from the Diekamp	8:00 A.M. to 12:00 Noon Monday
through Friday, excluding holidays,	
Farm Trail entrance to a point approximately 100 feet south of Shady Woods Court on the west side of Diekamp Farm Trail (Ord. 95-228)	September through May
Diekamp Farm Trail in the 2900 Block	8:00 A.M. to 12:00 Noon Monday
through Friday, excluding holidays,	
on the north side of Diekamp Farm Trail (Ord. 95-228)	September through May
Diekamp Farm Trail from 2833 Diekamp	8:00 A.M. to 12:00 Noon Monday through
Friday, excluding holidays,	
Farm Trail through 2869 Diekamp Farm Trail on the east side of Diekamp Farm Trail (Ord. 95-228)	September through May
Red Clover Court in the area which	8:00 A.M. to 12:00 Noon Monday through
Friday, excluding holidays,	
currently has unrestricted parking (Ord. 95-228)	September through May
Shady Woods Court within the	8:00 A.M. to 12:00 Noon Monday
through Friday, excluding holidays,	
sac portion of Shady Woods Court on the north side of Shady Woods Court (Ord. 95-228)	September through May
Shirewood Drive from the first Woodbriar	8:00 A.M. to 12:00 Noon Monday through
Friday, excluding holidays,	
Lane intersection to the second Woodbriar Lane on both sides of Shirewood Drive (Ord. 94-251)	September through May
East Timothy Lane along both sides of	8:00 A.M. to 12:00 Noon Monday
through Friday, excluding holidays,	
East Timothy Lane (Ord. 94-282)	September through May
West Timothy Lane on the east side of	8:00 A.M. to 12:00 Noon Monday
through Friday, excluding holidays,	
cul-de-sac area (Ord. 02-294)	September through May
Treebeard Circle along both sides	8:00 A.M. to 12:00 Noon Monday through
Friday, excluding holidays,	
of Treebeard Circle (Ord. 99-930)	September through May
On the east side of Westborough Drive	8:00 A.M. to 12:00 Noon Monday
through Friday, excluding holidays,	
from Droste Road to Whitby Lane (Ord. 03-302)	September through May

Wagon Master on the east side of Wagon Master (Ord. 95-228)	8:00 A.M. to 12:00 Noon Monday through Friday, excluding holidays, September through May
Woodbriar Lane from Hackmann Road to the second Shirewood Drive intersection on both sides of Woodbriar Lane (Ord. 94-251)	8:00 A.M. to 12:00 Noon Monday through Friday, excluding holidays, September through May
Harvest Ridge Drive from Kunze Drive south 450 feet on the east side of Harvest Ridge Drive (Ord. 03-140)	7:00 A.M. to 4:00 P.M. except Saturdays, Sundays and holidays
Kunze Drive from Pralle Lane to Harvest Ridge Drive on the north side of Kunze Drive (Ord. 00-62)	7:00 A.M. to 4:00 P.M. except Saturdays, Sundays and holidays
Second Street from the northern curb line of Jackson Street north to First Capitol Drive on the west side of Second Street (Ord. 82-17)	7:00 A.M. to 4:00 P.M. except Saturdays, Sundays and holidays
First Capitol Drive from Second Street to Fourth Street on the south side of First Capitol Drive (Ord. 85-95)	Anytime on Monday through Saturday and anytime on Sunday except between 6:00 A.M. and 1:00 P.M.
Bluestone Drive for a point 112 feet south of Pralle Lane south 239 feet on the west side of Bluestone Drive (Ord. 98-338)	2:00 A.M. to 6:00 P.M.
Ferguson Street from Bennett Street to Park Avenue (800 Block of Ferguson Street) on the west side of Ferguson Street (Ord. 00-87)	8:00 A.M. to 2:30 P.M. Monday through Friday, excluding holidays during the months of September through May
Nantucket Drive from Mockingbird Drive to Norwich Drive (400 block of Nantucket Drive) (Ord. 04-260)	11:00 P.M. to 6:00 A.M. excluding Sundays and holidays
Gallagher Avenue from the western curb line of Mission Court west 185 feet on the north and south sides (Ord. 04-281)	11:00 P.M. to 6:00 A.M. excluding Sundays and holidays

Table III-C. Time Limits At Certain Times And On Certain Days

Location	***Restriction***
Adams Street from Riverside Drive to	2 hour limit, 9:00 A.M. to 6:00 P.M.excluding Sundays and holidays

Second Street on both sides of Adams Street (Ord. 99-334)	
Fourth Street from a point 18 feet south of First Capitol Drive south 130 feet on the east side and on the west side of Fourth Street from a point 18 feet south of First Capitol Drive south 125 feet (Ord. 04-200)	2 hour limit 9:00 A.M. to 6:00 P.M. excluding Sundays and holidays
Clark Street along the south side from a point 100 feet west of Fourth Street west to Fifth Street (Ord. 07-252)	2 hour limit 9:00 A.M. to 6:00 P.M. excluding Sundays and holidays
First Capitol Drive along both sides from Fifth Street to Kingshighway (Ord. 07-252)	2 hour limit 9:00 A.M. to 6:00 P.M.excluding Sundays and holidays
Jefferson Street from the alley which runs in between and parallel to Main Street and Second Street to Third Street along both sides of Jefferson Street (Ord. 82-7)	2 hour limit 9:00 A.M. to 6:00 P.M.excluding Sundays and holidays
Madison Street from Main Street to Second Street along both sides of Madison Street (Ord. 82-7)	2 hour limit 9:00 A.M. to 6:00 P.M.excluding Sundays and holidays
Main Street from a point 50 feet north of Adams Street north to Clark Street along the east side of Main Street (Ord. 82-7)	2 hour limit 9:00 A.M. to 6:00 P.M.excluding Sundays and holidays
Main Street from the south curb line of Adams Street south to a point 315 feet south of Jefferson Street on the east side of Main Street (Ord. 93-23)	2 hour limit 9:00 A.M. to 6:00 P.M.excluding Sundays and holidays
Main Street from the south curb line of Adams Street south to the north curb line of Jefferson Street on the west side of Main Street (Ord. 93-23)	2 hour limit 9:00 A.M. to 6:00 P.M.excluding Sundays and holidays
Main Street from Clark Street south 100 feet along the west side of Main Street (Ord. 82-7)	2 hour limit 9:00 A.M. to 6:00 P.M.excluding Sundays and holidays
Main Street from the north curb line of First Capitol Drive north 435 feet on the west side of Main Street (Ord. 93-23)	2 hour limit 9:00 A.M. to 6:00 P.M.excluding Sundays and holidays
Montgomery Street from Second Street west to	2 hour limit 9:00 A.M. to 6:00 P.M.excluding Sundays and holidays

the alley on the south side of Montgomery Street (Ord. 90-3)	
Along the west side of North Main Street from the north curb line of Adams Street, north 180 feet (Ord. 89-65)	2 hour limit 9:00 A.M. to 6:00 P.M.excluding Sundays and holidays
Second Street from a point 50 feet south of Madison Street south 163 feet on the west side of Second Street (Ord. 93-269)	2 hour limit 9:00 A.M. to 6:00 P.M.excluding Sundays and holidays
Second Street from Franklin Street to Montgomery Street along both sides of Second Street	2 hour limit 9:00 A.M. to 6:00 P.M.excluding Sundays and holidays
Second Street from Jefferson Street north 185 feet along the east side of Second Street (Ord. 82-7)	2 hour limit 9:00 A.M. to 6:00 P.M.excluding Sundays and holidays
Second Street from a point 50 feet north of Madison Street to Monroe Street along the west side of Second Street (Ord. 82-7)	2 hour limit 9:00 A.M. to 6:00 P.M.excluding Sundays and holidays
On the north side of Sibley Street from the alley which runs parallel to and between Kingshighway and Houston Street westwardly to the eastern line of Houston Street (Ord. 88-42)	2 hour limit 9:00 A.M. to 6:00 P.M.excluding Sundays and holidays
Washington Street from Second Street to Third Street along the south side of Washington Street. (Ord. 82-7)	2 hour limit 9:00 A.M. to 6:00 P.M.excluding Sundays and holidays
Ferguson Street from Bennett Avenue to Park Avenue, on the east side of Ferguson Street (Ord. 94-308)	2 hour limit 8:00 A.M. to 2:00 P.M.Monday through Friday, excluding holidays
Washington Street from a point 30 feet east of Fifth Street east 50 feet on the north side of Washington Street (Ord. 97-236)	2 hour limit 8:00 A.M. to 5:00 P.M. Monday through Friday, excluding holidays
Fifth Street from a point 180 feet north of Randolph Street north 24 feet on the west side of Fifth Street (Ord. 99-68)	15 minute limit 3:00 P.M. to 6:00 P.M.
Alley which runs in between and parallel to Main Street and Second Street from the north curb line of First Capitol Drive north 160 feet	30 minute limit (loading zone)

on the east side of the alley (Ord. 88-230)	
South Second Street from a point 43 feet north of First Capitol Drive north 80 feet on the west side (Ord. 04-247)	30 minute limit (loading zone)
Madison Street on the south side from a point 18 feet east of the eastern curb line of Kingshighway east 88 feet, and along the north side of Madison Street from a point 68 feet east of the eastern curb line of Kingshighway east 43 feet (Ord. 01-55)	2 hour limit 9:00 A.M. to 6:00 P.M.Monday through Friday, excluding holidays
South side of Madison Street starting at a point 30 feet west of the stop sign at Seventh Street and continuing westwardly 22 feet (Ord. 87-125)	2 hour limit 8:30 A.M. to 3:30 P.M.
Second Street on the west side from a point 100 feet north of the northern curb line of Jackson Street north 27 feet (Ord. 04-43)	15 minute limit (loading zone)
Sixth Street on the west side from a point 18 feet north of the northern curb line of Water Street north 42 feet (Ord. 07-60)	15 minute limit (loading zone)
Nantucket Drive from Mockingbird Drive to Norwich Drive (400 block of Nantucket Drive) (Ord. 04-260)	2 hour limit 6:00 A.M. to 11:00 P.M.excluding Sundays and holidays
Waverly Street, south side from a point 18 feet east of Lindenwood Avenue east 72 feet	15 minute loading zone 8:00 A.M. to 3:00 P.M.Monday through Friday, except holidays

Table III-D. Angle Parking

Location	*Restriction*
Third Street between Washington and Jefferson Streets along the east side of Third Street (Ord. 94-327)	45 degree angle
Monroe Street from the alley west of Main Street to Second Street on the north side of Monroe Street (Ord. 96-11)	60 degree angle with a 1 hour limit on Monday through Friday 9:00 A.M. to 6:00 P.M.
Evergreen Drive cul-de-sac (Ord. 08-156)	90 degree angle

Table III-E. Police Parking Only

Location	*Restriction*
Adams Street on the south side beginning at a point 30 feet east of Second Street heading east 95 feet (Ord. 03-236)	Police parking only 8:00 A.M. to 5:00 P.M.Monday through Friday

(R.O. 2009 Ch. 78 Sch. III; CC 1981 Sch. II; Ord. No. 82-7, 2-10-82; Ord. No. 82-11, 3-17-82; Ord. No. 82-17, 4-8-82; Ord. No. 82-19, 4-8-82; Ord. No. 83-5, 1-19-83; Ord. No.

83-15, 3-2-83; Ord. No. 83-16, 3-2-83; Ord. No. 83-59, 8-10-83; Ord. No. 83-90, 10-19-83; Ord. No. 84-15, 2-8-84; Ord. No. 84-16, 2-22-84; Ord. No. 84-62, 6-13-84; Ord. No. 84-70, 6-25-84; Ord. No. 84-79, 6-19-84; Ord. No. 84-110, 9-17-84; Ord. No. 84-159, 12-20-84; Ord. No. 84-160, 12-20-84; Ord. No. 84-161, 12-20-84; Ord. No. 85-72, 6-25-85; Ord. No. 85-87, 7-19-85; Ord. No. 85-95, 7-19-85; Ord. No. 85-149, 9-6-85; Ord. No. 85-220, 12-6-85; Ord. No. 85-234, 12-20-85; Ord. No. 86-8, 1-8-86; Ord. No. 86-64, 3-21-86; Ord. No. 86-80, 4-18-86; Ord. No. 86-109, 5-22-86; Ord. No. 86-149, 6-20-86; Ord. No. 86-228, 8-20-86; Ord. No. 86-248, 9-20-86; Ord. No. 86-331, 12-15-86; Ord. No. 87-53, 3-12-87; Ord. No. 87-112, 5-20-87; Ord. No. 87-125, 6-11-87; Ord. No. 87-133, 6-19-87; Ord. No. 87-153, 7-23-87; Ord. No. 87-236, 12-2-87; Ord. No. 88-1, 1-8-88; Ord. No. 88-17, 2-4-88; Ord. No. 88-42, 3-16-88; Ord. No. 88-67, 5-5-88; Ord. No. 88-80, 5-19-88; Ord. No. 88-176, 9-21-88; Ord. No. 88-230, 11-16-88; Ord. No. 89-28, 2-8-89; Ord. No. 89-65, 4-5-89; Ord. No. 89-199, 10-18-89; Ord. No. 89-210, 11-8-89; Ord. No. 90-3, 1-3-90; Ord. No. 90-23, 2-7-90; Ord. No. 90-54, 3-7-90; Ord. No. 90-123, 5-17-90; Ord. No. 90-139, 6-6-90 (Effective December 1990); Ord. No. 90-265, 10-17-90; Ord. No. 91-155, 8-21-91; Ord. No. 92-8, 1-23-92; Ord. No. 92-9, 1-23-92; Ord. No. 92-56, 4-14-92; Ord. No. 92-57, 4-14-92; Ord. No. 92-208, 9-3-92; Ord. No. 92-277, 11-12-92; Ord. No. 92-278, 11-12-92; Ord. No. 93-23, 2-3-93; Ord. No. 93-27, 2-26-93; Ord. No. 93-94, 5-5-93; Ord. No. 93-145, 6-23-93; Ord. No. 93-171, 7-21-93; Ord. No. 93-226, 10-6-93; Ord. No. 93-234, 10-20-93; Ord. No. 93-247, 11-3-93; Ord. No. 93-254, 11-3-93; Ord. No. 93-269, 11-17-93; Ord. No. 94-25, 2-2-94; Ord. No. 94-92, 4-20-94; Ord. No. 94-251, 9-22-94; Ord. No. 94-282, 10-19-94; Ord. No. 94-307, 11-16-94; Ord. No. 94-308, 11-16-94; Ord. No. 94-327, 12-14-94; Ord. No. 95-4, 1-4-95; Ord. No. 95-228, 9-6-95; Ord. No. 95-229, 9-6-95; Ord. No. 95-287, 10-18-95; Ord. No. 96-11, 1-18-96; Ord. No. 96-13, 1-18-96; Ord. No. 96-18, 1-18-96; Ord. No. 96-77, 3-6-96; Ord. No. 96-166, 6-5-96; Ord. No. 96-216, 7-17-96; Ord. No. 96-217, 7-17-96; Ord. No. 96-249, 9-11-96; Ord. No. 96-308, 10-16-96; Ord. No. 97-76, 3-24-97; Ord. No. 97-82, 3-24-97; Ord. No. 97-83, 3-24-97; Ord. No. 97-167, 5-22-97; Ord. No. 97-168, 5-22-97; Ord. No. 97-236, 7-16-97; Ord. No. 97-338, 10-9-97; Ord. No. 97-362, 10-22-97; Ord. No. 98-123, 3-9-98; Ord. No. 98-131, 3-23-98; Ord. No. 98-164, 4-22-98; Ord. No. 98-194, 5-6-98; Ord. No. 98-280, 7-24-98; Ord. No. 98-281, 7-24-98; Ord. No. 98-338, 8-20-98; Ord. No. 98-341, 8-20-98; Ord. No. 98-452, 10-22-98; Ord. No. 98-501, 12-1-98; Ord. No. 99-61, 2-17-99; Ord. No. 99-68, 2-17-99; Ord. No. 99-69, 2-17-99; Ord. No. 99-192, 6-3-99; Ord. No. 99-275, 8-11-99; Ord. No. 99-334, 9-23-99; Ord. No. 99-390, 11-18-99; Ord. No. 00-62, 2-16-00; Ord. No. 00-87, 4-5-00; Ord. No. 00-318, 11-27-00; Ord. No. 01-55, 3-9-01; Ord. No. 01-67, 4-18-01; Ord. No. 01-118, 6-8-01; Ord. No. 01-217, 9-21-01; Ord. No. 01-218, 9-21-01; Ord. No. 01-240, 10-19-01; Ord. No. 01-270, 11-30-01; Ord. No. 02-20, 2-6-02; Ord. No. 02-23, 2-6-02; Ord. No. 02-164, 7-9-02; Ord. No. 02-165, 7-9-02; Ord. No. 02-252, 10-21-02; Ord. No. 02-293, 12-18-02; Ord. No. 02-294, 12-18-02; Ord. No. 03-5, 1-8-03; Ord. No. 03-114, 5-27-03; Ord. No. 03-115, 5-27-03; Ord. No. 03-116, 5-27-03; Ord. No. 03-139, 6-20-03; Ord. No. 03-140, 6-20-03; Ord. No. 03-221, 9-3-03; Ord. No. 03-222,9-3-03; Ord. No. 03-236, 9-18-03; Ord. No. 03-273, 10-23-03; Ord. No. 03-274, 10-23-03; Ord. No. 03-302, 11-26-03; Ord. No. 03-324, 12-23-03; Ord. No. 03-325, 12-23-03; Ord. No. 04-43, 2-23-04; Ord. No. 04-83, 4-26-04; Ord. No. 04-151, 7-23-04; Ord. No. 04-200, 8-27-04; Ord. No. 04-201, 8-27-04; Ord. No. 04-229, 9-10-04; Ord. No. 04-234, 9-23-04; Ord. No. 04-235, 9-23-04; Ord. No. 04-247, 11-5-04;

Ord. No. 04-260, 11-8-04; Ord. No. 04-281, 12-13-04; Ord. No. 05-57, 2-25-05; Ord. No. 05-132, 5-13-05; Ord. No. 05-188, 7-1-05; Ord. No. 05-213, 7-26-05; Ord. No. 06-19, 1-23-06; Ord. No. 06-124, 5-4-06; Ord. No. 06-138, 6-14-06; Ord. No. 06-169, 6-30-06; Ord. No. 06-249, 9-11-06; Ord. No. 07-60, 3-13-07; Ord. No. 07-132, 5-9-07; Ord. No. 07-165, 6-12-07; Ord. No. 07-192, 7-16-07; Ord. No. 07-194, 7-20-07; Ord. No. 07-216, 8-23-07; Ord. No. 07-251, 10-5-07; Ord. No. 07-252, 10-5-07; Ord. No. 07-259, 10-5-07; Ord. No. 08-111, 6-4-08; Ord. No. 08-156, 8-18-08; Ord. No. 09-126, 7-8-09; Ord. No. 09-182, 10-2-09; Ord. No. 09-212, 12-3-09; Ord. No. 10-86 §1, 5-5-10; Ord. No. 10-233 §1, 11-10-10; Ord. No. 10-236 §1, 11-10-10; Ord. No. 10-237 §1, 11-10-10; Ord. No. 10-278 §1, 12-21-10; Ord. No. 10-279 §1, 12-27-10; Ord. No. 11-33 §1, 3-4-11; Ord. No. 11-39 §1, 3-16-11; Ord. No. 11-108 §1, 6-9-11)

SCHEDULE IV. MUNICIPAL PARKING LOT RESTRICTIONS

A. *Restricted Parking Lots.* When signs are erected giving plainly visible notice, no person shall park a vehicle on the following municipally-owned and operated parking lots as follows:

Location	***Restrictions***
West of Riverside and south of Monroe Street (Old Gas Lot Parking Lot) (Ord. 99-354)	Parking for all spaces on the southwest corner of Riverside Drive and Monroe Street shall be no longer than 3 consecutive hours per day Monday through Friday from 8:00 A.M. to 4:00 P.M.
East side of the 300 block of North Main Street (Bandbox Lot) (Ord. 99-226)	No longer than 3 consecutive hours per day Monday through Friday from 8:00 A.M. to 4:00
East of Riverside Drive at Monroe Street (Farmers Market Lot) (Ord. 99-226, 00-269, 04-227, 05-06)	The 27 western most parking spaces are designated as 3 hour parking from 8:00 A.M.to 4:00 P.M. Monday through Friday
East of Second Street between Jefferson Street and Madison Street (Old County Jail Parking Lot) (Ord. 99-226, 00-269)	Permit parking only from 8:00 A.M. to 4:00 P.M. Monday through Friday
West of Riverside Drive at Jefferson Street (Jefferson Street Parking Lot) (Ord. 03-192, 05-06)	The 51 westernmost parking spaces are designated as 3 hour parking from 8:00 A.M. to 4:00 P.M. Monday through Friday
Riverside Drive and north of First Capitol Drive (Tourism Lot) (Ord. 99-226)	No longer than 3 consecutive hours per day Monday through Friday, 8:00 A.M. to 4:00 P.M.

Along Riverside Drive south of First Capitol Drive to Pike Street (Riverside Lot) (Ord. 99-226)	No longer than 6 consecutive hours per day from 7:00 A.M. to 5:00 P.M.

B. *Unrestricted Parking Lots.* The following parking lots have no time restrictions on parking:

Location	***Restrictions***
Riverside Drive and Perry Street (Ord. 92-36)	None
East of Second Street at the corner of Second and Water Streets (Ord. 92-36)	None
West of Second Street at Second and Water Streets (except for the necessary spaces to be used for bus parking as indicated by the proper bus parking signs) (Ord. 92-36)	None

C. *Bus Parking.* No buses shall be parked in any of the municipal parking lots, except in the properly posted spaces in the parking lot as follows:

Location

West of Second Street at Second and Water Street (Ord. 92-36)
West of Riverside Drive and North of First Capitol Drive (Ord. 92-36)
Riverfront Parking Lot located near Riverside Drive and South Main Street (Ord. 92-36)

D. *Penalty.* Any person who parks in the area in excess of the posted time limits, upon conviction thereof, shall be fined not less than ten dollars ($10.00) nor more than fifty dollars ($50.00).

(R.O. 2009 Ch. 78 Schedule I; CC 1981 §§18-325--18-326, 18-328--18-329; Ord. No. 92-36, 3-4-92; Ord. No. 99-226, 6-21-99; Ord. No. 99-354, 10-7-99; Ord. No. 00-269, 9-21-00; Ord. No. 03-192, 8-4-03; Ord. No. 04-227, 9-10-04; Ord. No. 05-06, 1-11-05)

Cross Reference--As to municipal parking lots and garages--regulations, prohibitions, fees and the like, §350.050.

TITLE IV. LAND USE

CHAPTER 400: ZONING CODE

ARTICLE I. GENERAL PROVISIONS

SECTION 400.010: TITLE
This Chapter shall be known as the "Zoning Ordinance for the City of St. Charles, Missouri". (R.O. 2009 §156.001; CC 1981 §30-1; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98)

SECTION 400.020: APPLICABILITY
For the purpose of promoting health, safety, morals and the general welfare of the community, the City Council hereby places regulations and restrictions upon the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, the preservation of features of historical significance and the location and use of buildings, structures and land for trade, industry, residence or other purposes. (R.O. 2009 §156.002; CC 1981 §30-2; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98)

SECTION 400.030: PURPOSE
These regulations are intended to be in general accordance with the Comprehensive Plan and are designed to:

1. Lessen congestion in the streets;
2. Secure safety from fire, panic and other dangers;
3. Promote health and the general welfare;
4. Provide adequate light and air;
5. Prevent the overcrowding of land;
6. Avoid undue concentration of population;
7. Preserve features of historical significance;
8. Facilitate the adequate provision of transportation, water, sewerage, sewage, schools, parks and other public services. (R.O. 2009 §156.003; CC 1981 §30-3; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98)

SECTION 400.040: CONFLICTING PROVISIONS
Whenever any provision of these regulations imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of these regulations shall govern. (R.O. 2009 §156.004; CC 1981 §30-4; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98)

SECTION 400.050: DEFINITIONS
For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE: An item is abandoned, wrecked, dismantled or inoperative if it meets one (1) or more of the following criteria:

1. Does not possess an engine, when an engine is necessary for its operation as designed.
2. Has one (1) or more flat or missing tires.
3. Is incapable of being operated for lack of a major component.

4. Is missing significant body parts such as the hood, fender, cab, door or trunk lid.
5. Is a vehicle which does not have lawfully affixed thereto an unexpired license plate and a current motor vehicle safety inspection certificate.
6. Is a boat or a trailer which is not currently licensed.
7. Windows are broken or missing.
8. The body of the vehicle is significantly rusted.

ACCESSORY BUILDING: A freestanding, separate building which is devoted exclusively to an accessory use. Any building that is customarily incidental to an agricultural use is an accessory building even though it may not be on the same lot as the main building. See Figure 1 following this Section. In residential zoning districts, accessory buildings shall include, but are not limited to, greenhouses, tool sheds, swimming pool cabanas, gazebos, unattached carports and unattached garages.

ACCESSORY USE: A use which is incidental or customary to the principal use and is on the same lot as the principal use.

ADULT DAY CARE FACILITY: A facility designed to provide care and supervision to meet the needs of five (5) or more functionally impaired adults for periods of less than twenty-four (24) consecutive hours, but more than two (2) hours per day in a place other than the adult's home.

AGRICULTURAL USE: The growing of crops or the raising of livestock or poultry. The feeding or disposal of community or collected garbage shall not be deemed an agricultural use, nor shall the raising of fur-bearing animals, riding academies, livery or boarding stables or dog kennels be so considered.

ALLEY: A public or private road which has neither a designated name nor postal address.

ALTERATION: See *"STRUCTURAL ALTERATION"*.

APARTMENT: One (1) of two (2) or more units within a single structure with each unit containing one (1) or more rooms used as a single-family dwelling.

ARBORIST: A person trained in the art and science of planting, caring for and maintaining individual trees.

ARCADE: A building housing an amusement place with pinball, skee ball, video games or similar activities.

AUTOMOBILE: Shall have the same meaning as *"motor vehicle"* defined in Section 300.010 of this Code.

AUTOMOBILE SERVICE STATION: Any place of business with pumps and underground storage tanks, primarily engaged in the retail servicing of motor vehicles with fuels and lubricants. Convenience stores with fuel pumps are also regulated as automobile service stations.

BASEMENT: A portion of the building partly underground, but having less than half its clear height below the average grade of the adjoining ground. See *"CELLAR"* and Figure 2 following this Section.

BED AND BREAKFAST: A building having not more than six (6) guests, where travelers for compensation are lodged for sleeping purposes and are provided a morning meal.

BLOCK: A land area which consists of contiguous lots or property fronting on a street and is between two (2) intersecting streets.

BOARD OF ADJUSTMENT: A body of persons which may determine and vary this Chapter in accordance with the rules contained in Sections 400.1060 et seq.

BOARDING HOUSE: A building occupied as a single housekeeping unit, where lodging

or meals are provided for more than three (3) persons for compensation, pursuant to previous arrangements, but not for the public or transients; or a building occupied as a group home by more than three (3) persons, each of whom is either a recovering alcoholic or a recovering drug addict.

BOAT: Any device used or capable of being used for navigation on water.

BUILDABLE AREA: The space remaining after the minimum open space requirements of these regulations have been complied with.

BUILDING: Any structure, having a roof supported by columns or walls, for the housing or enclosure of persons, animals or properties. "Building" or "structure" includes any part thereof and "building" includes "structure". See also *"STRUCTURE"*.

BUILDING, HEIGHT OF: See *"HEIGHT OF BUILDINGS"*.

BUILDING LINE: A line parallel to the street right-of-way line and distant from it at least the minimum depth of the required front yard.

BUILDING, PRINCIPAL OR MAIN: The building on a lot which houses the principal use of the lot.

CAMPER SHELL: Any unit primarily designed as temporary living quarters for recreation, camping, travel use or an enclosed space which is capable of being occupied and is attached or designed to be attached to the bed or frame of a truck or similar self-powered vehicle.

CAR WASH: A building or portion thereof, the primary purpose of which is that of washing motor vehicles.

CELLAR: The portion of the building, partly underground, having half or more than half of its clear height below the average grade of the adjoining ground. See Figure 2 following this Section.

CERTIFICATE OF APPROPRIATENESS: A certificate issued by the HLPARB indicating its approval of plans for alteration or construction of a landmark or of a structure within a historic district or a certificate issued by the Planning and Zoning Commission indicating its approval of plans for construction of structures in areas outside the historic districts.

CERTIFICATE OF DEMOLITION OR REMOVAL: A certificate of appropriateness issued by the HLPARB authorizing the demolition or removal of a landmark or of a structure within a historic district.

CERTIFIED ARBORIST: An arborist certified by the International Society of Arboriculture (ISA). Certification requires a minimum of three (3) years experience and passing a comprehensive examination administered by ISA.

CHURCH: A building principally used for religious purposes, which shall include, but not be limited to, rectories, parish houses, convents and monasteries, temples and synagogues.

CLINIC: A building used by two (2) or more health practitioners or chiropractors for consulting and treating patients who are not lodged overnight in the building.

CLOTHING DROP BOX: A box, building, trailer or other receptacle that is intended for use as a collection point for donated clothing or other household materials at times when no employee or representative of the sponsoring company or organization is present to accept donations.

CLUB, PRIVATE: Buildings and facilities owned or operated by a corporation, association or person for members to engage in social, educational or recreational

activities and not accessible to persons other than members or their guests.
COMPREHENSIVE PLAN: A plan as defined by the State Statutes and State courts under State zoning laws.
CONDITIONAL USE: A use listed as such in this Chapter and which may be permitted in a specified district as set forth; such conditions shall be determined in each case by the terms of this Chapter with the recommendation of the Planning and Zoning Commission and approval of the City Council and in accordance with the procedures specified in Sections 400.980 et seq.
CONDOMINIUM DEVELOPMENT: Any development of property, pursuant to the provisions of Chapter 448, RSMo., which now exists or hereafter shall exist.
CONGREGATE CARE FACILITY: An establishment used as a dwelling place by the aged, infirm, chronically ill or incurably afflicted persons in which not less than eight (8) persons live or are kept or provided for on the premises, for compensation, excluding other similar facilities otherwise listed or defined within this Chapter.
CONSTRUCTION: The erection, alteration, repair, renovation, demolition or removal of any building or structure; and the excavation, filling, grading and regulation of lots in connection therewith.
CONTRACTOR'S EQUIPMENT: The construction machinery, tools, derricks, hoists, scaffolds, platforms, runways, ladders and all material handling equipment safeguards and protective devices used in construction operations.
CONVALESCENT HOME: See *"CONGREGATE CARE FACILITY"*.
COURTYARD: An open space around which is a single building or a group of related buildings.
CURB LEVEL: The mean level of the curb in front of the lot or, in case of a corner lot, along that abutting street where the mean curb level is the highest.
DAY CARE FACILITY: A place for reception, care, training or instruction of five (5) or more children, not of common parentage, residing therein, regardless of sex, under the age of eighteen (18) years, for compensation or otherwise, provided that nothing herein contained shall be construed as applying to the regularly established public or parochial schools, colleges, universities, academies or seminaries or other schools of institutions organized under and by virtue of the laws of the United States or the State of Missouri and under the supervision of the duly constituted authorities thereof. Examples of such uses include:
Family day care homes;
Day care centers;
Preschool centers;
Nursery schools;
Child play centers,
Child education centers; and
Child experiment stations or child development institutions.
DAY SPA: A business establishment which provides personal care treatments such as massages, body wraps, aromatherapy, facial cleansing, manicures, pedicures and hair styling. A day spa is only visited for the duration of the treatment.
DBH: The diameter of a tree at breast height which shall be measured at four and one-half (4½) feet above ground.
DEMOLITION: Any act or process which destroys, in part or the majority of, any

structure.
DEMOLITION BY NEGLECT: The omission of maintenance or repair to a structure which threatens to destroy that structure.
DENSITY: The number of dwelling units erected or permitted on an acre of land.
DESIGN GUIDELINE: A standard of appropriate activity that will preserve the historic and architectural character of a structure or area.
DISTRICT: An area designated by the City Council as an area in which only certain zoning regulations apply.
DIVERSION: A channel with or without a supporting ridge on the lower side constructed across or at the bottom of a slope.
DOG KENNEL, COMMERCIAL: A facility which houses, boards, breeds or trains three (3) or more dogs.
DORMITORY: A building devoted exclusively to living facilities, in which each person residing in each living unit shall be a duly registered student in any accredited school, college or university, the spouse of such student or a management employee. Such living facilities may contain sleeping rooms for use of one (1) or more persons, provided that there is 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.
DRAINAGEWAY: Any waterway, ditch or course, either natural or artificial, which collects and drains surface water.
DRIVE-IN: A structure or facility which is used to provide service to a patron while seated in or on a vehicle.
DWELLING, MULTIPLE-FAMILY: A building containing three (3) or more dwelling units, but not including group living arrangements, hotels, motels, apartment hotels, rooming houses, boarding houses, nursing homes, town houses or row dwellings.
DWELLING, ROW OR TOWN HOUSE: A building containing three (3) or more dwelling units having no common entrances or hallways with each dwelling unit having a front and rear entrance.
DWELLING, SINGLE-FAMILY: A building containing only one (1) dwelling unit.
DWELLING, TWO-FAMILY: A building containing two (2) dwelling units, independent of each other.
DWELLING UNIT: One (1) or more rooms designed, occupied or intended for occupancy as separate living quarters with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.
EASEMENT: A designated parcel of land on, over or under which a liberty, privilege or advantage for use of land is dedicated and distinct from ownership of the land and granted either to the public, a particular person or firm or a combination of both.
EFFICIENCY UNIT: A dwelling unit consisting of one (1) room exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room.
ERECTED: Construction or reconstruction of a building or structure including excavating, land filling, pouring concrete or cutting, forming or altering building materials on the lot where the building is located or is to be located.
EROSION: The wearing away of the land surface by the action of wind, water or gravity.

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public utilities, governmental departments or commissions of underground, surface or overhead gas, communication, electrical, steam, fuel or water transmission or distribution systems, sewers, pipes, conduits, cable, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities, governmental departments or commissions for the general public health, safety, convenience or welfare.
ESTABLISHMENT: An economic unit where business is conducted or services or industrial operations performed.
EXCAVATION OR CUT: The removal, stripping or disturbance of soil, earth, sand, rock, gravel or other similar substances from the ground.
EXEMPTED QUANTITY: For each hazardous substance, a weight less than the Final Reportable Quantity listed on the U.S. Environmental Protection Agency's List of Hazardous Substances, 40 CFR 302.4. For each extremely hazardous substance, a weight less than the Reportable Quantity listed on the U.S. Environmental Protection Agency's List of Extremely Hazardous Substances, 40 CFR 355, Appendix A. For any liquid petroleum product not listed as a hazardous or extremely hazardous substance, a quantity of sixty (60) gallons or less. Where regulated substances are dissolved in or mixed with other non-regulated substances, only the actual quantity of the regulated substance present shall be used to determine compliance with the provisions of this Chapter. The exempted quantity shall be measured as the total quantity of that substance per facility at any one (1) time.
EXTERIOR ARCHITECTURAL APPEARANCE: The architectural character and general composition of the exterior of a structure including, but not limited to, the kind, color and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs and appurtenant elements.
EXTERIOR ARCHITECTURAL FEATURE: Decoration or supporting member of a structure, such as porches, porch rails, brackets, cornices, which display accoutrements or characteristics of a special architectural style or school.
EXTREMELY HAZARDOUS SUBSTANCE: See *"REGULATED SUBSTANCE"*.
FACILITY: All buildings, equipment, structures and other stationary items that are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled by or under common control with such person). The term *"facility"* shall include manmade structures in which chemicals are purposefully placed or removed through human means such that it functions as a containment structure for human use. For the purposes of Section 400.320 Wellhead Protection District, the term includes motor vehicles, rolling stock and aircraft.
FAMILY: One (1) or more persons who are related by blood, marriage or adoption, living together and occupying a single housekeeping unit with single kitchen facilities or a group of persons living together and occupying a single housekeeping unit with single kitchen facilities, of which group no person shall be unrelated to more than two (2) persons in the group or any group of people related by blood, marriage or adoption and one (1) other unrelated person.
FARM: A tract of land used for agricultural activities having thereon an agricultural use.
FENCE: An artificially constructed barrier erected to enclose, divide or screen areas of land. Ornamental dividers of plastic, chains, posts or like materials erected along

driveway or sidewalks shall not be considered a fence.
FILLING: The depositing or dumping of any matter on or into the ground, except the deposits resulting from common household gardening or deposits on farms for agricultural use.
FILLING STATION: See *"AUTOMOBILE SERVICE STATION"*.
FLOOR AREA: The square feet of floor space within the outside line of walls and including the total of all floor space on all stories of a building including a finished basement. It does not include porches, garages, cellars, utility areas, unfinished attics, accessory buildings or space in a basement, when such space is used for storage or incidental uses.
FLOOR AREA RATIO: The total square feet of floor area in a structure divided by the total square feet of land area in the lot or tract on which the structure is located. See Figure 3 following this Section.
FREE FOOD DISTRIBUTION: A facility offering food and/or personal care items at little or no cost to clients.
FRONTAGE: All property on one (1) side of a street between two (2) intersecting streets (crossing or terminating) measured along the right-of-way line of the street; or, if the street is dead-ended, then all of the property abutting on one (1) side between an intersecting street and the dead-end of the street.
GARAGE, PARKING: A building or portion thereof, except a private garage, providing parking and/or storage for motor vehicles.
GARAGE, PRIVATE: An accessory building for parking or storage of motor vehicles.
GENERATOR: A machine that converts mechanical energy into electrical energy. A generator may be permanently installed on the site on which it is to serve.
GRADE ELEVATION: The elevation determined by averaging the elevations of the finished ground at all the corners of the perimeter walls of the building.
GRADING: Any excavation or filling or combination thereof.
GREENBELT: A visual barrier composed of evergreen plants, trees and grass arranged to form both a low level and a high level screen. No dedicated right-of-way shall be used as a part of any greenbelt.
GROUND WATER: Underground water which is at an elevation below the water table and within the zone of saturation.
GROUP LIVING ARRANGEMENT: A facility for the care or treatment of persons under supervision either for or not for compensation. "Group living arrangements" include, but are not limited to the following:

1. *GROUP CARE HOME FOR MENTALLY HANDICAPPED CHILDREN:* A facility which provides care, treatment or custody for four (4) to nine (9) mentally handicapped children under the age of sixteen (16) years and affords the opportunity for utilization of community educational, recreational and health facilities and which is licensed as a group care home under Chapter 202, RSMo.
2. *GROUP HOME FOR FOSTER CARE:* Any private residence licensed by the Division of Family Services or Department of Mental Health to provide foster care to one (1) or more but less than seven (7) children who are unrelated to either foster parent by blood, marriage or adoption.
3. *GROUP HOME FOR MENTALLY OR PHYSICALLY HANDICAPPED:* Any home in which eight (8) or fewer mentally or physically handicapped persons

reside and may include two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home.

4. *RESIDENTIAL CARE FACILITY:* A residential institution, whether operated for profit or not, which provides personal care, custody or treatment for five (5) or more individuals not related to the operator, who, for reasons of illness, mental handicap, advanced age or physical handicaps, are unable to care for themselves.

HALFWAY HOUSE: A residential facility primarily for persons who have been institutionalized for various reasons and released and require the temporary protection of a group setting to facilitate the transition to society.

HALFWAY HOUSE FOR YOUNG OFFENDERS: A not-for-profit institution which primarily serves individuals between the ages of seventeen (17) and twenty-five (25) who have not been imprisoned (except for "shock probation" terms) and have not been convicted of adult or juvenile violent crimes (as defined by the Missouri Department of Corrections), which has twenty-four (24) hour on-duty staff and which is designed to provide an alternative to prison for young offenders.

HANDBILL: An announcement of an activity printed on paper and intended to be "handed out".

HAZARDOUS SUBSTANCE: See *"REGULATED SUBSTANCE"*.

HEIGHT OF BUILDINGS: The vertical distance measured from the highest of the following three (3) levels:

1. Street curb level;
2. Center of the street in case of no street curb; or
3. Grade elevation.

To one (1) of the following:

1. For flat roofs with a 1:12 pitch or less, the highest point of the roof; or
2. For all other roofs, the mean (average) height level of the top of the wall and the main ridge of the roof.

HISTORIC DISTRICT: An area designated as a historic zoning district overlay by an ordinance of the City Council and which may contain within definable geographic boundaries one (1) or more landmarks and which may have within its boundaries other properties or structures which, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district.

HISTORIC LANDMARKS PRESERVATION AND ARCHITECTURAL REVIEW BOARD: A body of persons which shall have only those powers granted to them by the Code of Ordinances of the City of St. Charles, Missouri, including the power to review, inspect, investigate and study any site, building or historical structure which is a historical or architectural landmark, in accordance with this Code of Ordinances. Whenever the term *"HLPARB"* is used in this Chapter, such words shall mean the Historic Landmarks Preservation and Architectural Review Board.

HLPARB: The St. Charles Historic Landmarks Preservation and Architectural Review Board.

HOME OCCUPATION: An occupation which is incidental and secondary to the use of the premises for dwelling purposes. See Section 400.430.

HOMELESS SHELTER: See *"TEMPORARY SHELTER"*.

HOSPITAL: A building having room facilities for overnight medical patients, a staff of physicians and nurses, surgical facilities and other related services.
HOTEL, MOTEL, MOTOR COURT OR MOTOR LODGE: A building or group of buildings containing six (6) or more guest rooms in which lodging or accommodation is offered to the public for compensation and is provided to transients. Such building or group of buildings may include restaurants, taverns or club rooms, public banquet halls, ballrooms and meeting rooms as subordinate uses.
INDOOR FIREARM RANGE: Any rifle, pistol, silhouette, skeet, trap, blackpowder or similar range located inside a completely enclosed facility used for discharging firearms in a sporting event or for practice or instruction in the use of a firearm.
INTENSITY OF USE: The level of activity, number of persons residing or employed on the premises, percent of open space occupied or amount of floor space or land occupied by a particular land use at a specific address or location.
JUNK: Shall include but not be limited to, old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.
JUNK YARD: An establishment, area, or place of business maintained, operated, or used for the storing, keeping, buying, or selling of junk or for the operation of an automobile graveyard, garbage dump or sanitary fill.
LABORATORY: A building or portion thereof devoted exclusively to experimental, applied or basic research and development or for testing and analysis.
LANDFILL: Land used or intended to be used, let, leased, rented or sold as a site for final disposal or deposition of solid or liquid waste, which conforms with State Statutes governing sanitary landfills.
LANDMARK: A property or structure designated as a "landmark" by ordinance of the City Council, pursuant to procedures prescribed herein, which is worthy of rehabilitation, restoration and preservation because of its historic and/or architectural significance. Also a property or structure designated as a "landmark" by the Landmarks Board, pursuant to City ordinances, prior to the enactment of this Chapter.
LANDMARKS BOARD: The Historic Landmarks Preservation and Architectural Review Board.
LAUNDROMAT: A building or a part thereof where clothes or household articles are cleaned and/or dried in self-service, coin-operated machines.
LAUNDRY OR DRY CLEANING ESTABLISHMENT: A building or part thereof wherein employees provide a service of washing, cleaning, drying and/or ironing clothes or other articles.
LIMIT OF DISTURBANCE: A line showing the limit of construction, grading or excavation activity. This line will typically delineate the tree preservation area.
LIQUID PETROLEUM PRODUCT: See *"REGULATED SUBSTANCE"*.
LOADING SPACE: An off-street space within the main building or on the same lot providing for the standing, loading or unloading of vehicles.
LOT: A parcel of land under common ownership, described as one (1) unit of land, except land used as a farm.
LOT AREA: The total square footage within the lot lines. For lots fronting or lying adjacent to private streets, the lot area shall be interpreted to mean that area within the lot

lines separating the lot from the private street and not the centerline of such street.
LOT, CORNER: A lot bordering on two (2) streets which intersect. See Figure 4 following this Section.
LOT COVERAGE: The part or percent of the lot occupied by buildings or structures including accessory buildings or structures. See also *"FLOOR AREA RATIO"* and *"BUILDABLE AREA"*.
LOT DEPTH: The average distance between the front and rear lot lines. See Figure 4 following this Section.
LOT, DOUBLE FRONTAGE: A lot, other than a corner lot, which has frontage on two (2) streets. See Figure 4 following this Section.
LOT, INTERIOR: Any lot other than a corner lot. See Figure 4 following this Section.
LOT LINE, FRONT: The line separating the lot from the right-of-way of the street on which it fronts. See Figure 4 following this Section.
LOT LINE, REAR: The lot line opposite and most distant from the front lot line. On a corner lot, only one (1) lot line shall be considered a rear lot line. See Figure 4 following this Section.
LOT LINE, SIDE: Any lot line other than a front or rear lot line. See Figure 4 following this Section.
LOT OF RECORD: A lot shown upon a plan of a subdivision or upon a plat, which is attached or to which reference is made, in a deed described by metes and bounds or in a deed recorded in the office of the Recorder of Deeds of the County.
LOT WIDTH: The distance between side lot lines measured along the building line. See Figure 4 following this Section.
MAJOR THOROUGHFARE: A street delineated on the land use plan and major streets plan map adopted by the City Council.
MANUFACTURED HOME (MOBILE HOME): A factory-built structure as defined in Chapter 700, RSMo., which displays a seal issued by the Public Service Commission, U.S. Department of Housing and Urban Development or its agent to evidence compliance with the Code.
MARINA: A place for docking pleasure boats or providing services to pleasure boats and the occupants thereof.
MINIMUM MAINTENANCE: The minimum regulations governing the conditions and maintenance of all existing structures, as set out in the International Property Maintenance Code, as published by the International Code Council, Inc., and adopted by reference, with certain amendments thereto, by the City Council of the City, as such Existing Structures Code shall be amended from time to time by the City.
MOBILE HOME PARK: Land used or intended to be used, let, leased, rented or sold for occupancy by two (2) or more manufactured homes (mobile homes).
MOTOR VEHICLE REPAIR: General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles.
NEIGHBORHOOD HEALTH AND FITNESS CENTER: A commercial establishment of three thousand (3,000) square feet or less, whose primary purpose is to provide facilities for individual physical health activities such as aerobic exercise, running and jogging, use of exercise equipment, saunas, showers and lockers, but are not open for business between the hours of 10:00 P.M. and 6:00 A.M.
NON-CONFORMING LOT: A lot which does not meet the minimum design standards

for the zoning district in which it lies but which existed at the time of the adoption of the zoning ordinance or at the time of the rezoning of the property or which was diminished by the exercise of the power of eminent domain or under the threat of use of the power of eminent domain in the acquisition of land by any public authority having such power.
NON-CONFORMING STRUCTURE: A structure which does not meet the minimum design standards for structures in the zoning district in which it lies but which existed at the time of the adoption of the zoning ordinance or at the time of the rezoning of the property or which was diminished by the exercise of the power of eminent domain or under the threat of use of the power of eminent domain in the acquisition of land by any public authority having such power.
NON-CONFORMING USE: The lawful use of land or a building or a portion thereof, which use does not conform with the use regulations of the district in which it is located and which use existed at the time of the adoption of this Chapter or as a result of subsequent amendments of this Chapter or which use does not conform as a result of the exercise of the power of eminent domain or under the threat of use of the power of eminent domain in the acquisition of land by any public authority having such power. See Sections 400.750 et seq.
NURSERY: An area or establishment devoted to the raising and care of trees, shrubs or similar plant materials.
OWNER OF RECORD: The person, corporation or other legal entity listed as owner on the records of the County Recorder of Deeds.
PARKING LOT: A paved facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than two (2) automobiles, but excluding display or storage of vehicles for sale or rent.
PARKING SPACE: A paved area permanently reserved for the temporary parking of one (1) motor vehicle, located within either a private or public parking area and connected to a street, alley or other designated roadway by a surfaced aisle or driveway. The dimensions and layout of parking spaces and aisles shall be in accordance with the requirements set forth in Section 400.700(B) Parking Dimensions.
PARKING WELL: A paved parking area where each parking space has direct access to a public or private street.
PAVED SURFACE AREA: Ground surface covered with cobblestones, clay-fired bricks, concrete precast paver units (including, but not limited to, grasscrete), poured concrete with or without decorative surface materials, blacktop or other asphaltic or rubber mixture which may include sand or gravel as an ingredient and which creates a hard surface. A graded natural surface or one covered with rolled stone or overlaid with loose gravel is not considered a paved surface.
PLANNED DEVELOPMENT DISTRICT (PD): A single parcel or contiguous parcels of land to be planned and developed as a single entity in accordance with an overall design plan which may or may not have a mixture of land uses.
PLANNED UNIT DEVELOPMENT (PUD): See *"PLANNED DEVELOPMENT DISTRICT (PD)"*.
PLANNING AND ZONING COMMISSION: A body of persons who recommends the boundaries of zoning districts and determines appropriate requirements relative to site plan review in accordance with the rules contained in Sections 400.970 et seq.

PREMISES: A lot, together with all buildings and structures thereon.
PRIVATE DINING SERVICE: A private dining service (hereinafter "service") is a service that prepares and serves meals for payment to eight (8) or less persons at any one (1) meal in a private residence pursuant to contract or similar pre-arranged agreement. The service shall only be provided by the property owner, occupant or family members thereof who reside in the residence. The service shall not be offered to the general public and shall only be offered between the hours of 7:00 A.M. and 7:00 P.M. No extraordinary food storage or preparation equipment shall be installed in the residence for the service. All meals served at a service shall be prepared on-site. A service shall not provide more than one (1) meal in any twenty-four (24) hour period and the duration of the mean shall not exceed three (3) hours.
PUBLIC BUILDING: A building or part thereof owned or leased and occupied and used by an agency or political subdivision of the Federal, State or local government.
PUBLIC RIGHT-OF-WAY: The area on, below or above a public roadway, highway, street or alleyway in which the political subdivision has an ownership interest, but not including:

1. The airwaves above a public right-of-way with regard to cellular or other non-wire telecommunications or broadcast service;
2. Easements obtained by utilities or private easements in platted subdivisions or tracts;
3. Railroad rights-of-way and ground utilized or acquired for railroad facilities; or
4. Poles, pipes, cables, conduits, wires, optical cables, or other means of transmission, collection or exchange of communications, information, substances, data, or electronic or electrical current or impulses utilized by a municipally owned or operated utility pursuant to Chapter 91, RSMo., or pursuant to a charter form of government.

PUBLIC WATER AND SEWER SYSTEMS: A water or sewer system owned and operated by a municipality or County or owned and operated by a private individual or a corporation approved by the City Council and properly chartered and certified by the appropriate State agency and subject to special regulations as herein set forth.
RECOGNIZED NEIGHBORHOOD REVIEW GROUPS: An incorporated not-for-profit corporation established under the laws of Missouri and acting pursuant to the powers set forth in this Article.
RECREATIONAL VEHICLE: Any unit primarily designed as temporary living quarters for recreation, camping or travel use which either contains its own motive power as in the case of, but not limited to, motor homes, motor coaches, mini-motor homes or recreational vans or is permanently mounted on a vehicle such as, but not limited to, a truck camper or pickup camper.
REGULATED SUBSTANCE: Any hazardous substances, extremely hazardous substances or liquid petroleum products which are more particularly defined as follows:

1. *Extremely hazardous substance.* Any substance so designated by the U.S. Environmental Protection Agency on their official "List of Extremely Hazardous Substances", 40 CFR 355 Appendix A, as last amended, and which is either a solid (including granular and gel) or liquid at room temperature.
2. *Hazardous substance.* Any substance so designated by the U.S. Environmental Protection Agency on their official "List of Hazardous Substances", 40 CFR

302.4, as last amended, and which is either a solid (including granular and gel) or liquid at room temperature.

3. *Liquid petroleum product.* Any flammable liquid hydrocarbon product refined from bituminous materials including, but not limited to, gasoline, diesel fuel, benzene, toluene, lubricants for internal combustion engines, home heating oil, kerosene, creosote, coal oil and naphtha.

REMOVAL: Any relocation of a structure on its site or to another site.
REPAIR: Any change that is not construction, removal or alteration.
ROOM TEMPERATURE: A temperature between sixty degrees Fahrenheit (60°F) (15.6°C) and seventy-eight degrees Fahrenheit (78°F) (25.6°C).
ROOMING HOUSE: A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family or two-family unit.
SECONDHAND SALES: A business with more than twenty-five percent (25%) of its inventory which is not in new condition and are sold either by consignment or direct sale and are not otherwise regulated by the zoning ordinance such as vehicles.
SERVICE STATION: See *"AUTOMOBILE SERVICE STATION"*.
SHALL: Is always mandatory; *MAY:* Is permissive.
SHELTER, HOMELESS: See *"TEMPORARY SHELTER"*.
SITE: Same as *"TRACT"*.
SITE PLAN: A drawing illustrating a proposed development and prepared in accordance with the specifications outlined in this Chapter.
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.
SPECULATIVE SHOPPING CENTER: A building or group of buildings constructed for multiple tenants with no formal commitment from the end users of the finished product.
STABLE, PRIVATE: An accessory building, not related to the ordinary operation of a farm, for the housing of horses or mules owned by a person living on the premises and which horses or mules are not for hire or sale.
STABLE, PUBLIC: Any stable for the housing of horses or mules operated for remuneration, hire, sale or stabling, whether or not the horses or mules are owned by persons residing on the premises.
STOP WORK ORDER: Notice to the owner or occupant of a building or structure from the Director of Community Development or designee that work on any building or structure is being contrary to the laws of the City and that such work or action shall stop immediately.
STORY: That portion of a building included between the surface of any floor and the surface of the floor above it or, if there is not a floor above it, then the space between such floor and the ceiling.
STORY, GROUND: The lowest story of a building, the floor of which is not more than twelve (12) inches below the ground level. A basement shall be counted as a story if its ceiling is over five (5) feet above the level from which the height of the building is measured or if it is used for purposes other than storage. See Figure 5 following this

Section.
STORY, HALF: A partial story under a gable, hip or gambrel roof, the wall plates of which, on at least two (2) opposite exterior sides, are not more than two (2) feet above the floor of such story.
STREET: A public or private thoroughfare which affords the principal means of access to abutting properties.
STREET, CENTERLINE: The centerline of a street shall mean the centerline thereof as shown in any of the official records of the County or the City or as established by the City Engineer or by the State. If no such centerline has been established, the centerline of a street shall be a line lying midway between the side lines of the right-of-way thereof.
STREET, PRIVATE: A street not dedicated to public use.
STREET, PUBLIC: A street accepted by dedication or otherwise by the City Council.
STREET RIGHT-OF-WAY LINE: The line separating a lot, tract or parcel of land from a contiguous street right-of-way. See Figure 6 following this Section.
STRUCTURAL ALTERATION: Any change in the supporting members of a building or structure including bearing walls, partitions, columns, beams, girders or similar parts of the building or structure and/or any substantial change in the roof of a building.
STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground including, but without limiting the generality of the foregoing, buildings, fences, mobile homes, signs, billboards, telecommunication towers, gazebos, sheds, swimming pools and backstops for tennis courts. See also *"BUILDING"*.
SUBDIVISION REGULATION: Regulations as adopted by the City Council regulating the sub-division of the land as set forth in Chapter 405 of this Code of Ordinances.
SWIMMING POOL: Any portable pool or permanent structure containing a body of water twenty-four (24) inches or more in depth or two hundred fifty (250) square feet or more of water surface area and intended for recreational purposes.
TELECOMMUNICATIONS TOWER: A self-supported structure of at least thirty (30) feet, other than a building, water tower or water tank, which supports communication (transmit or receive) equipment utilized by commercial, governmental or other public and quasi-public users. This does not include private home use of satellite dishes and television antennas, or amateur radio operators as licensed by the Federal Communications Commission.
TEMPORARY SHELTER: A residential facility that primarily provides temporary housing with accommodations for three (3) or more people for little or no financial compensation and that is operated in a manner that provides staff supervision and other support services. The length of time that such persons may stay at the shelter may be indefinite but is not intended to be permanent.
TEMPORARY TENT: A temporary structure without any foundation or footing that is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.
TRACT: The total area of a parcel, site, lot or ownership of land upon which development or land disturbance is proposed irrespective of the actual limits or size of the proposed development or land disturbance activity.
TRAILER: Any vehicle designed or utilized for the transportation of a boat, auto, snowmobile or similar items or as temporary living quarters for recreation, camping or

travel use, such as, but not limited to, a travel, tent, camp, pop-up or fifth wheel trailer, which does not have motive power of its own, but is designed to be drawn by another vehicle.

TRANSIENT: Any person who rents and occupies a guest room for a period of less than thirty-one (31) days.

TREE: A woody plant that grows mostly upright as a single stem (rarely multi-stem) that may eventually attain a height of fifteen (15) feet or more.

TREE BANK: An account set up within the City financial system that will accept payments from tree replacement assessments imposed by the City tree ordinance or other sources that may arise. The tree bank funds shall be used to plant trees and maintain trees on public property within the City.

USE: The purpose for which land or premises or a building thereon is designed, arranged or intended or for which it is occupied or maintained, let or leased.

USE, PERMITTED: A use which is permitted in the zoning district in which it is located.

UTILITY ROOM: A room or space, located other than in the basement, specifically designed and constructed to house any home utilities, such as major home appliances (furnace, water heater, pump).

VARIANCE: Relief from or variation of the provisions of these regulations, other than use regulations, and as applied to a specific piece of property, as distinct from rezoning, as further set out hereinafter in Sections 400.1060 et seq.

WAREHOUSE: A place for the storage of merchandise or commodities.

WAREHOUSE, MINI: A building containing individual storage areas which may be rented or leased for a period of time.

WARMING AND COOLING CENTER: A building or portion thereof which is not designed for lodging and is operated for the purpose of sheltering persons from the elements for brief periods (not to exceed twenty-four (24) hours) during any twenty-four (24) hour period. A warming and cooling center may provide shelter, meals and other incidental resources for not less than three (3) persons at nominal or no cost and is operated during periods of extreme cold or hot weather under staff supervision. The length of time a person may be sheltered shall not exceed the duration of the extreme cold or hot weather. For purposes of this definition, extreme cold weather shall be defined as any given day with a forecast low temperature below thirty-two degrees Fahrenheit (32°F) and extreme hot weather shall be defined as any given day with a forecast high temperature above ninety degrees Fahrenheit (90°F).

YARD: An open space on a lot, which space is unoccupied and unobstructed from the ground upward, except as otherwise provided in this Chapter.

YARD, FRONT: A yard extending across the full width of the lot and lying between the front lot line and the nearest part of the building or use. See Figure 6 following this Section.

YARD MEASUREMENT: In measuring a yard, the building line shall be deemed to mean a line parallel to the lot line drawn through the point of a building or the point of a group of buildings nearest to such lot line. This measurement shall be taken at the right angles from the building line to the nearest lot line.

YARD, REAR: A yard extending across the full width of the lot and lying between the rear lot line and the nearest part of the building or use. See Figure 6 following this Section.

YARD, SIDE: A yard lying between a side lot line and the nearest part of the building or use and extending from the front lot line to the rear lot line. See Figure 6 following this Section.

ZONING DISTRICT MAP: A map with all notations, dimensions, references and symbols shown thereon depicting individually zoned districts in accordance with Sections 400.060 through 400.090 of this Chapter.

ZONING REGULATIONS: The whole body of regulations, texts, charts, tables, diagrams, maps, notations, references and symbols contained herein or to which reference is made. (R.O. 2009 §156.005; CC 1981 §30-5; Ord. No. 77-31, 7-5-77; Ord. No. 89-35, 2-23-89; Ord. No. 90-188, 7-18-90; Ord. No. 92-70, 4-21-92; Ord. No. 92-271, 11-12-92; Ord. No. 92-308, 12-23-92; Ord. No. 93-183, 8-25-93; Ord. No. 93-210, 9-1-93; Ord. No. 95-344, 12-8-95; Ord. No. 96-6, 1-16-96; Ord. No. 96-256, 9-19-96; Ord. No. 98-209, 5-15-98; Ord. No. 99-53, 2-4-99; Ord. No. 99-205, 6-3-99; Ord. No. 99-322, 9-23-99; Ord. No. 00-78, 4-5-00; Ord. No. 01-156, 7-19-01; Ord. No. 03-98, 5-13-03; Ord. No. 04-176, 8-4-04; Ord. No. 04-216, 9-10-04; Ord. No. 05-65, 3-7-05; Ord. No. 05-319, 12-22-05; Ord. No. 06-106, 4-26-06; Ord. No. 06-163, 6-30-06; Ord. No. 06-357, 12-20-06; Ord. No. 07-167, 6-13-07; Ord. No. 07-212, 8-22-07; Ord. No. 09-47, 3-20-09; Ord. No. 10-74 §1, 4-22-10; Ord. No. 10-244 §1, 11-18-10; Ord. No. 11-26 §1, 2-4-11)

Figure 1

Accessory Buildings

(Example only)

(R.O. 2009 §156.005, Figure 1; CC 1981 §30-51, Figure 6; Ord. No. 98-209, 5-15-98)

Figure 2

Cellar and Basement

(Example only)

(R.O. 2009 §156.005, Figures 1 and 2; CC 1981 §30-5, Figures 1 and 2; Ord. No. 98-209, 5-15-98)

Figure 3

Floor Area Ratio

(Example only)

3 story building
12 story building
100% lot coverage
25% lot coverage
FAR = 3.0
FAR = 3.0

6 story building
50% lot coverage
FAR = 3.0

Floor area ratio (FAR) is the total floor area in a structure, divided by the total lot area on which the structure is located.
(R.O. 2009 §156.005, Figures 2 and 3; CC 1981 §30-5, Figures 1 and 2; Ord. No. 98-209, 5-15-98)

Figure 4

Lot Types

(Example only)

(R.O. 2009 §156.005, Figure 4; CC 1981 §30-5, Figure 3; Ord. No. 98-209, 5-15-98)

Figure 5

Basement and Story

(Example only)

1. If "A" is less than five (5) feet and "B" is used for storage, then "B" is not counted as a story.
2. If "A" is more than five (5) feet or if "B" is used for purposes other than storage, then "B" is counted as a story.

Figure 6

Yards and Lines

(Example only)
(R.O. 2009 §156.005, Figures 5 and 6; CC 1981 §30-5, Figures 4 and 5; Ord. No. 98-209, 5-15-98)

SECTION 400.060: DISTRICTS ESTABLISHED

In order to regulate and restrict the location and use of buildings and land for residence, trade, industry and other purposes and to regulate and restrict the location, height and size of buildings hereafter erected or structurally altered, the size of yards and other open spaces and the density of population, the following zoning districts are hereby established:

1. "A"	Agricultural District
2. "R-1C", "R-1D" and "R-1E"	Single-Family Residential Districts
3. "R-2"	Two-Family Residential District
4. "R-3A"	Multiple-Family Residential District
5. "R-M" District	Manufactured/Modular Residential
6. "OI"	Office Institutional District
7. "HCD"	Historic Commercial District
8. "C-1"	Neighborhood Business District
9. "C-2"	General Business District
10. "C-3"	Highway Business District
11. "I-1"	Light Industrial District
12. "I-2"	Heavy Industrial District
13. "PD"	Planned Development District
14. "PD-RF" District	Planned Development Riverfront
15. "CBD"	Central Business District
16. "CRD"	Central Residential District
17. "FHCD" District	Frenchtown Historic Commercial
18. "SD"	Superimposed Districts:
"RPPD"	Residential Permit Parking District
	Wellhead Protection District "WHP"
"SMPD"	South Main Preservation District
District "EHP"	Extended Historic Preservation
	Historic Downtown District "HDD"
"FPD"	Frenchtown Preservation District
"CPD"	Commons Preservation District
"LMPD"	Landmark Preservation District

(R.O. 2009 §156.006; CC 1981 §30-6; Ord. No. 77-31, 7-5-77; Ord. No. 93-128, 6-8-93; Ord. No. 94-126, 6-8-94; Ord. No. 96-24, 1-18-96; Ord. No. 96-26, 1-18-96; Ord. No. 96-41, 2-21-96; Ord. No. 97-50, 1-31-97; Ord. No. 97-348, 10-14-97; Ord. No. 98-209,

5-15-98; Ord. No. 00-282, 10-25-00; Ord. No. 04-176, 8-4-04; Ord. No. 10-244 §1, 11-18-10)

SECTION 400.070: REFERENCE TO DISTRICT NAMES

For the purpose of reference hereafter in this Chapter, unless specifically provided to the contrary, the term "residential district" shall include the "A", "R-1C", "R-1D", "R-1E", "R-2", "R-3A", "R-M", "CRD" and the strictly residential portions of a "PD" or "PD-RF" districts. The term "business district" shall include the "O-1", "HCD", "C-1", "C-2", "C-3", "CBD", "FHCD" and the strictly commercial or mixed use portions of a "PD" or "PD-RF" districts. The term "industrial district" shall include all the "I-1", "I-2" and the strictly industrial portions of a "PD" or "PD-RF" districts. (R.O. 2009 §156.007; CC 1981 §30-7; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98; Ord. No. 04-176, 8-4-04; Ord. No. 10-244 §1, 11-18-10)

SECTION 400.080: DISTRICT MAP--ADOPTED--WHERE FILED--AMENDMENTS

A. Such land and the district classification thereof shall be as shown on the map designated as the "Zoning District Map of St. Charles, Missouri". This Zoning District Map and all notations, dimensions, references and symbols shown thereon, pertaining to such districts, shall be as much a part of this Chapter as if fully described herein and shall be filed as part of this Chapter by the City Clerk. Such map shall be available for public inspection in the office of the City Clerk. This map, together with subsequent amendments, shall be conclusive as to the current zoning status of land.

B. The original of each Zoning District Map shall be properly attested to and filed along with the official signed and attested copy of this Chapter in the office of the City Clerk. No amendment, new Zoning District Map, new boundary, boundary changes or any entries are to be made or become effective in the future until after the amendment, new Zoning District Map, new boundary, boundary changes or entries have been recorded, changed or entered on such original official Zoning District Map adopted as a part of this Chapter. (R.O. 2009 §156.008; CC 1981 §30-8; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98)

SECTION 400.090: DISTRICT MAP--BOUNDARY INTERPRETATION

A. A district name or letter-number combination shown on the Zoning District Map(s) indicates that the regulations pertaining to the district designated by that name or letter-number combination extend throughout the whole area of the City, bounded by the district boundary lines within which such name or letter-number combination is shown or indicated, except as otherwise provided by this Section.

B. Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of these regulations, the following rules apply:

1. In cases where a boundary line is given a position within a street or alley, right-of-way easement, navigable or non-navigable stream, it shall be deemed to be in the center of the right-of-way of the street, alley, right-of-way easement, canal or

stream; and if the actual location of such street, alley, easement or stream varies slightly from the location as shown on the Zoning District Map, then the actual location shall control.

2. In cases where a boundary line is shown as being located a specific distance from a street line or other physical feature, this distance shall control.
3. Where a district boundary line, as shown on the Zoning District Map, approximately coincides with lot lines, municipal boundaries or the City limit line, the lot lines, municipal boundaries or City limit line shall be construed to be the district boundary line unless otherwise indicated.
4. In cases where a district boundary line as shown on the Zoning District Map does not coincide or approximately coincide with street lines, alley lines or lot lines and no dimensions are shown, the location of such district boundary line shall be determined by the Department of Community Development, after review of appropriate City Council records.

C. Whenever any street, alley, public way, railroad right-of-way, waterway or other similar area is vacated by proper authority, the districts adjoining each side of such street, alley, public way, railroad right-of-way or similar area shall be extended automatically to the center of such vacation and all area included in the vacation shall then and thenceforth be subject to all appropriate regulations of the extended districts. In the event of a partial vacation, the adjoining district or district nearest the portion vacated shall be extended automatically to include all the vacated area. (R.O. 2009 §156.009; CC 1981 §30-9; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98)

SECTION 400.100: COMPLIANCE WITH PROVISIONS

No structure or land shall hereafter be used and no structure or part thereof shall be erected, reconstructed, converted, enlarged, moved or structurally altered unless in compliance with the regulations as set forth in this Chapter and in compliance with the design standards of the zoning district in which the structure is located. (R.O. 2009 §156.010; CC 1981 §30-10; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98)

Cross Reference--As to penalty, §400.1890.

SECTION 400.110: LOCATION AND NUMBER OF BUILDINGS ON A LOT

A. Every building hereafter erected, reconstructed, converted, moved or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) principal building on one (1) lot.
B. There shall be no more than two (2) accessory buildings on an individual lot located in a zoning district in which single-family dwellings and/or two-family dwellings are the major permitted uses. One (1) detached garage shall not be counted toward the maximum of two (2) accessory buildings. The total square footage of all accessory buildings other than one (1) detached garage shall not exceed one-half (½) of the square footage of the ground floor of the principal building.
C. There may be more than one (1) multi-family, hotel, motel or institutional building located upon a lot or tract; provided that:
    1. The required yards are maintained around the group of buildings;
    2. Buildings that are parallel, or that are within forty-five degrees (45°) of being

parallel, shall be separated by a horizontal distance that is at least equal to the height of the highest building;

3. Requirements for dwelling units per acre do not apply to dormitories, fraternities, sororities and other similar living quarters which are accessory to a permitted use and which have no cooking facilities in individual rooms or apartments. (R.O. 2009 §156.011; CC 1981 §30-11; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98; Ord. No. 10-143 §1, 7-8-10)

SECTION 400.120: ENCROACHMENT OF REQUIRED YARDS AND THE LIKE--REDUCTION OR CONSOLIDATION OF LOTS

A. The minimum yards, height limits, parking spaces, landscaping and open spaces, including dwelling units per acre required by this Chapter for each building existing at the time of the passage of these regulations or for any building hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, nor shall any lot area or lot dimensions be reduced below the requirements of these regulations. Additionally, all required landscaping and greenbelts must remain at or greater than the minimum specification after final occupancy permits are issued.

B. *Lot Consolidations.* When the recorded owner of two (2) or more contiguous lots desires to erect a building across common property lines shared by the lots, the owner shall so indicate the proposed consolidation in writing to the Director of Community Development. No amended record plats are needed so long as the external boundary in question is used as one (1) zoning lot. The Director of Community Development shall indicate approval of the proposed consolidation in writing. The proposed consolidation and the Director's approval thereof shall remain part of the building permit record of the proposed structure. (R.O. 2009 §156.012; CC 1981 §30-12; Ord. No. 77-31, 7-5-77; Ord. No. 96-200, 7-10-96; Ord. No. 98-209, 5-15-98; Ord. No. 01-156, 7-19-01)

SECTION 400.130: USES NOT PERMITTED BY PROVISIONS

For the purpose of this Chapter, permitted uses are listed for the various districts. Unless the contrary is clear from the context of the lists or other regulations of this Chapter, uses not specifically listed are prohibited. (R.O. 2009 §156.013; CC 1981 §30-14; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98)

ARTICLE II. DISTRICT REGULATIONS

Division 1. General District Regulations

SECTION 400.140: "A" AGRICULTURAL DISTRICT

A. *Purpose.* The purpose of the "A" Agricultural District is to provide for agricultural activities, to provide for spacious residential development for those who choose this environment and to prevent untimely scattering of more dense urban uses, which should be confined to areas planned for efficient extension of public services.

B. *Permitted Uses.* A building or land in the "A" Agricultural District shall be used only for

the following purposes:

1. Agricultural activities on a farm of three (3) acres or more including general farming, truck gardening, cultivation of field crops, orchards, groves or nurseries for growing or propagation of plants, turf, trees and shrubs, dairy farming, keeping or raising for sale of large or small animals, reptiles, fish, birds or poultry and including structures for storage and processing; provided, that commercial slaughtering and processing of large animals such as horses, cows, pigs, sheep or goats shall not be conducted on the premises.
2. Educational facilities such as:
   a. Public zoological gardens;
   b. Public botanical gardens;
   c. Bird sanctuaries; and
   d. Arboretums.
3. Greenhouse, commercial.
4. Public and private parks and open spaces.
5. Reservoirs.
6. Single-family dwellings.
7. Wildlife reservations and other similar conservation projects.
8. Placement of a telecommunication antenna on an existing telecommunication tower (co-location) where no expansion or enlargement of the existing tower enclosure is required.

C. *Permitted Accessory Uses.* The following accessory uses are permitted in the "A" district:

1. Buildings used as contractors' or construction operations during development of the tract or subdivision on which they are located. They shall be removed upon completion or abandonment of the project or the end of a two (2) year period, whichever is sooner.
2. Dwelling unit used for guests.
3. Fertilizer storage, for farm use only, in bags or bulk storage of liquid or dry fertilizer in tanks or in a completely enclosed building, but not manufacture, processing, retail or wholesale.
4. Garage, private.
5. Garden house, tool house, playhouse or greenhouse incidental to residential use.
6. Grain storage, blending and packaging for farm use only, but not milling.
7. Home occupations.
8. Marinas and boat docks.
9. Storage of a boat trailer, self-propelled camper, camp trailer or a boat, but not in a front yard.

D. *Conditional Uses.*

1. The following uses may be permitted in the "A" district as conditional uses if approved by the City Council following recommendation by the Planning and Zoning Commission:
   a. Airports and landing fields and accessory uses for general aviation.
   b. Archery range, provided, that such range is approved by the Chief of Police.
   c. Cemetery on a site of not less than twenty (20) acres.
   d. Circus or carnival grounds, amusement park, zoo or midway, permanent or temporary, for specified time period.

e. Day camps and campgrounds.
f. Day care facilities subject to the following as may be modified through the conditional use process:
   (1) Not more than ten (10) children not related to the operator shall be kept. Up to three (3) additional children over the age of two (2) may be kept for up to two (2) hours per day. Up to three (3) additional school age children may be kept on unscheduled days of school closings; provided that at no time shall more than thirteen (13) children not related to the operator be kept.
   (2) Such uses shall be permitted only if the rear yard in which the home would operate meets the minimum requirements of this Section and is enclosed with a suitable fence.
   (3) Such uses are located in the dwelling used by the operator as his/her private residence.
   (4) The operator shall not employ more than one (1) full-time (forty (40) hours per week) assistant who does not reside on the premises or more than two (2) half-time (twenty (20) hours per week) assistants who do not reside on the premises.
   (5) No advertising or identification sign shall be placed on the premises.
   (6) All City health and fire regulations are met.
   (7) All applicable State regulations are met.
g. Dog kennels, commercial or non-commercial; provided any commercial open pens, runs, cages or kennels shall be located at least two hundred (200) feet from any side or rear lot lines.
h. Dwellings and mobile homes occupied by persons employed on the premises or immediate members of the family or families owning or operating a farm.
i. Educational institutions including museums, art galleries and libraries.
j. Excavation or filling, borrow pits, extraction, processing and removal of sand, gravel or stone and other major excavations other than for construction of swimming pools and foundations for buildings.
k. Exposition center or fairgrounds.
l. Golf courses, putting greens, driving ranges and similar activities operated as a business including a building for a golf shop, locker room and snack bar as an accessory use to a golf course; provided no such building is located closer than one hundred (100) feet from adjoining property lines.
m. Hospital or clinic for large or small animals; provided that all buildings, structures, pens or open kennels shall be located at least two hundred (200) feet from any lot lines.
n. Hospitals, congregate care facilities and group living arrangements.
o. Livestock auction market.
p. Racetrack, any type, subject to the following requirements for protective screening: where a racetrack directly adjoins a residential zoning district or a "PD" zoning district, a landscaped greenbelt at least fifty (50) feet in width shall be provided and maintained along the appropriate property line by the owners and/or managers of the racetrack. The undeveloped area shall be planted with trees or shrubs or shall be maintained in a well kept lawn. The greenbelt shall not be used for off-street parking facilities, for driveways or

for open storage. Along the inner side of the greenbelt, there shall be provided a masonry wall at least six (6) feet in height above grade to separate the greenbelt from the racetrack facilities.

q. Radio television transmission receiving station or tower; subject to building codes and further regulations of Section 400.470.

r. Recreational uses or facilities, commercially operated or for a private membership, such as game courts, swimming pools, tennis clubs, fishing or boating lakes, camping areas, picnic grounds, dude ranches or similar activities; and accessory facilities including the sale of food, beverages, bait, incidentals, supplies and equipment; provided that no such use, structure or accessory use is located closer than fifty (50) feet to any adjoining property lines.

s. Riding academies and commercial stables; provided that any buildings for the keeping of animals shall be located at least two hundred (200) feet from any side or rear lot lines and the site size of the lot shall be no less than forty (40) acres.

t. Sports arenas or stadiums, commercial athletic fields or baseball parks.

u. Temporary and conditional permits may be provided for a period of two (2) years or less for the following uses:
(1) Asphalt batching plants or concrete batching plants.
(2) Non-accessory tents for special purposes.
(3) Outdoor displays for promotional activities.

v. Telecommunication towers, antennas attached to structures, or placement of a telecommunication antenna on an existing tower (co-location) where an expansion or enlargement of the existing tower enclosure is required. Telecommunication towers shall be located only on property that is a non-residential use.

w. Warming and cooling centers when accessory to a church or other place of worship. Occupancy limits for a warming and cooling center shall be determined by the Building Code Official and Fire Marshal.

2. The provisions of this Section shall apply to all new uses and to existing uses where a substantial change or expansion to the layout, operation or configuration is proposed.

E. *Design Standards.* (See also Sections 400.530 et seq. for additional regulations.) In the "A" district, the design standards shall be as follows:

1. Minimum lot area: 3 acres
2. Minimum lot width at the building line: 150 feet
3. Minimum street frontage: 25 feet
4. Minimum lot depth: 200 feet
5. Maximum height of building: 2½ stories or 35 feet
6. Minimum setback requirements measured from building line to property line:
   a. Front yard setback: 50 feet
   b. Side yard setback: 20 feet
   c. Rear yard setback: 50 feet

7. Off-street parking and loading requirements shall be as contained in Sections 400.660 et seq.
8. *Minimum floor elevation.* Floor elevations shall be at least one (1) foot above the Corps of Engineers' 100-year flood elevation.
9. *Protective screening.* All exterior solid waste containers and container racks or stands for any non-conforming use which is a permitted or conditional use in any multi-family, commercial or industrial district shall be screened from public view by an enclosure which complies with the requirements contained in Section 400.965(B)(4). (R.O. 2009 §156.025; CC 1981 §30-26; Ord. No. 77-31, 7-5-77; Ord. No. 92-302, 12-16-92; Ord. No. 98-209, 5-15-98; Ord. No. 04-176, 8-4-04; Ord. No. 10-74 §1, 4-22-10; Ord. No. 10-244 §1, 11-18-10; Ord. No. 11-26 §2, 2-4-11)

Cross Reference--As to animals and fowl, ch. 210.

SECTION 400.150: "R-1C", "R-1D", "R-1E" SINGLE-FAMILY RESIDENTIAL DISTRICTS

A. *Purpose.* The purpose of the "R-1C", "R-1D", "R-1E" Single-Family Residential Districts is to provide for low density, single-family, residential development on lots where water and sewer facilities generally are provided, together with such churches, recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings. In general, the districts are located where urbanization and full utilities and public services exist or are planned for the reasonably near future.

B. *Permitted Uses.* Buildings or land in the "R-1C", "R-1D", "R-1E" districts shall be used only for the following uses:
   1. Single-family dwellings, but not manufactured homes.
   2. Public parks and open spaces.
   3. Public schools, government-owned buildings and places of worship.
   4. Parking lots for governmental purposes.
   5. Placement of a telecommunication antenna on an existing telecommunication tower (co-location) where no expansion or enlargement of the existing tower enclosure is required.

C. *Permitted Accessory Uses.* The following accessory uses are permitted in the "R-1C", "R-1D", "R-1E" districts:
   1. Buildings used as contractors' or construction operations during development of the tract or subdivision on which they are located. They shall be removed upon completion or abandonment of the project or at the end of a two (2) year period, whichever is sooner.
   2. Garage.
   3. Garden house, tool house, playhouse or greenhouse incidental to residential use.
   4. Home occupations.
   5. Swimming pools and game courts, lighted or unlighted, for use by occupants or their guests in accord with the conditions stated in Sections 400.620 et seq.

D. *Conditional Uses.*
   1. The following uses may be permitted in the "R-1C", "R-1D", "R-1E" districts as conditional uses if approved by the City Council following recommendation by the Planning and Zoning Commission:

a. Cemetery on a site of one (1) acre or more.
b. Adult day care facilities.
c. Day care facilities subject to the following as may be modified through the conditional use process.
   (1) Day care facilities located in an existing public or private school and accommodating students of that school only are not required to follow the procedures outlined in Section 400.1090.
   (2) Not more than ten (10) children not related to the operator shall be kept. Up to three (3) additional children over the age of two (2) may be kept for up to two (2) hours per day. Up to three (3) additional school age children may be kept on unscheduled days of school closings; provided that at no time shall more than thirteen (13) children not related to the operator be kept.
   (3) Such uses shall be permitted only if the rear yard in which the home would operate meets the minimum requirements of this Section and is enclosed with a suitable fence.
   (4) Such uses are located in the dwelling used by the operator as his/her private residence.
   (5) The operator shall not employ more than one (1) full-time (forty (40) hours per week) assistant who does not reside on the premises or more than two (2) half-time (twenty (20) hours per week) assistants who do not reside on the premises.
   (6) No advertising or identification sign shall be placed on the premises.
   (7) All City health and fire regulations are met.
   (8) All applicable State regulations are met.
d. Educational facilities such as public zoological gardens and public botanical gardens.
e. Farm, truck garden, orchard or nursery.
f. Golf courses, not lighted for night play, but including a building for a golf shop, locker room and snack bar as an accessory use to a golf course; provided no such building is located closer than one hundred (100) feet to adjoining property lines; and not including miniature golf courses, putting greens, driving ranges and similar activities operated as a business.
g. Private club associated with a subdivision development or neighborhood clubs or neighborhood associations.
h. Amateur radio operator's equipment, as licensed by the FCC, but not more than twenty (20) feet above the highest point of the primary structure on the property.
i. Recreation facilities, such as fishing or boating lakes, boat docks, picnic grounds, swimming or tennis clubs or similar activities, and accessory facilities including sale of food, beverages or bait.
j. Wildlife reservations and similar conservation projects.
k. Meeting facilities for fraternal, masonic and philanthropic clubs and organizations.
l. Group living arrangements.
m. Bed and breakfast
n. Private dining service only within the Extended Historic Preservation District.

o. Telecommunication towers, antennas attached to structures, or placement of a telecommunication antenna on an existing tower (co-location) where an expansion or enlargement of the existing tower enclosure is required. Telecommunication towers shall be located only on property that is a non-residential use.
p. Warming and cooling centers when accessory to a church or other place of worship. Occupancy limits for a warming and cooling center shall be determined by the Building Code Official and Fire Marshal.

2. The provisions of this Section shall apply to all new uses and to existing uses where a substantial change or expansion to the layout, operation or configuration is proposed.

E. *Design Standards.* (See also Sections 400.530 et seq. for additional regulations.) The following design standards are required in the "R-1C", "R-1D", "R-1E" districts:

1. Minimum lot area:
   a. "R-1C" district: 12,500 square feet.
   b. "R-1D" district: 9,000 square feet.
   c. "R-1E" district: 7,000 square feet.
2. Minimum lot width at the building line:
   a. "R-1C" district: 100 feet.
   b. "R-1D" district: 75 feet.
   c. "R-1E" district: 60 feet.
   d. 200 feet for a church.
3. Minimum street frontage shall be twenty-five (25) feet.
4. Minimum lot depth:
   a. "R-1C" district: 125 feet.
   b. "R-1D" district: 100 feet.
   c. "R-1E" district: 100 feet.
5. Minimum setback requirements measured from the building line to the property line:
   a. Front yard setback:
      (1) "R-1C" district: 30 feet.
      (2) "R-1D", "R-1E" districts: 25 feet.
   b. Side yard setback:
      (1) "R-1C" district: 10 feet.
      (2) "R-1D" and "R-1E" districts: 7 feet.
   c. Rear yard setback: 25 feet
6. *Maximum lot coverage.* Not more than forty percent (40%) of the lot area shall be covered by the principal building and accessory structures.
7. Maximum height of building: 2½ stories or 35 feet
8. Minimum floor area in square feet: 1,000 square feet for a single-family dwelling unit
9. *Public utilities.* Requirements are contained in Section 400.610.
10. *Off-street parking and loading requirements.*
    a. Requirements for off-street parking and loading are contained in Sections 400.660 et seq.
    b. One (1) commercial vehicle licensed for not more than twelve thousand (12,000) pounds gross vehicular weight and used by the occupant of the

dwelling may be parked on the premises.

c. *Protective screening.* All exterior solid waste containers and container racks or stands for any non-conforming use which is a permitted or conditional use in any multi-family, commercial or industrial district, shall be screened from public view by an enclosure which complies with the requirements contained in Section 400.965(B)(4). (R.O. 2009 §156.026; CC 1981 §30-27; Ord. No. 77-31, 7-5-77; Ord. No. 83-2, 1-5-83; Ord. No. 92-302, 12-16-92; Ord. No. 93-191, 9-8-93; Ord. No. 94-95, 4-20-94; Ord. No. 94-126, 6-8-94; Ord. No. 95-11, 1-11-95; Ord. No. 96-256, 9-19-96; Ord. No. 98-209, 5-15-98; Ord. No. 99-53, 2-4-99; Ord. No. 99-205, 6-3-99; Ord. No. 99-344, 10-7-99; Ord. No. 01-111, 6-8-01; Ord. No. 04-176, 8-4-04; Ord. No. 04-286, 12-29-04; Ord. No. 06-163, 6-30-06; Ord. No. 10-74 §1, 4-22-10; Ord. No. 10-244 §1, 11-18-10; Ord. No. 11-26 §3, 2-4-11)

SECTION 400.160: "R-2" TWO-FAMILY RESIDENTIAL DISTRICT

A. *Purpose.* The purpose of the "R-2" Two-Family Residential District is to provide for duplex development in areas appropriate for such uses, particularly as a transitional area between single-family areas and major roads or more intensive uses such as commercial, industrial or multi-family developments. Population density and height of buildings are intended to be generally compatible with any adjacent single-family residential developments to be protected.

B. *Permitted Uses.* A building or land in the "R-2" district shall be used only for the following purposes:

1. Any use permitted in the "R-1C", "R-1D" and "R-1E" Single-Family Residential District.
2. Two-family dwellings.

C. *Permitted Accessory Uses.* Any accessory use permitted in the "R-1C", "R-1D" and "R-1E" Single-Family Residential District is a permitted accessory use in the "R-2" district.

D. *Conditional Uses.*

1. The following uses may be permitted as conditional uses in the "R-2" district if approved by the City Council following recommendation by the Planning and Zoning Commission:
   a. Any conditional use of the "R-1C", "R-1D" and "R-1E" Single-Family Residential Districts.
   b. *Bed and breakfast establishments.* For informational purposes only, an applicant for a conditional use under this Subsection shall forward a copy of the application to the City Council member in whose ward the proposed use is located.
2. The provisions of this Section shall apply to all new uses and to existing uses where a substantial change or expansion to the layout, operation or configuration is proposed.

E. *Design Standards.* (See also Sections 400.530 et seq. for additional regulations.) In the "R-2" district the design standards shall be:

1. Minimum lot area: 9,000 square feet
2. Minimum lot width at the building line: 75 feet,

minimum street frontage shall be 25 feet

3. Minimum lot depth: 120 feet
4. Maximum height of building: 2½ stories or 35 feet
5. Minimum setback requirements measured from building line to property line:
   a. Front yard setback: 25 feet
   b. Side yard setback: 7 feet
   c. Rear yard setback: 25 feet
6. *Maximum lot coverage.* Not more than forty percent (40%) of the lot area shall be covered by the principal building and accessory structures.
7. *Minimum floor area in square feet.* No dwelling unit in a "R-2" zone shall have a living area of less than seven hundred (700) square feet.
8. *Public utilities.* Requirements are contained in Section 400.610.
9. *Off-street parking and loading requirements.*
   a. Requirements are contained in Sections 400.660 et seq.
   b. One (1) commercial vehicle licensed for not more than twelve thousand (12,000) pounds gross vehicular weight and used by the occupant of the dwelling may be parked on the premises.
10. *Protective screening.* All exterior solid waste containers and container racks or stands for any non-conforming use which is a permitted or conditional use in any multi-family, commercial or industrial district, shall be screened from public view by an enclosure which complies with the requirements contained in Section 400.965(B)(4). (R.O. 2009 §156.027; CC 1981 §30-28; Ord. No. 77-31, 7-5-77; Ord. No. 91-62, 3-25-91; Ord. No. 92-302, 12-16-92; Ord. No. 94-95, 4-20-94; Ord. No. 98-209, 5-15-98; Ord. No. 99-53, 2-4-99; Ord. No. 99-205, 6-3-99; Ord. No. 99-344, 10-7-99; Ord. No. 01-111, 6-8-01; Ord. No. 04-176, 8-4-04; Ord. No. 10-244 §1, 11-18-10)

SECTION 400.170: "R-3A" MULTIPLE-FAMILY RESIDENTIAL DISTRICT

A. *Purpose.* The purpose of the "R-3A" Multiple-Family Residential District is to provide for a variety of housing types and residential densities as might be appropriate for row houses, garden apartments or town house developments in areas appropriately located for such use, which areas are well located with respect to major thoroughfares, shopping facilities and centers of employment.

B. *Permitted Uses.* A building or land in the "R-3A" district shall be used only for the following purposes:
   1. Any use permitted in the "R-1C", "R-1D" and "R-1E" Single-Family Residential District.
   2. Any use permitted in the "R-2" Two-Family Residential District.
   3. Apartment buildings, residential condominiums, town houses, row houses and other types of multiple-family dwellings.

C. *Permitted Accessory Uses.* The following accessory uses are permitted in the "R-3A" district:
   1. Any accessory use permitted in the "R-1C", "R-1D", "R-1E" and "R-2" residential districts.
   2. A laundry room for use of occupants of a multiple-family dwelling development.

3. An office located in a main building for administration of a multiple-family development containing ten (10) or more dwelling units.
4. Coin-operated vending machines for candy, tobacco, ice, soft drinks and sundries located inside a building and for the use of occupants of a multiple-family dwelling development.
5. Club and recreational facility for use of occupants of a multiple-family development.

D. *Conditional Uses.*
1. The following uses may be permitted in the "R-3A" district as conditional uses if approved by the City Council following recommendation by the Planning and Zoning Commission:
   a. Conditional uses in any "R-1" or "R-2" zoning district.
   b. Congregate care facilities.
   c. Hospitals and orphanages, subject to the requirements of Section 400.440.
   d. Store for sale of food and sundries, not exceeding one thousand (1,000) square feet of total floor area, inside a multiple-family dwelling development and primarily for the convenience of residents of a multiple-family development.
2. The provisions of this Section shall apply to all new uses and to existing uses where a substantial change or expansion to the layout, operation or configuration is proposed.

E. *Design Standards.* (See also Sections 400.530 et seq. for additional regulations.) The following design standards are required in the "R-3A" district:
1. Minimum lot area: 10,000 square feet
2. Minimum lot width:
   a. Minimum width at the building line: 75 feet
   b. Minimum street frontage: 25 feet
   3. Minimum lot depth: 125 feet
4. Maximum height of building: 3 stories or 45 feet
5. Minimum setback requirements measured from building line to property line:
   a. Front yard setback: 25 feet
   b. Side yard setback: 7 feet
   c. Rear yard setback: 25 feet
   d. Minimum horizontal distance between buildings on the same lot: 30 feet
6. *Maximum lot coverage.* Not more than forty percent (40%) of the lot area shall be covered by the principal buildings and accessory structures.
7. *Residential density.* The density shall not exceed eighteen (18.0) dwelling units per acre (DU/A).
8. *Protective screening.* All exterior solid waste containers and container racks or stands for a multiple-family dwelling shall be screened from public view by an enclosure which complies with the requirements contained in Section 400.965(B)(4).
9. *Public utilities.* Requirements are contained in Section 400.610.
10. *Off-street parking and loading.* Requirements are contained in Sections 400.660 et seq. (R.O. 2009 §156.028; CC 1981 §30-29; Ord. No. 77-31, 7-5-77; Ord. No. 82-29, 4-21-82; Ord. No. 90-188, 7-18-90; Ord. No. 98-209, 5-15-98; Ord. No. 99-53, 2-4-99; Ord. No. 99-205, 6-3-99; Ord. No. 99-344, 10-7-99; Ord. No. 04-

176, 8-4-04; Ord. No. 10-244 §1, 11-18-10)

SECTION 400.180: "R-M" MANUFACTURED/MODULAR RESIDENTIAL DISTRICT

A. *Purpose.* The purpose of the "R-M" Manufactured/Modular Residential District is to provide for well designed mobile home parks in areas where public utilities are available and to establish basic standards which will determine the character of this land use and its effect on surrounding properties.

B. *Permitted Uses.* A building or land in the "R-M" district shall be used only for the following purposes:
   1. Mobile home parks.
   2. Public buildings, parks and open space.
   3. Places of worship.
   4. Public and private schools.
   5. Placement of a telecommunication antenna on an existing telecommunication tower (co-location) where no expansion or enlargement of the existing tower enclosure is required.

C. *Permitted Accessory Uses.* The following accessory uses are permitted in the "R-M" district:
   1. *For mobile home parks.* Management headquarters, recreational facilities, community building including toilets, showers, laundry facilities, vending machines and other uses and structures customarily incidental to the operation of a mobile home park.
   2. *For individual mobile home lots.*
      a. Porches within side yard setback requirements.
      b. Storage buildings in conformance with Section 400.530.
      c. Home occupations.

D. *Design Standards.* (See also Sections 400.530 et seq. for additional regulations.) The following design standards are required in the "R-M" district:
   1. Minimum lot area:
      a. Mobile home park: 8 acres
      b. Individual lot: 5,000 square feet
   2. Minimum lot width at building line:
      a. Mobile home park: 200 feet
      b. Individual lot: 45 feet
   3. Minimum street frontage: 25 feet
   4. Minimum lot depth:
      a. Mobile home park: 200 feet
      b. Individual lot: 110 feet
   5. Minimum setback requirements measured from the mobile home to the lot line:
      a. Front yard setback:
         (1) Public street or road: 30 feet
         (2) Interior access drive: 10 feet
      b. Side yard setback: 6 feet
      c. Rear yard setback: 25 feet
      d. No more than one (1) mobile home shall be located on any one (1) lot.

6. Minimum distance between manufactured/ modular/mobile homes: 10 feet
7. *Maximum lot coverage.* Each mobile home dwelling, including all accessory buildings, garages and porches, shall cover no more than fifty percent (50%) of each dwelling site or lot.
8. *Public utilities.*
   a. The mobile home park shall comply with all sanitary and other requirements prescribed by law or regulation.
   b. All utility lines shall be underground including electrical wiring and telephone lines.
   c. Each mobile home lot shall be provided with electrical outlets installed in accordance with applicable codes and regulations.
   d. Each mobile home lot shall be provided with individual water and sewer connections to public water and sewer systems.
9. *Mobile home park expansion.* No existing mobile home park shall be enlarged or extended:
   a. When such park does not meet the applicable health or safety requirements.
   b. Where such park is in violation of regulations and standards regarding sewage treatment or discharge, pollution or water quality.
   c. Unless such extension conforms to these regulations.
10. *Protective screening.* Mobile home parks shall be surrounded by a landscaped or wooded strip of open space at least twenty-five (25) feet wide along all exterior lot lines or street frontages. The rear yard setback requirements may be used for partial fulfillment of the protective screening requirements.
11. *Open space.* Open space accessible to all mobile home occupants and suitable for use as a recreational land area shall be provided within the mobile home park at a ratio of three hundred (300) square feet per mobile home lot with a minimum of seven thousand five hundred (7,500) square feet per mobile home park.
12. *Off-street parking and loading.*
   a. A minimum of two (2) paved off-street parking spaces shall be provided for each mobile home lot.
   b. Additional requirements are contained in Sections 400.660 et seq.
13. *Mobile home park access and interior circulation.*
   a. Access to the mobile home park or subdivision shall be from a collector or arterial street.
   b. The number and location of access drives shall be controlled for traffic safety and protection of surrounding properties.
   c. No individual lot shall have direct access to a street outside the boundaries of the park.
   d. Interior access drives shall be properly lighted.
   e. Interior access drives and through or collector streets shall be in compliance with the standards of the subdivision regulations. Installations to discourage speeding through the park shall be approved by the Public Works Department.
14. *Mobile home structures.*
   a. All mobile homes shall be securely tied down. Tie downs shall meet the specifications and requirements of the City and the State.
   b. It shall be the responsibility of the mobile home park owner or operator to

insure that the tie down regulation is complied with as provided for by the City or State Statutes.

c. Underskirting for all mobile homes shall be installed to completely enclose all areas directly under the mobile home.

15. *Protective screening of solid waste facilities.* All exterior solid waste containers and container racks or stands for any non-conforming use which is a permitted or conditional use in any multi-family, commercial or industrial district shall be screened from public view by an enclosure which complies with the requirements contained in Section 400.965(B)(4). (R.O. 2009 §156.029; CC 1981 §30-31; Ord. No. 77-31, 7-5-77; Ord. No. 92-302, 12-16-92; Ord. No. 98-209, 5-15-98; Ord. No. 10-74 §1, 4-22-10; Ord. No. 10-244 §1, 11-18-10)

Cross References--As to penalty, §400.1890; as to mobile homes and mobile home parks, ch. 415.

SECTION 400.190: "O-I" OFFICE INSTITUTION DISTRICT

A. *Purpose.* The purpose of the "O-I" Office Institution District is to provide for the development of certain low intensity business and professional offices. The district will insure compatible uses of commercial and adjacent residential districts by serving as a transitional area, generating a light vehicular and pedestrian traffic flow.

B. *Permitted Uses.* All uses in the "O-I" district are restricted to low intensity, light traffic-generating businesses and offices and for the following purposes:

1. Uses permitted in any "R-1" or "R-2" district except single-family or two-family residences.
2. Accounting and auditing agencies.
3. Banks and savings and loan associations without drive-up service.
4. Congregate care facilities.
5. Data processing centers.
6. Day care facilities or adult day care facilities.
7. Institutions, art galleries and museums.
8. Insurance agencies and services.
9. Investment agencies and services.
10. Business, medical and professional offices.
11. Public and governmental buildings and offices.
12. Public and private libraries.
13. Hospital and orphanages, subject to the requirements of Section 400.440.
14. Public parks and open spaces.
15. Real estate agencies and services.
16. Title companies.
17. Institutions of higher education including classroom buildings, dormitories, gymnasiums and other uses incidental to the operation of an institution of higher education.
18. Out-patient counseling services.

C. *Accessory Uses.* The following uses are permitted when associated with and directly accessory to a permitted use:

1. Flower shops.
2. Card, stationery shops, specialty shops or gift shops and boutiques.

3. Pharmacies.
4. Coffee shops.
5. Opticians.
6. Bookstores.
7. Travel bureaus and ticket offices.

D. *Conditional Uses.*

1. The following uses may be permitted in the "O-I" district as conditional uses if approved by the City Council following recommendation by the Planning and Zoning Commission:
   a. Boarding house.
   b. Halfway house subject to the following as may be modified through the conditional use process:
      (1) One (1) parking space for every four (4) residents including staff residents.
      (2) No exterior evidence of such use and no sign advertising the use.
      (3) At the time of original approval, no facility shall be located within five hundred (500) feet of another such facility, group living arrangement, congregate care facility, day care home or facility, residential district or use, hotel or motel, boarding house or rooming house. The City Council shall have the authority to waive this requirement if the facilities are separated by a major thoroughfare, major waterway or other comparable barrier.
      (4) The applicant shall demonstrate that there is no negative impact property within five hundred (500) feet of the proposed facility.
      (5) The original permit shall be limited to a one (1) year period, but may be renewed thereafter for two (2) year periods by the City Council. Renewals may be granted only after a public hearing.
   c. Halfway house for juvenile offenders subject to the following as may be modified through the conditional use process:
      (1) No exterior evidence of such use and no sign advertising the use.
      (2) At the time of original approval, no facility shall be located within five hundred (500) feet of another such facility, group living arrangement, congregate care facility, day care home or facility, residential district or use, hotel or motel, boarding house or rooming house. The City Council shall have the authority to waive this requirement if the facilities are separated by a major thoroughfare, major waterway or other comparable barrier.
      (3) The applicant shall demonstrate that there is no negative impact property within five hundred (500) feet of the proposed facility.
      (4) The original permit shall be limited to a one (1) year period, but may be renewed thereafter for two (2) year periods by the City Council. Renewals may be granted only after a public hearing.
   d. Rooming house.
   e. Fraternity or sorority houses.
   f. Telecommunication towers, antennas attached to structures, or placement of a telecommunication antenna on an existing tower (co-location) where an expansion or enlargement of the existing tower enclosure is required.
   g. Warming and cooling centers when accessory to a church or other place of

worship. Occupancy limits for a warming and cooling center shall be determined by the Building Code Official and Fire Marshal.

2. The provisions of this Section shall apply to all new uses and to existing uses where a substantial change or expansion to the layout, operation or configuration is proposed.

E. *Design Standards.* (See Sections 400.530 et seq. for additional regulations.) The following design standards are required in the "O-I" district:

1. Minimum lot area: 7,500 square feet
2. Minimum lot width at the building line: 0
3. Minimum lot depth: 0
4. Maximum lot coverage: 40%
5. Maximum height of building: 2½ stories or 35 feet
   Maximum height of building may be increased to ten (10) stories or one hundred forty (140) feet on a campus of an institution of higher learning by the provision of an additional five (5) feet of setback from all exterior property lines for each additional story and upon review and approval by the Planning and Zoning Commission.
   "GPRS" bonus:
   All tiers: 3 stories or 45 feet, except when adjoining a residential zoning district
6. Minimum setback requirements measured from building line to property line:
   a. Front yard setback: 25 feet
      "GPRS" bonus:
      Tiers 1 and 2: 20 feet
      Tier 3: 15 feet
   b. Side yard setback: 0, except 15 feet when adjoining residential zoning district
   c. Rear yard setback: 25 feet
      "GPRS" bonus:
      Tiers 1 and 2: 20 feet
      Tier 3: 15 feet, except when adjoining a residential zoning district
7. Minimum floor area in square feet: None
8. *Public utilities.* Requirements are contained in Section 400.610.
9. *Off-street parking and loading:*
   a. No parking shall be permitted in a required front yard.
   b. Additional requirements are contained in Sections 400.660 et seq.
10. *Protective screening.*
    a. All exterior solid waste containers and container racks or stands shall be screened from public view by an enclosure which complies with the requirements of Section 400.965 (B)(4).
    b. Where an "O-I" Zoning District adjoins a residential zoning district or is located across a public street or alley from a residential zoning district, a landscaped greenbelt at least fifteen (15) feet in width shall be provided and maintained along the appropriate property line by the users of the "O-I" property. The open area shall be planted with trees and shrubs. A minimum of one (1) tree shall be planted per thirty (30) lineal feet or fraction thereof for

any frontage along a residential zoning district. Required trees shall be at least two and one-half (2½) inch caliper. Trees existing within any required greenbelt at the time of installation and which are larger than two and one-half (2½) inch caliper shall be preserved and will count toward the minimum landscaping requirements. Newly planted species shall be hardy for the specified area. All landscaping shall be maintained in a healthy growing condition and be neat and orderly in appearance. The fifteen (15) foot greenbelt shall not be used for off-street parking facilities or for loading spaces. Along the inner side (commercial side) of the greenbelt, except when the greenbelt adjoins a public street, there shall be provided either:

(1) A continuous visual screen with a minimum height of six (6) feet, such screen consisting of a compact evergreen hedge or foliage screening; or

(2) An ornamental masonry wall or wood fence at least six (6) feet in height above grade, in which case one (1) shrub shall be planted in the greenbelt per ten (10) lineal feet or fraction thereof. Required shrubs shall be a minimum of eighteen (18) inches in height at time of initial planting. Shrubs may be clustered rather than evenly spaced.

c. *Outdoor storage.* All permitted and conditional uses shall be conducted within a completely enclosed building with no open storage.

11. *Landscaping.* The required front yard shall be planted with trees, shrubs or well-kept lawn. (R.O. 2009 §156.030; CC 1981 §30-32; Ord. No. 77-31, 7-5-77; Ord. No. 82-29, 4-21-82; Ord. No. 85-46, 5-8-85; Ord. No. 90-188, 7-18-90; Ord. No. 96-327, 11-21-96; Ord. No. 98-209, 5-15-98; Ord. No. 00-78, 4-5-00; Ord. No. 01-113, 6-8-01; Ord. No. 01-156, 7-19-01; Ord. No. 04-176, 8-4-04; Ord. No. 06-357, 12-20-06; Ord. No. 09-227, 12-10-09; Ord. No. 10-74 §1, 4-22-10; Ord. No. 10-244 §1, 11-18-10; Ord. No. 11-26 §4, 2-4-11; Ord. No. 11-41 §1, 3-16-11; Ord. No. 11-106 §1, 6-9-11)

Cross Reference--As to penalty, §400.1890.

SECTION 400.200: "HCD" HISTORIC COMMERCIAL DISTRICT

A. *Purpose.* The purpose of the "HCD" Historic Commercial District is to provide for a low intensity restricted mixture of retail shopping, personal service, residential and lodging uses on a comparatively small scale and to preserve historic areas of Saint Charles for future generations and for historic area residents while preserving the integrity of historic areas. It seeks to encourage the growth of historic and cultural activities and events, but discourages events or activities that may misuse historic areas. It is intended to foster and complement the community's tourist industry.

B. *Permitted Uses.*

1. Accounting and auditing agencies.
2. Antique shops.
3. Bakeries or bake shops.
4. Banks, savings and loan associations, but not drive-in or outside automatic teller machines.
5. Barbershops, beauty parlors.
6. Bicycle sales and repair shops.
7. Custom dressmaking or tailoring shops.

8. Data processing centers.
9. Delicatessen businesses.
10. Hobby shops or craft shops.
11. Art galleries and museums.
12. Insurance agencies and services.
13. Investment agencies and services.
14. Patio and garden shops, retail greenhouses.
15. Professional offices exemplified by, but not limited to, those of lawyers, doctors, architects and engineers.
16. Shops for the sale, service or repair of home appliances, shoes, jewelry, stereos, televisions and radios.
17. Public or governmental offices.
18. Public and private libraries.
19. Public parks and open spaces.
20. Real estate agencies and services.
21. Restaurants, but not drive-in.
22. Stores or shops for the conduct of retail business including the sale of books, cards, carpets, clothing, drugs, fabrics, flowers, food, furniture, garden supplies, gifts, groceries, hardware, home appliances, jewelry, musical instruments and records, office supplies and merchandise, optics, paint, shoes, sporting goods, stationery, stereos, televisions and radios, tobacco and similar stores and shops.
23. Specialty shops, boutiques, coffee shops and tea rooms.
24. Travel bureaus and ticket offices.
25. Studios for artists, photographers, teachers, sculptors, musicians or graphic designers.
26. Title companies.
27. Single-family dwellings and apartments with a maximum density of eighteen (18) units per acre.
28. Bed and breakfast establishments, with each guest room having its own independent bath facilities.
29. Wineries.
30. Printing, publishing and engraving.
31. Placement of a telecommunication antenna on an existing telecommunication tower (co-location) where no expansion or enlargement of the existing tower enclosure is required.

C. *Conditional Uses.*

1. The following uses may be permitted in the "HC" district as a conditional use, if approved by the City Council following recommendation by the Planning and Zoning Commission:
   a. Parking lots not accessory to a principal structure and approved through a site plan or parking lots for public use for compensation.
   b. Small manufacturing establishments which produce the following products principally by hand or hand tools:
      (1) Horseshoes,
      (2) Blown glass,
      (3) Ceramics,

(4) Lead glass,
(5) Leather goods,
(6) Woodworks,
(7) Candles,
(8) Wrought iron,
(9) Wooden staved barrels,
(10)Rope,
(11)Hand tools,
(12)Metal utensils,
(13)Rugs,
(14)Ice cream,
(15)Candy,
(16)Beer,
(17)Wine,
(18)Tobacco or similar products, and
(19)Any manufacturing establishment regulated by license.

c. Live performance theater, inside only.
d. Auditorium or lecture hall.
e. Multi-family dwellings with more than eighteen (18) units per acre.
f. Telecommunication towers, antennas attached to structures, or placement of a telecommunication antenna on an existing tower (co-location) where an expansion or enlargement of the existing tower enclosure is required. Telecommunication towers shall be located only on property that is a non-residential use.

2. The provisions of this Section shall apply to all new uses and to existing uses where a substantial change or expansion to the layout, operation or configuration is proposed.

D. *Design Standards.* (See Sections 400.530 et seq. for additional regulations.) The following design standards are required in the "HC" district:

1. Minimum lot area: 7,500 square feet
2. Minimum lot width at the building line: None
3. Minimum lot depth: None
4. Maximum height of building: 2½ stories or 35 feet
5. Minimum setback requirements measured from the building line to the property line:
   a. Front yard setback: 10 feet
   b. Side yard setback: 10 feet only when abutting a residential district
   c. Rear yard setback: 30 feet
6. Maximum floor area: 5,000 square feet per establishment.
7. *Public utilities.* Requirements are contained in Section 400.610.
8. *Off-street parking and loading.*
   a. For all existing buildings, the off-street parking and loading requirements are waived for approved uses.
   b. All new construction shall provide one-half (½) of the parking and loading requirements contained in Sections 400.660 et seq.
   c. All new construction that exceeds the maximum height requirements shall

provide one hundred percent (100%) of the parking and loading requirements contained in Sections 400.660 et.seq.

9. Metal clad buildings are prohibited.
10. *Protective screening.*
    a. All exterior solid waste containers and container racks or stands shall be screened from public view by an enclosure which complies with the requirements of Section 400.965 (B)(4).
    b. Where an "HC" district directly adjoins a residential zoning district or is located across a public street or alley from a residential zoning district, a landscaped greenbelt at least fifteen (15) feet in width shall be provided and maintained along the appropriate property line by the users of the "HC" district property. The open area shall be planted with trees and shrubs. A minimum of one (1) tree shall be planted per thirty (30) lineal feet or fraction thereof for any frontage along a residential zoning district. Required trees shall be at least two and one-half (2½) inch caliper. Trees existing within any required greenbelt at the time of installation and which are larger than two and one-half (2½) inch caliper shall be preserved and will count toward the minimum landscaping requirements. Newly planted species shall be hardy for the specified area. All landscaping shall be maintained in healthy growing condition and be neat and orderly in appearance. The fifteen (15) foot greenbelt shall not be used for off-street parking facilities or for loading space. Along the inner side (the commercial property side) of the greenbelt, except when the greenbelt adjoins a public street, there shall be provided either:
    (1) A continuous visual screen with a minimum height of six (6) feet, such screen consisting of a compact evergreen hedge or foliage screening; or
    (2) An ornamental masonry wall or wood fence at least six (6) feet in height above grade, in which case one (1) shrub shall be planted in the greenbelt per ten (10) lineal feet or fraction thereof. Required shrubs shall be a minimum of eighteen (18) inches in height at time of initial planting. Shrubs may be clustered rather than evenly spaced. (R.O. 2009 §156.031; Ord. No. 96-40, 2-21-96; Ord. No. 98-209, 5-15-98; Ord. No. 00-78, 4-5-00; Ord. No. 01-156, 7-19-01; Ord. No. 04-176, 8-4-04; Ord. No. 10-74 §1, 4-22-10; Ord. No. 10-244 §1, 11-18-10)

SECTION 400.210: "C-1" NEIGHBORHOOD BUSINESS DISTRICT

A. *Purpose.* The purpose of the "C-1" Neighborhood Business District is to provide primarily for a restricted mixture of retail shopping, personal service, and residential uses, on a comparatively small scale, to be developed either as a unit or in individual parcels and to serve the needs of a relatively small area, primarily nearby residential neighborhoods.

B. *Permitted Uses.* A building or land in the "C-1" district shall be used only for the following purposes:
    1. One (1) dwelling unit may be permitted on the second (2nd) floor or above.
    2. Accounting and auditing agencies.
    3. Antique shops with no outside display or storage.
    4. Bakeries or bake shops.

5. Banks and savings and loan associations.
6. Barber shops, beauty parlors and day spas. All persons practicing massage in a day spa shall be licensed pursuant to Chapter 660 of this Code.
7. Bicycle sales and repair shops.
8. Custom dressmaking or tailoring shops.
9. Data processing centers.
10. Day care facilities.
11. Delicatessen businesses.
12. Hobby shops or craft shops.
13. Institutions, art galleries and museums.
14. Insurance agencies and services.
15. Investment agencies and services.
16. Places of worship.
17. Public and governmental buildings and offices.
18. Public and private libraries.
19. Public parks and open spaces.
20. Real estate agencies and services.
21. Restaurants, but not drive-in restaurants.
22. Stores or shops for the conduct of retail business including sale of books, carpets, clothing, drugs, fabrics, flowers, food, furniture, gifts, garden supplies, groceries, hardware, musical instruments and records, office supplies, paint, sporting goods, stationery, tobacco and similar stores and shops.
23. Studios for artists, photographers, teachers, sculptors or musicians.
24. Temples and meeting facilities for fraternal, religious, masonic and philanthropic clubs and organizations.
25. Theaters, but not drive-in.
26. Title companies.
27. Neighborhood health and fitness center.
28. Placement of a telecommunication antenna on an existing telecommunication tower (co-location) where no expansion or enlargement of the existing tower enclosure is required.
29. Business, medical and professional offices.

C. *Conditional Uses.*

1. The following uses may be permitted in the "C-1" district as a conditional use if approved by the City Council following recommendation by the Planning and Zoning Commission:
   a. Any conditional use in the "O-I" Office Institution District unless otherwise permitted by the "C-1" district.
   b. Small manufacturing establishment which produces the following products principally by hand or hand tools:
      (1) Horseshoes,
      (2) Blown glass,
      (3) Ceramic,
      (4) Lead glass,
      (5) Leather goods,
      (6) Woodwork,

(7) Candles,
(8) Wrought iron,
(9) Wooden staved barrels,
(10) Rope,
(11) Hand tools,
(12) Metal utensils, or
(13) Rugs and similar products.

c. Temporary shelters subject to the following standards as may be modified through the conditional use process:
   (1) An application for a conditional use permit for a temporary shelter shall include information about the size and design of the structure, population groups served, length of stay permitted, maximum design capacity and support services provided. These items shall be used to determine if the facility is in conformance with the character of the adjacent area.
   (2) A temporary shelter shall not be located within one thousand (1,000) feet of another temporary shelter.
   (3) The minimum lot area for a temporary shelter shall be seven thousand five hundred (7,500) square feet. If a proposed temporary shelter structure is larger than two thousand five hundred (2,500) square feet of gross floor area, there shall be provided an additional one thousand five hundred (1,500) square feet of lot area for each additional five hundred (500) square feet of gross floor area within the structure.
   (4) The shelter shall submit a semi-annual report to the Department of Community Development stating maximum monthly occupancy level and support services provided by the shelter.
d. Garages for public parking.
e. Bed and breakfast establishments.
f. Nurseries for growing plants, trees, shrubs.
g. Parking lots or garages not accessory to a principal structure and approved through a site plan or parking lots or garages for public use for compensation.
h. Any of the uses listed as permitted, which are greater in height than two and one-half (2½) stories or thirty-five (35) feet and/or greater than three thousand (3,000) square feet of maximum floor area per establishment.
i. Pet adoption centers with no more than one (1) open pen or run at least three hundred (300) feet from a residential district. The City Council shall impose any conditions it deems appropriate for protection of adjoining properties from noise and odor which may include, but are not limited to, requiring berms, walls, plantings.
j. Hospitals or clinics for small animals, dogs, cats, birds and the like; provided that such hospital or clinic and any treatment rooms, cages, pens or kennels be maintained within a completely enclosed, sound-proof building and that such hospital or clinic be operated in such a way as to produce no objectionable noise or odors outside its walls.
k. Laundromats or self-service dry cleaning establishments, laundries and dry cleaning or pressing pickup stations. No cleaning fluid considered hazardous, in the judgment of the Fire Chief, shall be used.
l. Pet shops or dog beauty parlors; provided that any work rooms, cages, pens or

kennels be maintained within a completely enclosed, sound-proof building and that such shop or parlor be operated in such a way as to produce no objectionable noises or odors outside its walls.

m. In-vehicle sales or service.

Description. In-vehicle sales and service land uses include all land uses which perform sales and/or services to persons in vehicles or to vehicles which may be occupied at the time of such activity. Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include drive-in, drive-up and drive-through facilities, vehicular fuel stations and all forms of car washes.

(1) *Conditional use regulations.*

(a) Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to the drive-through lane(s).

(b) The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement or exacerbate the potential for pedestrian/vehicular conflicts.

(c) In no instance shall a drive-through facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this Section.

(d) The setback of any overhead canopy or similar structure shall be a minimum of ten (10) feet from all street rights-of-way lines, a minimum of twenty (20) feet from all residentially zoned property lines and shall be a minimum of five (5) feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed twenty (20) feet as measured to the highest part of the structure. The setback requirements may be recommended for modification by the Planning and Zoning Commission and modified by the City Council where it is found that due to pre-existing circumstances the provision of said setback will cause an undue burden on the ability to effectively use the property.

(e) All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material which is designed to meet the requirements of a minimum four (4) ton axle load.

(f) Facility shall provide a minimum six (6) foot high solid, earthtone color vinyl fence with a combination of shrubs (eighteen (18) inches to twenty-four (24) inches tall or three (3) feet to four (4) feet wide at the time of planting), understory trees (six (6) feet to eight (8) feet tall at the time of planting) and canopy trees (two and one-half (2½) inches to three (3) inches caliper at the time of planting) as recommended by the Planning and Zoning Commission and approved by the City Council along all borders of the property directly abutting a residentially zoned property. These requirements may be recommended for modification by the Planning and Zoning Commission and modified by the City Council where it is found that due to pre-existing circumstances the provision of the setback will cause an undue burden on the ability to effectively use the property.

(g) Interior curbs shall be used to separate driving area from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports and landscaped islands. The curbs shall be a minimum of six (6) inches high and be of a non-mountable design. No curb protecting an exterior fixture shall be located closer than twenty-five (25) feet to any property line. The setback requirements may be recommended for modification by the Planning and Zoning Commission and modified by the City Council where it is found that due to pre-existing circumstances the provision of the setback will cause an undue burden on the ability to effectively use the property.

(h) Outdoor storage uses (including the outdoor storage of vehicles or vehicles for sale) shall be prohibited on the same property.

(i) Automobile service stations must meet the requirements contained in Section 400.410.

n. Vacant lots at least one (1) acre in size may be utilized for cultivation of field crops, orchards or groves or nurseries for growing or propagation of plants, turf, trees and shrubs.

2. The provisions of this Section shall apply to all new uses and to existing uses where a substantial change or expansion to the layout, operation or configuration is proposed.

D. *Design Standards.* (See also Sections 400.530 et seq. for additional regulations.) The following design standards are required in the "C-1" district:

1. Minimum lot area:	7,500 square feet
2. Minimum lot width at the building line:	None
3. Minimum lot depth:	None
4. Maximum height of building:	2½ stories or 35 feet.
"GPRS" bonus:	
All tiers:	3 stories or 45 feet, except when adjoining a residential zoning district
5. Minimum setback requirements measured from the building line to the property line:	
a. Front yard setback:	25 feet
"GPRS" bonus:	
Tiers 1 and 2:	20 feet
Tier 3:	15 feet
b. Side yard setback:	None, except 15 feet when abutting a residential district
c. Rear yard setback:	25 feet
"GPRS" bonus:	
All tiers:	None, except 25 feet when abutting a residential district
6. Maximum floor area:	3,000 square feet per establishment
"GPRS" bonus:	
Tiers 1 and 2:	4,500 square feet
Tier 3:	6,000 square feet

7. *Public utilities.* Requirements are contained in Section 400.610.
8. *Off-street parking and loading.*

a. No parking shall be permitted in a required front yard.
b. Additional requirements for off-street parking and loading are contained in Sections 400.660 et seq.

9. *Protective screening.*
   a. All exterior solid waste containers and container racks or stands shall be screened from public view by an enclosure which complies with the requirements of Section 400.965 (B)(4).
   b. Where a "C-1" zoning district directly adjoins a residential zoning district or is located across a public street or alley from a residential zoning district, a landscaped greenbelt at least fifteen (15) feet in width shall be provided and maintained along the appropriate property line by the users of the "C-1" property. The open area shall be planted with trees and shrubs. A minimum of one (1) tree shall be planted per thirty (30) lineal feet or fraction thereof for any frontage along a residential zoning district. Required trees shall be at least two and one-half (2½) inch caliper. Trees existing within any required greenbelt at the time of installation and which are larger than two and one-half (2½) inch caliper shall be preserved and will count toward the minimum landscaping requirements. Newly planted species shall be hardy for the specified area. All landscaping shall be maintained in a healthy growing condition and be neat and orderly in appearance. The fifteen (15) foot greenbelt shall not be used for off-street parking facilities or for loading spaces. Along the inner side (the commercial property side) of the greenbelt, except when the greenbelt adjoins a public street, there shall be provided either:
      (1) A continuous visual screen with a minimum height of six (6) feet, such screen consisting of a compact evergreen hedge or foliage screening; or
      (2) An ornamental masonry wall or wood fence at least six (6) feet in height above grade, in which case one (1) shrub shall be planted in the greenbelt per ten (10) lineal feet or fraction thereof. Required shrubs shall be a minimum of eighteen (18) inches in height at time of initial planting. Shrubs may be clustered rather than evenly spaced.
   c. *Outdoor storage.* All permitted and conditional uses shall be conducted within a completely enclosed building with no open storage. (R.O. 2009 §156.032; CC 1981 §30-33; Ord. No. 77-31, 7-5-77; Ord. No. 82-29, 4-21-82; Ord. No. 90-188, 7-18-90; Ord. No. 93-218, 9-22-93; Ord. No. 98-209, 5-15-98; Ord. No. 00-78, 4-5-00; Ord. No. 01-111, 6-8-01; Ord. No. 01-156, 7-19-01; Ord. No. 02-130, 5-28-02; Ord. No. 04-176, 8-4-04; Ord. No. 05-319, 12-22-05; Ord. No. 09-227, 12-10-09; Ord. No. 10-74 §1, 4-22-10; Ord. No. 10-244 §1, 11-18-10; Ord. No. 11-106 §2, 6-9-11)

SECTION 400.220: "C-2" GENERAL BUSINESS DISTRICT

A. *Purpose.* The purpose of the "C-2" General Business District is to provide sufficient space in appropriate locations for a variety of commercial and service activities generally serving a wide area and located particularly along certain existing major thoroughfares where a general mixture of commercial and service activity now exists, but which uses are not characterized by warehousing, frequent heavy trucking activity, open storage of

material or the nuisance factors of dust, odor and noise associated with manufacturing.

B. *Permitted Uses.* A building or land in a "C-2" district shall be used only for the following purposes:

1. Any use permitted in the "O-I" Office Institution District or "C-1" Neighborhood Business District.
2. One (1) dwelling unit is permitted above the first (1st) floor.
3. Ambulance services, public or private.
4. Amusement places including dance halls, subject to applicable City regulations, arcades and similar activities.
5. Archery ranges, provided that such range is approved by the Chief of Police.
6. Auto parts store for sale of auto accessories and parts; outside storage shall be prohibited.
7. Bowling alleys.
8. Building contractor establishment; outside storage shall be prohibited.
9. Bus stations.
10. Catering establishments.
11. Clothing stores and costume rental stores.
12. Department and discount stores, provided an associated storage/warehouse area utilizes not more than forty percent (40%) of the gross floor area.
13. Exterminators; outside storage of chemicals shall be prohibited.
14. Furniture and large appliance stores, provided an associated storage/warehouse area utilizes not more than forty percent (40%) of the gross floor area.
15. Golf driving ranges.
16. Gymnasiums, fitness centers and health spas.
17. Hotels, motels or motor lodges, bed and breakfast establishments and inns.
18. Mortician business or mortuary.
19. Office or business machines, sale, service or rental.
20. Patio, garden shops and retail greenhouse.
21. Printing, publishing and engraving establishments limited to five thousand (5,000) square feet of floor area.
22. Recreational activities including skating rinks, swimming pools, miniature golf and similar activities.
23. Restaurants.
24. Theaters, but not drive-in theaters, auditoriums, lecture halls.
25. Wholesale establishments with warehousing comprising not more than forty percent (40%) of the gross floor area per establishment.
26. Laundry, dyeing and dry cleaning establishments are permitted, provided that all business of such an establishment is conducted inside the building (except for drive-up windows) and that no odors, dust or unreasonable noises are admitted the surrounding area and that only non-flammable chemicals are used and that such an establishment is approved by the Fire Department.
27. Photographic or blueprint processing, provided that said premises used for these purposes does not exceed five thousand (5,000) square feet.
28. Plumbing, heating and air-conditioning shop, upholstering shop (not involving furniture manufacture), appliance repairs and general service and repair establishments similar in character to those listed in this item. No outside storage

of material is permitted.

29. Equipment rental and leasing services including lawn mower, yard and garden equipment, trailers (not mobile homes) and other such items, provided storage is within a completely enclosed building unless otherwise allowed through the conditional use process.
30. Banquet centers and meeting facilities.
31. Schools for industrial training, trade or business.
32. Retail establishments not otherwise requiring conditional use permit approval where twenty-five percent (25%) or less of inventory is secondhand, used or consignment goods.
33. Motor vehicle service and repair, motor vehicle body and fender repair and motor vehicle spray painting when located in a building that was designed and constructed for such uses. Permitted uses shall include all uses which perform maintenance and repair service to motor vehicles of any type. All operations, including equipment, materials and damaged motor vehicles, shall be contained within an enclosed building unless performed behind a screened area as provided in Subsection (D)(10)(b) below. Wrecked, disabled or inoperable motor vehicles shall not be stored anywhere on the property for more than thirty (30) days. Examples of permitted uses are tire repair and replacement, motor vehicle engine repair, muffler shops, body shops and motor vehicle paint shops.

C. *Conditional Uses.*

1. The following uses may be permitted in the "C-2" district as conditional uses if approved by the City Council following recommendation by the Planning and Zoning Commission:
   a. Any conditional use permitted in the "C-1" Neighborhood Business District unless otherwise permitted by the "C-2" district.
   b. Painting shop.
   c. Lumber and building materials store, but not a lumberyard.
   d. Mortuary and monument sales establishments with outdoor storage or display.
   e. Motor vehicle service and repair, motor vehicle body and fender repair and motor vehicle spray painting when located in a building that was designed and constructed for any other purpose. Conditional uses shall include all uses which perform maintenance and repair service to motor vehicles of any type. All operations, including equipment, materials and damaged motor vehicles, shall be contained within an enclosed building unless performed behind a screened area as provided in Subsection (D)(10)(b) below. Wrecked, disabled or inoperable motor vehicles shall not be stored anywhere on the property for more than thirty (30) days. Examples of conditional uses are tire repair and replacement, motor vehicle engine repair, muffler shops, body shops and motor vehicle paint shops.
      (1) *Conditional use regulations.*
         (a) The setback of any overhead canopy or similar structure shall be a minimum of ten (10) feet from all street rights-of-way lines, a minimum of twenty (20) feet from all residentially zoned property lines and shall be a minimum of five (5) feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed twenty (20) feet as measured to the highest part of the

structure. The setback requirements may be recommended for modification by the Planning and Zoning Commission and modified by the City Council where it is found that due to pre-existing circumstances the provision of said setback will cause an undue burden on the ability to effectively use the property.

(b) All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material which is designed to meet the requirements of a minimum four (4) ton axle load.

(c) Facility shall provide a minimum six (6) foot high solid, earthtone color vinyl fence with a combination of shrubs (eighteen (18) inches to twenty-four (24) inches tall or three (3) feet to four (4) feet wide at the time of planting), understory trees (six (6) feet to eight (8) feet tall at the time of planting) and canopy trees (two and one-half (2½) inches to three (3) inches caliper at the time of planting) as recommended by the Planning and Zoning Commission and approved by the City Council along all borders of the property directly abutting a residentially zoned property. These requirements may be recommended for modification by the Planning and Zoning Commission and modified by the City Council where it is found that due to pre-existing circumstances the provision of the setback will cause an undue burden on the ability to effectively use the property.

f. Parking lots or garages not accessory to a principal structure and approved through a site plan or parking lots or garages for public use for compensation.

g. Secondhand sales.

h. Free food distribution.

i. Taverns, bars, cocktail lounges, microbrewery.

(1) *Conditional use regulations.* Due to the potential negative secondary effects of the location and operations of establishments that predominantly sell intoxicating beverages, the City Council may place additional regulations on a tavern, bar, cocktail lounge or microbrewery to reduce or eliminate these effects.

j. *Indoor firearm ranges.*

(1) *Conditional use regulations.*

(a) An indoor firearm range facility must be designed to offer a completely controlled shooting environment that includes impenetrable walls, floor and ceiling, adequate ventilation and lighting systems and acoustical treatment for sound attenuation suitable for the range's approved use.

(b) Noise levels at the nearest residential property line to an indoor firearm range shall not exceed thirty-five (35) decibels.

(c) Noise levels at the nearest commercial property line to an indoor firearm range shall not exceed forty-five (45) decibels.

(d) An indoor firearm range shall not operate between the hours of 10:00 P.M. and 7:00 A.M.

(e) An indoor firearm range must be authorized in writing by the Chief of Police and Building Code Official.

(f) The construction and operation of an indoor firearm range must

comply with all State and Federal regulations.

k. Motor vehicle sales and rentals, new and used and temporary motor vehicle storage.

l. Taxicab stations and stands.

2. The provisions of this Section shall apply to all new uses and to existing uses where a substantial change or expansion to the layout, operation or configuration is proposed.

D. *Design Standards.* (See also Sections 400.530 et seq. for additional regulations.) The following design standards are required in the "C-2" district:

1. Minimum lot area: 10,000 square feet.
2. Minimum lot width at the building line: None
3. Minimum lot depth: None
4. Maximum height of building: 3 stories or 45 feet
   "GPRS" bonus:
   All tiers: 4 stories or 60 feet, except when adjoining a residential zoning district
5. Minimum setbacks measured from building line to property line:
   a. Front yard setback: 25 feet
      "GPRS" bonus:
      Tiers 1 and 2: 20 feet
      Tier 3: 15 feet
   b. Side yard setback: None, except 20 feet when abutting a residential district
      "GPRS" bonus:
      All tiers: None, except 20 feet when abutting a residential district
   c. Rear yard setback: None, except twenty (20) feet when abutting a residential district
      "GPRS" bonus:
      All tiers: None, except twenty (20) feet when abutting a residential district
6. Maximum floor area in square feet: None
7. *Public utilities.* Requirements are contained in Section 400.610.
8. *Off-street parking and loading.*
   a. No parking shall be permitted in a required front yard.
   b. Additional requirements are contained in Sections 400.660 et seq.
9. *Protective screening.*
   a. All exterior solid waste containers and container racks or stands shall be screened from public view by an enclosure which complies with the requirements of Section 400.965 (B)(4).
   b. Where a "C-2" zoning district directly adjoins a residential zoning district or is located across a public street or alley from a residential zoning district, a landscaped greenbelt at least twenty (20) feet in width shall be provided and maintained along the appropriate property line by the users of the "C-2" property. The open area shall be planted with trees and shrubs. A minimum of one (1) tree shall be planted per thirty (30) lineal feet or fraction thereof for any frontage along a residential zoning district. Required trees shall be at

least two and one-half (2½) inch caliper. Trees existing within any required greenbelt at the time of installation and which are larger than two and one-half (2½) inch caliper shall be preserved and will count toward the minimum landscaping requirements. Newly planted species shall be hardy for the specified area. All landscaping shall be maintained in a healthy growing condition and be neat and orderly in appearance. The twenty (20) foot greenbelt shall not be used for off-street parking facilities or for loading spaces. Along the inner side (the commercial property side) of the greenbelt, except when the greenbelt adjoins a public street, there shall be provided either:

(1) A continuous visual screen with a minimum height of six (6) feet, such screen consisting of a compact evergreen hedge or foliage screening; or

(2) An ornamental masonry wall or wood fence at least six (6) feet in height above grade, in which case one (1) shrub shall be planted in the greenbelt per ten (10) lineal feet or fraction thereof. Required shrubs shall be a minimum of eighteen (18) inches in height at time of initial planting. Shrubs may be clustered rather than evenly spaced.

c. *Outdoor storage.* All permitted and conditional uses shall be conducted within a completely enclosed building with no open storage, unless screened from the street, adjacent properties or any residential district by fences or walls as approved by the Planning and Zoning Commission. (R.O. 2009 §156.033; CC 1981 §30-34; Ord. No. 77-31, 7-5-77; Ord. No. 79-38, 5-2-79; Ord. No. 79-85, 8-29-79; Ord. No. 82-29, 4-21-82; Ord. No. 89-36, 2-23-89; Ord. No. 90-188, 7-18-90; Ord. No. 91-115, 6-4-91; Ord. No. 94-230, 9-7-94; Ord. No. 96-46, 2-21-96; Ord. No. 98-209, 5-15-98; Ord. No. 99-53, 2-4-99; Ord. No. 99-205, 6-3-99; Ord. No. 99-288, 8-17-99; Ord. No. 00-78, 4-5-00; Ord. No. 01-71, 4-18-01; Ord. No. 01-156, 7-19-01; Ord. No. 02-130, 5-28-02; Ord. No. 04-176, 8-4-04; Ord. No. 05-65, 3-7-05; Ord. No. 06-273, 9-27-06; Ord. No. 06-357, 12-20-06; Ord. No. 08-123, 6-18-08; Ord. No. 09-47, 3-20-09; Ord. No. 09-227, 12-10-09; Ord. No. 10-115 §1, 6-9-10; Ord. No. 10-244 §1, 11-18-10; Ord. No. 11-106 §3, 6-9-11)

Cross Reference--As to penalty, §400.1890.

SECTION 400.230: "C-3" HIGHWAY BUSINESS DISTRICT

A. *Purpose.* The "C-3" Highway Business District is intended to be one which permits all types of commercial activity: retailing, wholesaling, warehousing, provision of personal and business services and entertainment.

B. *Permitted Uses.* A building or land in the "C-3" district shall be used only for the following purposes:

1. Any use permitted in the "C-2" General Business District.
2. Animal hospital or kennel with any open pens at least two hundred (200) feet from a residential district.
3. Painting shops and bottling works.
4. Lumber and building materials stores, but not a lumberyard.
5. Mini-warehouses including living quarters or dwellings for resident watchmen and caretakers employed on the premises.

6. Mortuary and monument sales establishments with or without outdoor storage or display.
7. Nurseries for growing plants, trees, shrubs.
8. Printing, publishing and engraving establishments.
9. Wholesale establishment, truck terminal or warehouse not in excess of fifteen thousand (15,000) square feet of floor area.
10. Radio and television stations and studios or recording studios, subject to the provisions of Section 400.470.
11. Retail establishments with eight thousand (8,000) square feet or less with either secondhand, used or consignment inventory. Retail establishments greater than eight thousand (8,000) square feet provided twenty-five percent (25%) or less of inventory is secondhand, used or consignment goods.

C. *Conditional Uses.*

1. The following uses may be permitted in the "C-3" District as a conditional use if approved by the City Council following recommendation by the Planning and Zoning Commission:
   a. Any conditional use permitted in the "C-2" district unless permitted by the "C-3" district.
   b. Fertilizer storage in bags or bulk storage of liquid or dry fertilizer in tanks or in a completely enclosed building associated with a retail business, but not manufacturing or processing.
   c. Material storage yards, in connection with a permitted use, where storage is incidental to the approved occupancy of the building, provided all products and materials used or stored are enclosed by a masonry wall, sight-proof fence or hedge not less than six (6) feet in height. Storage of motor vehicles and trucks used in connection with the permitted trade or business is permitted within the walls or screen, but not including storage of heavy equipment, such as road building or excavating equipment.
   d. Sale or storage of stone products, sand and gravel, but not crushing or grinding.
   e. Welding or soldering shops.
   f. Agricultural or farm implements for sale, storage or repair.
   g. Boat and boat trailer, repair, sales and storage.
   h. Mobile home sales, display and storage or sales, display and storage of travel trailers and campers, provided that all units shall be in usable condition, none shall be placed in a required front yard, the minimum parcel area shall be one-half (½) acre, the storage area shall be separated from the display areas by a continuous visual screen with a minimum height of eight (8) feet, such screen consisting of a compact evergreen hedge or foliage screening or louvered fence or masonry wall.
   i. Truck stop.
   j. Bus terminal.
   k. More than one (1) dwelling unit above the ground floor up to a maximum of eighteen (18) units per acre.
2. The provisions of this Section shall apply to all new uses and to existing uses where a substantial change or expansion to the layout, operation or configuration is proposed.

D. *Design Standards.* (See also Sections 400.530 et seq. for additional regulations.) The following design standards are required in the "C-3" district:

1. Minimum lot area: 10,000 square feet
2. Minimum lot width at the building line: None
3. Minimum lot depth: None
4. Maximum height of building: 3 stories or 45 feet
   "GPRS" bonus:
   All tiers: 4 stories or 60 feet, except when adjoining residential zoning district.
5. Minimum setback requirements measured from building line to property line:
   a. Front yard setback: 25 feet
      "GPRS" bonus:
      Tiers 1 and 2: 20 feet
      Tier 3: 15 feet
   b. Side yard setback: None, except 25 feet when abutting a residential district.
      "GPRS" bonus:
      All tiers: None, except 25 feet when abutting a residential district
   c. Rear yard setback: None, except 25 feet when abutting a residential district
      "GPRS" bonus:
      All tiers: None, except 25 feet when abutting a residential district
6. Maximum floor area in square feet: None
7. *Public utilities.* Requirements are contained in Section 400.610.
8. *Off-street parking and loading.*
   a. No parking shall be permitted in a required front yard.
   b. Additional requirements for off-street parking and loading are contained in Sections 400.660 et seq.
9. *Protective screening.*
   a. All exterior solid waste containers and container racks or stands shall be screened from public view by an enclosure which complies with the requirements of Section 400.965 (B)(4).
   b. Where a "C-3" zoning district directly adjoins a residential zoning district or is located across a public street or alley from a residential zoning district, a landscaped greenbelt at least twenty-five (25) feet in width shall be provided and maintained along the appropriate property line by the users of the "C-3" property. The open area shall be planted with trees and shrubs. A minimum of one (1) tree shall be planted per thirty (30) lineal feet or fraction thereof for any frontage along a residential zoning district.
      Required trees shall be at least two and one-half (2½) inch caliper. Trees existing within any required greenbelt at the time of installation and which are larger than two and one-half (2½) inch caliper shall be preserved and will count toward the minimum landscaping requirements. Newly planted species shall be hardy for the specified area. All landscaping shall be maintained in a healthy growing condition and be neat and orderly in appearance. The

twenty-five (25) foot greenbelt shall not be used for off-street parking facilities or for loading spaces. Along the inner side (the commercial property side) of the greenbelt, except when the greenbelt adjoins a public street, there shall be provided either:

(1) A continuous visual screen with a minimum height of six (6) feet, such screen consisting of a compact evergreen hedge or foliage screening; or

(2) An ornamental masonry wall or wood fence at least six (6) feet in height above grade, in which case one (1) shrub shall be planted in the greenbelt per ten (10) lineal feet or fraction thereof. Required shrubs shall be a minimum of eighteen (18) inches in height at time of initial planting. Shrubs may be clustered rather than evenly spaced.

c. *Outdoor storage.* All permitted and conditional uses shall be conducted within a completely enclosed building with no open storage, unless screened from the street, adjacent properties or any residential district by fences or walls as approved by the Planning and Zoning Commission. (R.O. 2009 §156.034; CC 1981 §30-35; Ord. No. 77-31, 7-5-77; Ord. No. 82-29, 4-20-82; Ord. No. 88-252, 12-22-88; Ord. No. 90-188, 7-18-90; Ord. No. 98-209, 5-15-98; Ord. No. 99-288, 8-17-99; Ord. No. 00-78, 4-5-00; Ord. No. 01-71, 4-18-01; Ord. No. 01-156, 7-19-01; Ord. No. 02-130, 5-28-02; Ord. No. 03-64, 3-28-03; Ord. No. 04-176, 8-4-04; Ord. No. 08-123, 6-18-08; Ord. No. 09-227, 12-10-09; Ord. No. 10-244 §1, 11-18-10; Ord. No. 11-106 §4, 6-9-11)

Cross Reference--As to penalty, §400.1890.

SECTION 400.240: "I-1" LIGHT INDUSTRIAL DISTRICT

A. *Purpose.* The purpose of the "I-1" Light Industrial District is to provide sufficient space in appropriate locations for certain types of business and manufacturing, relatively free from offense, on modern landscaped buildings sites, and to make available more attractive locations for these businesses and industries. In order to preserve the land for industry and to avoid future conflicts between industry and residence, future residential uses are restricted.

B. *Permitted Uses.* A building or land in the "I-1" district shall be used only for the following purposes:

1. Any use permitted in the "C-1", "C-2" and "C-3" districts, except dwellings other than permitted below.
2. Light manufacturing uses similar to those listed below, which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, dust, smoke, lint, odor, heat or glare than that which is generally associated with light industries of the types specifically permitted below:
   a. Manufacture or assembly of medical and dental equipment, drafting, optical and musical instruments, watches, clocks, toys, games and electrical or electronic apparatus.
   b. Manufacture or assembly of boats, bolts, nuts, screws, rivets, ornamental iron products, firearms, electrical appliances, tools, dies, machinery and hardware products, sheet metal products and vitreous enameled metal products.
   c. Beverage blending or bottling, bakery products, candy manufacture, dairy

products and ice cream, fruit and vegetable processing and canning, but not distilling of beverages or slaughtering of poultry or animals, or processing or bulk storage of grain or feeds for animals or poultry.

d. Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics, printing and finishing of textiles and fibers into fabric goods.
e. Manufacture of boxes, furniture, cabinets, baskets and other wood products of similar nature.
f. Compounding of cosmetics, toiletries, drugs and pharmaceutical products.

3. Greenhouses, commercial, wholesale or retail.
4. Laboratories, research, experimental or testing, but not testing combustion engines or explosives.
5. Lumberyards, but not including planing and millwork.
6. Office and office buildings.
7. Photographic or blueprint processing.
8. Radio or television station with receiving-transmission tower.
9. Railroad spur tracks.
10. Outside storage of goods used in or produced by permitted commercial and industrial uses or related activities, subject to industrial performance standards.
11. Truck terminal.
12. Welding or soldering shops.
13. Wholesale merchandising or storage warehouses.
14. Dwellings for resident watchmen and caretakers employed on the premises.
15. Recycle operation for paper, glass, oil, metal but not salvage.
16. Aluminum extrusion, rolling, fabrication and forming.
17. Crematoria (cremation facilities), subject to meeting all requirements of State licensing regulations regarding cremation facilities and regarding clean air requirements.
18. Establishments for the rent, sale and repair of heavy machinery.
19. Food lockers, freezers, cold storage facilities.

C. *Conditional Uses.*

1. The following uses may be permitted in the "I-1" district as conditional uses if approved by the City Council following recommendation by the Planning and Zoning Commission:
   a. Any conditional use listed in the "C-3" district unless permitted by the "I-1" district.
   b. Recreational facilities primarily for employees in the district.
   c. Temporary shelters.
   d. Recreational vehicle campgrounds.
   e. The preparation of general purpose industrial commercial and household cleaning products and related chemicals (blending only).
   f. Towing companies and impound lots.
2. The provisions of this Section shall apply to all new uses and to existing uses where a substantial change or expansion to the layout, operation or configuration is proposed.

D. *Design Standards.* (See also Sections 400.530 et seq. for additional regulations.) The following design standards are required in the "I-1" district:

1. Minimum lot area: 1 acre

2. Minimum lot width at the building line: 150 feet
3. Minimum lot depth: 200 feet
4. Maximum height of building: 3 stories or 45 feet
   "GPRS" bonus:
   All tiers: 4 stories or 60 feet, except when adjoining a residential district
5. Minimum setbacks measured from building line to property line:
   a. No part of any building, accessory structure or sign shall be located closer than one hundred (100) feet to any residential district boundary.
      "GPRS" bonus:
      All tiers: No part of any building, accessory structure or sign shall be located closer than 75 feet to any residential district boundary.
   b. The front yard setback is thirty-five (35) feet, except fifty (50) feet across street from residential district.
      "GPRS" bonus:
      Tiers 1 and 2: 30 feet
      Tier 3: 25 feet, except 50 feet across street from residential district
   c. The side yard setback is twenty-five (25) feet, except fifty (50) feet adjoining residential district.
      "GPRS" bonus:
      All tiers: 20 feet, except 50 feet when abutting a residential district
   d. The rear yard setback is thirty (30) feet, except fifty (50) feet adjoining residential district.
      "GPRS" bonus:
      All tiers: 25 feet, except 50 feet when abutting a residential district
6. Maximum lot coverage: None
7. Maximum floor area in square feet: None
8. *Public utilities.* Requirements are contained in Section 400.610.
9. *Off-street parking and loading.*
   a. No parking shall be permitted in a required front yard.
   b. Loading operations shall be conducted at the side or rear of buildings. In the process of loading or unloading, no truck shall extend into any public or private drive or street used for traffic circulation.
   c. Adequate parking and loading space shall be provided off the street for all employees and traffic to the building, if necessary in excess of the minimum requirements of Sections 400.660 et seq.
10. *Protective screening.*
    a. All exterior solid waste containers and container racks or stands shall be screened from public view by an enclosure which complies with the requirements of Section 400.965 (B)(4).
    b. Where an "I-1" zoning district directly adjoins a residential zoning district or is located across a public street or alley from a residential zoning district, a

landscaped greenbelt at least fifty (50) feet in width shall be provided and maintained along the appropriate property line by the users of the "I-1" property. The open area shall be planted with trees and shrubs. A minimum of one (1) tree shall be planted per thirty (30) lineal feet or fraction thereof for any frontage along a residential zoning district. Required trees shall be at least two and one-half (2½) inch caliper. Trees existing within any required greenbelt at the time of installation and which are larger than two and one-half (2½) inch caliper shall be preserved and will count toward the minimum landscaping requirements. Newly planted species shall be hardy for the specified area. All landscaping shall be maintained in a healthy growing condition and be neat and orderly in appearance. The fifty (50) foot greenbelt shall not be used for off-street parking facilities or for loading spaces. Along the inner side (the industrial property side) of the greenbelt, except when the green belt adjoins a public street, there shall be provided either:

(1) A continuous visual screen with a minimum height of six (6) feet, such screen consisting of a compact evergreen hedge of foliage screening; or

(2) An ornamental masonry wall or wood fence at least six (6) feet in height above grade, in which case one (1) shrub shall be planted in the greenbelt per ten (10) lineal feet or fraction thereof. Required shrubs shall be a minimum of eighteen (18) inches in height at time of initial planting. Shrubs may be clustered rather than evenly spaced.

11. *Landscaping.* The required front, side and rear yards shall be planted with trees and shrubs.

E. *Industrial Performance Standards.*

1. *Compliance with standards.* Any use or proposed use shall be operated so as to comply with the provisions of this Chapter. If it is deemed necessary by the Building Commissioner in order to determine compliance with these standards by any proposed or expansion of industry, the Commissioner may require any person, firm or corporation to retain an expert consultant or consultants to study and report as to compliance or non-compliance with these performance standards and to advise how a proposed use or proposed expansion of a use can be brought into compliance with these performance standards. Such consultants shall be fully qualified to give the required information and shall be persons or firms mutually agreeable to the Building Commissioner and to the persons or firms of the use in question. In the event of inability to select a mutual consultant, the Planning and Zoning Commission shall select the consultant. The cost of the consultant's services shall be borne by the owner, firm or corporation requesting such use. No use lawfully established before October 25, 1977, shall be hereafter altered or modified so as to conflict with or further conflict with these performance standards.
2. *Outdoor storage.* All permitted and conditional uses shall be conducted within a completely enclosed building with no open storage of raw, in process, or finished material, and supplies or waste material, or finished or semi-finished products manufactured on the premises, unless screened from the street, or any residential or business district by fences or walls in accordance with these district regulations.
3. *Noise.* At no point on the boundary of a residential or business district shall the

sound intensity level of any individual operation or plant (other than the operation of motor vehicles or other transportation facilities) exceed the decibel levels in the designated octave bands shown in the following table:

Maximum Permitted Sound Levels (decibels)

Octave Band Frequency (cycles per second)	Along Residential District Boundaries	Along Business District Boundaries
0 to 75	67	75
75 to 150	65	70
150 to 300	59	63
300 to 600	52	57
600 to 1,200	46	52
1,200 to 2,400	40	45
2,400 to 4,800	34	40
Above 4,800	32	38

Note: Measurement is to be made at the boundary of the nearest residential or business area or at any other point along the boundary where the level is higher.

Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards hereinafter prescribed, provided that such noises are capable of being accurately measured with such equipment. Noises capable of being so measured, for the purpose of this Chapter, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two (±2) decibels. Noises incapable of being so measured, such as those of an irregular and intermittent nature, should be controlled so as not to become a nuisance to adjacent uses.

4. *Smoke and particulate matter.* The emission of smoke or dusts by manufacturing plants in an amount sufficient to create a general nuisance to adjoining properties shall be prohibited. Total emission of smoke and particulate matter shall be limited to the following:
   a. *Ringelmann requirements.* All smoke and the emission of all other particulate matter in quantities sufficient to produce an opacity at any point greater than Ringelmann 3 shall be prohibited. The only exception shall be a plume consisting entirely of condensed steam. A Ringelmann 1 unit is defined as twenty percent (20%) density for one (1) minute. No more than fifteen (15) units of Ringelmann smoke shall be permitted per hour and no smoke more intense than Ringelmann 2, except that during one (1) hour of a twenty-four (24) hour day, thirty (30) units of smoke may be emitted, but with no smoke more intense than Ringelmann 3 as shown on the Ringelmann Chart.
   b. The emission, from all sources within any lot area, of particulate matter containing more than ten percent (10%) by weight, of particles having a particulate diameter larger than forty-four (44) microns, shall be prohibited.
   c. Dust and other types of air pollution, borne by the wind from such sources as storage areas, yards, roads and the like within lot boundaries, shall be kept to a minimum by appropriate landscaping, paving, oiling, fencing or acceptable means. Emission of particulate matter from such sources in excess of the

weight limitation herein specified shall be prohibited.

5. *Odors.* No odor shall be emitted by any use permitted in this district in such quantities as to be readily detectable by an average observer at any point on the boundary line of the premises or beyond.
6. *Noxious gases.* Processes and operations of permitted uses capable of dispersing gases or toxic particulates into the atmosphere must be hooded or otherwise suitably enclosed. The emission of such toxic gases or particulate matter shall be from a stack.
7. *Glare and heat.* Operation producing intense light and heat shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.
8. *Vibration.* Any operation or activity which shall cause at any time and at any point beyond the boundaries of the lot, earth-borne vibrations, other than background vibrations produced by some source not under control of this Chapter, such as the operations of motor vehicles or other transportation facilities, in excess of the limits set forth in Column I of the table below shall be prohibited. In addition, any operation or activity which shall cause at any time and at any point in a residence district earth-borne vibrations in excess of the limits set forth in Column II of the table below shall be prohibited. Vibration shall be expressed as displacement in inches and shall be measured with a three (3) component measuring system approved by the Building Commissioner.

Frequency (cycles per second)	I Displacement (inches)	II Displacement (inches)
0 to 10	.0008	.0004
10 to 20	.0005	.0002
20 to 30	.0002	.0001
30 to 40	.0002	.0001
40 to over	.0001	.0001

Note: Impact vibrations which are discrete pulses that do not exceed one hundred (100) impulses per minute shall be permitted twice the displacements shown above in Columns I and II.

(R.O. 2009 §156.035; CC 1981 §30-37; Ord. No. 77-31, 7-5-77; Ord. No. 77-56, 10-26-77; Ord. No. 82-29, 4-21-82; Ord. No. 90-163, 6-21-90; Ord. No. 90-188, 7-18-90; Ord. No. 91-26, 2-7-91; Ord. No. 93-26, 2-26-93; Ord. No. 93-129, 6-9-93; Ord. No. 95-280, 10-18-95; Ord. No. 96-256, 9-19-96; Ord. No. 98-209, 5-15-98; Ord. No. 00-78, 4-5-00; Ord. No. 01-156, 7-19-01; Ord. No. 02-130, 5-28-02; Ord. No. 04-176, 8-4-04; Ord. No. 04-216, 9-10-04; Ord. No. 09-227, 12-10-09; Ord. No. 10-244 §1, 11-18-10; Ord. No. 11-106 §5, 6-9-11)

Cross Reference--As to penalty, §400.1890.

SECTION 400.250: "I-2" HEAVY INDUSTRIAL DISTRICT

A. *Purpose.* The purpose of the "I-2" Heavy Industrial District is to provide for a wide variety of manufacturing, fabricating, processing, wholesale distributing and warehousing uses appropriately located for access by major thoroughfares or railroads, to restrict or prohibit those industries which have characteristics likely to produce serious adverse

effects within or beyond the limits of the district. Certain potentially hazardous industries are permitted only after public hearings and review to assure protection of the public interest and surrounding property and persons. Commercial uses and open storage of materials are permitted, but new residential development is excluded.

B. *Permitted Uses.* A building or land in the "I-2" district shall be used only for the following purposes. Where any doubt exists as to the nature of a proposed use, product or process, the proposal shall be considered as a potentially hazardous use and referred to the Board of Adjustment for decision after a public hearing.
   1. Any permitted use in the "I-1" Light Industrial District.
   2. Manufacture or assembly of the following products:
      a. Abrasive wheels or stones, abrasive paper, cloth and related products.
      b. Agricultural or farm implements.
      c. Aircraft and aircraft parts.
      d. Foundry products.
      e. Excelsior, wood fiber.
      f. Ice manufacture.
      g. Insecticides, fungicides, disinfectants and related industrial and household chemical elements (blending only).
      h. Leather goods, not including tanning operations.
      i. Pottery and figurines or similar ceramic products and kilns fired by electricity or gas only.
      j. Pulp goods, pressed or molded, including paper mache products, paper products, but not manufacture of paper.
      k. Monuments and architectural stone.
      l. Rubber products and rubber and synthetic fabrics, excluding all rubber and synthetic processing.
      m. Structural iron and steel fabrication.
      n. Wall board and plaster, building insulation and composition flooring.
      o. Wire rope and cable.
      p. Wood chip and fiberboard.
   3. Flour, grain and feed storage, blending and packaging, but not milling.
   4. Blacksmith shops.
   5. Indoor and outdoor storage and sales of building materials (cement, lime in bags or containers, sand, gravel, stone, lumber, structural or reinforcing steel, pipe and the like), but not manufacture or steel fabricating or junk storage.
   6. Cleaning and dyeing of garments, hats, carpets and rugs.
   7. Coal and wood yards, coke storage and sales.
   8. Exterminating establishment.
   9. Fertilizer storage in bags or bulk storage of liquid or dry fertilizer in tanks or in a completely enclosed building, but not manufacture or processing.
   10. Laundries, linen service.
   11. Lumberyard including planing and millwork.
   12. Plating, electrolytic process.
   13. Poultry packing and slaughtering (wholesale).
   14. Railroad switching yard, primarily for railroad service in the district, team tracks and spur tracks.
   15. Sawmill including cooperage stock mill, stationery and planing mill.

16. Soap products, but not soap manufacture.
17. Stone products, sand and gravel, but not crushing or grinding.

C. *Conditional Uses.* The following uses or the manufacture, compounding, processing, packaging or treatment of products not specifically listed above or below, but which may have accompanying hazards such as fire, explosion, noise, vibration, dust or the emission of smoke, odor, toxic gases or other pollutants, may be located in the "I-2" Heavy Industrial District, if not in conflict with any State or County law or ordinance, only after the location and nature of such use shall have been approved by the City Council following recommendation by the Planning and Zoning Commission after public hearing as provided in Sections 400.980 et seq. The Commission and Council shall review the plans and statements and shall not permit such buildings, structures or uses until there has been shown that the public health, safety, morals and general welfare will be properly protected and that necessary safeguards will be provided for the protection of streams or other water areas or surrounding property and persons. The Commission and Council, in reviewing the plans and statements, shall consult with other agencies created for the promotion of public health and safety and shall pay particular attention to protection of the City and its neighbors from the harmful effects of air or water pollution of any type.

1. Any conditional use permitted in the "I-1" zoning district.
2. Airports, landing strips and heliports.
3. Incinerators.
4. Ammunition and explosives storage.
5. Asphalt or asphalt products or central asphalt mixing or batching.
6. Concrete products or central mixing and proportioning plant and cement manufacture.
7. Distillery (alcoholic), breweries and makers of alcoholic spirits (non-industrial).
8. Docks, wharves and piers, except for pleasure craft, marine warehouses or storage area, freight storage shed, freight handling equipment.
9. Dredging base, marine construction yard, marine salvage base, but not junk unrelated to marine salvage.
10. Engine testing (internal combustion engines), but not jet engines or rockets.
11. Flour, feed and grain milling.
12. Galvanizing or plating (hot dip).
13. Hides and raw fur, curing, tanning, dressing, dyeing and storage.
14. Junk yards, subject to Section 400.450.
15. Landfill.
16. Leather tanning and curing.
17. Meat or fish products including slaughtering of animals or poultry or preparation of fish for packing.
18. Petroleum storage.
19. Plastic material and synthetic resins, processing only.
20. Railroad yards.
21. Stockyard.
22. Wood preserving treatment facility.
23. Quarry with rock crushing operation.
24. Manufacture of the following products:
    a. Acetylene generation and storage.

b. Adhesives, glue or sizing.
c. Alcohol, industrial.
d. Asbestos products.
e. Candles including wax or tallow manufacture.
f. Film, photographic.
g. Glass and glass products.
h. Insecticides, fungicides, disinfectants or related industrial or household chemical products.
i. Linoleum and other hard-surface floor coverings, except wood.
j. Match manufacture.
k. Oils, shortening and fats (edible), manufacture and storage.
l. Paint, oil, shellac, turpentine or varnish.
m. Starch manufacture.

25. The provisions of this Section shall apply to all new uses and to existing uses where a substantial change or expansion to the layout, operation or configuration is proposed.

D. *Reserved.*

E. *Design Standards.* (See also Sections 400.530 et seq. for additional regulations.) The following design standards are required in the "I-2" district:

1. Minimum lot area: 1 acre
2. Minimum lot width at the building line: 150 feet
3. Minimum lot depth: 200 feet
4. Maximum height of building: 3 stories or 45 feet
   "GPRS" bonus:
   All tiers: 4 stories or 60 feet, except when adjoining a residential zoning district.
5. Minimum setback requirements measured from building line to property line:
   a. No part of any building, accessory structure or sign shall be located closer than one hundred (100) feet to any residential district boundary.
   b. The front yard setback is thirty-five (35) feet, except fifty (50) feet across street from residential district.
      "GPRS" bonus:
      Tiers 1 and 2: 30 feet
      Tier 3: 25 feet, except 50 feet across street from residential district.
   c. The side yard setback is zero (0) feet, except ten (10) feet adjoining any other zoning district and fifty (50) feet adjoining any residential district.
      "GPRS" bonus:
      All tiers: 0 feet, except 10 feet adjoining any other zoning district and 50 feet adjoining any residential district
   d. The rear yard setback is zero (0) feet, except thirty (30) feet adjoining any other zoning district and fifty (50) feet adjoining any residential district.
      "GPRS" bonus:
      All tiers: 0 feet, except 25 feet adjoining any other zoning district and 50 feet adjoining any residential district
6. Maximum lot coverage: None
7. Floor area in square feet: No requirement

8. *Public utilities.* Requirements are contained in Section 400.610.
9. *Off-street parking and loading.*
   a. No parking shall be permitted in required front yard.
   b. Additional off-street parking and loading requirements are contained in Sections 400.660 et seq.
10. *Protective screening.*
   a. All exterior solid waste containers and container racks or stands shall be screened from public view by an enclosure which complies with the requirements of Section 400.965 (B)(4).
   b. Where an "I-2" zoning district directly adjoins a residential zoning district or is located across a public street or alley from a residential zoning district, a landscaped greenbelt at least fifty (50) feet in width shall be provided and maintained along the appropriate property line by the users of the "I-2" property. The open area shall be planted with trees and shrubs. A minimum of one (1) tree shall be planted per thirty (30) lineal feet or fraction thereof for any frontage along a residential zoning district. Required trees shall be at least two and one-half (2½) inch caliper. Trees existing within any required greenbelt at the time of installation and which are larger than two and one-half (2½) inch caliper shall be preserved and will count toward the minimum landscaping requirements. Newly planted species shall be hardy for the specified area. All landscaping shall be maintained in a healthy growing condition and be neat and orderly in appearance. The fifty (50) foot greenbelt shall not be used for off-street parking facilities or for loading spaces. Along the inner side (the industrial property side) of the greenbelt, except when the greenbelt adjoins a public street, there shall be provided either:
      (1) A continuous visual screen with a minimum height of six (6) feet, such screen consisting of a compact evergreen hedge or foliage screening; or
      (2) An ornamental masonry wall or wood fence at least six (6) feet in height above grade, in which case one (1) shrub shall be planted in the greenbelt per ten (10) lineal feet or fraction thereof. Required shrubs shall be a minimum of eighteen (18) inches in height at time of initial planting. Shrubs may be clustered rather than evenly placed.
11. *Landscaping.* The required front yard shall be planted with trees or shrubs.

F. *Industrial Performance Standards.* The same requirements as in Section 400.240(E). (R.O. 2009 §156.036; CC 1981 §30-38; Ord. No. 77-31, 7-5-77; Ord. No. 82-29, 4-21-82; Ord. No. 90-163, 6-21-90; Ord. No. 90-188, 7-18-90; Ord. No. 98-209, 5-15-98; Ord. No. 00-78, 4-5-00; Ord. No. 01-156, 7-19-01; Ord. No. 04-176, 8-4-04; Ord. No. 09-227, 12-10-09; Ord. No. 10-244 §1, 11-18-10; Ord. No. 11-106 §6, 6-9-11)

Cross Reference--As to penalty, §400.1890.

SECTION 400.270: "CBD" CENTRAL BUSINESS DISTRICT

A. *Purpose.* The purpose of the "CBD" Central Business District is to provide opportunity for a broad spectrum of uses designed to encourage development of the downtown area as a commercial and office center with appropriate loosening of normal restrictions. The regulations of the Central Business District are intended to allow greater design flexibility than is permitted by the other district regulations for tracts of land in the Central Business

District, where the planned development of such tract would better utilize the character of the site and enhance the appearance and economic vitality of the downtown area.

B. *Permitted Uses.* A building or land in the Central Business District shall be used only for the following purposes:
   1. Any permitted use in the "C-1" or "C-2" zoning districts;
   2. Two (2) dwelling units located above the first (1st) floor; or
   3. Single-family dwellings, except that in the Historic Downtown District a single-family dwelling shall not be located on the first (1st) floor of a building.

C. *Conditional Uses.* The following uses may be permitted as conditional uses if approved by the City Council following recommendation by the Planning and Zoning Commission:
   1. Any conditional use in the "C-1" or "C-2" zoning districts, except vehicle sales and firearm ranges are prohibited; and
   2. Apartment buildings, residential condominiums, town houses, row houses and other types of multiple-family dwellings, except that in the Historic Downtown District these residential uses shall be permitted only above the first (1st) floor. The density of multi-family dwellings shall not exceed eighteen (18.0) dwelling units per acre (DU/A). The following are permitted accessory uses for developments of multiple-family dwellings:
      a. A laundry room for use by occupants;
      b. Club and recreational facilities for use by occupants;
      c. Coin-operated vending machines for candy, tobacco, ice, soft drinks and sundries located inside a building for use by occupants; and
      d. An office located in a main building for administration of a development consisting of ten (10) or more dwelling units.

D. *Design Standards.*
   1. Minimum lot area: None
   2. Minimum lot width: None
   3. Minimum lot depth: None
   4. Minimum setback requirements measured from the building line to the property line:
      a. Front yard: None, except 15 feet when across a street from a residential zoning district
      b. Side yard: None, except 15 feet when adjoining a residential zoning district
      c. Rear yard: None, except 15 feet when adjoining a residential zoning district
   5. Minimum floor area in square feet: None

E. *Maximum Height.* Maximum height of buildings shall be three (3) stories or forty-five (45) feet. However, the height limitations may be varied upon review by the Planning and Zoning Commission and approval by the City Council.

F. *Maximum Lot Coverage.* Eighty percent (80%) of the gross lot area.

G. *Protective Screening.*
   1. All exterior solid waste containers and container racks or stands shall be screened from public view by an enclosure which complies with the requirements of Section 400.965(B)(4).
   2. Where a "CBD" zoning district directly adjoins a residential zoning district or is located across a public street or alley from a residential zoning district, a

landscaped greenbelt at least fifteen (15) feet in width shall be provided and maintained along the appropriate property line by the users of the "CBD" property. The open area shall be planted with trees and shrubs. A minimum of one (1) tree shall be planted per thirty (30) lineal feet or fraction thereof for any frontage along a residential zoning district. Required trees shall be at least two and one-half (2½) inch caliper. Trees existing within any required greenbelt at the time of installation and which are larger than two and one-half (2½) inch caliper shall be preserved and will count toward the minimum landscaping requirements. Newly planted species shall be hardy for the specified area. All landscaping shall be maintained in a healthy growing condition and be neat and orderly in appearance. The fifteen (15) foot greenbelt shall not be used for off-street parking facilities or for loading spaces. Along the inner side (the commercial property side) of the greenbelt, except when the greenbelt adjoins a public street, there shall be provided either:

a. A continuous visual screen with a minimum height of six (6) feet, such screen consisting of a compact evergreen hedge or foliage screening; or
b. An ornamental masonry wall or wood fence at least six (6) feet in height above grade, in which case one (1) shrub shall be planted in the greenbelt per ten (10) lineal feet or fraction thereof. Required shrubs shall be a minimum of eighteen (18) inches in height at time of initial planting. Shrubs may be clustered rather than evenly spaced.

H. *Off-Street Parking And Loading.* The following off-street parking and loading regulations shall apply to the "CBD":
   1. For all existing buildings, the off-street parking and loading requirements are waived for approved uses.
   2. All new construction shall provide one-half (½) of the parking and loading requirements contained in Sections 400.660 et seq.
   3. All new construction that exceeds the maximum height requirements shall provide one hundred percent (100%) of the parking and loading requirements contained in Sections 400.660 et seq.

I. *Additional Requirements.* Additional requirements are contained in Sections 400.350 et seq. (R.O. 2009 §156.038; CC 1981 §30-30(b); Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98; Ord. No. 00-78, 4-5-00; Ord. No. 01-156, 7-19-01; Ord. No. 04-176, 8-4-04; Ord. No. 06-320, 11-29-06; Ord. No. 09-64, 4-17-09; Ord. No. 10-244 §1, 11-18-10)

SECTION 400.280: "CRD" CENTRAL RESIDENTIAL DISTRICT

A. *Purpose.* The purpose of the "CRD" Central Residential District is to provide opportunity for residential uses in close proximity to the Central Business District. The regulations of Central Residential District are intended to allow greater flexibility in design and uses than would normally be permitted by other residential districts. The primary objective of the district is to preserve the appearance and economic vitality of the entire area while at the same time maintaining the initial character of the original residential uses of the area.

B. *Permitted Uses.*
   1. *"CRD-I".* A building or land shall be used only for the following purposes. Any use, accessory use or conditional use permitted in the "R1-C", "R1-D" or "R1-E"

zoning districts.

2. *"CRD-II".* A building or land shall be used only for the following purposes. Any use, accessory use or conditional use permitted in the "R-1C", "R-1D", "R-1E" or "R-2" zoning districts.

C. *Design Standards.*

1. Minimum lot area:	5,000 square feet
2. Minimum floor area:	850 square feet per principal building
3. Minimum lot width:	None
4. Minimum lot depth:	None
5. Minimum front yard:	20 feet
Front yard area, except for driveway access, shall be used for lawn and landscaping only.	
6. Minimum side yard:	5 feet
7. Minimum rear yard:	10 feet
8. Maximum height:	
a. "CRD-I":	3 stories or 45 feet
b. "CRD-II":	2½ stories or 35 feet
9. Minimum floor area per dwelling unit in the "CRD-II":	700 square feet

D. *Maximum Building Coverage.*

1. *"CRD-I".* The maximum building coverage of the principal buildings shall be not more than seventy percent (70%) of the gross lot area. Usable yard area shall be not less than five percent (5%) of the net lot area.
2. *"CRD-II".* There shall be only one (1) principal building per lot within the "CRD" II District. The maximum building coverage of the principal building shall be not more than seventy percent (70%) of the gross lot area. Usable lot area shall be not less than five percent (5%) of the net lot area.

E. *Off-Street Parking.* The off-street parking spaces shall be provided for as outlined in Sections 400.660 et seq.

F. *Protective Screening.* Except for lots with one (1) single-family or one (1) two-family dwelling, all exterior solid waste containers and container racks or stands shall be screened from public view by an enclosure which complies with the requirements of Section 400.965(B)(4). (R.O. 2009 §156.039; CC 1981 §30-39(c); Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98; Ord. No. 99-53, 2-4-99; Ord. No. 99-205, 6-3-99; Ord. No. 01-111, 6-8-01; Ord. No. 02-229, 9-20-02; Ord. No. 10-244 §1, 11-18-10)

SECTION 400.290: "FHCD" FRENCHTOWN HISTORIC COMMERCIAL DISTRICT

A. *Purpose.* The purpose of the "FHCD" Frenchtown Historic Commercial District is to provide for a low intensity restricted mixture of retail shopping, personal service, residential and lodging uses on a comparatively small scale; and to preserve historic areas of St. Charles, for future generations and for historic area residents, while preserving the integrity of historic and cultural activities and events; but discourages events or activities that may misuse historic areas. It is intended to foster and complement the nearby residential neighborhoods.

B. *Permitted Uses.* A building or land in the "FHCD" shall be used only for the following purposes:

1. Accounting and auditing agencies.
2. Antique shops.
3. Art galleries and museums.
4. Bakeries or bake shops.
5. Banks, savings and loan associations, but not drive-in or drive-thru facilities except as otherwise provided.
6. Barbershops and beauty parlors.
7. Bed and breakfast establishments, with each guest room having its own independent bath facilities.
8. Bicycle sales and repair shops.
9. Business, professional and technical schools and universities.
10. Business, professional or medical offices.
11. Commercial laboratories including testing and photo finishing laboratories, but not including testing combustion engines or explosives.
12. Computer and data processing centers.
13. Custom dressmaking or tailoring shops.
14. Day spas and massage establishments employing licensed massage technicians in the practice of massage as that term is defined in Section 660.010. All persons practicing massage shall be licensed pursuant to Chapter 660.
15. Delicatessen businesses.
16. Direct mail advertising service business.
17. Enclosed recreational uses including tennis, handball or paddleball, swimming, skating, gymnasium or health club, bowling and similar recreational uses.
18. Hobby shops or craft shops.
19. Insurance agencies and services.
20. Investment agencies and services.
21. Patio and garden shops, retail greenhouses.
22. Printing, publishing and engraving.
23. Public and private libraries.
24. Public or government offices.
25. Public parks and open space.
26. Real estate agencies and services.
27. Research laboratories and facilities.
28. Restaurants, but not drive-thru or drive-in except as otherwise provided.
29. Shops for the sale, service or repair of home appliances, shoes, jewelry, stereos, televisions and radios.
30. Single-family dwellings, but residential uses shall be prohibited on the first (1st) floor of an existing commercial structure.
31. Specialty shops, boutiques, coffee shops and tea rooms.
32. Stores or shops for the conduct of retail business including the sale of books, cards, carpets, clothing, drugs, fabrics, flowers, food, furniture, garden supplies, gifts, groceries, hardware, home appliances, jewelry, musical instruments and records, office supplies and merchandise, optics, paint, shoes, sporting goods, stationery, stereos, televisions and radio, tobacco and similar stores and shops.

33. Studios for artists, photographers, teachers, sculptors, musicians or graphic designers.
34. Temples and meeting facilities for fraternal, religious, Masonic and philanthropic clubs and organizations.
35. Title companies.
36. Travel bureaus and ticket offices.
37. Walk-up automatic teller machines.
38. Wineries and microbreweries.
39. All other types of indoor retail sales uses not listed may otherwise be permitted through a conditional use.
40. Placement of a telecommunication antenna on an existing telecommunication tower (co-location) where no expansion or enlargement of the existing tower enclosure is required.

C. *Conditional Uses.* The purpose of the conditional use process is to allow the establishment of those uses which have some special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. The conditional use process provides the City with the means to review the location, design, configuration of uses and potential impacts and compatibility with the surrounding area. In approving the conditional use, the Planning and Zoning Commission may recommend and the City Council may impose conditions or safeguards as are deemed necessary to protect the surrounding properties and public generally. The following uses may be permitted in the "FHCD" as a conditional use, if approved by the City Council following recommendation by the Planning and Zoning Commission:

1. Parking lots or garages not accessory to a principal structure and approved through a site plan or parking lots or garages for public use for compensation.
2. Small manufacturing establishments which occupy no more than ten thousand (10,000) square feet of building space. No outdoor storage shall be permitted and no offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.
3. Live performance or motion picture theater.
4. Auditorium, lecture hall, meeting facility or conference center.
5. Hotels, motels and inns.
6. Laundromats or self-service dry cleaning establishments, laundries and dry cleaning or pressing pickup stations. No cleaning fluid considered hazardous, in the judgment of the Fire Chief, shall be used.
7. Pet shops and dog beauty parlors, provided that any work rooms, cages, pens or kennels be maintained within a completely enclosed sound-proof building and that such shop or parlor be operated in such a way as to produce no objectionable noises or odors outside its walls.
8. Veterinary office, clinic and/or hospital.
9. Two-family and multi-family residential.
10. In-vehicle sales or service.
    Description: In-vehicle sales and service land uses include all land uses which perform sales or services to persons in vehicles or to vehicles which may be occupied at the time of such activity. Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent

streets. Examples of such land uses include drive-in, drive-up and drive-through facilities, vehicular fuel stations and all forms of car washes.

a. Regulations for in-vehicle sales or service.
   (1) Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to the drive-through lane(s).
   (2) The drive-through facility shall be designed so as not to impede or impair vehicular and pedestrian traffic movement or exacerbate the potential for pedestrian/vehicular conflicts.
   (3) In no instance shall a drive-though facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this Section.
   (4) The setback of any overhead canopy or similar structure shall be a minimum of ten (10) feet from all street rights-of-way lines, a minimum of twenty (20) feet from all residentially zoned property lines and shall be a minimum of five (5) feet away from all other property lines. The total height of any overhead canopy or similar structure shall not exceed twenty (20) feet as measured to the highest part of the structure. The setback requirements may be recommended for modifications by the Planning and Zoning Commission and modified by the City Council where it is found that due to pre-existing circumstances the provision of the setback will cause an undue burden on the ability to effectively use the property.
   (5) All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material which is designed to meet the requirements of a minimum four (4) ton axle load.
   (6) Facility shall provide a minimum six (6) foot high solid, maintenance free fence with a combination of shrubs (eighteen (18) inches to twenty-four (24) inches tall or three (3) feet to four (4) feet wide at the time of planting), understory trees (six (6) feet to eight (8) feet tall at the time of planting) and canopy trees (two and one-half (2½) inches to three (3) inches caliper at the time of planting) as recommended by the Planning and Zoning Commission and approved by the City Council along all borders of the property directly abutting a residentially zoned property. These requirements may be recommended for modification by the Planning and Zoning Commission and modified by the City Council where it is found that due to pre-existing circumstances the provision of the setback will cause an undue burden on the ability to effectively use the property.
   (7) Interior curbs shall be used to separate driving area from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports and landscaped islands. The curbs shall be a minimum of six (6) inches high and be of a non-mountable design. No curb protecting an exterior fixture shall be located closer than twenty-five (25) feet to any property line. The setback requirements may be recommended for modification by the Planning and Zoning Commission and modified by the City Council where it is found that due to pre-existing circumstances the provision of the setback will cause an undue burden on the ability to effectively use the

property.

(8) Outdoor storage uses (including the outdoor storage of vehicles or vehicles for sale) shall be prohibited on the same property.

11. Equipment rental and leasing services, not including passenger motor vehicles; provided storage is within a completely enclosed building unless otherwise allowed through the conditional use permit.
    a. *Regulations for equipment rental and leasing services.*
        (1) Minimum lot area: 1 acre
        (2) Minimum lot width at the building line: 100 feet.
        (3) All areas of the facility not designated as landscape area shall provide a surface paved with concrete or bituminous material which is designed to meet the requirements of a minimum four (4) ton axle load.
12. Telecommunication towers, antennas attached to structures, or placement of a telecommunication antenna on an existing tower (co-location) where an expansion or enlargement of the existing tower enclosure is required.
13. Day care facilities or adult day care facilities.
14. Passenger vehicle or motorcycle sales, rental, service, detailing, body and fender repair and/or spray painting.
    Description: Passenger vehicle or motorcycle sales, rental, service, detailing, body and fender repair or spray painting. Passenger vehicle or motorcycle sales, rental, service or repair land uses include all land uses which perform maintenance or repair service to vehicles or motorcycles and contain all operations including equipment, materials and inoperable motorcycles completely within an enclosed building. For the purposes of this Subsection, *"passenger vehicles"* shall be defined as motor vehicles licensed less than twelve thousand (12,000) pounds with a design and intended use for the transport of persons. For the purposes of this Subsection, *"motorcycles"* shall be defined as 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.
    a. *Regulations for passenger vehicle or motorcycle sales, rental, service, detailing, body and fender repair and/or spray painting.*
        (1) All areas of the facility not designated as landscape area shall provide a surface paved with concrete or bituminous material which is designed to meet the requirements of a minimum four (4) ton axle load.
        (2) Facility shall provide a minimum six (6) foot high solid, maintenance free fence with a combination of shrubs (eighteen (18) inches to twenty-four (24) inches tall or three (3) feet to four (4) feet wide at the time of planting), understory trees (six (6) feet to eight (8) feet tall at the time of planting) and canopy trees (two and one-half (2.5) inches to three (3) inches caliper at the time of planting) as recommended by the Planning and Zoning Commission and approved by the City Council along all borders of the property directly abutting a residentially zoned property. These requirements may be recommended for modification by the Planning and Zoning Commission and modified by the City Council where it is found that due to pre-existing circumstances the provision of the setback will cause an undue burden on the effective use of the

property.

(3) Outdoor storage of materials, equipment and damaged or inoperable vehicles is prohibited.

(4) Motor vehicle display and parking setback: 10 feet

(5) Minimum lot area: 10,000 square feet

(6) Minimum lot width at the building line: 80 feet

15. Secondhand sales establishments.
16. Plumbing, heating and air-conditioning shop, upholstering shop (not involving furniture manufacture), appliance repairs and general service and repair establishments, similar in character to those listed in this item. No outside, storage of material is permitted.
17. Warming and cooling centers when accessory to a church or other place of worship. Occupancy limits for a warming and cooling center shall be determined by the Building Code Official and Fire Marshal.

D. *Design Standards.*

1. Minimum lot area: 7,500 square feet
2. Minimum lot width at the building line: None
3. Minimum lot depth: None
4. Maximum height of building: 3 stories or 45 feet
5. Minimum setback requirements measured from the building line to the property line:
   a. Front yard setback:
      Minimum: 0 feet
      Maximum: 10 feet
   b. Side yard setback: None, except 10 feet when abutting a residential district
   c. Rear yard setback: None, except 20 feet when abutting a residential district
6. Maximum floor area: None
7. *Public utilities.* Requirements are contained in Section 400.610.
8. *Off-street parking and loading.*
   a. Buildings existing before May 20, 2010 situated on lots less than ten thousand (10,000) square feet in area, the off-street parking and loading requirements are waived for approved uses.
   b. For all new construction after May 20, 2010 on lots less than ten thousand (10,000) square feet in area shall provide one-half (½) of the parking and loading requirements contained in Sections 400.660 et seq.
   c. Buildings existing before May 20, 2010 and new construction on lots larger than ten thousand (10,000) square feet shall provide parking and loading in accordance with the requirements contained in Sections 400.660 et seq.
9. Metal clad buildings are prohibited.
10. *Protective screening.*
    a. All refuse and waste removal storage areas shall be screened with a minimum six (6) foot high solid screen walls of masonry construction to complement the primary structure as approved by the Historic Landmarks Preservation and Architectural Review Board. Gates shall be composed of metal or solid vinyl in a complementary color to the masonry as approved by the HLPARB and in

no case shall slatted, chainlink fencing be used. Any other materials shall be approved by the Historic Landmarks Preservation and Architectural Review Board. Solid waste container enclosures shall have a concrete floor.

b. Where a "FHCD" directly adjoins a residential zoning district or is located across a public street or alley from a residential zoning district, a landscaped greenbelt at least fifteen (15) feet in width shall be provided and maintained along the appropriate property line by the users of the "FHCD" property. The open area shall be planted with trees and shrubs. A minimum of one (1) tree shall be planted per lineal foot or fraction thereof for any frontage along a residential zoning district. Required trees shall be at least two and one-half (2½) inch caliper. Trees existing within any required greenbelt at the time of installation and which are larger than two and one-half (2½) inch caliper shall be preserved and will count toward the minimum landscaping requirements. Newly planted species shall be hardy for the specified area. All landscaping shall be maintained in healthy growing condition and be neat and orderly in appearance. The fifteen (15) foot greenbelt shall not be used for off-street parking facilities or for loading space. Along the inner side (the commercial property side) of the greenbelt, except when the greenbelt adjoins a public street, there shall be provided either:
   (1) A continuous visual screen with a minimum height of six (6) feet, such screen consisting of a compact evergreen hedge or foliage screening; or
   (2) An ornamental masonry wall or solid maintenance-free fence at least six (6) feet in height above grade, in which case one (1) shrub shall be planted in the greenbelt per ten (10) lineal feet or fraction thereof. Required shrubs shall be a minimum of eighteen (18) inches in height at time of initial planting. Shrubs may be clustered rather than evenly spaced.

11. Any of the above design standards may be modified through approval of a conditional use. (R.O. 2009 §156.040; Ord. No. 05-21, 1-14-05; Ord. No. 08-217, 10-13-08; Ord. No. 09-189, 10-29-09; Ord. No. 10-25 §1, 2-19-10; Ord. No. 10-74 §1, 4-22-10; Ord. No. 10-99 §1, 5-20-10; Ord. No. 11-26 §5, 2-4-11)

Division 2. "SD" Superimposed District Regulations

SECTION 400.300: "SD" SUPERIMPOSED DISTRICTS--APPLICATION

To enable the "superimposed district" to operate in harmony with the plan for land use and population density embodied in this Chapter, the "HP" Historic Preservation District, the "RPPD" Residential Parking Permit District and the "EHP" Extended Historic Preservation District, are created as special districts to be superimposed on the other districts contained in this Chapter or amendments hereto and are to be so designated by the City Council and depicted by a special symbol for their boundaries on the Zoning District Map. If there is a conflict between regulations of an underlying district and a superimposed district, the regulations of the superimposed district shall prevail. (R.O. 2009 §156.063; CC 1981 §30-39(a); Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98)

SECTION 400.310: "RPPD" RESIDENTIAL PERMIT PARKING DISTRICT

A. *Purpose.* The purpose of this district is to reduce the hazardous traffic conditions resulting from the use of streets within residentially zoned districts for parking of vehicles by persons using adjoining multi-family or non-residentially zoned districts. The regulations of the "RPPD" Superimposed District are intended to protect these districts from polluted air, excessive noise, trash and refuse caused by the entry of such vehicles; to protect the residents of these districts from unreasonable burden in gaining access to their residences; to preserve the residential character; to promote efficiency of access in the answering of emergency calls by the Fire and Police Departments; to promote efficiency in the maintenance of these streets in a clean and safe condition; to preserve the value of the residential property; to preserve the safety of children and other pedestrians and traffic safety; and to maintain the peace, good order, comfort, convenience and welfare of the residents.

B. *Initiation Of A Request For "RPPD" Designation.*
   1. Any member of the City Council or the Mayor may initiate a request through the Mayor for "RPPD" designation for an area of the City. A "RPPD" area must contain a minimum of five (5) adjacent properties or have a lineal distance of three hundred (300) feet to be eligible.
   2. Each street or street segment, which is proposed for residential permit parking, will be evaluated using the following methodology:
      a. Seven (7) days prior to the evaluation, all residents within the area to be evaluated will be notified by the Department of Community Development that the City is going to conduct an on-street parking evaluation. Area residents will be asked to place a card, provided by the City, in the rear window of any vehicle they intend to park on the street in the area in question to evaluate the impact of non-resident on-street parking in the area.
      b. The evaluation will include a determination of the number of on-street spaces occupied during at least two (2) days when the greatest number of parked vehicles is anticipated. The effects of turnover in vehicles parked on the street will also be analyzed.
      c. The number of on-street spaces are calculated at the rate of twenty-two (22) feet of lineal curb length with any fractional number rounded to the lowest number.

C. *Design Criteria.* To be eligible for the "RPPD" overlay, the study area must find at least fifty percent (50%) of the parking spaces must not turnover within a two (2) hour period and at least fifty percent (50%) of the parking spaces must be filled and at least fifty percent (50%) of the spaces must be occupied by non-resident vehicles. A proposed district with boundaries within five hundred (500) feet of a property line of a learning institution where any portion of the student population is of driving age shall not be subject to the design criteria.

D. *Overlay Designation.* Upon completion of the analysis and a finding that a "RPPD" meets the design criteria, staff shall notice and advertise for rezoning the area in question using the procedures outlined in Section 400.990, except as set forth in Subsection (D)(1) below.
   1. Completion of analysis and a finding of meeting design criteria shall not be required for a proposed district with boundaries within five hundred (500) feet of a property line of a learning institution where any portion of the student population is of driving age, a proposed district designed to reduce criminal

activity or to reduce congestion from street or utility construction. These proposed districts shall only be subject to a public hearing before the City Council prior to the passage of an ordinance to create the district. A district created to reduce criminal activity or to reduce congestion from street or utility construction shall terminate within one (1) year of its establishment or completion of construction, as the case may be, but may be extended by the City Council if the conditions prompting the designation have not been resolved or the construction is not completed.

E. *Parking Permits Notification.* Upon passage of an ordinance by City Council designating an area as a "RPPD", notification will be sent to every address within the eligible area informing them that they are in a permit parking area and must obtain a parking permit sticker from the Department of Community Development. Residents must furnish proof in the form of vehicle registration for each vehicle for which they want a sticker. This notification will also include information concerning the availability of temporary visitor, guest and business parking permits.

F. *Signage.* Upon passage of the ordinance, the Department of Public Works will post signs on the affected streets with "Residential Permit Parking Only" and the days and hour permits are in effect or required.

G. *Eligibility For Permits.*
   1. To residents of the affected areas, one (1) permit for each vehicle registered to that address.
   2. For visitors of any residents in the affected area, residents may obtain "Visitor Passes" to issue to their visitors.
   3. One (1) day permits for other uses consistent with the residential character of the district may be obtained by residents.
   4. In applying for a "RPPD" permit, the applicant must apply to the Department of Community Development who will verify that the address is within the "RPPD" overlay. Upon verification by the Department of Community Development, the applicant will then be able to purchase the permit from the City Collector.

H. *Proof Of Eligibility.*
   1. Each resident is entitled to one (1) permit per vehicle.
   2. Residents must present to the City Collector proof of ownership and paid personal property tax receipt with his/her address for each vehicle for which a permit is desired.
   3. If a resident has recently moved into an affected district, they must show proof of residence and vehicle ownership. A permit shall not be issued to a new resident until the original resident has surrendered his/her permit.
   4. Residents must obtain parking permits for all visitors.

I. *Expiration.* Residential and visitor parking permits shall be valid for one (1) year expiring December thirty-first (31st).

J. *Fees.* The fee for a residential parking permit shall be as follows:

Type of Permit	Fee
Residential	$1.00 per registered vehicle
Visitors	$1.00 per permit
Special occasion	$1.00 deposit*
*Refundable when permits are returned.	

K. *Sticker Display.* All stickers will be displayed in the lower driver's side of the rear window.

L. *Non-Residence.* Whenever a person holding a permit no longer meets the conditions of residency in a permit parking district, he/she shall surrender the permit(s) issued to him/her to the Department of Community Development.

M. *Enforcement.*

1. Enforcement of the residential parking permit district shall be under the direction of the Chief of Police.
2. It shall be unlawful for any person to represent that he/she is entitled to a permit when he/she is not so entitled; to fail to surrender a permit to which he/she is not so entitled; to obtain, give, rent or sell a permit to a person to whom it is not entitled; to park a vehicle displaying a permit when the holder of the permit is not so entitled.

N. *Violation.* Violation of this Section shall be punishable by a minimum fine of twenty-five dollars ($25.00). (R.O. 2009 §156.064; CC 1981 §30-30(f); Ord. No. 77-31, 7-5-77; Ord. No. 80-47, 4-9-80; Ord. No. 97-311, 9-18-97; Ord. No. 98-209, 5-15-98; Ord. No. 05-114, 4-26-05; Ord. No. 06-329, 12-14-06; Ord. No. 07-162, 6-11-07; Ord. No. 10-244 §1, 11-18-10)

Cross Reference--As to penalty, §400.1890.

SECTION 400.320: "WHP" WELLHEAD PROTECTION DISTRICT

A. *Purpose.* The purpose of this Section is to safeguard the public health, safety and general welfare through the protection of ground water used as a public water supply.

B. *Permitted Uses.* Any use permitted by right in an underlying zoning district shall also be permitted by right in an overlying Wellhead Protection District, the boundaries of which are illustrated on the map attached to Ordinance 10-26 and on file in the City offices.

C. *Conditional Uses.*

1. The following uses may be permitted in the "WHP" Wellhead Protection District as a conditional use if approved by the City Council following recommendation by the Planning and Zoning Commission:
   a. The production, use, handling or storage of any hazardous substance or liquid petroleum product.
   b. Fleet maintenance repair and service facilities including, but not limited to, mechanic services, transmission repair services and oil changing services in conjunction with and supplementary to a permitted business operation.
   c. Construction of new underground storage tanks and associated pipes in compliance with applicable local, State and Federal laws and in conjunction with and supplementary to a permitted business operation.
   d. Dry cleaning business.
   e. Furniture stripping.
   f. Wastewater pretreatment facilities or other impoundments of waste material.
   g. Vehicle service stations and convenience stores which sell motor fuel.
   h. Electrical power generator and substations.
   i. Closed-loop heat pump well systems, provided the entire length of the pipe system is sealed with a thermal grout.
2. In order to receive approval from the City Council, each facility which handles or

uses regulated substances must fulfill the following requirements:

a. Provide for the installation and maintenance of devices for secondary containment in case of inadvertent discharge from primary containers. Ensure the proper storage of regulated substances to insure the integrity and proper functionality of impervious floor surface.
b. Submission of an emergency contingency plan for each facility to respond to unauthorized discharges.
c. Posting of a bond or carrying of insurance which would pay for the cost of cleanup incurred as the result of inadvertent discharge.
d. The three (3) previous requirements must be approved in writing by both the Fire Chief and the Community Development Director or their designees.

D. *Prohibited Uses.* The following uses are prohibited in the WHP Wellhead Protection District:

1. The production, use, handling, or storage of any extremely hazardous substance, greater than the exempted quantity, as defined in Section 400.050.
2. Landfills, including but not limited to, industrial and municipal landfills; open dumps; or any other waste disposal facility.
3. Waste transfer stations and incinerators.
4. Waste disposal wells and underground injection of liquid wastes.
5. Sewage lagoons.
6. Wastewater treatment plants.
7. Cemeteries and graveyards for humans or domesticated animals.
8. Scrap and junk yards.
9. Uncovered salt storage.
10. Private potable water wells into known and potential sources of contamination, including, but not limited to, those identified on Exhibit A, as filed in the City Clerk's office.
11. Ponds/lakes constructed deeper than fifteen (15) feet, in order to prohibit excavation below the upper cohesive solids into the underlying sand and gravel aquifer except at properties where site specific drilling data indicates deeper excavation, will not contact the sand and gravel aquifer to a maximum allowable excavation depth of five (5) feet above the base of the upper cohesive soils.
12. Open-loop heat pump well systems which utilize ground water as the heat source and sink.
13. Any use not described in Subsection (B) or (C).

E. *Exemptions.* The following substances are not subject to the provisions of this Chapter, as long as they are used, handled or stored in a manner that does not result in contamination of the ground water:

1. Use of any regulated substance in an amount less than the exempted quantity for that substance.
2. Any substance to the extent it is used for personal, family or household purposes or is present in the same form and concentration as a product packaged for distribution and use by the general public. However, regulated substances used in the operation of a home business shall not be exempt from the provisions of these requirements.
3. Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the user.

4. Any substance to the extent it is used in a research laboratory, hospital or other medical facility and is under the direct supervision of a technically qualified individual.
5. Regulated substances contained in properly operating sealed units (transformers, refrigeration units, etc.) which are not operated as part of routine use and which are in operable condition.
6. Motor fuels, lubricants and coolants which are in use within operable internal combustion engines and attached fuel tanks.
7. Radioactive materials regulated by the United States Nuclear Regulatory Commission.
8. Regulated substances in continuous transit through a "WHP" District.

F. *Design Standards.* Within the "WHP" District, the design standards of the district upon which the WHP District is superimposed shall apply. In addition, the following design standards shall be required in a "WHP" zoning district:
1. Operation of existing underground storage tanks is permitted, as long as doing so is within compliance with applicable State and Federal laws.
2. Other design measures as required to receive a conditional use permit from the City Council. (R.O. 2009 §156.065; Ord. No. 98-209, 5-15-98; Ord. No. 04-176, 8-4-04; Ord. No. 10-26 §1, 2-19-10)

SECTION 400.330: "SMPD" SOUTH MAIN PRESERVATION DISTRICT

A. *Purpose.* The purpose of the "SMPD" South Main Preservation District is to preserve historic areas, buildings, monuments or other historic features which contribute or will contribute to the heritage of the City or the State. The district also provides for the protection of historic areas, buildings, monuments or features and their surroundings within a reasonable distance from obviously incongruous development or uses of land.

B. *Permitted Uses.* A building or land shall be used only for the following purposes:
1. Any use, accessory use or conditional use permitted in the zoning district in which the premises are situated and upon which the South Main Preservation District is superimposed including single-family dwellings, except as provided in Section 400.330(B)(2).
2. Restaurants, cafes or cafeterias including restaurants, cafes or cafeterias where intoxicating liquor is sold and consumed incidental to the sale of food; provided that no intoxicating liquor may be sold to patrons standing or sitting at a bar, whether or not such sale is incidental to the sale of food and the only exception to this latter proviso is that intoxicating liquor may be sold to patrons standing or sitting at an exposed bar in a microbrewery. Also, such uses shall exclude live music or dancing on such premises.
   a. As used in this Section, the term *"microbrewery"* shall mean a restaurant which meets the following qualifications:
      (1) Brews beer on the premises and sells the brewed beer on the premises with an annual minimum capacity of one hundred (100) barrels of beer brewed and an annual maximum of ten thousand (10,000) barrels of beer brewed.
      (2) Has a Federally approved "brewer's notice".
      (3) Has either fifty-one percent (51%) gross income from non-alcohol food sales or a minimum of two hundred thousand dollars ($200,000.00) of

gross income per year in non-alcohol food sales.

(4) Is licensed for Sunday liquor sales.

C. *Special Building And Occupancy Permit.*

1. No person shall be permitted to build, erect, construct, alter, destroy or remove buildings or structures or in any way change the outward appearance of any building or structure in the South Main Preservation District without having obtained a certificate of appropriateness from the Historic Landmarks Preservation and Architectural Review Board. The painting of buildings does not require a Certificate of Appropriateness when colors listed on the approved color chart are utilized.
2. Evidence of such required approval shall be a certificate of appropriateness issued by the Historic Landmarks Preservation and Architectural Review Board.
3. No building permit or certificate of occupancy shall be issued for any building or structure within the South Main Preservation District, unless such applicant shall furnish with his/her application for such permit a copy of certificate of appropriateness.

D. *Signs.* Signs and billboards shall be permitted as required in Section 400.1830. All signs shall be reviewed and approved by the Historic Landmarks Preservation and Architectural Review Board in accordance with the standards and purposes of the South Main Preservation District.

E. *Lighting.* All outdoor, temporary, decorative lighting must obtain a certificate of appropriateness from the Historic Landmarks Preservation and Architectural Review Board prior to installation, except from November fifteenth (15th) through January fifteenth (15), at which time only white non-twinkling, non-chasing miniature lights will be allowed. (R.O. 2009 §156.066; CC 1981 §30-39(e); Ord. No. 77-31, 7-5-77; Ord. No. 94-84, 4-13-94; Ord. No. 96-45, 2-21-96; Ord. No. 98-209, 5-15-98; Ord. No. 02-54, 3-6-02; Ord. No. 10-244 §1, 11-18-10)

Cross Reference--As to penalty, §400.1890.

SECTION 400.340: "EHP" EXTENDED HISTORIC PRESERVATION DISTRICT

A. *Purposes.* The purposes of the "EHP" Extended Historic Preservation District are to preserve historic buildings which contribute or will contribute to the heritage of the City or the State and to preserve existing neighborhood architecture by protecting the buildings and their surroundings from obviously incongruous development or uses of land.

B. *Certificate Of Demolition Or Removal.* No person shall be permitted to remove or demolish any building in the Extended Historic Preservation District without the issuance of a certificate of demolition or removal by the Historic Landmarks Preservation and Architectural Review Board (HLPARB). The HLPARB shall base its decision upon the review criteria set forth in Section 400.1280; further, the HLPARB shall process all requests for certificates of demolition and removal in accordance with the procedures set forth in the aforesaid Sections of the Code. This provision shall not apply to accessory buildings which have less than five hundred (500) square feet nor to properties less than fifty (50) years old, unless the Director of Community Development determines that the building may have historical significance and refers the question to the HLPARB.

C. *Architectural Review For Properties Constructed During Or Prior To 1945.* No person shall alter the exterior appearance of any building without first obtaining a Certificate of Appropriateness from the Historic Landmarks Preservation and Architectural Review Board (HLPARB). In reviewing applications for a Certificate of Appropriateness, guidelines established in Section 400.1270 shall be used.

D. *Architectural Review For Properties Constructed After 1945.* Every application for a building permit for construction of, additions to, and exterior alterations of, any building in the district shall be submitted to the HLPARB for review and approval. In reviewing applications for a Certificate of Appropriateness, guidelines established in Section 400.1270 shall be used. (R.O. 2009 §156.067; CC 1981 §30-39(g); Ord. No. 77-31, 7-5-77; Ord. No. 93-291, 12-22-93; Ord. No. 96-4, 1-16-96; Ord. No. 97-52, 1-31-97; Ord. No. 98-209, 5-15-98; Ord. No. 01-176, 8-3-01; Ord. No. 10-244 §1, 11-18-10)

Cross Reference--As to penalty, §400.1890.

SECTION 400.350: "HDD" HISTORIC DOWNTOWN DISTRICT

A. *Purpose.* The purpose of the "HDD" Historic Downtown District is to protect the district from alterations, additions or demolitions which would be detrimental to property values and its character as a pedestrian-oriented, historic commercial area.

B. *Permitted Uses.* Any use, accessory use or conditional use permitted in the zoning district in which the premises are situated and upon which the Historic Downtown District is superimposed including single-family dwellings.

C. *Building, Sign And Occupancy Permits.*

1. No person shall be permitted to build, erect, construct, alter, destroy or remove buildings or structures, including signs, or in any way change the outward appearance of any building or structure in the Historic Downtown District overlay without having obtained a certificate of appropriateness from the Historic Landmarks Preservation and Architectural Review Board (HLPARB). The painting of buildings does not require a Certificate of Appropriateness when colors listed on the approved color chart are utilized.
2. No building permit, sign permit or certificate of occupancy shall be issued for any building or structure within the Historic Downtown District unless the applicant shall furnish with an application for such permit a copy of any necessary certificate of appropriateness.

D. *Lighting.* All outdoor, temporary, decorative lighting must obtain a certificate of appropriateness from the Historic Landmarks Preservation and Architectural Review Board prior to installation, except from November fifteenth (15th) through January fifteenth (15th), at which time only white non-twinkling, non-chasing miniature lights will be allowed. (R.O. 2009 §156.068; CC 1981 §30-39(h); Ord. No. 77-31, 7-5-77; Ord. No. 80-47, 4-9-80; Ord. No. 82-29, 4-21-82; Ord. No. 83-2, 1-5-83; Ord. No. 83-17, 3-2-83; Ord. No. 87-35, 2-13-87; Ord. No. 91-3, 1-16-91; Ord. No. 92-321, 12-23-92; Ord. No. 93-291, 12-22-93; Ord. No. 98-209, 5-15-98; Ord. No. 02-54, 3-6-02; Ord. No. 10-244 §1, 11-18-10)

Cross Reference--As to penalty, §400.1890.

SECTION 400.360: "FPD" FRENCHTOWN PRESERVATION DISTRICT

A. *Purpose.* The purposes of the "FPD" Frenchtown Preservation District are to preserve buildings, structures and sites valued for cultural and historic reasons; preserve properties which provide a strong sense of place and community; maintain an aesthetically pleasing area by limiting incongruous alterations; and retain unique community assets for economic expansion.

B. *Determination Of Historically Contributing Properties.* Using the following criteria, the Department of Community Development staff shall determine which properties within the "FPD" are either contributing or non-contributing. The Department of Community Development shall maintain a map for public review which clearly indicates which properties are contributing and non-contributing.
    1. *Contributing properties.* A building, structure or permanently fixed object which meets either of the following criteria:
        a. Is eligible for listing on the National Register of Historic Places, either individually or as part of a collection; or
        b. Was present during the period of significance (1830--1940), relates to the documented significance of the district and either possesses historic integrity or is capable of yielding important information about the period.
    2. *Non-contributing properties.* Properties other than contributing properties and vacant land.
    3. *Vacant land.* For purposes of new construction, vacant land shall be subject to the architectural review process of contributing properties.

C. *Architectural Review For Contributing Properties.*
    1. No person shall alter the exterior appearance of any building without first obtaining a certificate of appropriateness from the Historic Landmarks Preservation and Architectural Review Board (HLPARB). In reviewing applications for a certificate of appropriateness, design guidelines adopted for the district by City Council shall be used.
    2. Every application for a building permit for construction of, additions to and exterior alterations of any contributing building or structure and for every new structure shall be submitted to the HLPARB for issuance of a certificate of appropriateness. The painting of buildings does not require a Certificate of Appropriateness when colors listed on the approved color chart are utilized.

D. *Architectural Review For Non-Contributing Properties.* For non-contributing properties as provided by Section 400.340(C), Construction Permits within the Extended Historic Preservation District, every application for a building permit for construction of, additions to and exterior alterations of any building in the district shall be submitted to the HLPARB for review and approval.

E. *Outdoor Display Of Merchandise.* Merchandise may be displayed outside an allowed, licensed business within a commercial zoning district provided the following conditions are met:
    1. There shall be a continuous, unobstructed four (4) foot wide path from the back of the curb or street if no curb exists; and
    2. The display of merchandise shall not extend beyond the width of the storefront; and
    3. Any business that is located on a corner, merchandise may only be displayed in the area along the main entrance; and
    4. The following items shall be prohibited from outdoor display:

a. Household appliances including, but not limited to, items such as:
   (1) Refrigerators,
   (2) Washing machines,
   (3) Dryers,
   (4) Stoves, etc.
b. Household fixtures including, but not limited to, items such as:
   (1) Sinks,
   (2) Commodes, etc.
c. Automotive parts.
d. Lawn equipment including, but not limited to, items such as:
   (1) Lawn mowers,
   (2) Trimmers,
   (3) Tractors,
   (4) Chain saws, etc.
e. Pre-packaged items including, but not limited to, items such as:
   (1) Food,
   (2) Paper goods, etc.
f. Construction equipment including, but not limited to, items such as:
   (1) Power or powered tools,
   (2) Hauling trailers,
   (3) Earth-moving equipment, etc.

5. Merchandise for sale shall not be attached to or hanging from the structure; and
6. Merchandise may only be displayed during the business hours of operation.

F. A certificate of appropriateness is required for any paint color change on any building or sign that fronts on Second Street within the Frenchtown Preservation District. The HLPARB will consider the selection of colors and how color is applied in color schemes. In general, the HLPARB seeks the use of colors that replicate those used historically. Colors shall be equivalent to or like the colors from one (1) of the following:
   1. Sherwin Williams Arts and Crafts;
   2. Sherwin Williams Victorian;
   3. Benjamin Moore Historical Color Collection; and
   4. Benjamin Moore Exterior Palettes.

   For this purpose, the HLPARB maintains a chart of approved colors. (R.O. 2009 §156.069; Ord. No. 97-50, 1-31-97; Ord. No. 98-209, 5-15-98; Ord. No. 01-262, 11-13-01; Ord. No. 03-216, 9-3-03; Ord. No. 03-279, 10-23-03; Ord. No. 10-244 §1, 11-18-10)

SECTION 400.370: "CPD" COMMONS PRESERVATION DISTRICT

A. *Purpose.* The purposes of the "CPD" Commons Preservation District are to preserve buildings, structures and sites valued for cultural and historic reasons; preserve properties which provide a strong sense of place and community; maintain an aesthetically pleasing area by limiting incongruous alterations; and retain unique community assets for economic expansion.

B. *Determination Of Historically Contributing Properties.* Using the following criteria, the Department of Community Development staff shall determine which properties within the "FPD" are either contributing or non-contributing. The Department of Community Development shall maintain a map for public review which clearly indicates which

properties are contributing and non-contributing.

1. *Contributing properties.* A building, structure or permanently fixed object which meets either of the following criteria:
   a. Is eligible for listing on the National Register of Historic Places, either individually or as part of a collection, or
   b. Was present during the period of significance (1860--1920), relates to the documented significance of the district and either possesses historic integrity or is capable of yielding important information about the period.
2. *Non-contributing properties.* Properties other than contributing properties and vacant land.
3. *Vacant land.* For purposes of new construction, vacant land shall be subject to the architectural review process for contributing properties.

C. *Architectural Review For Contributing Properties.*
   1. No person shall alter the exterior appearance of any building without first obtaining a certificate of appropriateness from the Historic Landmarks Preservation and Architectural Review Board (HLPARB). The painting of buildings does not require a Certificate of Appropriateness when colors listed on the approved color chart are utilized. In reviewing applications for a certificate of appropriateness, design guidelines adopted for the district by the HLPARB and City Council shall be used.
   2. Every application for a building permit for construction of, additions to and exterior alterations of any contributing building or structure and for every new structure shall be submitted to the HLPARB for issuance of a certificate of appropriateness.

D. *Architectural Review For Non-Contributing Properties.* For non-contributing properties as provided by Section 400.340(C), Construction Permits within the "EHP" Extended Historic Preservation District, every application for a building permit for construction of, additions to and exterior alterations of any building in the district shall be submitted to the Historic Landmarks Preservation and Architectural Review Board (HLPARB) for review and approval.

E. *Design Guidelines.* "Design Guidelines for the St. Charles Commons Neighborhood" prepared by the St. Charles Commons Neighborhood Association and dated October 30, 1996, hereby adopted by reference and incorporated as if fully set out herein, are adopted as the design guidelines for the Commons Preservation ("CP") District. (R.O. 2009 §156.070; Ord. No. 97-348, 10-14-97; Ord. No. 98-209, 5-15-98; Ord. No. 98-449, 10-22-98; Ord. No. 01-175, 8-3-01; Ord. No. 10-244 §1, 11-18-10)

SECTION 400.380: "LMPD" LANDMARK PRESERVATION DISTRICT

A. *Purpose.* The purpose of the "LMPD" Landmark Preservation District is to promote the educational, cultural, economic and general welfare of the community by:
   1. Preserving the distinctive historic, archaeological and architectural characteristics of St. Charles which represent elements of the City's cultural, social, economic, political and architectural history;
   2. Fostering civic pride in the beauty and accomplishments of the past as represented in St. Charles landmarks;
   3. Conserving and improving the value of property designated as landmarks; and

4. Protecting and enhancing the attractiveness of the City to home buyers, tourists, visitors and shoppers and thereby supporting and promoting business and providing economic benefit to the City.

B. *Permitted Uses.* Any use, accessory use or conditional use permitted in the zoning district in which the premises are situated and upon which the Landmark Preservation District is superimposed.

C. *Building, Sign And Occupancy Permits.*

1. No person shall build, erect, construct or alter buildings or structures on the designated property, other than routine maintenance or repairs, without first having obtained a certificate of appropriateness from the Historic Landmarks Preservation and Architectural Review Board. In reviewing applications for certificates of appropriateness, design guidelines approved by the City Council for the property shall be used. Furthermore, no person shall demolish or remove structures, in whole or in part, without first having obtained a certificate of demolition or removal from the Historic Landmarks Preservation and Architectural Review Board. In reviewing applications for a certificate of demolition or removal, criteria provided in Section 400.1280 shall be used. The painting of buildings does not require a Certificate of Appropriateness when colors listed on the approved color chart are utilized.
2. No building permit, sign permit, certificate of occupancy or demolition permit shall be issued for any building or structure within a Landmark Preservation District unless the applicant shall furnish with an application for such permit a copy of any necessary certificate of appropriateness or certificate of demolition or removal. (R.O. 2009 §156.071; Ord. No. 99-261, 7-23-99; Ord. No. 10-244 §1, 11-18-10)

ARTICLE III. OTHER USE REGULATIONS AND DESIGN STANDARDS

Division 1. Use Regulations

SECTION 400.400: ANIMALS

A. In all residential zoning districts, as well as all dwellings located in any other zoning district, dogs, rabbits, cats, horses or ponies may be kept as domestic pets by the occupant of a dwelling unit. These animals may not be used or kept for commercial or resale purposes or so as to cause a public nuisance. The stable, shed or other place of shelter for a horse or pony shall not be located closer than fifty (50) feet to any property line. No horse or pony may be kept on a lot which measures less than two and one-half (2½) acres in area.

B. In all residential zoning districts, as well as all dwellings located in any other zoning district, the occupant of a dwelling unit may keep for personal use chickens, geese, ducks, turkeys, other species of fowl and rabbits only under the following conditions:

1. Permanent shelters, pens or cages shall be located at least fifty (50) feet from any property line.

2. The shelter, pen or cage shall have a concrete floor and be maintained in a sanitary condition.
3. Fowl shall not be kept for commercial or resale purposes or so as to cause a public nuisance.

C. In all residential zoning districts and any single-family and two-family dwellings located in the "C-1" zoning district, cattle, swine, sheep and goats shall not be kept under any circumstances. (R.O. 2009 §156.085; CC 1981 §30-52; Ord. No. 77-31, 7-5-77; Ord. No. 97-356, 10-22-97; Ord. No. 98-209, 5-15-98; Ord. No. 10-244 §1, 11-18-10)

Cross Reference--As to penalty, §400.1890.

SECTION 400.410: AUTOMOBILE SERVICE STATIONS AND CONVENIENCE STORES WITH FUEL

A. *Purpose.* In order to regulate and control the problems of noise, odor, fumes, dust, danger of fire and explosion and traffic congestion, which result from the unrestricted and unregulated operation of service stations, and to regulate and control the adverse effects which service stations may impose upon surrounding areas, the following regulations and requirements shall apply to all service stations located in any zoning district.

B. *Reserved.*

C. *Minimum Lot Area.* The minimum lot area shall be twenty thousand (20,000) square feet or two thousand (2,000) square feet for each pump station, whichever is greater.

D. Minimum Lot Width. 150 feet at the building line

E. Minimum Lot Depth. 100 feet

F. Maximum Height Of Building. 2½ stories or 35 feet

G. *Minimum Setbacks.* The minimum setback requirements, measured from the building line to the property line, are:

1. Front yard setback: 50 feet
2. Side yard setback: 10 feet, except 20 feet where adjoining a residential zoning district
3. Rear yard setback: 10 feet, except 20 feet where adjoining a residential zoning district
4. Pump islands:
   a. Twenty (20) feet, except as required in items (b) and (c) below.
   b. Twenty-five (25) feet from any street right-of-way line parallel to a pump island.
   c. Fifty (50) feet from any street right-of-way line perpendicular to a pump island.
5. Pump island canopies:
   a. Fifteen (15) feet from any street right-of-way and ten (10) feet from any other lot line.
   b. Canopy support posts shall be located no closer than twenty (20) feet to a street right-of-way.

H. *Protective Screening.*

1. All discarded tires, parts, trash and similar objects shall be stored within a masonry enclosure, a minimum of six (6) feet in height, in the rear half or, in the case of corner sites, the rear quarter of the site.
2. When abutting any residential district, automobile service station sites shall be

fenced with a decorative brick, stone masonry or wood wall or fence a minimum of six (6) feet in height.

I. *Public Utilities.* All automobile service stations shall be connected to public water and sanitary sewers.

J. *Off-Street Parking And Loading.* Requirements contained in Section 400.670.

K. *Grease And Wash Racks.*
   1. All grease racks shall be contained within the building.
   2. Entry to grease racks shall be on the side, away from any public street.

L. *Tanker Delivery.* No delivery tanker shall be allowed to park on a public right-of-way during gasoline delivery, nor shall any hose be permitted on a public right-of-way.

M. *Gasoline Storage.* The total gasoline storage capacity of each service station shall not exceed twenty thousand (20,000) gallons, unless permission is granted in writing from the Fire Chief.

N. *Hours Of Operation.* If the automobile service station is within one hundred (100) feet of any residential zoning district, then the service station shall not operate between the hours of 12:00 A.M. and 6:00 A.M. This Subsection (N) shall not apply to any place of business which is engaged in the retail servicing of motor vehicles with fuels and oil and which does not provide repairs. This Subsection (N) shall apply to all service stations existing on the effective date of this Subsection (N) and to those erected after the effective date of this Subsection (i.e., July 5, 1977).

O. *Removal Of Closed Or Inactive Automobile Service Stations.* Any automobile service station that is closed to the public and has a dormant, inactive or non-operable status for a period of at least six (6) consecutive months shall be removed from the property upon which it is located. The words "*removed from the property",* as used herein, shall mean the following: removal of all fuel pumps and associated pipes whether located above or below ground from the premises; removal of any canopies covering fuel pumps; and excavation and removal of all underground storage tanks. Removal of the automobile service station shall be completed within sixty (60) days after the end of the six (6) month period of closure, dormancy, inactivity or non-operation. Any person who violates any of the provisions of this Subsection shall be subject to the penalty set forth in Section 100.150. (R.O. 2009 §156.086; CC 1981 §30-70; Ord. No. 77-31, 7-5-77; Ord. No. 90-68, 3-21-90; Ord. No. 98-209, 5-15-98; Ord. No. 06-106, 4-26-06; Ord. No. 10-244 §1, 11-18-10)

Cross Reference--As to penalty, §400.1890.

SECTION 400.420: BED AND BREAKFAST ESTABLISHMENTS

A. *In Residential Or Agricultural Districts.* Bed and breakfast establishments are a conditional use in all residential zoning districts and permitted in agricultural zoning districts subject to the home occupation provisions of this Section as well as Section 400.430. A bed and breakfast establishment shall be carried on entirely within the dwelling unit by a member of the family residing in the dwelling unit, shall clearly be incidental and secondary to the use of the dwelling unit for residential purposes and shall conform to the following standards and provisions:
   1. Any necessary business license shall be obtained pursuant to the requirements of the City of St. Charles Finance Department.
   2. No other type of occupation or profession shall be permitted within the building

where the bed and breakfast establishment is located.

3. *Maximum floor area allowed.*
   a. Buildings of less than two thousand five hundred (2,500) square feet of interior living space shall be allowed to use no more than three (3) bedrooms, nor more than fifty percent (50%) of the livable floor area of the building for the bed and breakfast establishment.
   b. Buildings of greater than two thousand five hundred (2,500) square feet of interior living space may be allowed up to six (6) bedrooms but no more than fifty percent (50%) of the livable floor area for use of the bed and breakfast establishment.
   c. The applicant shall provide a floor plan showing the specific location of the areas to be used for the bed and breakfast establishment.
4. No non-family person shall be employed.
5. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.
6. There shall be no exterior display, no exterior sign, except as permitted herein, no exterior storage of materials and no other exterior indication of the bed and breakfast establishment or variation from the residential character of the building.
7. One (1) sign shall be permitted which shall be unanimated, non-illuminated, flat or window sign having an area of not more than one hundred forty-four (144) square inches. The sign shall be attached flat to the building.
8. No machinery or equipment shall be installed which interferes with radio or television reception and which is not customarily incidental to the bed and breakfast establishment.
9. One (1) unobstructed off-street parking space shall be provided for each available bedroom in the bed and breakfast establishment. The Director of Community Development may grant a variance if it can be shown that adequate parking already exists.
10. No additions shall be added to the residence to establish this use.
11. No lodger shall be rented a room for longer than seven (7) consecutive days.
12. No meals may be served, except for breakfast and/or brunch.
13. Meals may be served only to overnight guests.
14. The owner/occupant is required to maintain a guest register which shall be available for inspection by the City.

B. *Commercial Districts.* A bed and breakfast in a commercial district shall have independent bath facilities for each guest room. (R.O. 2009 §156.087; CC 1981 §30-71; Ord. No. 88-79, 5-19-88; Ord. No. 91-251, 12-18-91; Ord. No. 96-44, 2-21-96; Ord. No. 98-209, 5-15-98; Ord. No. 99-344, 10-7-99; Ord. No. 00-78, 4-5-00; Ord. No. 10-244 §1, 11-18-10)

Cross Reference--As to penalty, §400.1890.

SECTION 400.430: HOME OCCUPATIONS

A home occupation is an occupation or profession which is customarily carried on entirely within the dwelling unit by a member of the family residing in the dwelling unit, which is clearly incidental and secondary to the use of the dwelling unit for residential purposes and which conforms to the standards and provisions provided herein. Home occupations may be for profit or not-for-profit.

1. *Standards.* Home occupations shall conform to the following standards:
   a. Only one (1) type of occupation or profession shall be permitted within the occupied building.
   b. The use may occupy not more than twenty-five percent (25%) of the total floor area and in no event more than five hundred (500) square feet of floor area.
   c. All employees and business partners must reside in the dwelling unit or be related to the applicant by blood, marriage, or adoption.
   d. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.
   e. There shall be no exterior display, no exterior sign, except as permitted herein, no exterior storage of materials, no direct access from outside the principal building to the home occupation, except that which serves the residential portion, and no other exterior indication of the home occupation or variation from the residential character of the principal building.
   f. One (1) sign shall be permitted which shall be an unanimated, non-illuminated, flat or window sign having an area of not more than one hundred forty-four (144) square inches attached flat to the building.
   g. No business hours shall be permitted after 8:00 P.M.
   h. No machinery or equipment shall be installed which interferes with radio or television reception and which is not customarily incidental to the practice of such occupation or profession.
2. *Specific examples permitted.* Permitted home occupations include, but are not limited to, the following list of occupations:
   a. A profession such as an engineer, architect, doctor, dentist or lawyer.
   b. Dressmakers, seamstresses or tailors.
   c. Music, dancing and other teachers or tutors, provided the instruction is limited to one (1) pupil at a time, except for occasional groups.
   d. Beauty and barber services having not more than one (1) operator.
   e. Real estate or insurance services.
   f. Photography studio primarily devoted to photography of individuals or small groups.
   g. Minor repair service.
   h. Artists, artisans and crafts people, with items produced on premises.
   i. Nursery schools, kindergartens and child-sitting services having no more than four (4) children at any one time, not including members of the immediate family of the operator.
   j. Internet-based businesses without on-site warehousing or stock in trade.
3. *Specific examples prohibited.* The following uses are specifically prohibited as home occupations:
   a. Vehicular repair, detailing or sales.
   b. Rental business.
   c. Stables or kennels.
   d. Eating or drinking places.
   e. Nursery schools and kindergartens and child-sitting services having more than four (4) children at any one time, not including members of the immediate family of the operator.

f. Retail or wholesale sales with stock-in trade and customers coming to the home including, but not limited to, dealers in groceries, appliances, automobiles, computers, and pharmaceuticals.
g. Veterinarian services or animal hospitals.
h. Mortuaries and embalming establishments.
i. Private clubs including fraternity and sorority houses.
j. Sales, distribution or auction services relating to firearms or alcohol.

4. *Permit, application and issuance.*
   a. Every person engaged in a home occupation shall obtain a home occupation permit from the Department of Community Development and shall obtain a business license if one is required for that occupation.
   b. When an application for a home occupation permit is filed, the Department of Community Development shall schedule a permit application conference and shall send a notice of the conference to the applicant, to the residence on the adjacent properties on all four (4) sides and to the Councilmember of that ward. The purpose of the conference is the discussion of the requirements of the City ordinances and the proposed home occupation. The applicant, the persons from the adjacent residences and the Councilmember may attend and participate in the conference. Notification of the decision to issue the permit or to deny it shall be mailed to the applicant, to the adjacent residences and to the Councilmember.
5. *Permit revocation.* Whenever the Director of Community Development determines that a permit holder has violated any of the standards contained within this Section, the Director may initiate the following revocation proceedings.
   a. The Director shall notify the permit holder of the intent to revoke the permit and state that the revocation will become effective ten (10) days after the date the notice is mailed by registered or certified mail or is delivered to the permit holder at the home where the home occupation is located.
   b. The permit holder may appeal the decision to revoke within the ten (10) day period by delivering a written appeal to the Department of Community Development.
   c. If the permit holder appeals the Director's revocation decision, the Mayor shall set a date for a hearing, giving at least ten (10) days' written notice of the hearing to the permit holder, the adjacent residence and the Councilmember. The Mayor shall hear and determine the case and shall cause a record of the case to be kept and copies shall be made available to any interested person upon the payment of a reasonable fee. (R.O. 2009 §156.089; CC 1981 §30-58; Ord. No. 77-31, 7-5-77; Ord. No. 86-106, 5-15-86; Ord. No. 98-209, 5-15-98; Ord. No. 01-250, 10-24-01; Ord. No. 07-162, 6-11-07; Ord. No. 10-244 §1, 11-18-10)

Cross Reference--As to penalty, §400.1890

SECTION 400.440: HOSPITALS AND ORPHANAGES

Public and private hospitals and orphanages shall meet the following minimum standards:

1. Minimum lot size: 2 acres
2. Minimum setback requirements

measured from building line to property line: 50 feet

3. Maximum building height:
   a. Three (3) stories or 45 feet.
   b. May be increased to a maximum of five (5) stories or sixty-five (65) feet by the provision of an additional five (5) feet of setback from all exterior property lines for each additional story.
4. Sites shall front upon a collector or arterial street. (R.O. 2009 §156.090; CC 1981 §30-59; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98)

SECTION 400.450: JUNK, USED AUTO PARTS AND SALVAGE YARDS

A. Sight-proof fences or walls shall be required around the entire area of junk yards and/or used auto parts yards or salvage yards.
   1. Fences shall not be less than six (6) feet nor greater than ten (10) feet in height.
   2. Fences shall be designed and constructed in compliance with existing building codes.
   3. Fences and/or greenbelts shall be used to shield contents of such businesses from view of public streets or residences.
   4. Fences shall be properly maintained at all times.
   5. In no instance shall slatted chain-link fencing be installed.

B. Stacking in a junk yard shall be limited to the height of the fence. There must be enough space provided so that if any material falls or is blown over, it will fall on the property.

C. No items for sale shall be stored or displayed on the fence or outside of the fenced area.

D. Any business moving to a new location shall be in full compliance with the regulations of this Section. (R.O. 2009 §156.091; CC 1981 §30-60; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98; Ord. No. 10-244 §1, 11-18-10)

Cross Reference--As to penalty, §400.1890.

SECTION 400.460: MANUFACTURED (MOBILE) HOMES AS TEMPORARY NON-RESIDENTIAL USES

A. A manufactured (mobile home), modular, prefabricated, sectional home, unit or units may be used as a construction office during the construction, provided any building permit shall not exceed a period of two (2) years or project completion, whichever happens first.

B. A permit from the Department of Community Development shall be obtained for all manufactured (mobile) homes used as a non-residential use. (R.O. 2009 §156.092; CC 1981 §30-62; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98; Ord. No. 10-244 §1, 11-18-10)

SECTION 400.470: TELECOMMUNICATIONS TOWERS

A. *Intent And Purpose.* The purpose of this Section is to regulate the placement, construction and modification of telecommunications towers, support structures and antennas in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless

telecommunications marketplace in the City. This Section is intended to:

1. Provide for the appropriate location and development of telecommunications facilities and systems to serve the citizens and businesses of the City;
2. Minimize adverse visual impacts of communications antennas and support structures through the careful design, siding, landscape screening and innovative camouflaging techniques;
3. Maximize the use of existing and new support structures so as to minimize the need to construct new or additional facilities;
4. Maximize the co-location of facilities on any new support structures;
5. Ensure that any new telecommunications tower or structure is located in an area compatible with the neighborhood or surrounding community to the extent possible;
6. Ensure that regulation of telecommunications towers and structures does not have the effect of prohibiting the provision of personal wireless services and does not unreasonably discriminate among functionally equivalent providers of such service.

B. *Legislative Findings.*

1. On February 8, 1996, Congress enacted the Federal Telecommunications Act of 1996 P.L. No. 104-104. The purpose of the Act included deregulation of the telecommunications industry and providing a more competitive environment for wired and wireless telecommunication services in the United States.
2. The Telecommunications Act of 1996 preserves the authority of the City to regulate the placement, construction and modification of towers and antenna support structures and to protect the health, safety and welfare of the public.
3. The City has been granted the authority to enact legislation to regulate the construction, placement and operation of telecommunications towers and antennas pursuant to its zoning powers established in Chapter 89, RSMo., as amended, State Statute and additionally pursuant to its general and specific police powers established by Statute authorizing the regulations herein to protect the public health, safety and welfare.
4. The Federal Communications Commission (FCC) has exclusive jurisdiction over:
   a. The regulation of the environmental effects of radio frequency emissions from telecommunication facilities, and
   b. The regulation of radio signal interference among users of the radio frequency spectrum.
5. Consistent with the Telecommunications Act of 1996, the regulations of this Section will not have the effect of prohibiting the provision of personal wireless services and do not unreasonably discriminate among functionally equivalent providers of such service. The regulations also impose reasonable restrictions to protect the public safety and welfare and ensure opportunities for placement of antennas with prompt approval by the City. The Section does not attempt to regulate in areas within the exclusive jurisdiction of the FCC.
6. The uncontrolled proliferation of towers in the City is threatened without adoption of new regulations and would diminish property values, the aesthetic quality of the City and would otherwise threaten the health, safety and welfare of the public.

C. *General Requirements.*

1. The requirements set forth in this Section shall be applicable to all telecommunications towers, antennas and other support structures installed, built or modified after the effective date of this Section to the full extent permitted by law.
2. *Building codes, safety standards and zoning compliance.* The design for a telecommunications tower shall bear the seal of a structural engineer licensed and in good standing with the State of Missouri. The structural engineer shall certify that the tower has been designed such that in the event of structural failure, it shall only fall on the property upon which it has been erected and shall not fall on any neighboring property. To ensure the structural integrity of antenna support structures, the owner shall see that it is constructed and maintained in compliance with all standards contained in applicable State and local building codes and the applicable standards published by the Electronics Industries Association, as amended from time to time. In addition to any other approvals required by this Section, no antenna, tower or support structure shall be erected without verification of zoning compliance and issuance of a building permit.
3. *Regulatory compliance.* All antennas and support structures shall meet or exceed current standards and regulations of the FAA, FCC and any other State or Federal agency with the authority to regulate communications antennas and support structures. Should such standards or regulations be amended, then the owner shall bring such devices and structure into compliance with the revised standards or regulations within the time period mandated by the controlling agency. No approval for any placement, construction or modification of any antenna or structure permitted by this Section shall be granted for any applicant having an uncured violation of this Section or any other governmental regulatory requirement related to such antenna or structures within the City.
4. *Security.* All antennas and support structures shall be protected from unauthorized access by appropriate security measures. A description of proposed security measures shall be provided as part of any application to install, build or modify antennas or support structures. Additional measures may be required as a condition of the issuance of a building permit or conditional use permit as deemed necessary by the Commission or by the City Council.
5. *Lighting.* Antennas and support structures shall not be lighted unless required by the FAA or other State or Federal agency with authority to regulate, in which case a description of the required lighting scheme will be made a part of the application to install, build or modify the antennas or support structure. Equipment cabinets and shelters may have lighting only as approved by the Commission or by the City Council as part of the conditional use permit approval.
6. *Advertising.* Except for a disguised antenna support structure in the form of attachment to an existing and otherwise lawfully permitted pylon sign, the placement of advertising on structures regulated by this Section is prohibited.
7. *Design.*
   a. Telecommunication towers, except towers owned or operated by the City of St. Charles, shall not exceed one hundred (100) feet unless approved by a conditional use permit.
   b. No two (2) towers, except towers owned or operated by a government entity, shall be located within a one thousand (1,000) foot radius. The distance shall

be calculated from the center of the base of the tower.

c. The design of the tower, compound and building mounted antennas shall maximize use of building materials, colors, textures, screening and landscaping that effectively blend the telecommunication facilities within the surrounding natural setting and built environment.
d. Landscaping or sight proof fencing shall be required around the base of the telecommunication tower and around ancillary structures as indicated on a sketch plan. Landscaping shall be required to effectively screen ancillary structures from adjacent development and roadways. Landscaping shall include evergreen trees a minimum of six (6) feet in height. The evergreen trees shall be planted ten (10) foot on center.
e. Telecommunication towers, excluding stealth towers, shall be set back from any public right-of-way a minimum of fifty (50) feet. Stealth towers shall be set back from a public right-of-way the minimum setback required by the zoning district in which the tower is located.
f. All towers, disguised support structures, and related structures, fences and walls shall be separated from the property line of any adjacent property at least a distance equal to one-half (½) of the height of the tower or structure.
g. Antennas on structures, including signage, shall be painted or treated to match the structure to which they are attached. Antennas shall not exceed five (5) feet above the structure unless additional height is authorized in the conditional use permit approving the antenna.
h. Towers shall not exceed the height limitation of any airport overlay zone as may be adopted by the City.
i. On-site parking for periodic maintenance and service shall be provided at all antenna or tower locations consistent with the underlying zoning district.

D. *Shared Use.* All new telecommunication towers shall be constructed to accommodate at least one (1) additional user. Co-location on towers shall be encouraged; the applicant for a permit for a telecommunication tower shall submit a report to show that no viable co-location site exists to meet the applicant's coverage requirement. The report shall address all the existing towers within one (1) mile of the proposed tower location and shall indicate the reasons the existing tower(s) cannot include the proposed tower/antenna for co-location. The report shall include RF frequency coverage map(s) for the proposed tower and the existing towers within the one (1) mile radius. The report shall be signed and certified by an electrical frequency engineer.

E. *Obsolete Non-Complying Tower Structures.* Any upper portion of a tower which is not occupied by active antennas for a period of twelve (12) months, and any entire tower which is not so occupied for a period of six (6) months, shall be removed at the owner's expense. Failure to comply with this provision shall constitute a nuisance that may be remedied by the City at the tower or property owner's expense.

F. *Commercial Operation Of Unlawful Tower Or Antennas.* Notwithstanding any right that may exist for a governmental entity to operate or construct a tower or structure, it shall be unlawful for any person to erect or operate for any private commercial purpose of any antenna, tower or disguised support structure in violation of any provision of this Section, regardless of whether such antenna or structure is located on land owned by a governmental entity.

G. *Penalty.* Any person violating this provision shall be subject to a fine of not more than

five hundred dollars ($500.00) or ninety (90) days in jail, or both. Each day the violation continues shall constitute a separate offense. (R.O. 2009 §156.093; Ord. No. 96-256, 9-19-96; Ord. No. 98-209, 5-15-98; Ord. No. 00-78, 4-5-00; Ord. No. 04-176, 8-4-04; Ord. No. 04-216, 9-10-04; Ord. No. 10-74 §1, 4-22-10)

SECTION 400.480: TEMPORARY RETAIL SALES AND OUTDOOR DISPLAY OF MERCHANDISE

A. *Intent And Purpose.* It is the intent and purpose of this Section to permit defined temporary retail sales uses and outdoor display of merchandise within the City on a controlled, time-limited basis while controlling any adverse impacts on the City's permanent uses. This Section is not intended to be a way to circumvent the strict application of the use districts. Therefore, time limits are to be strictly enforced. This Section does not apply to garage sales, vehicle sales, garden centers accessory to retail establishments, farm produce stands, fireworks stands licensed under Sections 215.1100 et seq., non-profit organization fund raising events or to authorized vendors permitted under the auspices of City recognized civic events.

B. *Definitions.* For the purposes of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
OUTDOOR DISPLAY OF MERCHANDISE: The outdoor displaying of goods or products normally offered for sale inside a business on the subject property. Such display may include items offered only on a seasonal basis such as salt or mulch in bags.
TEMPORARY RETAIL SALES USE: Selling products, merchandise or service to the public, conducted on a temporary basis and not occupying a permanent structure on the property on which it is located. The use may or may not occupy a tent or other removable structure and may or may not be conducted by the owner or lessee of the property. The use may, but need not, be associated with a permanent use on the property.

C. *Temporary Retail Sales Permitted In Non-Residential Zoning Districts.* If not already provided for as a permitted or conditional use by this Chapter, a temporary retail sales use shall be a conditional use in the non-residential zoning districts of the City, provided the use meets the criteria set forth in this Section. This Section shall not supersede or substitute for any other Section of this Chapter that requires another type of permit, certification or approval.

D. *Criteria For Temporary Retail Sales Uses.* A temporary retail sales use may be conducted by the owner, tenant or lessee of any property located within a non-residential zoning district, provided the use meets the following criteria:
    1. The temporary retail sales use shall obtain a conditional use permit as recommended by the Planning and Zoning Commission and as approved by the City Council. In reviewing the conditional use permit application, the following criteria and standards shall apply:
        a. Sales of products, services or merchandise not allowed by the specific zoning district in question shall not be permitted.
        b. The temporary retail sales use shall not generate noise, vibration, glare, fumes, odors or electrical interference beyond what normally occurs in the applicable zoning district.
        c. No more than one (1) temporary retail sales use may operate at any given time on the same property, unless approved by the same or a separate conditional

use permit.

d. The same location on private property may not have a temporary use more than six (6) times within a calendar year, unless approved by the conditional use permit.
e. Adequate parking for the customers of the temporary retail sales use shall be provided in accordance with Sections 400.660 through 400.700 and required spaces for the principal use of the property shall not be reduced, unless approved by the conditional use permit.
f. The temporary retail sales use shall be limited in duration by the purpose for which the permit is sought and as specified through the conditional use permit.
g. A bond or other security agreement, in such amount to be determined by the City, as necessary, requiring and ensuring that the property be kept clean of all trash and debris during and immediately after the temporary retail sales use must be posted with the City prior to the establishment of the use.
h. Information on parking, traffic circulation, fire prevention, insurance vendors and health certificates where applicable shall be evaluated. If off-site parking is to be used, then written permission from the owner of the property on which parking is proposed must be provided.
i. In issuing a conditional use permit, the Planning and Zoning Commission may recommend and the City Council may approve appropriate conditions and safeguards as are necessary to protect the public interest and ensure harmony with the intent and purpose of this Section. If an applicant fails to meet such conditions, if the use becomes a nuisance or if any provision of the Code of Ordinances is violated by the use, the conditional use permit may be revoked by the Department of Community Development upon providing the applicant with written notice of the revocation. If the use endangers the public health or safety, then the Director of Community Development may revoke the permit immediately. The applicant may appeal the revocation of the conditional use permit to the Planning and Zoning Commission.
j. No conditional use permit authorizing a temporary retail sales use shall be transferable, assignable or otherwise alienable, nor shall any such permit be granted authorizing a temporary retail sales use in a residential zoning district. Temporary retail sales uses shall be expressly prohibited in residential zoning districts.

2. *Natural disaster or other health and safety emergencies.* Temporary uses and structures that may be necessary as a result of a natural disaster or other health and safety emergencies, as determined by the Mayor, shall be permitted for the duration of the emergency or a maximum of sixty (60) days.

E. *Criteria For Outdoor Display Of Merchandise.* Except for outdoor displays of merchandise approved by the City as part of a development plan, merchandise (items that are typically offered for sale within the corresponding business) may only be displayed outside an allowed, licensed business within a "C-1", "C-2", "C-3", "I-1" or "I-2" zoning district, provided the following conditions are met:

1. *Display area.*
   a. The display area shall not extend beyond an area ten (10) feet beyond the storefront; and

b. There shall be a continuous, unobstructed four (4) foot wide path from the back of the curb or street and/or drive aisle if no curb exists. No portion of the display shall be on publicly owned property unless the applicant shall first have obtained approval for such uses from the City; and
c. The display of merchandise shall not extend beyond the width of the storefront; and
d. No required off-street parking space or loading area will be utilized for such display; and
e. For any business that is located on a corner, merchandise may only be displayed in the area along the main entrance; and
f. Merchandise shall not be attached to or hanging from any structure; and
g. Merchandise may only be displayed during the business hours of operation.

2. This Subsection (E) shall in no way be deemed to authorize the outdoor display of salvage material or any other items not ordinarily allowed for sale in the corresponding zoning district in which the use is situated.
3. The provisions of this Subsection (E) shall not apply in the "HCD" Historic Commercial District, the "SMPD" South Main Preservation District or "LMPD" Landmark Preservation District.
4. The requirements of Subsections (E)(1)(a) through (g) may be modified if the Planning and Zoning Commission recommends and the City Council approves a conditional use permit granting the modification in accordance with the following criteria:
   a. How the proposed conditional use (the use in general) is in harmony with the purposes, goals, objectives, policies and standards of the St. Charles Comprehensive Plan and any other plan, program or ordinance adopted or under consideration pursuant to official notice by the City;
   b. How the proposed conditional use (in its proposed location) is in harmony with the purposes, goals, objectives, policies and standards of the St. Charles Comprehensive Plan and any other plan, program or ordinance adopted or under consideration pursuant to official notice by the City;
   c. Whether the proposed conditional use, in its proposed location and as depicted on the required site plan, results in a substantial or undue adverse impact on the adjacent property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way or other matters affecting the public health, safety or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions and policies of the Zoning ordinance, Comprehensive Plan or any other plan, program or ordinance adopted or under consideration pursuant to official notice by the City;
   d. Whether the proposed conditional use maintains the desired consistency of land uses, land use intensities and land use impacts as related to the environs of the subject property as directed by the Comprehensive Plan;
   e. Whether the proposed conditional use is located in an area that will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities or services provided by public agencies serving the subject property;
   f. Whether the potential public benefits of the proposed conditional use

outweigh the potential adverse impacts of the proposed conditional use as identified above, after taking into consideration any proposal by the petitioner and any requirements recommended by the petitioner and/or City staff to ameliorate such impacts. (R.O. 2009 §156.094; Ord. No. 03-265, 10-23-03; Ord. No. 07-162, 6-11-07)

SECTION 400.490: SIDEWALK CAFES--DEFINITIONS, STANDARDS AND CRITERIA

A. *Intent And Purpose.* It is the intent and purpose of this Section and Section 400.500 to allow sidewalk cafes upon City right-of-way through the issuance of a sidewalk cafe permit and right-of-way encroachment license to control and limit any adverse impact on pedestrian traffic and other uses of the right-of-way. Notwithstanding the forgoing, sidewalk cafes permits shall not be available to businesses located on that portion of South Main bordered on the north by First Capitol Drive and bordered on the south by Reservoir Drive. This Section and Section 400.500 shall be exempt from the requirements of Sections 400.340(C), 400.350(C), 400.360(C--D), 400.370(C--D), 400.380(C) and 400.1180 through 400.1320, inclusive.

B. *Definitions.* When used in this Section and Section 400.500, the following words shall have the following meanings unless the context clearly indicates or requires a different meaning.

PERMIT: A sidewalk cafe permit issued pursuant to this Section and Section 400.500.

PERMITTEE: The recipient of a sidewalk cafe permit.

RESTAURANT: A food service establishment that is maintained and operated as a place where food and beverages are prepared, served and sold for consumption on the premises.

RIGHT-OF-WAY: Land in which the City has an easement, has been dedicated by use or is required for use as a sidewalk, street or alleyway.

RIGHT-OF-WAY ENCROACHMENT LICENSE: A revocable license to operate a sidewalk cafe on the City right-of-way.

SIDEWALK: That portion of the right-of-way which is located between the curb line or the lateral line of a street and the adjacent property line and which is intended for use by pedestrians.

SIDEWALK CAFE: A use located on a public sidewalk that is associated with a restaurant where food and beverages are prepared, served, sold and are delivered for consumption on the sidewalk. A sidewalk cafe is characterized by tables and chairs and may be shaded by awnings, canopies or umbrellas. Special events permitted by the City shall not be deemed sidewalk cafes.

STREET: That portion of a right-of-way improved, designed or ordinarily used for vehicular traffic or parking.

C. *Standards, Criteria And Conditions.* The following standards, criteria and conditions shall apply to the establishment and operation of sidewalk cafes:

1. Sidewalk cafes are restricted to the sidewalk frontage of the building where the restaurant is located. The design of sidewalk cafes shall be so that there is a free flow of pedestrian access on the sidewalk.
2. No sidewalk cafe permit shall be issued where the tables and chairs would be placed within five (5) feet of bus stops, fire hydrants, non-pedestrian alleyways, a

pedestrian crosswalk or a handicapped corner curb cut.

3. Sidewalk cafes shall be located in such a manner that a distance of not less than forty-four (44) inches is maintained at all times as a clear and unobstructed pedestrian path between the curb line or the lateral line of a street and the adjacent property line or shall comply with the American with Disabilities Act requirements, whichever is greater.
4. No object shall be permitted around the perimeter of an area occupied by tables and chairs which would have the effect of forming a physical or visual barrier discouraging the free use of the tables and chairs by the general public or which would have the effect of obstructing the pedestrian path. Exceptions to this requirement may be granted by the City Council through the approval of a right-of-way encroachment license when sidewalk cafes are located on street right-of-way used solely for pedestrian traffic provided that adequate walkway space, as determined by the City Engineer, is provided for pedestrian traffic.
5. Tables, chairs, umbrellas and other permissible objects provided within the sidewalk cafe shall be of quality, design, materials, size, elevation and workmanship both to ensure the safety and convenience of users.
6. Umbrellas and other decorative material shall be fire-retardant, pressure-treated or manufactured of fire-resistant material.
7. Tables, chairs, umbrellas and other permissible objects provided with a sidewalk cafe shall be maintained with a clean appearance and shall be in good repair at all times.
8. Except for in any of the recognized historic districts, the following condition shall apply: a maximum of one (1) menu board and one (1) specials board shall be permitted per sidewalk cafe. The board shall be in compliance with the sign ordinance. Signs are permitted on umbrellas and shall be in compliance with the sign ordinance.
9. The permit may be transferred to a new owner only for the location and area listed on the permit. The transferee of the permit shall be required to comply with this Section, Section 400.500, applicable insurance requirements and execute a right-of-way encroachment license.
10. The Mayor may require the temporary removal of sidewalk cafes for special events, or when street, sidewalk or utility repairs necessitate such action.
11. The Mayor may order the immediate removal or relocation of all or parts of a sidewalk cafe in emergency situations or for safety considerations, without notice. The City and its officers and employees shall not be responsible for sidewalk cafe fixtures relocated during emergencies.
12. The permittee shall use positive action to assure that its use of the sidewalk in no way interferes with sidewalk users or limits their free, unobstructed passage.
13. The area covered by the permit, including the sidewalk, curb and gutter immediately adjacent to it and all sidewalk frontage of the restaurant for which the permit is issued, shall be maintained in a neat and orderly appearance at all times by the permittee. The area shall be kept clear of all debris. The permittee shall also be responsible for cleaning the ground or floor surface on which the sidewalk cafe is located and the gutter area immediately adjacent to the sidewalk cafe. Such cleaning shall include pressure cleaning. If the area covered by the

permit is not maintained in a neat and orderly appearance after five (5) days' written notice, the City may then take steps necessary to place the property in a neat and clean order and charge the permittee with the reasonable cost of repairs. Such action by the City does not create a continuing obligation on the part of the City to make further repairs or to maintain the property and does not create any liability against the City for any damages to the property if such repairs were completed in good faith.

14. No advertising signs or business identification signs shall be permitted in the public right-of-way except as permitted in Subsection (C)(8) of this Section.
15. No tables, chairs or any other parts of sidewalk cafes shall be attached, chained or in any manner affixed to any tree, post, sign or other fixture, curb or sidewalk in or near the permitted area.
16. Sidewalk cafe seating shall be included when determining the requirements for parking and bathroom facilities of the restaurant.
17. No cooking or fire apparatus shall be allowed on the public sidewalk whether or not such area is covered by this permit.
18. Only the sidewalk cafe equipment specifically shown on the approved site plan drawing referenced in Section 400.500(B)(5) shall be allowed in the permit area. The estimated chair count per table may vary within the prescribed area, provided that the chairs remain within the approved sidewalk cafe area. No permanent storage of chairs, tables, dishes, silverware or other sidewalk cafe equipment shall be allowed in the permit area, in any portion of the public right-of-way or outside the structural confines of the building in which the restaurant is located; however, the permittee may maintain such non-permanent structures as rolling service stations in the permit area during hours of operation.
19. There shall be no live entertainment or speakers placed in the permit area unless approved and properly permitted by the City.
20. The City shall, as deemed necessary, inspect all sidewalk cafes for which permits have been issued to determine whether such sidewalk cafes conform to the criteria set forth in this Subsection.
21. The hours of operation for a sidewalk cafe shall be from the start of business until 11:00 P.M. or thirty (30) minutes after last food service, whichever is earlier, unless the sidewalk cafe is completely enclosed by fencing or barricades in which case the hours of operation for the sidewalk cafe shall cease at 1:00 A.M.
22. Section 600.100 of this Code, which prohibits drinking in public places, shall not be enforceable against patrons of a duly permitted sidewalk cafe so long as open containers of alcohol remain within the sidewalk cafe's premises and are only available for consumption during the sidewalk cafe's hours of operation. (R.O. 2009 §156.095; Ord. No. 08-77, 4-16-08; Ord. No. 10-144 §1, 7-8-10; Ord. No. 10-244 §1, 11-18-10)

SECTION 400.500: SIDEWALK CAFES--PERMIT APPLICATION, APPROVAL, RENEWAL AND REVOCATION

A. No person shall establish a sidewalk cafe on any public right-of-way or sidewalk until a permit to operate the sidewalk cafe has been issued and where a right-of-way encroachment license has been executed by the applicant and the City. Sidewalk cafes

shall only be located where permitted by the City's zoning regulations. Sidewalk cafe permit applications shall be reviewed and approved in the manner as set forth in this Section.

B. *General Application Criteria.* Application for a sidewalk cafe permit shall be made to the City on a form provided by the Director of Community Development. The application shall include, but not be limited to, the following information and attachments:
   1. The name, address and telephone number of the applicant;
   2. The name and address of the restaurant;
   3. A copy of a valid occupancy permit for the building where the proposed sidewalk cafe will be located;
   4. A copy of a current certificate of insurance in the following categories and amounts:
      a. Commercial general liability insurance in the amount of no less than the minimum amount stated in Section 537.610.1, RSMo., and as adjusted annually as determined pursuant to Section 537.610.5, RSMo., for all claims arising out of a single occurrence and for any one (1) person in a single accident or occurrence. All insurance shall be from companies duly authorized to do business in the State of Missouri. All liability policies shall provide that the City, its elected officials and employees are an additional insured as to the operation of the sidewalk cafe and shall provide the severability of interest provision.
   5. A detailed site plan including, but not limited to, the following:
      a. The proposed use, materials, colors and design;
      b. Relationship of the sidewalk cafe to the adjacent existing building and their uses and entrance locations;
      c. The location of any utilities that might effect or be affected by the proposal;
      d. The relationship of the sidewalk cafe to the centerline of the adjacent street, if applicable, and to any existing or proposed public improvements including, but not limited to, benches, fire hydrants, light standards and landscaping;
      e. A drawing (to scale) showing the layout and dimensions of the existing sidewalk area and adjacent private property, existing fire hydrants, tree guard railings, fixed tree planters, utility and above ground fixtures, proposed location, size and number of tables, chairs, steps, planters, umbrellas, location of doorways, location of trees, parking meters, bus stops and shelters, sidewalk benches, trash receptacles and any other sidewalk obstructions, either existing or proposed, within the pedestrian area;
      f. Photographs, drawings or manufacturer's brochures fully describing the appearance of all proposed tables, chairs, umbrellas or other objects related to the sidewalk cafe;
      g. A legal description of the property and the total square footage and exact dimensions of the proposed sidewalk cafe;
      h. The existing and proposed pedestrian circulation pattern; and
      i. Floor plan of the existing building and any proposed modification showing the relationship of food preparation areas to the sidewalk cafe.
   6. Plans for the operation of the sidewalk cafe including, but not limited to, hours of operation, maintenance of the sidewalk cafe and services to be provided; and

7. A right-of-way encroachment license in the form required by the City and signed by the applicant.

C. *Application Review.* The Department of Community Development shall review the application and approve or deny the permit. The Department of Community Development may deny an application for a sidewalk cafe permit where:
   1. The applicant has failed to comply with any of the submission requirements contained in this Section;
   2. The sidewalk cafe, as the applicant represents how it will be operated, fails to comply with the criteria set forth in this Section or the conditional use permit requirements of Section 400.980(J);
   3. Any information submitted by the applicant is found to be incorrect; or
   4. Staff review indicates that the sidewalk cafe would create an obstruction to or cause congestion of pedestrian or vehicular traffic due to existing conditions on the surrounding public right-of-way so as to represent a danger to the health, safety or general welfare of the public. In the event the Department of Community Development denies a permit, the applicant may within ten (10) days of the date of the denial appeal the denial to the City Council. Notice of denial shall be sent to the applicant by United States mail, certified mail, return receipt requested at the address shown on the permit application. Upon an appeal of the denial of a permit, the Department of Community Development shall prepare a report to the City Council. The Council shall hear the appeal in no less than ten (10) days' notice to the applicant. The Council may affirm or reverse the decision of the Department of Community Development.

D. *Permit Issuance.* A sidewalk cafe permit shall be subject to the following conditions:
   1. *Effective period.* Each permit shall be effective for one (1) year subject to annual renewal as provided below.
   2. *Hold harmless provision.* Both the permit and the right-of-way encroachment license shall include an explicit hold harmless provision holding the City harmless from any and all liability arising out of the issuance of a sidewalk cafe permit, execution of the right-of-way encroachment license and the operation of the sidewalk cafe.
   3. *Site plan controlled.* The permit shall be specifically limited to the area shown on the exhibit attached to the application and made part of the permit. The right-of-way encroachment license shall be specifically limited to the area described in the permit and right-of-way encroachment license or any attached exhibits.

E. *Permit Renewal.* The permit renewal fee will become due and payable thirty (30) days prior to the expiration of the permit. Together with such fee, the permittee shall provide the Department of Community Development with a renewal application on a form provided by the department containing the location of the sidewalk cafe. An application for renewal must include a new site plan if any changes are being made to the previously approved sidewalk cafe's structure or layout. Failure to pay the renewal fee or submit the renewal application with supporting documentation (where applicable) at least thirty (30) days prior to the expiration of the existing sidewalk cafe permit shall be grounds to reject the renewal application. In the event of rejection, the permittee shall remove the sidewalk cafe upon the expiration of the existing sidewalk cafe permit.

F. *Permit Suspension Or Revocation.* The City may, as deemed necessary, inspect sidewalk

cafes to determine compliance to the criteria set forth in this Section and Section 400.490. The Department of Community Development may revoke or suspend a permit for any sidewalk cafe if it is found that:

1. Any necessary business or health permit has been suspended, revoked or canceled;
2. Permittee does not have insurance which is correct and effective in the minimum amount as required in this Section;
3. Changing conditions of pedestrian or vehicular traffic cause congestion necessitating the removal of the sidewalk cafe. Such decisions shall be based upon findings that the existing conditions represent a danger to the health, safety or general welfare of the public;
4. Permittee fails to maintain or keep the sidewalk safe and clean; or
5. Permittee has failed to correct violations of the City Code of Ordinances within five (5) working days of receipt of the official's notice of same delivered in writing to the permittee. Upon revocation or suspension of a permit, the Department of Community Development shall give notice of such action to the permittee in writing stating the action which has been taken and the reason therefor. The revocation or suspension shall become effective within fifteen (15) days following receipt of the notice by the permittee unless appealed as provided in this Code.

G. *Fee.* The annual fee for a sidewalk cafe permit is fifty dollars ($50.00) and shall not be prorated. (R.O. 2009 §156.096; Ord. No. 08-77, 4-26-08)

SECTION 400.510: PORTABLE ON DEMAND STORAGE CONTAINERS

A. *Intent And Purpose.* It is the intent and purpose of this Section to allow the use of portable on demand storage containers on a controlled, time limited basis.

B. *Definition.* For purposes of this Section, a *"portable on demand storage container"* is a portable container designed, constructed and used for temporary storage of property. Typically, a portable on demand storage container is rented for a short time period and is removed by truck upon the expiration of the rental period. A portable on demand storage container is not a dumpster or receptacle used for the disposal of solid waste.

C. *Permit Required.* No person shall park or cause to be parked a portable on demand storage container on residential property for longer than five (5) days without first obtaining a permit from the Department of Community Development.

D. *Permit Duration And Display.* A portable on demand storage container permit shall be valid for thirty (30) days and may be renewed for one (1) additional thirty (30) day period. Persons applying for a permit for use in conjunction with fire, flood, storm or other disaster repair may be issued a ninety (90) day permit which may be renewed for one (1) additional ninety (90) day period. The permit shall specify the dates during which the container may be located on the property; the location where the container will be situated on the property; and be affixed to the container and displayed as long as the container remains on the property. Not more than three (3) permits may be issued for any lot or parcel of property in any consecutive twelve (12) month period. There shall be no fee for the issuance of the permit.

E. *Restrictions On Placement.* Portable on demand storage containers:

1. Shall be placed on a solid surface;

2. Shall not be placed on public streets or in the right-of-way;
3. Not placed on a driveway shall be set back at least five (5) feet from the property line; and
4. Shall not be situated in front of a residential structure's windows or doors so as to impede ingress or egress from the structure in the case of an emergency.

Nothing in this Subsection is intended to prohibit the placement of a container in front of a garage door. (R.O. 2009 §156.097; Ord. No. 08-195, 9-17-08)

SECTION 400.515: TEMPORARY TENTS

A. *Purpose.* The purpose of these regulations is to regulate the location, placement and duration of temporary tents in non-residential areas.
B. *Exceptions.* The following regulations shall not apply to construction trailers or any other type of temporary shelter as otherwise regulated within the Zoning Ordinance.
C. *Definitions.* For the purposes of this Section, the definitions in Section 400.050 shall apply.
D. *Areas Permitted.* Temporary tents are permitted on properties zoned "C-1", "C-2", "C-3", "I-1", "I-2" and "CBD" occupied by an existing non-residential land use.
E. *Permits.* No person shall construct a temporary tent for commercial use without first obtaining a tent permit. No tents shall be erected prior to the issuance of an approved tent permit.
    1. *Permit length.* The maximum length of a temporary tent permit shall be thirty (30) days. Additional time shall only be granted through the approval of a conditional use permit.
    2. *Frequency.* One (1) permit per calendar year shall be issued per commercial business. In the case of multiple-tenant buildings, only one (1) permit shall be allowed at any one time. Additional permits may be granted through the approval of a conditional use permit.
F. *Information Required For Permit.* The following information is required to apply for a tent permit:
    1. Site plan or location map drawn to scale showing the placement of the tent;
    2. Location of on-site parking facilities; and
    3. Size of tent.
G. *Uses For Tents.* Tents may be only used as an accessory use to an existing primary use permitted within the applicable zoning district, or for an approved temporary retail sales use.
H. *Conditions For Tent Approval.* The following minimum conditions are required for approval of a tent permit:
    1. Shall not be located within any required yards or buffer areas;
    2. Shall not be located within the sight triangles for any intersections, public or private;
    3. Shall not reduce the available parking spaces below what is required for the site through the Zoning Code;
    4. Shall be located upon a paved surfaced area;
    5. Are subject to any applicable building or Fire Department codes or regulations;
    6. All signage must comply with the sign regulations; and
    7. May be subject to additional conditions as deemed necessary to protect the public

health, safety and welfare by the City of St. Charles.

I. *Removal.* Tents must be dismantled and removed within twenty-four (24) hours after the expiration date of the permit. Failure to comply with the removal provisions within seventy-two (72) hours from the expiration date of the permit may result in citation, subject to a fine of not more than five hundred dollars ($500.00) for each subsequent day of non-compliance. (Ord. No. 10-244 §1, 11-18-10)

SECTION 400.520: COMMERCIAL STORAGE CONTAINERS

A. *Intent And Purpose.* It is the intent and purpose of this Section to allow the use of commercial storage containers on property zoned "C-1" Neighborhood Business District or higher on a controlled, time limited basis.

B. *Definition.* For purposes of this Section, a *"commercial storage container"* is a portable container designed, constructed and used for temporary storage of goods, merchandise and supplies offered for sale or used by a permitted retail operation. Typically, a commercial storage container is rented for a short time period and is removed by truck upon the expiration of the rental period. A commercial storage container is not a dumpster or receptacle used for the disposal of solid waste.

C. *Permit Required.* No person shall park or cause to be parked a commercial storage container on commercial property without first obtaining a permit from the Department of Community Development.

D. *Permit Duration And Display.* A commercial storage container permit shall be valid for ninety (90) days. Additional time may be granted by the Director of Community Development upon a showing of good and sufficient cause. The permit shall specify the dates during which the container may be located on the property; the location where the container will be situated on the property; be affixed to the container displayed long as the container remains on the property. There shall be no fee for the issuance of the permit.

E. *Restrictions On Placement And Condition.* One (1) commercial storage container is permitted per business. Additional permits, allowing additional commercial storage containers on the same property, may be issued where the Director of Community Development determines the lot is of sufficient size to accommodate the additional commercial storage container(s). The proposed location of a commercial storage container shall be approved by the Fire Marshall to insure that firefighting equipment and personnel have adequate access to the building. In addition, commercial storage containers:

1. Shall be placed on a paved surface behind the back of the building, between the side yards;
2. Shall not be placed on public streets or in the right-of-way;
3. Shall not be situated on a parking lot in such a way that it reduces the minimum number of available parking spaces required by City ordinance;
4. Shall not create a traffic hazard or cause an obstruction to the flow of customer traffic or service vehicles including, but not limited to, delivery vehicles and solid waste collection trucks; and
5. Shall be maintained in a clean and orderly condition, kept free of trash and debris and be locked and secure at all times except when being accessed by authorized personnel. (Ord. No. 10-98 §1, 5-20-10)

Division 2. Design Standards

SECTION 400.530: ACCESSORY BUILDINGS

Accessory buildings, where permitted, shall be subject to the following regulations. See Figure 1 following Section 400.050.

1. *Use.* No accessory building shall be used for a dwelling.
2. A detached accessory building shall not be erected in a required front yard, except on a double frontage lot. Accessory buildings located on double frontage lots may be placed in the yard space at the rear of the building, provided no portion of the frontage along the same street where the accessory building is proposed to be located is utilized as the principal entrance for the main building of any lot in the block.
3. Minimum setback from side or rear yard lot lines: 5 feet, except 0 feet in the Central Residential District
   Accessory buildings located on double frontage lots and placed in the yard space at the rear of the building shall be set back at least ten (10) feet from the property line.
4. Minimum setback from the main building: 10 feet
5. Minimum setback from other accessory buildings: 5 feet
6. Maximum height in a residential zoning district: 14 feet, as measured according to Section 400.050
7. Maximum size: ½ of the ground floor area of the principal building on the lot
8. Maximum number of accessory structures in a detached garage and subject to the size limits single-family or two-family residential 2 not including one (1) contained in Section 400.110(B).
   zoning district:

(R.O. 2009 §156.100; CC 1981 §30-51; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98; Ord. No. 10-143 §2, 7-8-10; Ord. No. 10-244 §1, 11-18-10)

Cross Reference--As to penalty, §400.1890.

SECTION 400.540: CORNER VISIBILITY

Within the visible area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points twenty (20) feet distant from the intersection of the street right-of-way lines, nothing extending to a height in excess of eighteen (18) inches above the established street grade shall be erected, planted or maintained. See Figure 7 below.

Figure 7

Corner Visibility

(Example only)

(R.O. 2009 §156.101; CC 1981 §30-55; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98)

Cross Reference--As to penalty, §400.1890.

SECTION 400.550: FENCES

This Section contains the regulations for the erection or alteration of fences in the City.

1. *General provisions.*
   a. Customary fencing around tennis courts and other recreational amenities shall be exempt from height restrictions but shall comply in all other respects with the terms of this Section.
   b. Fences for pools shall meet the requirements of this Section as well as all other applicable regulations of the City.
   c. Fences or enclosures charged with, or designed to be charged with, electrical current are prohibited.
   d. It shall be the responsibility of the property owners to insure that a fence does not block or obstruct the flow of storm water.
   e. A permit is required for the construction or replacement of fences.
   f. Fences constructed in the Extended Historic Preservation District or any other superimposed historic district shall require approval by the Landmarks Board.
2. *Residential districts.*
   a. A fence or wall, not more than four (4) feet in height, may project into any required front yard. On a double frontage lot as defined in Section 400.050, fences or walls of no more than a height of seven (7) feet may project into the yard space at the rear of the building, provided no portion of the frontage along the same street where the fence is proposed to be located is utilized as the principal entrance for the main building of any lot in the block. Fences or walls may project into other required yards, provided such fences and walls do not exceed a height of seven (7) feet.
   b. Fences constructed within a required front yard on the side of a property used as a principal entrance to the building on the lot shall comply with the following regulations:
      (1) The design, color and material of the fence shall be complementary or shall match the color of the principal structure on the property.
      (2) Sight-proof fences are prohibited. A fence shall be constructed to have open spacing. For the purposes of this requirement, open spacing shall mean the space between pickets is greater than or equal to the width of the pickets.
   c. Fences constructed within a required front yard on the side of a property not used as a principal entrance to the building on the lot shall comply with the following regulations:
      (1) The fence shall not exceed seven (7) feet in height.
      (2) The fence shall be set back from the property line at least ten (10) feet.
      (3) The fence shall comply with Section 400.540 "Corner Visibility".
   d. Chain link fencing is prohibited within any required front yard.
   e. The use of barbed wire, single strand wire, wire mesh, wire grid or chicken wire fences along the perimeter or boundary of a property in a residential

zoning district is prohibited.

3. *Commercial and industrial districts.*
   a. Fences shall be limited to eight (8) feet in height, except as required for junk yards in Section 400.450(A).
   b. Barbed wire shall be permitted only if the lowest strand is at least seven (7) feet above grade and when used for security purposes in addition to a regular fence.
4. *Construction and maintenance.*
   a. All fences must be constructed in a workmanship-like manner so that the horizontal and vertical support posts are inside of the fence area or hidden from both the neighbor's and general public's view. Fences must be straight and run parallel to the lot line.
   b. No more than two (2) different types of fencing material (wood and chainlink or two (2) types of wood) are permitted. No fence shall be made of, in whole or in part, cloth, slatted chainlink, canvas or other like material.
   c. Property owners shall be responsible for maintaining fences on their property and for removal of any fence if it becomes unsightly or a menace to public safety, health or welfare.
   d. Fences shall be maintained in an upright condition.
   e. Missing boards, pickets or posts shall be replaced within forty-five (45) days with material of the same type and quality.
   f. Fences designed for painting or similar surface finishes shall be maintained in their original condition as designed. All exposed steel, except the galvanized metal fences, shall have a colored finish coat applied to them and be preserved against rust and corrosion. (R.O. 2009 §156.102; Ord. No. 94-97, 4-19-94; Ord. No. 98-209, 5-15-98; Ord. No. 07-186, 6-22-07; Ord. No. 10-244 §1, 11-18-10)

Cross Reference--As to penalty, §400.1890.

SECTION 400.560: GRADES

A. Any building requiring yard space shall be located at such an elevation, as determined by the Department of Community Development, that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. The rear and side yards shall be sloped to allow for the flow of surface water away from the building without creating a nuisance. However, this shall not prevent the grading of a yard space to provide sunken or terraced areas; provided proper means are constructed and maintained to prevent the runoff of surface water from creating a nuisance on the adjacent properties.

B. When a new building is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the new building and the yard around the new building shall be graded in such a manner as to meet existing grades and not to permit runoff of surface water to flow onto the adjacent properties.

C. Final grades shall be approved by the Department of Community Development and the Department of Public Works. (R.O. 2009 §156.103; CC 1981 §30-53; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98; Ord. No. 10-244 §1, 11-18-10)

SECTION 400.570: LIGHTING

All exterior lighting including illuminated signs, shall be erected and hooded or shielded, so as to direct light away from any adjacent residential zoning district. (R.O. 2009 §156.104; Ord. No. 98-209, 5-15-98)

SECTION 400.580: MAXIMUM HEIGHTS

A. Church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, non-residential chimneys, elevator bulkheads, stacks, conveyors, flagpoles and similar structures or architectural features not intended for human occupancy may be erected in excess of the district height regulations if sited in such a way that, should the structure fall, it will not fall upon any property adjacent to the lot where the structure is located.
B. Buildings in the "C-2", "C-3", "I-1", "I-2" and "OBP" districts may be erected to a maximum height of eight (8) stories or ninety (90) feet if the building setbacks and/or minimum distances between buildings are also increased one (1) foot for each one (1) foot of additional building height above the district regulations, with approval of the City Council. Buildings in the "CBD" may be erected to a maximum height of eight (8) stories or ninety (90) feet, with approval of the City Council. (R.O. 2009 §156.105; CC 1981 §30-61; Ord. No. 77-31, 7-5-77; Ord. No. 96-24, 1-18-96; Ord. No. 98-209, 5-15-98; Ord. No. 00-78, 4-5-00)

SECTION 400.590: MOVING OF BUILDINGS

A. Any building or structure shall not be moved to and placed upon any other premises in the City until a permit for such removal shall have been secured from the Department of Community Development.
B. Any such building or structure shall fully conform to all the provisions of these regulations in the same manner as a new building or structure.
C. No building or structure shall be moved into the jurisdiction of the City from outside the jurisdiction of the City until such permit has been secured.
D. Before a permit may be issued for moving a building or structure, the Department of Community Development shall inspect the building and shall determine if it is in a safe condition to be moved and whether it may be reconditioned to comply with the adopted building code(s) and other requirements of the City for its use and occupancy. (R.O. 2009 §156.106; CC 1981 §30-54; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98; Ord. No. 10-244 §1, 11-18-10)

Cross Reference--As to penalty, §400.1890.

SECTION 400.600: PARKING AND STORAGE OF BOATS, TRAILERS, CAMPER SHELLS AND RECREATIONAL VEHICLES ON RESIDENTIAL PROPERTY AND CITY STREETS

A. *Locational Requirements.* Recreational vehicles (RV) as defined in Section 400.050, boats, boats on a trailer, recreational and camping trailers and camper shells may be parked on a residential lot only under the following circumstances:
    1. Enclosed within a garage or accessory structure.

2. In a rear yard, defined for the purposes of this Section as the area extending along the full width of the rear lot line between the side lot lines and extending toward the front lot line for a depth as specified in the yard regulations for the district in which such lot is located. The entire area beneath the RV, boat, trailer or camper must be a paved surface area as defined in Section 400.050.
3. In a side yard, defined for the purposes of this Section as a yard extending along the side lot line between the front and rear yards having a width as specified in the yard regulations for the district in which the lot is located. The entire area beneath the RV, boat trailer or camper must be a paved surface area as defined in Section 400.050. A RV, boat, trailer or camper may be placed in a side yard only if:
    a. The area of the rear yard is not sufficient to allow parking or storage; or
    b. Access to the rear yard is obstructed by utility facilities or is not wide enough so that there is insufficient access for parking or storage; or
    c. The grade of the rear yard is in excess of ten percent (10%) and therefore will not allow the safe creation of a driveway or parking or storage space; or
    d. Trees of at least four (4) inches in diameter block access to the rear yard for parking or storage.
4. Notwithstanding the above restrictions, recreational vehicle, trailers designed or utilized as temporary living quarters for recreation, camping or travel use, trailers designed or utilized for the transportation of a boat or camper shell may be parked on a residential lot for no more than forty-eight (48) consecutive hours for the purpose of loading or unloading if the owner is present.
5. Recreational vehicles (RV) as defined in Section 400.050, boats, boats trailers, recreational and camping trailers, and camper shells shall not be parked between the front facade of a building and the street, except for a period not to exceed forty-eight (48) consecutive hours for the purposes of loading or unloading if the owner is present.

B. *Locational Requirements.* Trailers including, but not limited to, the following: cargo/enclosed trailers, race car trailers, equipment trailers, car haulers, concession/specialty trailers, motorcycle, ATV and snowmobile trailers, and landscape trailers shall only be parked or stored on residential lots under the following circumstances:
    1. Enclosed within a garage or accessory structure; or
    2. In a rear yard only if entire area beneath the cargo/enclosed trailer, race car trailer, equipment trailer, car hauler, concession/specialty trailer, motorcycle, ATV or snowmobile trailer is a paved surface area as defined in Section 400.050; or
    3. In a side yard, defined for the purposes of this Section as a yard extending along the side lot line between the front and rear yards, having a width as specified in the yard regulations for the district in which the lot is located. The entire area beneath the trailer must be a paved surface area as defined in Section 400.050. A cargo/enclosed trailer, race car trailer, equipment trailer, car hauler, concession/specialty trailer, motorcycle, ATV or snowmobile trailer may be placed in a side yard only if:
        a. The area of the rear yard is not sufficient to allow parking or storage; or
        b. Access to the rear yard is obstructed by utility facilities or is not wide enough so that there is insufficient access for parking or storage; or

c. The grade of the rear yard is in excess of ten percent (10%) and therefore will not allow the safe creation of a driveway or parking or storage space; or
d. Trees of at least four (4) inches in diameter block access to the rear yard for parking or storage.

4. A cargo/enclosed trailer, race car trailer, equipment trailer, car hauler, concession/specialty trailer, motorcycle, ATV or snowmobile trailer shall not be parked or stored between the front facade of a building and the street.

C. *Design Standards.* To be parked in a residential zoning district, recreational vehicles as defined in Section 400.050 of this Code, boats, boats on a trailer, recreational and camping trailers, camper shells, cargo/enclosed trailers, race car trailers, equipment trailers, car haulers, concession/specialty trailers, motorcycle, ATV and snowmobile trailers and landscape trailers must meet the following design standards:

1. They shall not be used for storage of materials, goods or equipment, other than those items considered to be a part of the unit or essential to its immediate use; and
2. They shall not be wrecked, damaged, inoperative, disassembled or disabled; and
3. They shall not be used as dwelling units while parked in any residential zoning district; and
4. They shall only be connected to an electrical power outlet or water connection for maintenance purposes only in any residential zoning district; and
5. The maximum length of any recreational vehicle, recreational or camping trailer, camper shell, boat or boat on a trailer, cargo/enclosed trailers, race car trailers, equipment trailers, car haulers, concession/specialty trailers, motorcycle, ATV and snowmobile trailers and landscape trailers parked on a residential lot shall not exceed thirty-two (32) feet; and
6. A maximum of two (2) of the following shall be allowed for any one (1) residential lot: recreational vehicle, recreational or camping trailer, camper shell, boat or boat on a trailer, cargo/enclosed trailers, race car trailers, equipment trailers, car haulers, concession/specialty trailers, motorcycle, ATV and snowmobile trailers, and landscape trailers.
7. The parking surface shall be designed, constructed and intended to be used expressly for the purpose of parking or storing recreational vehicles, recreational or camping trailers, camper shells, boats or boat trailers, cargo/enclosed trailers, race car trailers, equipment trailers, car haulers, concession/specialty trailers, motorcycle, ATV and snowmobile trailers, and landscape trailers.

D. Nothing contained in this Section is intended to invalidate any subdivision covenant or homeowners' association covenant which is more stringent than the provisions of this Section.

E. Except as specified in this Section, recreational vehicles, boats, boats on a trailer, all trailers including, but not limited to, the following: cargo/enclosed trailers, race car trailers, equipment trailers, car haulers, concession/specialty trailers, motorcycle, ATV and snowmobile trailers, landscape trailers, recreational and camping trailers, and camper shells shall not be parked or stored in any portion of a residential zoning district including residential lots and residential streets. (R.O. 2009 §156.107; CC 1981 §30-72; Ord. No. 92-70, 4-21-92; Ord. No. 92-139, 6-17-92; Ord. No. 92-170A, 7-22-92; Ord. No. 98-209, 5-15-98; Ord. No. 01-126, 6-20-01; Ord. No. 02-171, 7-10-02; Ord. No. 08-244, 11-25-

08; Ord. No. 10-244 §1, 11-18-10; Ord. No. 11-098 §1, 5-20-11)

Cross Reference--As to penalty, §400.1890.

SECTION 400.610: PUBLIC UTILITIES

A. *Electrical, Communication And The Like.* All electric lines, telephone lines, cable television lines and related lines for the transmission of telecommunication services shall be installed underground, except in residential zoning districts where existing electric and communication distribution lines are located overhead. Overhead electric and telecommunication lines may be installed in said residential zoning districts for infill housing, building additions, new accessory buildings and upgrading of electrical services. Cable switching enclosures, pad-mounted transformers and service pedestals may be installed above ground.

B. *Accessible Public Water Supply.* Where public water is within one hundred (100) feet, each lot within the subdivision area shall be required to connect thereto. All connections shall be subject to the approval of the Board of Public Works.

C. *Non-Accessible Public Water Supply.* In a proposed subdivision (pending accessibility of a public water supply) the subdivider may be required to construct wells or a private water supply system in such a manner that an adequate supply of potable water, approved by the State Board of Health, will be available to every lot in the subdivision at the time improvements are erected thereon.

D. *Sanitary Sewer System.* Where a public sanitary sewer is located within one hundred (100) feet, each lot within the subdivided area shall be required to connect thereto. All connections shall be subject to the approval of the City Engineer. (R.O. 2009 §156.108; CC 1981 §30-64; Ord. No. 77-31, 7-5-77; Ord. No. 96-113, 4-4-96; Ord. No. 97-370, 10-22-97; Ord. No. 98-209, 5-15-98; Ord. No. 00-78, 4-5-00)

Cross References--As to business regulations relating to public utilities, ch. 615; as to water, sewers and sewage disposal, Title VII.

SECTION 400.620: SETBACK REQUIREMENTS GENERALLY

A. *Generally.*

1. Every part of a required yard shall be open to the sky, except as authorized by this Article and except ordinary projections of sills, belt courses, window air-conditioning units, chimneys, cornices and ornamental features which may project to a distance not to exceed twenty-four (24) inches into a required yard. For purposes of this item, landscaped areas are considered to be open to the sky.
2. On double frontage lots the required front yard shall be provided on each street.
3. There shall be a front yard on each street side of a corner lot in any district; provided that the buildable width of a lot of record at the time of passage of this Section shall not be reduced to less than twenty-eight (28) feet.
4. Open, unenclosed porches, decks or platforms not covered by a roof or canopy and which do not extend above the level of the first (1st) floor of the building and decks covered by a roof or canopy and enclosed by screening only and which do not extend above the level of the first (1st) floor of the building may extend or project into any yard no more than six (6) feet. Deck enclosures that consist of any material other than screening, such as glass or solid walls or that consist of

less than ninety percent (90%) screening, must meet the required setback for the zoning district in which they are located.

5. Where a lot in within one hundred (100) feet of one (1) or more buildings existing on each side, the front yard setback line shall be the average setback of these adjoining buildings.
6. Interior lots abutting on a pedestrian walkway shall be required to have a side yard of not less than ten (10) feet abutting the walkway.

B. *Fences.* See Section 400.550.

C. *Swimming Pools.*

1. In all residential zoning districts, the "A" district and for any dwelling unit in the "C-1", "HCD" or "CBD" districts, swimming pools shall not be constructed in any required yard, except the required rear yard and not closer than six (6) feet to a side or rear property line. Swimming pools located on double frontage lots may be placed in the yard space at the rear of the building, provided no portion of the frontage along the same street where the swimming pool is proposed to be located is utilized as the principal entrance for the main building of any lot in the block. Swimming pools located on double frontage lots and placed in the yard space at the rear of the building must meet one-half (½) of the front yard setback.
2. In no instance shall the deck area be nearer than five (5) feet to an adjoining lot line. For the purposes of this requirement, a swimming pool deck area shall be defined as any paved or constructed surface directly abutting the pool which provides access to the water, lounging space or serves as a walkway around the perimeter of the pool.
3. In commercial zoning districts a swimming pool utilized as part of a sales/display facility or motel complex or other non-residential use shall be located no closer than twenty (20) feet to the front property line and no closer than five (5) feet to a side or rear property line.
4. All outdoor swimming pools shall be enclosed by a fence which is at least four (4) feet in height, unless the swimming pool is elevated more than four (4) feet in height.

D. *Generators.*

1. In all residential zoning districts, permanent generators shall not be located in front of the principal structure or within any required side yard or rear yard setback.
2. A generator permanently installed in a residential zoning district shall be shielded with a cover designed and manufactured to muffle the sound.
3. The testing of generators is prohibited before 7:00 A.M. or after 10:00 P.M. on any day in any residential zoning district.
4. In commercial districts, generators shall be located and screened in the same manner as required for mechanical equipment. (R.O. 2009 §156.109; CC 1981 §§30-66, 30-69; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98; Ord. No. 03-205, 8-25-03; Ord. No. 07-167, 6-13-07; Ord. No. 10-244 §1, 11-18-10)

Cross References--As to penalty, §400.1890; as to parks and recreation, ch. 255.

ARTICLE IV. TREE PRESERVATION

SECTION 400.630: SCOPE OF ARTICLE

A. *Purpose And Intent.* The purpose and intent of this Article is to conserve and protect trees within the City and to prevent their unnecessary destruction.

B. This Article shall be applicable to all properties within the City. It shall be unlawful for any person to remove any tree (except as permitted below) or to commence any grading, earth-moving, changing of elevation of property without first having applied for and received a permit in accordance with the provisions of this Section.

1. A permit shall be required for all grading, earth-moving, changing of elevation of property or removal of fifty percent (50%) or more of live trees ten (10) inches or greater in diameter breast height (DBH); provided however, that no such permit shall be required for any parcel less than one (1) acre in size or incidental to construction on a parcel of land one (1) acre or more in size for the purpose of constructing a single-family home, accessory structure or private drive.
2. The requirements contained in a development plan, previously approved by the City including established drainage design, tree planting and preservation requirements and all other landscaping requirements, shall continue in perpetuity or until an amendment is duly authorized. (R.O. 2009 §156.110; Ord. No. 01-156, 7-19-01; Ord. No. 03-98, 5-13-03)

SECTION 400.640: APPLICATION OF TREE PROTECTION FOR DEVELOPMENTS

A. *Development Plan Required.* Prior to the issuance of a permit for grading and/or tree removal, except as indicated in Section 400.630(B), an applicant must submit a development plan to the Planning and Zoning Commission for all developments located outside the historic districts or to the Historic Landmarks Preservation and Architectural Review Board for all developments located within the historic districts and the extended historic district with a written statement of the proposed work to be accomplished and a site plan which shall include:

1. *Location of trees.* Site plans for a development must provide the species, size at diameter breast height and location of existing trees with a DBH of ten (10) inches or greater within an area to be disturbed by construction. Such trees are to be designated according to whether they are to be preserved or removed.
2. The nature and extent of the proposed grading, earth-moving or change in elevation. The grading plan shall include existing and proposed contours at two (2) foot intervals and a drainage design plan complete with calculations supporting the design.
3. Tree protection measures consistent with the requirements of this Article.
4. The number, species, size (DBH) and location of additional trees that will be planted on the site.
5. *Replacement requirements for all developments.* Except for fifty percent (50%) of the existing trees which may be removed without a permit, any tree ten (10) inches DBH or larger removed from an approved development shall be replaced at a ratio equal to the number of inches contained in the diameter of the tree removed. The minimum size of a replacement tree is two and one-half (2½) inches DBH. If the carrying capacity of the site cannot accommodate the replanting of the required number of replacement trees on the subject tract, the

owner shall be assessed fifty dollars ($50.00) for each inch of DBH which cannot be replaced. Such assessment shall be placed in the Tree Bank of the City.

6. *Protection measures.* All trees on public or private property that are designated for preservation shall be guarded by a four (4) foot high barrier that designates the enclosed area as a tree protection zone. This enclosure shall extend equal to the canopy area of the tree (at a minimum). No building materials, waste materials, excess dirt, construction debris, equipment or vehicles shall be allowed within this protection zone.
7. *Marking of trees.* Prior to any tree removal or commencement of construction on a site and during the plan approval process, the following uniform colored ribbon system shall be used:
   a. Red for trees to be saved;
   b. Blue for trees to be removed.

B. *Appeal Process.* Decisions under this Article may be appealed as follows:
   1. Any dissatisfied party may appeal, in writing, to the Planning and Zoning Commission, any decision made by the Director of Community Development or other City Official or the Historic Landmarks Preservation and Architectural Review Board under the provisions of this Article within five (5) days of the decision being rendered, specifying the grounds on which the appeal is made.
   2. Any dissatisfied party may appeal the decision of the Planning and Zoning Commission to the City Council within five (5) days of the decision being rendered. (R.O. 2009 §156.111; Ord. No. 01-156, 7-19-01; Ord. No. 03-98, 5-13-03)

SECTION 400.650: ESTABLISHMENT OF A TREE BOARD

A. There is hereby created and established a City Tree Board for the City, which shall operate as a function of the existing Planning and Zoning Commission.
B. *Powers And Duties.*
   1. It shall be the responsibility of the Tree Board to study, investigate, counsel and develop and/or update annually and administer written plans (annual long range) for the care, replacement, maintenance and removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan shall constitute the official comprehensive community forest plan for the City.
   2. The Tree Board shall consider all existing and future utility, public works and environmental factors when recommending improvement for each street, park and other public lands of the municipality.
   3. The Tree Board, when requested by the City Council, shall investigate, make finding, report and recommend upon any special matter or questions relating to trees. (R.O. 2009 §156.112; Ord. No. 03-98, 5-13-03)

ARTICLE V. OFF-STREET PARKING AND LOADING

Division 1. Parking

SECTION 400.660: GENERAL PROVISIONS

A. *General.*
   1. In all zoning districts, off-street parking spaces and driveways for the maneuvering, storage and parking of motor vehicles for the use of occupants, employees and patrons of the buildings or structures hereafter erected or enlarged or of riverboats used, after the effective date of these regulations, shall be paved as defined in Section 400.050 and shall otherwise be provided as herein prescribed.
   2. Required parking spaces shall be maintained and shall not be encroached upon so long as the main building, structure, riverboat or use remains, unless an equivalent number of such parking spaces is provided elsewhere in conformance with these regulations. The owners of a building, structure, riverboat or other use requiring off-street parking space must show to the satisfaction of the Department of Community Development that they are the recorded title holders of the property devoted to such principal land use and of the property proposed for off-street parking use or that they are the lessees of such property.
   3. Required off-street parking spaces which serve an existing structure or use shall not be reduced in size less than that required under the terms of these regulations.
   4. The City Engineer or designee shall approve all off-street parking facilities prior to the issuance of a building permit for such development.
   5. Plans for the development of any parking lot must be submitted to and approved by the Department of Community Development and the Department of Public Works. The plans shall be prepared at a scale of not less than one (1) inch equals fifty (50) feet and shall indicate existing and proposed grades, drainage facilities, water mains and sewers, surfacing and base materials to be used, points of ingress and egress and the general layout of the proposed parking lot.

B. *Definitions.*
   1. For the purposes of Division 1 "Parking" of this Article, the term *"structure"* shall include the meaning prescribed by Section 400.050 and shall also include floating structures. The remodeling or alteration of existing buildings or structures shall be exempt from these provisions if:
      a. The exterior dimensions are not changed; and
      b. Any increase in floor space is confined within the basic structure.
   2. The term *"floor area",* as employed in Division 1 "Parking" of this Article, shall mean the gross floor area of a building or structure used or intended to be used for service to the public as customers, patrons, clients, patients or tenants including areas occupied by fixtures and equipment used for display or sale of merchandise. "Floor area", for the purpose of Division 1 "Parking" of this Article, shall not include any area used for:
      a. Storage accessory to the principal use of a building or basement.
      b. Janitorial change and repair.
      c. Stairways and elevators.
      d. Show windows not accessible to the public.
      e. Restrooms.
      f. Utilities.
      g. Dressing, fitting or alteration rooms.
      h. Employee lounges.

C. *Parking In Residential Zoning Districts.* Except as allowed by Section 400.600, all motor vehicles parked or stored on residential property in any residential zoning district shall be parked and stored:

1. Within a garage or accessory structure or on a paved driveway or on a paved parking area immediately adjacent to the driveway, except that any gravel surfaces used for parking of motor vehicles on the effective date of this Chapter may continue to be used for parking of motor vehicles; and
2. With the nearest edge of the motor vehicle at least six (6) feet from the nearest edge of the right-of-way; and
3. With the nearest edge of the motor vehicle at least two (2) feet from the nearest edge of a public sidewalk. (R.O. 2009 §156.115; CC 1981 §30-93; Ord. No. 77-31, 7-5-77; Ord. No. 93-130, 6-9-93; Ord. No. 96-168, 6-19-96; Ord. No. 98-209, 5-15-98; Ord. No. 10-244 §1, 11-18-10)

Cross Reference--As to penalty, §400.1890.

SECTION 400.670: PARKING SCHEDULE

Except as otherwise provided in this Chapter, when any building or structure is hereafter erected or structurally altered, any building or structure hereafter erected is converted, any riverboat is used, accessory off-street parking spaces shall be provided as follows:

Use	Spaces Required
	1 per 400 square feet of floor area; 4 spaces minimum
nasium, stadium, arena or convention hall or r	1 per 4 seats or seating spaces; see also Section 400.680(G)
at sales	1 per 300 square feet of floor area; 2 spaces minimum
r and body shops	2 per every 3 employees or fraction thereof; 2 spaces minimum; plus 1 per each bay
ce stations that provide repair services and s	1 space for every 2 gas pumps, plus 2 spaces for each service bay or similar facility, plus 1 space for every 1.5 employees, plus 1 space for every vehicle customarily used in the operation
	1 per 150 square feet of floor area; 5 spaces minimum
y center or meeting facility	1 space per 100 sq. ft. of floor area
y shops	1 per 150 square feet of floor area; 5 spaces minimum
	5 per lane
ions	1 per 200 square feet or 5 spaces minimum; auditorium for broadcasting station requires space as above
ynagogue, auditorium or place of assembly	1 per 4 seats or bench seating spaces (See Section 400.680(G))
e with fuel	1 space per 250 sq. ft. of floor area, plus 1 space for every 2 gas pumps
e without fuel	1 space per 250 sq. ft. of floor area
olf club	1 per 5 members or 1 for each 400 square feet of floor area, whichever is greater
and adult day care centers	1 space per every 10 children or adults receiving care, plus 1 space per employee
ar or tavern	6 per 1,000 square feet gross floor area
	2 per dwelling unit
centers	One (1) space per 200 sq. ft. of floor area
ary home	1 per 100 square feet of floor area, excluding storage and work area; 30 spaces minimum
ance store, machinery, equipment	1 per 350 square feet of floor area; 2 spaces minimum
ments	1 space per employee on the maximum shift; plus 1 space per 2 patrons and customers
	2 per patient bed. Bassinets and incubators shall not be counted as beds

or art gallery	10 spaces minimum, plus 1 additional space for each 300 square feet of floor area in excess of 1,000 square feet
industrial establishment	1 per 2 employees on maximum working shift plus space for storage of trucks or other vehicles used in connection with the business or industry
r clinic	1 per 200 square feet of floor area
ravel trailer sales	1 per 200 square feet of sales office area; 5 spaces minimum
	5 spaces minimum, plus 1 per sleeping room or suite
onvalescent homes, homes for the aged or s	1 per 2 patient beds
uilding (other than medical), post office, studio	1 per 350 square feet of floor area, 2 spaces minimum
shers	1 per 2 employees on maximum working shift plus space for storage of trucks or other vehicles used in connection with the business
rnity, sorority or lodge, with sleeping rooms	2 per 3 sleeping rooms or suites or 1 per 100 square feet of floor area, whichever is greater
rnity, sorority or lodge, without sleeping rooms	1 per 10 members or 1 for each 600 square feet of floor area, whichever is greater
including public or private skating rinks, and exhibition halls without fixed seats	1 per 100 square feet of floor area; does not apply to accessory uses
establishment, plumbing, HVAC	1 per 200 square feet or 5 spaces minimum
wn, drive-in or carry-out)	1 per 100 square feet of floor area
hnut shop or delicatessen	1 per 200 square feet of floor area
	1 space per employee on the maximum shift; plus 1 space per 2 passengers, patrons and customers; plus 1 space per 4 passengers for overlapping schedules; see also Section 400.680(H)
g or lodging house	1 per occupant
	For elementary or junior high schools, 1 per 10 seats in main assembly room or 2 per classroom, whichever is greater; for high school, college, business or trade school, 1 for each faculty and staff member plus 1 for each 5 students
ping centers and speculative multi-tenant	5 spaces per 1,000 square feet of gross floor area
	1 per 4 seats or seating spaces
	1 per 2,000 square feet of warehouse area, plus space for storage of trucks or other vehicles

(R.O. 2009 §156.116; CC 1981 §30-94; Ord. No. 77-31, 7-5-77; Ord. No. 93-130, 6-9-93; Ord. No. 98-209, 5-15-98; Ord. No. 99-53, 2-4-99; Ord. No. 99-205, 6-3-99; Ord. No. 01-111, 6-8-01; Ord. No. 10-244 §1, 11-18-10)

Cross Reference--As to penalty, §400.1890.

SECTION 400.680: INTERPRETATION OF PARKING REQUIREMENTS

A. The parking space requirements for a use not specifically listed in Section 400.670 shall be the same as for a listed use with similar characteristics of parking demand generation as generally described in the most recently published Trip Generation Manual from the Institute of Traffic Design Engineers.
B. The parking requirements in Section 400.670 are in addition to space for storage of trucks or other vehicles used in connection with any use.
C. The parking requirements in Division 1 "Parking" of this Article do not limit special requirements, which may be imposed with planned unit developments or conditional uses.
D. For fractional spaces, round to the next highest whole number.
E. Except as otherwise provided, the number of employees shall be computed on the basis of the maximum number of persons employed on the premises at one (1) time on an

average day or average night, whichever is greater. Seasonal variations in employment may be recognized in determining an average day.

F. For any change in use or an increase in floor area or in the number of employees or other unit of measurement specified for the determination of required off-street parking spaces, additional off-street parking facilities shall be provided on the basis of the increase. However, no additional parking facilities shall be required for any change created by an increase of less than ten percent (10%) of the originally required number of spaces.

G. When benches, pews or other seating arrangements are provided in a place of public assembly, one (1) seat equals twenty (20) lineal inches. Where specifications and plans filed with the Department of Community Development specify a certain seating capacity for a particular building, such specified seating capacity shall be used as the basis for determining the required number of parking spaces.

H. The parking requirements for the overlapping schedules of riverboats may be reduced by the following percentages:

1. If the time between cruises is at least thirty (30) minutes	25%
2. If the time between cruises is at least sixty (60) minutes	50%
3. If the time between cruises is at least ninety (90) minutes	75%

I. *"GPRS" Bonus.*

All tiers. Up to fifteen percent (15%) of the total number of required parking spaces may be designed for compact motor vehicles. Where possible, these spaces shall be clustered together, located in areas with convenient access to the principal building(s) served and shall be marked with signs restricting their use to compact motor vehicles. For the purposes of this Subsection, *"compact motor vehicles"* shall be defined as every motor vehicle fifteen (15) feet or less in length.

J. *"GPRS" Bonus.*

All tiers. A covered bike rack providing a minimum of five (5) bike parking spaces may be used in lieu of one (1) vehicle parking space. Only one (1) such reduction may be utilized per project.

K. *"GPRS" Bonus.*

All tiers. Each designated carpool (multi-passenger) space shall count as two (2) required standard parking spaces. The number of carpool parking spaces shall not exceed ten percent (10%) of the total required parking spaces on a property.

L. *"GPRS" Bonus.*

All tiers. Up to ten percent (10%) of the total number of required parking spaces may be designed for motorcycles. Where possible, these spaces shall be clustered together, located in areas with convenient access to the principal building(s) served and shall be marked with signs restricting their use to motorcycles. For the purposes of this Division, *"motorcycles"* shall be defined as 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.

M. *"GPRS" Bonus.*

Tiers 1 and 2. The total parking requirement for a property shall be reduced by ten percent (10%).

Tier 3. The total parking requirements for a property shall be reduced by twenty percent (20%). (R.O. 2009 §156.117; CC 1981 §30-95; Ord. No. 77-31, 7-5-77; Ord. No. 93-130, 6-9-93; Ord. No. 98-209, 5-15-98; Ord. No. 09-227, 12-10-09; Ord. No. 10-244 §1,

11-18-10)

Cross Reference--As to penalty, §400.1890.

SECTION 400.690: JOINT USE, MIXED USE AND OFF-SITE PARKING FACILITIES

A. *Joint Use Of Parking.* Businesses may share up to fifty percent (50%) of the required parking spaces; provided that the businesses sharing such use do not normally observe the same business hours. Adjoining schools and churches may share up to one hundred percent (100%) of required spaces. All such shared uses shall be covered by a properly executed and recorded written agreement as specified below.

B. *Parking For Mixed Uses.* In cases of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately; except that parking requirements for permitted accessory retail and service uses in a hotel, motel or motor lodge, containing fifty (50) or more rooms, may be reduced by the following percentages:

1. Retail sales, offices, service establishments 30%
2. Restaurants, cocktail lounges, nightclubs and dining rooms 50%
3. Ballrooms, banquet halls, meeting rooms and auditoriums 50%

C. *Off-Site Parking.*

1. All parking spaces required herein shall be located on the same lot with the building or use served; except that where an increase in the number of spaces is required by a change or enlargement of use or for non-residential uses, the required spaces may be located and maintained off-site, not more than three hundred (300) feet from the building served.
2. In any case where the required parking spaces are not located on the same lot with the building or use served or where such spaces are collectively or jointly provided and used, such parking space shall be established by a recorded covenant or agreement as parking space to be used in conjunction with the principal use and shall be reserved as such through an encumbrance on the title of the property to be designated as required parking space, such encumbrance to be valid for the total period that the use or uses for which the parking is needed are in existence.
3. The parking requirements for riverboats and gaming establishments, based upon number of employees, may be reduced by the number of off-site employee parking spaces provided. However, this reduction may occur only if the employer requires the employees to use the off-site parking spaces and only if the employer provides shuttle service for the employees to and from the off-site parking spaces.
4. Not more than twenty-five percent (25%) of the required parking spaces may be provided at off-site locations for an "PD-RF" development involving gaming establishments. (R.O. 2009 §156.118; CC 1981 §30-96; Ord. No. 77-31, 7-5-77; Ord. No. 93-130, 6-9-93; Ord. No. 94-65, 4-6-94; Ord. No. 94-114, 5-18-94; Ord. No. 98-209, 5-15-98; Ord. No. 10-244 §1, 11-18-10)

Cross Reference--As to penalty, §400.1890.

SECTION 400.700: PARKING DESIGN STANDARDS

A. *Paving.* The required off-street parking facilities shall be paved in accord with the standards of the City Council. If the off-street parking space is required in connection with a temporary use of land not exceeding thirty (30) consecutive days in any one (1) year, then the space is not required to be a paved surface area except that in no instance shall more than five (5) spaces on private property be utilized as an unpaved, temporary parking lot during a City recognized civic festival or event.

B. *Parking Dimensions.* All new parking areas shall comply with the dimensional requirements provided in the following tables and as illustrated in Figure 8, except for disabled parking spaces which shall instead meet the stall width and access aisle requirements provided in Section 400.705 of this Code.

Standard Motor Vehicle Spaces

Angle	Stall Width A	Vehicle Projection B	Aisle Width C	Typical Module D	Interlock Reduction E
0°	9€ 0"	7€ 0"	16€ 3"	30€ 3"	0€ 0"
45°	9€ 0"	17€ 0"	15€ 3"	49€ 3"	3€ 2"
50°	9€ 0"	17€ 7"	15€ 7"	50€ 9"	2€ 11"
55°	9€ 0"	18€ 1"	16€ 1"	52€ 3"	2€ 7"
60°	9€ 0"	18€ 5"	16€ 11"	53€ 9"	2€ 3"
65°	9€ 0"	18€ 7"	17€ 10"	55€ 0"	1€ 11"
70°	9€ 0"	18€ 8"	18€ 11"	56€ 3"	1€ 6"
75°	9€ 0"	18€ 7"	20€ 4"	57€ 6"	1€ 2"
90°	9€ 0"	17€ 6"	26€ 6"	61€ 6"	0€ 0"

Note: All dimensions based on a design vehicle of six (6) feet two (2) inches wide by sixteen (16) feet eight (8) inches in length. Parallel parking spaces (zero degree (0°) angle) shall be a minimum of twenty-two (22) feet in length.

Compact Motor Vehicle Space

Angle	Stall Width A	Vehicle Projection B	Aisle Width C
0°	7€ 0"	7€ 0"	16€ 3"
45°	8€ 0"	17€ 7"	15€ 7"
60°	8€ 0"	18€ 5"	16€ 11"
90°	8€ 0"	17€ 6"	26€ 6"

Note: Parallel compact motor vehicle parking spaces (zero degree (0°) angle) shall be a minimum of twenty-one (21) feet in length. For the purposes of this Division, *"compact motor vehicle"* shall be defined as every motor vehicle fifteen (15) feet or less in length. Compact motor vehicle spaces may be utilized pursuant to Section 400.680(I).

Motorcycle Parking Space

Angle	Stall Width A	Vehicle Projection B	Aisle Width C
0°	4€ 0"	7€ 0"	16€ 3"
45°	5€ 0"	17€ 7"	15€ 7"
60°	5€ 0"	18€ 5"	16€ 11"
90°	5€ 0"	17€ 6"	26€ 6"

Note: Parallel motorcycle parking spaces (zero degree (0°) angle) shall be a minimum of ten (10) feet in length. For the purposes of this Division, "*motorcycles"* shall be defined as 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. Motorcycle parking spaces may be utilized pursuant to Section 400.680(L).

Figure 8

Parking Geometrics

C. *Marking.* Parking spaces in lots of more than five (5) spaces shall be marked by painted lines or curbs or other means to indicate individual spaces. Signs or markers shall be used as necessary to ensure efficient traffic operation on the lot.

D. *Waiting Areas.*
   1. Off-street waiting spaces shall be a minimum of nine (9) feet wide and twenty (20) feet long.
   2. *Facilities with drive-thru services.* Three (3) off-street waiting spaces shall be provided for each service window on the same premises with every structure, or part thereof, erected and used for serving customers in automobiles by means of a service window or similar arrangement where the automobile engine is not turned off.
   3. *Car washes.* Self-service car washes shall provide two (2) off-street waiting spaces for each washing stall. Car washes other than self-service shall provide three (3) waiting spaces for each washing stall. A drying lane fifty (50) feet long shall also be provided at the exit of each washing stall in order to prevent undue amounts of water from collecting on the public street and thereby creating a traffic hazard.
   4. *Day care and adult day care facilities.* A minimum of two (2) off-street waiting spaces shall be provided for each facility.

E. *Drainage And Maintenance.*
   1. Off-street parking facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys.
   2. No surface water from such parking area shall be permitted to drain onto adjoining private property.
   3. Off-street parking areas shall be maintained in a clean, orderly and dust-free condition at the expense of the owner or lessee and not used for the sale, repair or dismantling or servicing of any vehicles, equipment, materials or supplies.

F. *Parking Lot Lighting.*
   1. For parking lots with ten (10) or more parking spaces, lighting shall be provided for all off-street parking. For parking lots with less than ten (10) spaces, lighting of the parking lot shall be required only if the facility is to be used at night.
   2. Lighting to be used must provide not less than one-fourth (0.25) foot-candles (horizontal illumination) over the parking lot including the parking spaces and access aisles. A minimum of one-half (0.50) foot-candles must be provided at driveway approaches. An iso-foot-candle diagram will be required to verify

proper illumination levels are provided on each site.

3. Lighting shall be directed away from surrounding properties and shall be installed to minimize glare.

G. *Means Of Ingress And Egress.*

1. For parking facilities permitting two-way traffic, the entrance and exit driveways shall be at least twenty-five (25) feet in width, as measured at the property line.
2. For parking facilities accommodating one-way traffic only, the entrance and exit driveways shall be at least fifteen (15) feet in width, as measured at the property line.

H. *Parking Wells.*

1. Parallel parking wells located along public streets shall comply with all of the requirements, except for those on maximum length, given for curb cuts and driveways. Parallel parking wells shall be a minimum of ten (10) feet in width and twenty-two (22) feet in length. A row of parallel parking wells shall have a minimum ten (10) foot taper at each end. Parallel parking wells shall not be used to satisfy the off-street parking requirements of these regulations. (See Figure 9.) Parallel parking wells are under the authority of the City Engineer or designee.
2. Perpendicular and angular parking wells shall not be permitted along public streets. Perpendicular and angular parking wells located along private streets are under the authority of the City Engineer or designee. (See Figure 9.)

Figure 9

Parking Well

(Example only)

I. *Encroachment And Protective Barriers.* Off-street parking spaces and access aisles shall not be located closer than two (2) feet to a street right-of-way. When a parking space or access aisle is located within two (2) to four (4) feet of a street right-of-way line, a barrier shall be placed along the edge of the parking space or access aisle for the purpose of preventing automobile encroachment onto the street right-of-way. The barrier may be a fence, a wall or a vertical concrete curb measuring six (6) inches in height.

J. *Parking Lot Landscaping.*

1. *General landscaping requirements.*
   a. Landscaped areas shall not be used for any off-street parking and may be penetrated only by drives required to provide access to the commercial lot.
   b. Trees shall be at least two and one-half (2½) inch caliper deciduous shade trees. Shrubs shall be planted initially eighteen (18) inches tall and maintained to a maximum of three and one-half (3½) feet in height. All species are to be Missouri hardy within the specified microclimate area.
   c. Where quality woodland exists, existing growth shall be preserved between the right-of-way and the parking lot and on the interior, exclusive of space required for sidewalks.
   d. With the exception of preserved quality woodland areas left in the natural

state, required ground cover may be accomplished with mulch, sod, rock, stones or ground cover plant species.

e. All plants are required to receive periodic maintenance to ensure good health and appearance including replacement of diseased or dead species. All other ground cover is to receive periodic maintenance to ensure good appearance.

2. *Perimeters adjacent to public rights-of-way.* When a parking lot is located adjacent to any public right-of-way, except an alley, the following guidelines shall be used to landscape the public right-of-way frontage of the parking lot:
   a. Provide a fifteen (15) foot landscaped area from the right-of-way line, exclusive of space required for sidewalks, to be planted with shade trees with a minimum of one (1) tree for every fifty (50) feet of frontage or fraction thereof and a minimum of one (1) shrub for every five (5) feet of lot perimeter or fraction thereof. Shade trees are not required to be planted fifty (50) feet on center and shrubs are not required to be planted five (5) feet on center, but may be clustered to provide an enhanced site landscaped appearance.
   b. In lieu of the provisions in Subsection (J)(2)(a), a two and one-half (2½) foot high earthen berm may be constructed with slopes not to exceed a grade of twenty-five percent (25%) for lawn or turf areas, within a minimum width area of twenty-five (25) feet, exclusive of space required for sidewalks. Berms planted with ground cover and shrubs can be steeper, but shall not exceed a grade of fifty percent (50%). Shade trees are required with a minimum of one (1) tree for every fifty (50) feet of frontage or fraction thereof in all berm design alternatives.
   c. *Exceptions.* In the "HDD" (Historic Downtown District) and "CBD" (Central Business District), no landscaping of the perimeter of a parking lot adjacent to any public right-of-way is required.
3. *Perimeters not adjacent to public rights-of-way.* Along the perimeter of the parking lot, other than along a public right-of-way (but including alley frontages), the following guidelines shall apply:
   a. Provide a minimum of a five (5) foot wide landscaped area around the perimeter of the parking lot planted with shade trees and low growing shrubs.
   b. Provide a minimum of one (1) shade tree for every fifty (50) feet of lot perimeter or fraction thereof. Shade trees are not required to be planted fifty (50) feet on center.
   c. Provide a minimum of one (1) shrub for every five (5) feet of lot perimeter or fraction thereof. Shrubs are not required to be planted five (5) feet on center, but may be clustered to provide an enhanced site landscaped appearance.
   d. *Exceptions.* In the "HDD" (Historic Downtown District) and "CBD" (Central Business District), no landscaping of the perimeter of a parking lot adjacent to an alley shall be required.
4. *Interior landscaping.* Parking lots with twenty (20) or more spaces shall also have interior landscaping to the following specifications: For the interior of the parking lot, which excludes required landscape areas along rights-of-way alleys and perimeter areas, five percent (5%) of the area of each parking space shall be calculated to determine the required area for parking lot landscaping. A minimum of one (1) shade tree shall be provided for every fifteen (15) parking spaces or fraction thereof. One (1) or more of the following alternatives shall be used to

landscape the parking lot:

a. A continuous or interrupted raised landscape strip or island, consisting of shade trees, shrubs and ground cover, with a minimum width of five (5) feet, between rows or parking spaces.
b. Raised landscaped islands of no less than one hundred (100) square feet and not more than two hundred (200) square feet, with a minimum width of nine (9) feet, to be located throughout the lot so as to meet the objectives of this Subsection and planted with shade trees, shrubs and ground cover.
c. Raised landscaped islands of no less than nine (9) feet in width and twenty (20) feet in length, to be located at the end of or in between rows of parking spaces and to be planted with shade trees, shrubs and ground cover.

5. *"GPRS" bonus.*
All tiers. The total number of required shrubs and trees for parking lot perimeter and interior landscape areas shall be reduced by twenty-five percent (25%). Additionally rain gardens may be permitted in lieu of perimeter and interior landscaped areas with approval of the Planning and Zoning Commission.

K. *Curbing.* All parking areas shall be curbed with an integral six (6) inches of Portland cement concrete vertical curbing, unless otherwise approved by the Planning and Zoning Commission. (R.O. 2009 §156.119; CC 1981 §30-97; Ord. No. 77-31, 7-5-77; Ord. No. 90-87, 4-18-90; Ord. No. 95-88, 3-30-95; Ord. No. 95-344, 12-8-95; Ord. No. 96-138, 5-8-96; Ord. No. 98-209, 5-15-98; Ord. No. 99-53, 2-4-99; Ord. No. 99-205, 6-3-99; Ord. No. 05-181, 6-22-05; Ord. No. 09-227, 12-10-09; Ord. No. 10-244 §1, 11-18-10)

Cross Reference--As to penalty, §400.1890.

SECTION 400.705: MINIMUM NUMBER OF DISABLED PARKING SPACES FOR RETAIL ESTABLISHMENTS

A. The owner of any off-street parking area or facility shall provide disabled parking spaces for any business, retail, professional or institutional establishment whether public or private upon the same property in conformance with the numbers required in the following chart:

Total Parking in Lot	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 and over	20 plus 1 for each 100 over 1,000

B. The parking space closest to the entrance way of each public entrance to any business, retail, professional or institutional establishment shall be designated as a disabled parking space and shall have a minimum width of eleven (11) feet. Any such disabled parking space shall meet the following requirements.

1. All disabled parking spaces shall be striped with either blue, yellow or white traffic paint and shall have the international disabled parking symbol painted within.
2. All disabled parking spaces shall have a marked access aisle or traffic lane along the length of at least one (1) side of a minimum of five (5) feet in width, which aisle shall be striped in a cross-hatch design so as to increase its visibility.
3. All disabled parking spaces shall have a sign posted adjacent to and visible from each space, which signs shall have the international disabled symbol upon it and the words "Reserved Parking". The sign shall be twelve (12) inches by eighteen (18) inches in size and conform to the R7-8 disabled sign as depicted within the Manual on Uniform Traffic Control Devices.
4. All disabled parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 (two percent (2%)) in all directions. (R.O. 2009 §73.83; CC 1981 §18-359; Ord. No. 91-27, 2-7-91; Ord. No. 93-6, 1-21-93)

Division 2. Loading

SECTION 400.710: GENERAL PROVISIONS

A. Off-street loading facilities shall be provided for retail stores, warehouses, factories, department stores, hotels, wholesale establishments, truck terminals, cold storage lockers, freezers, hospitals, laundries, dry cleaning firms and other uses similarly involving the receipt or distribution of vehicles, materials, goods or merchandise as required by Section 400.720.
B. Loading facilities are to be located on the same lot as the building, structure or portion thereof which they are intended to serve.
C. Off-street loading areas shall not be used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials or supplies.
D. The Traffic Engineer or his/her designee shall approve all off-street loading facilities prior to the issuance of a building permit for such development. (R.O. 2009 §156.130; CC 1981 §30-111; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98)

SECTION 400.720: LOADING SCHEDULE

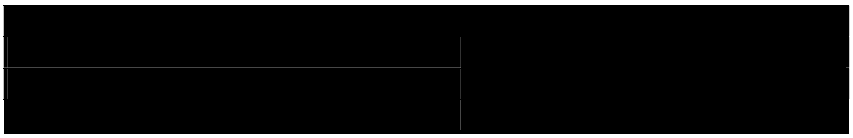
Except as otherwise provided in this Chapter, off-street loading spaces shall be provided in all districts as follows:

1. Department stores, restaurants, wholesale houses, warehouses, general services, manufacturing or industrial establishments:

Parking Area in Square Feet	Loading Spaces Required
2,000--10,000	One
10,000--20,000	Two
20,000--40,000	Three
40,000--60,000	Four
Each 50,000 over 60,000	One additional

2. Retail stores, hotels and motels (with food service), offices or office buildings and hospitals or similar institutions:

[redacted]



3. *Funeral homes or Mortuaries.*

Floor Area in Square Feet	**Loading Spaces Required**
2,500--4,000	One
4,000--6,000	Two
Each 10,000 over 6,000	One additional

(R.O. 2009 §156.131; CC 1981 §30-112; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98)

Cross Reference--As to penalty, §400.1890.

SECTION 400.730: INTERPRETATION OF REQUIREMENTS

A. A loading space shall not be counted as an off-street parking space.
B. Under the provisions of Sections 400.1060 et seq., the Board of Adjustment may waive or reduce the loading space requirements when the full provision of loading facilities is judged to be unnecessary. (R.O. 2009 §156.132; CC 1981 §30-113; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98)

SECTION 400.740: LOADING DESIGN STANDARDS

A. *Minimum Size.* A loading space shall have a minimum area of six hundred (600) square feet, a minimum width of twelve (12) feet, a minimum length of fifty (50) feet and a vertical clearance of at least fifteen (15) feet.
B. *Drainage And Maintenance.*
    1. Off-street loading facilities shall be designed to drain and eliminate standing water and prevent damage to abutting property and/or public streets and alleys.
    2. Off-street loading facilities shall be surfaced with erosion-resistant material in accordance with applicable City specifications. Off-street loading areas shall be maintained in a clean, orderly and dust-free condition.
C. *Minimum Number Of Loading Spaces.* A building entrance or exit designed for truck loading and unloading shall be designed to provide at least one (1) off-street loading space.
D. *Protective Screening.* Screening as described in Section 400.700(J) shall be provided where applicable. (R.O. 2009 §156.133; CC 1981 §30-115; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98)

Cross Reference--As to penalty, §400.1890.

ARTICLE VI. NON-CONFORMING USES, STRUCTURES AND LOTS

SECTION 400.750: PURPOSE

It is the intention that non-conforming uses and non-conforming structures will

eventually be eliminated. To this end, the following regulations shall apply to non-conformities. (R.O. 2009 §156.160; CC 1981 §30-143; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98)

SECTION 400.760: NON-CONFORMING USES

A. A non-conforming use shall not in any way be expanded, extended or modified and the intensity of use or number of dwelling units shall not be increased, except under the following conditions:
    1. It is for the express purpose of converting the structure to a conforming use.
    2. It will insure compliance with the health and safety requirements of the City.
B. Additional structures associated with the non-conforming use shall not be erected on the premises.
C. A non-conforming use shall not be changed to another non-conforming use unless such use is a permitted or conditional use in a more restrictive zoning district than the zoning district in which the prior non-conforming use would have been permitted. All such changes shall be subject to review and approval by the Director of Community Development before a new non-conforming use permit is issued by the Department of Community Department. In the alternative, the City Council may, through approval of a conditional use permit, consider and approve a change to another non-conforming use that is equal to or of less intensity than the prior non-conforming use regardless of whether the new non-conforming use would be a permitted or conditional use in a more restrictive zoning district.
D. Any structure which houses a non-conforming use and which has been destroyed or damaged by fire, explosion or act of God may be restored and used as it was before it was damaged; except that:
    1. Restoration shall not result in an increase in floor area or in building height.
    2. The restoration shall be commenced within six (6) months of the date of such destruction and shall be substantially completed within eighteen (18) months of the date of such damage.
E. If a non-conforming use is discontinued for a period longer than twelve (12) months, the use shall be considered as having been abandoned. Subsequent use of the land shall be strictly in conformance with all of the regulations of the district in which the land is located. An agricultural use shall not be subject to this regulation.
F. A change in tenancy, ownership or management of an existing non-conforming use does not affect the status of the non-conforming use. (R.O. 2009 §156.161; CC 1981 §30-144; Ord. No. 77-31, 7-5-77; Ord. No. 86-77, 4-15-86; Ord. No. 98-209, 5-15-98; Ord. No. 04-176, 8-4-04)

Cross Reference--As to penalty, §400.1890.

SECTION 400.770: NON-CONFORMING STRUCTURES

A. Any non-conforming structure which has been destroyed or damaged by fire, explosion or act of God may be restored and used as it was before it was damaged; except that:
    1. Restoration shall not result in any further violation of any setback, height, lot coverage, density or other zoning design standard.
    2. The restoration shall be commenced within six (6) months of the date of such

partial destruction and shall be substantially completed within eighteen (18) months of the date of such damage.

B. Any existing building or structure devoted to a use permitted in the district in which such building or structure is situated, but failing to comply with the yard or building setback line requirements of any district, may be enlarged, extended, reconstructed or structurally altered in any manner which does not further encroach upon the required open yard space or building setback line not complied with.

C. An existing non-conforming structure shall not be enlarged or altered except under the following conditions:

1. Alteration is for the express purpose of converting the structure to a conforming use.
2. Alteration will insure compliance with the health and safety requirements of the City. (R.O. 2009 §156.162; CC 1981 §30-145; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98)

SECTION 400.780: NON-CONFORMING LOTS

A. *All Zoning Districts, Except "R-M".* Any lot in all zoning districts, except in the "R-M" Manufactured/Modular Residential, which was a legal non-conforming lot at the time of the adoption of this Chapter or became non-conforming based on the adoption of this Chapter and does not meet the lot area, lot width or depth regulations of such district and does not meet the requirements of Subsection (B) below, may be utilized for a permitted use of the district in which it is located; provided it is approved by the Board of Adjustment as outlined in Sections 400.1060 et seq.

B. *Residential Zoning Districts.* The purpose of this provision is to permit utilization of recorded lots which lack adequate width and/or depth so long as reasonable living standards can be provided.

1. Any lot in a residential zoning district which was recorded in the County Recorder of Deeds office at the time of the adoption of these regulations and which does not meet the requirements of this Chapter for lot area, lot width or depth may be utilized for single-family residential purposes under the following conditions:
   a. The area of the lot shall be at least seventy-five percent (75%) of that required by the terms of these regulations.
   b. The dimensions of all required yards shall be at least seventy-five percent (75%) of those required by the terms of these regulations.
   c. The width of the lot as measured at the building setback line shall be at least seventy-five percent (75%) of that required by the terms of these regulations.
2. *Example.* An existing lot of record is zoned "R-1E" (Single-Family Residential). According to the "design standards" of that district, it should have a minimum area of seven thousand (7,000) square feet and a minimum width of sixty (60) feet. The existing lot of record is eligible for use as long as its area exceeds five thousand two hundred fifty (5,250) square feet (7,000 square feet X 0.75 = 5,250 feet), and its width is greater than forty-five (45) feet (60 feet X 0.75 = 45 feet). In addition, all required yards must be at least seventy-five percent (75%) of those required under the design standards of the "R-1E" District.

C. For the purposes of this Article, no lot, land, structure or use which conforms to this

Chapter shall become non-conforming by reason of the diminution of the size of a lot, front yard, side yard, rear yard or the number of parking spaces when such diminution is a result of the exercise of the power of eminent domain or the threat of use of the power of eminent domain in the acquisition of land by any public authority having the power of eminent domain. (R.O. 2009 §156.163; CC 1981 §30-146; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98; Ord. No. 99-53, 2-4-99; Ord. No. 99-205, 6-3-99)

SECTION 400.790: NON-CONFORMING USE PERMITS

A. All non-conforming uses of land, structures and signs may apply for a non-conforming use permit with the Department of Community Development within six (6) months after the adoption of the zoning district change.
B. If a non-conforming use permit was not obtained within six (6) months after the adoption of the zoning district change, the owner shall provide proof of non-conformity to the Director of Community Development. The City shall also notify property owners within three hundred (300) feet of all boundaries of the subject property of the filing for a non-conforming use permit. If there is a protest signed by neighboring property owners or if the Director of Community Development is unable to determine from the documentation that the use is a valid non-conforming use, then a Board of Adjustment hearing shall be convened for the purpose of considering the issuance of the non-conforming use permit. If the Director of Community Development determines that the documentation adequately establishes a valid non-conforming use and that no protest has been filed, then the Director shall issue a non-conforming use permit. (R.O. 2009 §156.164; CC 1981 §30-147; Ord. No. 77-31, 7-5-77; Ord. No. 94-51, 3-3-94; Ord. No. 98-209, 5-15-98; Ord. No. 04-176, 8-4-04)

ARTICLE VII. "PD" PLANNED DEVELOPMENT DISTRICTS

SECTION 400.800: PURPOSE

A. The purpose of the Planned Development Districts is to provide a means of achieving greater flexibility in development of land in a manner not always possible in conventional zoning districts; to encourage a more creative and innovative design of land development; and to promote a more desirable community environment.
B. The City Council may, by an ordinance adopted in the same manner as a rezoning is approved, authorize a Planned Development District when the proposed development or use of a specific tract of land or area warrants greater flexibility, control and density than is afforded under the regulations of traditional zoning districts. These planned development regulations are not intended to allow excessive densities or the development of incompatible land uses, either within the development or as the development relates to the general neighborhood. The City Council may, upon proper application, approve a planned development to facilitate the use of flexible techniques of land development and site design by providing relief from traditional zoning standards in order to achieve one (1) or more of the following objectives:
    1. Promote site planning that better adapts to site conditions and surrounding

properties that would not otherwise be possible or would be inhibited under the district regulations applicable to the property;
2. Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects;
3. Provide a means to evaluate and accommodate larger developments with unique characteristics and complexities that would not be entirely addressed in the district regulations applicable to the property;
4. Promote the creation and beneficial uses of open space areas;
5. Promote the preservation of natural features of a development site;
6. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program;
7. Ensure that development occurs in a manner that is rational and economical in relation to public utilities and services;
8. Ensure efficient and effective traffic circulation, both within and adjacent to the development site. (R.O. 2009 §156.175; CC 1981 §30-159; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98)

SECTION 400.810: RELATIONSHIP OF PLANNED DEVELOPMENT DISTRICTS TO ZONING MAP AND SUBDIVISION REGULATIONS

A. *A Mapped District.* The "PD" district designation is not intended to be attached to a parcel of land as an overlay to the zoning district applicable to such parcel of land. The "PD" district designation, as provided for in this Article, is a separate use district and may be attached to a parcel of land through the Zoning Map amendment process.
B. *Plan Approval Required.* No development or redevelopment of property rezoned to the "PD" district designation shall take place until an acceptable development plan has been reviewed and approved in conformance with the requirements of this Article, Sections 400.1010 through 400.1050 "Amendments and Modifications" and applicable Sections of Chapter 405 "Subdivision Regulations".
C. *Subdivision Approval.* When a planned development involves subdivision of land, the subdivision review and approval procedure requirements contained in Chapter 405 "Subdivision Regulations" shall be carried out simultaneously with the review of a planned development under this Article inasmuch as practicable. As applicable, reference is made to requirements in Chapter 405 of the Code of Ordinances within this Article.
D. *Amendment Procedures.* Since obtaining a "PD" district designation requires a map amendment (rezoning), the requirements and procedures of Sections 400.1010 through 400.1050 "Amendments and Modifications" shall apply.
E. *Approved PUD Districts.* "PUD" districts existing at the time of the adoption of these regulations will be subject to the restrictions included in the agreement approved for that district and will not be required to comply with the adopted regulations. (R.O. 2009 §156.176; Ord. No. 98-209, 5-15-98)

SECTION 400.820: TYPES OF PLANNED DEVELOPMENTS

An area approved for a "PD" district designation shall be assigned one (1) of the following district classifications, which shall be considered a separate zoning district and subject to the specific restrictions and limitations established in the ordinance creating such "PD" district.

1. *Planned development--residential (PD-R).* Planned developments involving residential uses only.
2. *Planned development--commercial (PD-C).* Planned developments involving commercial and/or office uses only.
3. *Planned development--industrial (PD-I).* Planned developments involving industrial, commercial and/or office uses only.
4. *Planned development--riverfront (PD-RF).* Planned developments involving tourism, retail trade, entertainment, gaming, hotels, restaurants, residential, recreation, service and/or related commercial uses along the City's riverfront.
5. *Planned development--mixed use (PD-MU).* Planned developments involving a mixture of residential and non-residential uses. (R.O. 2009 §156.177; Ord. No. 98-209, 5-15-98; Ord. No. 10-244 §1, 11-18-10)

SECTION 400.830: PERMITTED USES

A. *Planned Development--Residential.* Permitted land uses shall be established in the conditions of the ordinance adopted by the City Council governing the particular Planned Development--Residential District. Specific uses may include only those uses designated as permitted, accessory or conditional uses in any of the "R-1C", "R-1D", "R-1E", "R-2" and "R-3A" residential districts.

B. *Planned Development--Commercial.* Permitted land uses shall be established in the conditions of the ordinance adopted by the City Council governing the particular Planned Development--Commercial District. Specific uses may include only those uses designated as permitted, accessory or conditional uses in the "C-1", "C-2" and "C-3" districts or other uses of a commercial nature, but excluding residential uses.

C. *Planned Development--Industrial.* Permitted land uses shall be established in the conditions of the ordinance adopted by the City Council governing the particular Planned Development--Industrial District. Specific uses may include those uses designated as permitted, accessory or conditional uses in the "I-1" or "I-2" industrial districts, but excluding residential uses.

D. *Planned Development--Riverfront.* Permitted land uses shall be established in the conditions of the ordinance adopted by the City Council governing the particular Planned Development--Riverfront District. Permitted uses in the "PD-RF" district are as follows:
   1. Art galleries, museums or libraries.
   2. Cafes, coffee shops and delicatessens.
   3. Commercial or not-for-profit recreation facilities (public and semi-public) where not more than fifty percent (50%) of the lot (exclusive of parking, access drives, setbacks and required yards) is comprised of a building and no permanent or temporary structure or equipment used in the operation of the use is higher than forty-five (45) feet. Such facilities include:
      a. Gymnasiums and health/fitness clubs.
      b. Golf driving ranges.
      c. Batting cages.

d. Sports parks providing indoor and/or outdoor facilities for baseball, softball, soccer, volleyball, etc.
e. Miniature golf courses.
f. Bowling alleys.
g. Archery ranges, provided that such a range is approved by the Chief of Police.
h. Roller or ice skating rinks.
i. Indoor or outdoor swimming pools.
j. Movie theaters not including drive-in or outdoor facilities.
k. Bars, restaurants, snack bars and other eating and drinking facilities which are accessory to the foregoing uses and do not comprise more than twenty-five percent (25%) of the total building or land area devoted to the primary use.

4. Excursion boats including those providing restaurant, bar or other entertainment facilities, excluding gaming operations; provided that the development contains a sufficient amount of riverfront land to provide any necessary and/or proposed land-side support facilities and parking equivalent to that which would be required if the entire facility were located on land and, provided that the amount of contiguous river frontage of the development is equivalent to at least three (3) times the length of the floating structure accommodating the use.
5. Floating casinos and gaming establishments in the form of excursion gambling boats and continuously docked excursion gambling boats as permitted by the State Statutes, provided that the development contains a sufficient amount of riverfront land to provide any necessary and/or proposed land-side support facilities and parking equivalent to that which would be required if the facility were located on land; and provided that the amount of contiguous river frontage of the development is equivalent to at least three (3) times the total length of the floating structure(s) or excursion riverboats accommodating the use, whichever is greater.
6. Floating restaurants, floating bars and floating entertainment facilities, excluding gaming operations; provided that the development contains a sufficient amount of riverfront land to provide any necessary and/or proposed land-side support facilities and parking equivalent to that which would be required if the entire facility were located on land; and provided that the amount of contiguous river frontage of the development is equivalent to at least twice the length of the floating structure accommodating the use.
7. Governmental offices and professional offices exemplified by, but not limited to, those of lawyers, doctors, architects and engineers.
8. Heliports.
9. Marinas and piers.
10. Personal and business service establishments such as:
    a. Banks and savings and loan associations.
    b. Barbershops and beauty shops (including makeup and tanning salons).
    c. Custom dressmaking or tailoring shops.
    d. Travel bureaus/offices.
    e. Entertainment ticket offices.
    f. Hotel, motels, inns and bed and breakfast establishments.
    g. Insurance services.
    h. Financial services other than banks.

i. Day care facilities.

11. Performing arts theaters.
12. Public parks and open spaces.
13. Retail stores and offices.
14. Convention centers and public meeting and exhibition facilities (freestanding or associated with hotels).
15. Restaurants without drive-thru or drive-in operations and where fifty percent (50%) or more of the sales are food.
16. Single-family dwellings, two-family dwellings, apartment buildings, residential condominiums, townhouses, row houses and other types of multiple-family dwellings. The density shall not exceed eighteen (18.0) dwelling units per acre (DU/A).

E. *Planned Development--Mixed Use.* Permitted land uses shall be established in the conditions of the ordinance adopted by the City Council governing the particular Planned Development -- Mixed Use District. Specific uses may include those uses designated as permitted, accessory or conditional uses in the districts specified below:

"PD-MU" District Established In	Uses Permitted by the Following Districts
"A-1"	"A-1", "R-1C", "R-1E", "R-2", "R-3A", "C-1", "C-2", "C-3", "I-1"
"R-1C", "R-1D", "R-1E"	"R-1C", "R-1D", "R-1E", "R-2", "R-3A", "C-1", "C-2"
"R-2"	"R-1C", "R-1D", "R-1E", "R-2", "R-3A", "O-I", "C-1", "C-2"
"R-3A"	"R-1C", "R-1D", "R-1E", "R-2", "R-3A", "O-I", "C-1", "C-2"
"O-I"	"R-1C", "R-1D", "R-1E", "R-2", "R-3A", "C-1", "C-2", "I-1", except "C-3" uses
"C-1"	"R-1C", "R-1D", "R-1E", "R-2", "R-3A", "C-1", "C-2", "I-1", except "C-3" uses
"C-2"	"R-1C", "R-1D", "R-1E", "R-2", "R-3A", "C-1", "C-2", "I-1", except "C-3" uses
"C-3"	"R-1C", "R-1D", "R-1E", "R-2", "R-3A", "C-1", "C-2", "I-1", except "C-3" uses
"I-1"	"R-1C", "R-1D", "R-1E", "R-2", "R-3A", "C-1", "C-2", "C-3", "I-1"
"I-2"	"C-1", "C-2", "C-3", "I-1"

(R.O. 2009 §156.178; CC 1981 §30-160; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98; Ord. No. 01-111, 6-8-01; Ord. No. 10-244 §1, 11-18-10)

Cross Reference--As to penalty, §400.1890.

SECTION 400.840: MINIMUM PLANNED DEVELOPMENT SITE SIZE

Except as otherwise provided for herein, the minimum site size for any Planned Development Districts shall be five (5) acres. (R.O. 2009 §156.179; Ord. No. 98-209, 5-15-98)

SECTION 400.850: DENSITY AND DIMENSIONAL REGULATIONS AND PERFORMANCE STANDARDS

A. *General Standards.* The approved development plan shall provide for such exceptions from the regulations associated with traditional zoning districts as may be necessary or desirable to achieve the objectives of the proposed planned development. No Planned Development District shall be allowed which would result in:
    1. Inadequate or unsafe vehicular access to the development;
    2. An undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the planned development;
    3. Substantial detriment to the surrounding area; or
    4. Otherwise create substantial adverse impacts on the public health, safety and welfare.
B. It shall be the responsibility of the applicant to clearly establish that the above are avoided or mitigated to a level that is acceptable to the City.
C. In addition to the above requirements, all planned developments shall be subject to architectural review in accordance with the provisions of Section 400.965 and Sections 400.1180 et seq.
D. *Other Codes.* All requirements of other applicable ordinances of the City (e.g., building codes) shall be met.
E. *Planned Development--Residential.*
    1. *Density.*
        a. The density of residential development shall be based upon the density limits of the existing residential district(s).
        b. The density limits indicated in the district regulations may be exceeded on portions of the site within a "PD-R" district as long as the total site density limit is not exceeded. This is referred to as "density transfer".
        c. The total site density may be exceeded up to a limit, upon conclusion of the City Council that the density bonus provisions contained in Subsection (E)(3) below have been satisfied. This is referred to as "density bonus".
    2. *Calculation of density.*
        a. The computation of density shall be based on dwelling units per net acre for the entire site.
        b. To compute the number of dwelling units per net acre, fifteen percent (15%) of the gross acreage of the parcel shall be deducted and the net acreage divided by the lowest minimum lot size of the existing residential district. The following provides an example of density calculation for a "PD-R" development established on a twenty (20) acre tract in a "R-1D" district:
        (1) 20 acres x 43,560 square foot per acre = 871,200 square feet.
        (2) 871,200 square feet - (871,200 x 0.15) = 740,520 square feet.
        (3) 740,520/9,000 square feet minimum lot size = 82 dwelling units.
        c. In situations where a proposed "PD-R" district overlaps two (2) or more residential districts, density shall be calculated separately for the portions of the "PD-R" district in each of the existing residential districts.
        d. In situations where the existing district is non-residential in nature, then density shall be calculated using four (4) dwelling units per net acre.
    3. *Density bonus.* The City Council may approve an increase in density within a "PD-R" district, up to a maximum of twenty percent (20%), which shall be based on the guidelines listed below. The density bonuses shall be treated as additives

and not compounded.

Maximum Percentage Increase	Design Element
10%	If a minimum of an additional five percent (5%) of the net development area is devoted to common open space (above the minimum requirement) and improved with public pedestrian ways, bike paths, park land, swimming pools, tennis courts, community centers, club buildings, etc. Additional common open space that is to be landscaped qualifies under this design element consideration.
5%	If creative site designs and building groupings are used, which take advantage of natural terrain and resolve existing on-site and off-site water runoff and erosion problems. The provision of storm drainage retention as a site amenity is encouraged. Variations in building design are permissible.
5%	If creative use of landscape materials are used and the provision of more extensive landscaping than would otherwise be required under the landscaping requirements found elsewhere in this Code.

If density bonuses are requested under this Section, the applicant shall document all site amenities or improvements for the City's review and consideration.

4. *Development phasing.* If the sequence of construction of various portions of the development is to occur in stages, then the open space and/or recreational facilities shall be developed or legally provided for on a final plat, in reasonable proportion to the number of dwelling units intended to be developed during any given stage of construction as approved on a final plat by the City Council. Furthermore, at no time during the construction of the project shall the number of constructed dwelling units per acre of developed land exceed the overall density per net acre established by the approved "PD-R" district.
5. *Non-residential development.* Non-residential uses permitted in the "PD-R" district shall be subject to all requirements for lot area, width, height, yards and setbacks prescribed in the district in which they are first permitted.
6. *Common open space requirements.*
   a. Common open space shall comprise at least fifteen percent (15%) of the gross area of the residential development or be of a size equivalent to one (1) acre for each one hundred (100) persons of expected population of the development, whichever is greater. For purposes of this Subsection, the expected population shall be determined by multiplying the total number of dwelling units times two and one-half (2.5) persons per dwelling unit.
   b. The amount of required common open space may be reduced by an amount equal to twice the total area of private balconies or patios which are accessible to individual dwelling units and consist of at least sixty (60) square feet of outdoor area and have at least a horizontal dimension of six (6) or more feet. In no case shall the area devoted to common open space be less than ten percent (10%) of the gross site area.
   c. Common open space shall be used for recreational, park or environmental amenity purposes for the collective enjoyment of the occupants of the development.
   d. In addition to the above open space requirements, the following regulates the use of this common open space in terms of physical surface characteristics, size, location and physical improvements therein.
      (1) Of the required common open space, up to one-half (½) of it may be

covered by water, flood plain, storm water detention/retention facilities or left in a natural state which does not violate the nuisance provisions of the Code.

(2) Each parcel of open space shall not be less than six thousand (6,000) square feet in area nor less than thirty (30) feet in its smallest dimension. At least fifty percent (50%) of the common open space shall be contiguous or connected with a minimum thirty (30) foot wide strip of dedicated open space with a paved pedestrian/bicycle path of at least six (6) feet in width.

(3) To the extent practicable, common open spaces shall be distributed equitably throughout the development in relation to the dwelling units which such common open space is intended to serve. The open space shall not be relegated to only isolated areas of unusable land, but shall be highly accessible (physically and/or visually) to the majority of the residents of the development.

e. Where common open space is to be provided in a subdivided residential development, the use, operation and maintenance of areas for common open space, common ground and common buildings shall be guaranteed by the establishment of a trust indenture providing for such by a subdivision association or trustees. Said indenture shall be approved by the City Attorney prior to recording the indenture simultaneously with the recording of the final plat. Alternatively, such open space may be conveyed to a public entity which will agree to maintain the common open space and facilities, subject to City Council approval.

7. *Perimeter buffer requirements.*

a. Where a "PD-R" development proposes residential development along the perimeter of the site, which is higher in density than that of an adjacent residential district, there shall be a minimum thirty (30) foot wide buffer area. The buffer area shall be kept free of buildings, structures or parking areas and shall be permanent and landscaped with trees and shrubs or preserved with natural features, so that the higher-density residential development is visually obscured from abutting lower density residential properties. A minimum of one (1) tree shall be planted per thirty (30) lineal feet or fraction thereof for any frontage along the adjacent residential district. Required trees shall be at least two and one-half (2½) inch caliper. Trees existing within any required buffer area at the time of installation and which are larger than two and one-half (2½) inch caliper shall be preserved and will count toward the minimum landscaping requirements. Newly planted species shall be hardy for the specified area.

b. Where a "PD-R" development abuts a commercial or industrial use or district, there shall be a minimum thirty (30) foot wide buffer area. This buffer area shall be permanent and landscaped with trees and shrubs and/or otherwise provided with screening (i.e., sight-proof fencing) so as to effectively screen the commercial or industrial use from the "PD-R" development. A minimum of one (1) tree shall be planted per thirty (30) lineal feet or fraction thereof for any frontage along the adjacent commercial or industrial use or district. Required trees shall be at least two and one-half (2½) inch caliper. Trees existing within any required buffer area at the time of installation and which

are larger than two and one-half (2½) inch caliper shall be preserved and will count toward the minimum landscaping requirements. Newly planted species shall be hardy for the specified area.

c. All landscaping shall be maintained in a healthy, neat and weed-free growing condition.

F. *Planned Development--Commercial, Industrial Or Mixed Use.*

1. *Site coverage.* The maximum site coverage by uses permitted in the "PD-C", "PD-I" or "PD-MU" districts shall be seventy percent (70%), except as otherwise provided for in Subsection (F)(2) below.
2. *Site coverage bonus.* The City Council may approve an increase in maximum site coverage from seventy percent (70%) up to ninety percent (90%). In order to qualify for this bonus, the development must demonstrate compliance with four (4) or more of the following performance criteria:
   a. Incorporate storm drainage retention facilities as a site amenity.
   b. Install storm drainage detention facilities underground.
   c. Resolution or mitigation of existing off-site storm drainage problems (e.g., drainage channel stabilization or provision of on-site storm water detention that accommodates significant off-site storm water run-off).
   d. Increasing parking lot landscaping by fifty percent (50%) more than otherwise required.
   e. Submitting for approval developments on tracts that are ten (10) or more acres in size.
   f. Design of principal access to the development tract at an approved location that allows for shared access by an adjacent property.
   g. Construction of separate-grade pedestrian/bicycle paths.
   h. Providing for sufficiently screened loading and unloading areas that are located in side or rear yards.
   i. Any other performance criteria that further the goals, objectives and policies of adopted plans of the City and that, in the opinion of the City Council, warrant the approval of site coverage bonuses.
3. Where a "PD-C", "PD-I" or the non-residential portions of a "PD-MU" district abuts a residential area or is located across a public street or alley from a residential area, there shall be a minimum twenty-five (25) foot wide buffer strip between any non-residential use and the adjacent residential area. The buffer area shall be kept free of buildings, structures or parking areas and shall be landscaped with trees and shrubs. A minimum of one (1) tree shall be planted per thirty (30) lineal feet or fraction thereof for any frontage along a residential zoning district. Required trees shall be at least two and one-half (2½) inch caliper. Trees existing within any required buffer strip at the time of installation and which are larger than two and one half (2½) inch caliper shall be preserved and will count toward the minimum landscaping requirements. Newly planted species shall be hardy for the specified area. Within the buffer strip, except where the buffer strip adjoins a public street, there shall be provided either:
   a. A continuous visual screen having a minimum height of six (6) feet and consisting of a compact evergreen hedge or other dense evergreen plantings; or
   b. An ornamental masonry wall or wood fence at least six (6) feet in height

above grade, in which case one (1) shrub shall be planted in the greenbelt per ten (10) lineal feet or fraction thereof. Required shrubs shall be a minimum of eighteen (18) inches in height at time of initial planting. Shrubs may be clustered rather than evenly spaced.

All landscaping shall be maintained in a healthy growing condition and be orderly in appearance. Any walls or fences that are installed shall be maintained in a neat and orderly appearance.

G. *Planned Development--Riverfront.*

1. *Design standards.*
   a. *Minimum lot width.* One hundred fifty (150) feet; except where the development will include waterside gaming establishments, floating casinos or excursion riverboats, the width shall be not less than three (3) times the total length of the floating structure(s) or excursion riverboats accommodating the use, whichever is greater.
   b. *Maximum site coverage.* Fifty percent (50%), except that site coverage may be increased in accordance with the site coverage bonus provisions established in Section 400.850(F)(2).
2. *Building standards.* Buildings shall be subject to provisions of the City's adopted Building Code. (R.O. 2009 §156.180; CC 1981 §30-163; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98; Ord. No. 99-53, 2-4-99; Ord. No. 99-205, 6-3-99; Ord. No. 01-156, 7-19-01)

SECTION 400.860: OTHER DEVELOPMENT REGULATIONS FOR "PD" DISTRICTS

Nothing contained in this Article shall be interpreted as a waiver of the following regulations:

1. *Article II. District Regulations, Division 2.* "SD" Superimposed Districts, Sections 400.300 et seq;
2. *Article III. Other Use Regulations and Design Standards*, Sections 400.400 et seq., except where standards have been modified in the ordinance approving a planned development;
3. *Article IV. Tree Preservation,* Sections 400.630 and 400.640;
4. *Article V. Off-Street Parking and Loading*, Sections 400.660 et seq.;
5. *Article X. Architectural Review,* Section 400.965;
6. *Chapter 410 "Flood Damage Prevention".* (R.O. 2009 §156.181; Ord. No. 98-209, 5-15-98; Ord. No. 01-156, 7-19-01; Ord. No. 10-244 §1, 11-18-10)

SECTION 400.870: PRE-APPLICATION

Pre-Application Meeting. Prior to petitioning for a rezoning to one (1) of the Planned Development Districts, the prospective applicant shall schedule a pre-application meeting with the Director of Community Development. The Director of Community Development may request that other City representatives attend this meeting. At this meeting, the prospective applicant shall provide general information on the proposed development including site location, existing site conditions and a sketch plan of the proposed planned development. The Director of Community Development shall report to

the applicant the staff's evaluation of the sketch plan with respect to its compliance with the intent of the planned development regulations.

1. The pre-application meeting is a required, but informal, procedure intended to benefit the prospective applicant by allowing for an exchange of ideas and information and to provide an opportunity to review the requirements of the "PD" district regulations with the prospective applicant. No formal approval from the Director of Community Development or other City staff is required prior to proceeding with the preliminary development plan submittal.
2. The pre-application meeting and sketch plan submittal requirements specified in paragraph (3) below shall not apply to amendments to an approved "PD" district.
3. *Contents of sketch plan.* The information that shall be included with the sketch plan are itemized in Section 405.270 of Chapter 405 "Subdivision Regulations" as applicable. In addition to information required by that Section, the following information shall be included as well:
   a. Conceptual building footprints for all proposed structures, except single-family and two-family dwellings proposed on subdivided lots;
   b. Circulation plan including circulation drives and parking areas;
   c. Conceptual landscaping plan, open space/common areas and buffer areas between the proposed development and adjacent properties. (R.O. 2009 §156.182; Ord. No. 98-209, 5-15-98; Ord. No. 10-244 §1, 11-18-10)

SECTION 400.880: PRELIMINARY DEVELOPMENT PLAN

A. *Preliminary Development Plan Submittal Requirements.* The preliminary development plan submitted shall include the information required in Section 405.280, Chapter 405 "Subdivision Regulations" as applicable. In addition, the following shall be included, as applicable:
   1. Gross and net acreage (exclusive of streets) of tract;
   2. Preliminary building footprints of all proposed structures, except single-family detached and two-family dwellings proposed on subdivided lots. (It is recognized that the placement and size of structures may vary based on specific needs of future tenants.);
   3. Internal traffic circulation drives and parking areas, except driveways associated with single-family and two-family dwellings proposed on subdivided lots;
   4. Maximum number of residential dwelling units allowed per the existing zoning district or districts;
   5. Number and type of residential dwelling units proposed;
   6. Number of off-street parking spaces required and proposed;
   7. Gross floor area of principal buildings and structures. Non-residential uses shall be identified by use type;
   8. Building setbacks from property lines and between buildings where more than one (1) building is located on a lot;
   9. The proposed location and use of open spaces including common ground, recreational areas, plazas and buffer areas;
   10. Landscaping plan including information on the location of tree planting by type (i.e., deciduous/coniferous trees and ornamental trees), shrub masses and ground covers (i.e., grassed areas, ivies, etc.). Landscaping within parking areas, in

accordance with the requirements of Sections 400.700(J) et seq., shall also be included;

11. The following additional requirements shall apply to the preliminary development plan for all "PD-RF" developments which include gaming facilities:
    a. Depiction on the development plan of the location, length, width and size of boats, barges or other vessels. Also indicate the general location of piers, containment areas and the like;
    b. The total number of employees contemplated; the number of visitors expected daily, monthly, yearly; and hours of operation;
    c. A traffic impact analysis which shall include, but not be limited to, the following:
        (1) Expected access routes to and from the project, both on-site and off-site; width of roads and expected traffic volumes, peak hours and days and lane movements;
        (2) Road improvements and traffic controls necessary to accommodate the projected traffic volumes and turning movements;
    d. Expected infrastructure improvements such as water, natural gas, electricity, drainage and sanitary sewer collection (e.g., location of improvements, size of improvements, etc.);
    e. Provisions for security, fire protection and emergency services;
    f. Evidence of ownership, lease or control of the site for all lands included within the developer's proposal, necessary for the full and complete implementation of the proposed development;
    g. Proposed location, type, power output and the like of any and all lighting to include streets, parking, signs, buildings, structures and riverboats;
    h. Evidence of receipt of, or application for, watercraft operation, mooring or land use permits as may be required by the State of Missouri and its agencies, the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, Environmental Protection Agency, U.S. Coast Guard or other State or Federal agencies whose approval may also be required.
    No occupancy permit or operating license shall be issued for the development until completed evidence that the developer holds the permits required under paragraph (h) above for that portion of the development.
12. The applicant may be required to provide such additional clarification and/or information on the preliminary development plan as determined by the Director of Community Development and/or the Planning and Zoning Commission.

B. *Preliminary Development Plan Review Procedure.*
    1. *Preliminary subdivision plat approval.* The preliminary development plan shall also be considered the preliminary plat for a planned development district. Preliminary plats associated with a planned development shall be subject to the provisions of Chapter 405.
    2. *Submission by applicant.* After the pre-application review meeting, the applicant shall submit five (5) copies of the preliminary development plan and other information required by Sections 400.880(A) et seq. to the Director of Community Development.
    3. *Staff review.*
        a. *Completeness of submittal.* Upon receipt of the application for rezoning to a

"PD" district and the associated preliminary development plan and other applicable documents, the Director of Community Development shall review the documents to determine completeness. If the Director determines that the submittal is incomplete, then the applicant shall be notified of the deficiencies. The Director may delay the processing of the preliminary development plan until such time as all required information has been provided.

b. *Distribution.* As soon as practical after determination that the preliminary development plan submittal is complete, the Director of Community Development shall distribute copies of the preliminary development plan to the Director of Public Works, Fire Chief and other City staff as appropriate.

c. *Staff review.* The Director of Community Development shall review the preliminary development plan and solicit comments from other City staff with respect to meeting the requirements of this Chapter, Chapter 405 "Subdivision Regulations" and other applicable City regulations and with respect to good site planning, both within the tract to be developed and in relation to the surrounding area. The Director, with the input of other City staff, shall identify any deficiencies and site planning issues. The staff findings shall be submitted to the Planning and Zoning Commission.

4. *Resubmission of preliminary development plan.* The applicant shall resubmit twenty (20) copies of the revised preliminary development plan incorporating any changes resulting from staff review. Copies of the revised preliminary development plan shall be forwarded to the Planning and Zoning Commission.
5. *Public hearing before Planning and Zoning Commission.* The Planning and Zoning Commission shall hold a public hearing on the rezoning request for a "PD" district designation and associated preliminary development plan in accordance with the provisions of Sections 400.1010 et seq. "Amendments and Modifications" of this Chapter.
6. *Planning and Zoning Commission recommendation.* The Planning and Zoning Commission shall forward its recommendation to the City Council. The recommendation shall address site planning considerations and compatibility with adjoining areas. A recommendation of approval shall include recommended conditions, as appropriate, to be included in the ordinance establishing the "PD" district. Such conditions shall include, as applicable, but not be limited to:
   a. Permitted uses;
   b. *"PD-R", "PD-MU" districts.* The number of lots or dwelling units authorized and the maximum floor area authorized for any non-residential use permitted;
   c. *"PD-C", "PD-I" and "PD-RF" districts.* The maximum floor area authorized for each building within the development;
   d. Building and structure height limitations;
   e. Minimum setback requirements;
   f. Minimum acreage and function of common open space, if applicable;
   g. Compliance with off-street parking and loading requirements;
   h. Compliance with sign regulations.
7. *Additional copies of preliminary development plan.* The applicant shall submit fifteen (15) copies of the preliminary development plan which shall incorporate any changes resulting from Planning and Zoning Commission review. Copies of the preliminary development plan shall be forwarded to the City Council.

8. *Public hearing before City Council.* The City Council shall hold a public hearing on the rezoning request for a "PD" district designation and associated preliminary development plan in accordance with the provisions of Sections 400.1010 et seq. "Amendments and Modifications".
9. *City Council action.* If the preliminary development plan is approved by the City Council, it shall adopt an ordinance establishing the appropriate "PD" district. The ordinance shall include reference to an approved preliminary development plan citing all conditions imposed on the development plan.
10. Before approval of a development plan, the City Council shall require a contract with safeguards approved by the City Counselor securing construction of public improvements and guaranteeing completion of the development plan, or designated section thereof, in a period to be specified by the Commission, but which period shall not exceed five (5) years unless extended by recommendation of the Commission for due cause shown and approved by the City Council. The contract shall provide a performance bond covering one hundred percent (100%) of the estimated cost of all public improvements.

C. *Effect Of Approval Of Preliminary Development Plan And Period Of Validity.*
1. All conditions imposed as a part of any planned development shall run with the land and shall not lapse or be waived as a result of a subsequent change in ownership of any or all of said area.
2. Approval of the preliminary development plan by the City Council constitutes an authorization to proceed with the preparation of the final plat. No building permits shall be issued until a final plat has been approved in accordance with the provisions of Chapter 405 "Subdivision Regulations".
3. Approval of the preliminary development plan shall be valid for a period of two (2) years from the date of City Council approval. If a final plat for all or a portion of the preliminary development plan has not been filed within the two (2) year period, then a resubmission of the preliminary development plan shall be required if the applicant intends to pursue final plat approval. The City Council may grant up to a one (1) year extension from the date that the period of initial validity expired. The Council may reject such resubmission of the same development plan in light of new facts and circumstances relating to the development plan. (R.O. 2009 §156.183; Ord. No. 98-209, 5-15-98; Ord. No. 10-244 §1, 11-18-10)

SECTION 400.900: AMENDMENTS TO "PD" ORDINANCE OR DEVELOPMENT PLAN

A. *Amendments To "PD" Ordinance.*
1. *Amendment request.* The property owner or authorized representative shall submit a written request to amend the conditions of the ordinance establishing the "PD" district and approving the preliminary development plan to the Director of Community Development for review.
2. *Staff review.* The Director shall evaluate the request for consistency with the nature and content of the development plan that was subject of the ordinance approving such plan. The Director shall report to the Planning and Zoning Commission as to whether or not the request is consistent with the nature and content of the development plan approved by the City Council.

3. *Planning and Zoning Commission review.* The Commission shall review the request and report of the Director and then forward a recommendation to the City Council.
   a. A recommendation for approval may include conditions to be included in the amended ordinance.
   b. If the Commission finds that the requested amendment is not consistent with the nature and content of the preliminary development plan that was subject of the ordinance approving such plan, it shall forward its recommendation to the City Council and, if deemed necessary, forward a recommendation to the Council for the purpose of holding new public hearings on the matter in accordance with the provisions of Sections 400.1010 et seq. "Amendments and Modifications".
4. *City Council action.* The Council may pass an ordinance amending the ordinance establishing the subject "PD" district. If deemed necessary by the Council, it may order that public hearings be held on the matter in accordance with the provisions of Sections 400.1010 through 400.1050, "Amendments and Modifications", if the applicant wishes to proceed with obtaining approval of such amendment.

B. *Modifications To Development Plan.*
   1. *Amendment request.* The property owner or authorized representative shall submit an amended development plan to the Director of Community Development for review.
   2. *Amendments requiring administrative approval (minor amendments).*
      a. If the Director determines that the amended plan is not in conflict with the preliminary development plan approved by the City Council, meets the conditions of the "PD" ordinance, and none of the items in paragraph (2)(b) exist as a result of the proposed amendment, the Director may approve said amended plan as a minor amendment to the preliminary development plan without further public hearings. Said plan shall be retained on file in the Department of Community Development.
      b. The existence of any of the following items shall cause a proposed amendment to be a major amendment:
         (1) Any increase in the coverage of structures of greater than ten percent (10%) above the approved preliminary development plan;
         (2) Any increase in the number of dwelling units on the approved preliminary development plan;
         (3) Changes in traffic circulation patterns resulting from the realignment of streets or alleys;
         (4) Any reduction in required open space or building setbacks from perimeter property lines as shown on the approved preliminary development plan;
         (5) Any reduction of required off-street parking or loading spaces;
         (6) Any reduction in required pavement widths;
         (7) Any change in the land uses shown on the preliminary development plan, including a change from attached single-family dwelling units to detached single-family dwelling units or vice versa; or
         (8) Any change requiring a resubdivision plat.
      c. Any changes to the subdivision of property shall be subjected to the requirements of Chapter 405.

3. *Amendments requiring Council approval (major amendments).*
   a. If the Director of Community Development determines that the amended plan is in conflict with the preliminary development plan approved by the City Council, does not meet the conditions of the "PD" ordinance, or causes any of the changes listed in paragraph (2)(b), the Director shall forward the proposed amended plan to the City Council. The proposed amended plan shall require a public hearing before the City Council. Notice of the public hearing shall be mailed to all property owners within three hundred (300) feet of the boundaries of the property proposed to be amended and signs containing notice of the public hearing shall be posted on each street frontage of the property. The letters shall be mailed and the signs shall be posted at least fifteen (15) days before the date of the public hearing. The City Council shall have the authority to approve or deny the proposed amended plan. If the proposed amended plan is denied by the City Council, it may not be resubmitted for one (1) year from the date of the denial. (R.O. 2009 §156.185; Ord. No. 98-209, 5-15-98; Ord. No. 10-195 §1, 9-22-10; Ord. No. 10-206 §1, 9-29-10; Ord. No. 10-244 §1, 11-18-10)

SECTION 400.910: FAILURE TO INITIATE CONSTRUCTION AFTER DEVELOPMENT PLAN APPROVAL

A. No approval of a development plan shall be valid for a period longer than five (5) years from the date of its initial approval unless within such period a building permit is obtained and construction of a development's foundation is commenced.
B. The City Council may grant up to an additional two (2) year extension upon written request, if the application submitted is substantially the same as the initially approved application. At such time as the period of validity of an approved development plan lapses, the development plan and all uses, terms and conditions thereof may be declared null and void and the City Council may initiate actions to rezone the site to its original or other appropriate zoning district in accordance with the procedures and requirements of Sections 400.1010 through 400.1050 "Amendments and Modifications". (R.O. 2009 §156.186; Ord. No. 98-209, 5-15-98)

ARTICLE VIII. GREEN POINT RATING SYSTEM

SECTION 400.920: "GPRS" GREEN POINT RATING SYSTEM

A. *Purpose.* The purpose of the Green Point Rating System (hereinafter "GPRS") is to provide development incentives for building innovation and sustainable practices.
B. *Applicable Zoning Districts.* The "GPRS" shall only be applicable to projects in the following zoning districts: "O-I", "C-l", "C-2", "C-3", "I-l", "I-2", "PD-C", "PD-I", "PD-MU" and "PD-RF".
C. *Green Point Rating System Guide.* A Green Point Rating System Guide (hereinafter "GPRSG") shall be established to provide point values for specific elements of a project which contribute to the overall sustainability of the development. The "GPRSG" shall be approved by the Council.

D. *Tier System.* There is hereby established a tier system of point values as set forth in the "GPRSG". Each developer utilizing the "GPRS" shall accumulate green points. The number of green points accumulated for a project will determine the project tier. The tier structure for incentives is as follows:
   1. Tier 1: 50 to 74 points;
   2. Tier 2: 75 to 100 points;
   3. Tier 3: More than 100 points.

(R.O. 2009 §156.190; Ord. No. 09-227, 12-10-09)

SECTION 400.930: PRE-APPLICATION

Pre-Application Meeting. Prior to submittal of an application to participate in the Green Point Rating System program, the prospective applicant shall attend a pre-application meeting with the Director of Community Development or his/her designee. At this meeting, the prospective applicant shall provide general information on the proposed development including site location, existing site conditions, a sketch plan of the proposed development and list of building enhancements. Thereafter, the Director of Community Development will report to the applicant the department's evaluation of the sketch plan and enhancements list with respect to its compliance with the "GPRS". The purpose of the pre-application meeting and department report is to assist the applicant in the preparation of a development plan.

1. The pre-application meeting is a required informal procedure intended to benefit the prospective applicant by allowing for an exchange of ideas and information and to provide an opportunity to review the requirements of the "GPRS" with the prospective applicant. No formal approval from the Director of Community Development or other City staff is required prior to proceeding with the "GPRS" plan submittal.
2. *Contents of sketch plan.* The information that shall be included is as follows:
   a. Conceptual building footprints for all proposed structures;
   b. Circulation plan including circulation drives and parking areas; and
   c. Conceptual landscaping plan, open space, common areas and buffer areas between the proposed development and adjacent properties. (R.O. 2009 §156.191; Ord. No. 09-227, 12-10-09)

SECTION 400.940: DEVELOPMENT PLAN

A. *Development Plan Submittal Requirements.* The development plan submitted shall include the following information:
   1. Gross and net acreage (exclusive of streets) of tract;
   2. Building footprints of all proposed structures;
   3. Internal traffic circulation drives and parking areas;
   4. Number of off-street parking spaces required and proposed;
   5. Gross floor area of principal buildings and structures (non-residential uses shall be identified by use type);
   6. Building setbacks from property lines and between buildings where more than one (1) building is located on a lot;
   7. Proposed location and use of open spaces including common ground, recreational

areas, plazas and buffer areas;

8. Landscaping plan including information on the location of tree planting by type (i.e., deciduous/coniferous trees and ornamental trees), shrub masses and ground covers (i.e., grassed areas, ivies, etc.), including landscaping within parking areas, in accordance with the requirements of Sections 400.700(J) et seq.;
9. Completed "GPRSG" worksheet that includes all points to be obtained and incentives sought for the project signed by the property owner and sealed by a professional architect currently licensed to perform work in State of Missouri; and
10. Applicant may be required to provide additional clarification or information on the development plan as determined by the Director of Community Development or the Planning and Zoning Commission.

B. *Development Plan Review Procedure.*
   1. *Submission by applicant.* After the pre-application review meeting, the applicant shall submit four (4) copies of the development plan and other information required by Section 400.940(A) to the Director of Community Development.
   2. *Staff review.*
      a. *Completeness of submittal.* Upon receipt of the development plan and other applicable documents, the Director of Community Development shall review the documents to determine completeness. If the Director determines that the submittal is incomplete, then the applicant shall be notified of the deficiencies. The Director may delay the processing of the development plan until such time as all required information has been provided.
      b. *Distribution.* As soon as practical after determination that the development plan submittal is complete, the Director of Community Development shall distribute copies of the development plan to the City Engineer, Fire Chief, Building Code Official and other City staff as appropriate.
      c. *Staff review.* The Director of Community Development shall review the development plan and solicit comments from other City staff with respect to meeting the requirements of this Chapter, Chapter 405, Subdivision Regulations and other applicable ordinances and with respect to good site planning, both within the tract to be developed and in relation to the surrounding area. The Director, with the input of other City staff, shall identify any deficiencies, site planning or building code issues. The staff findings shall be submitted to the Planning and Zoning Commission.
   3. *Resubmission of development plan.* The applicant shall resubmit twenty (20) copies of the revised development plan incorporating any changes resulting from staff review to the Department of Community Development. Copies of the revised development plan shall be forwarded to the Planning and Zoning Commission.
   4. *Planning and Zoning Commission action.* The Planning and Zoning Commission shall review the development plan and approve, deny or approve with modifications the plan.

C. *Effect Of Approval Of Development Plan And Period Of Validity.*
   1. All conditions of a "GPRS" development shall run with the land and shall not lapse as a result of a subsequent change in ownership of the property within the development area.
   2. No building permits shall be issued until a development plan has been approved

in accordance with the provisions of Section 400.940.

3. No approval of a development plan shall be valid for a period longer than eighteen (18) months from the date of its initial approval unless within such period a building permit is obtained and construction of a development's foundation is commenced. The Planning and Zoning Commission may grant up to an additional one (1) year extension upon written request, if the application submitted is substantially the same as the initially approved application. At such time as the period of validity of an approved development plan lapses, the development plan and all uses, terms and conditions thereof are null and void. (R.O. 2009 §156.192; Ord. No. 09-227, 12-10-09)

SECTION 400.950: AMENDMENTS TO DEVELOPMENT PLAN

A. *Amendment Request.* The property owner or authorized representative shall submit an amended development plan to the Director of Community Development for review. A development plan submitted as a follow up to an approved development plan, which deviates in any manner from the approved development plan, shall be considered an amendment and be subject to the provisions herein.

B. *Administrative Approval (Minor Amendments).* The Director shall evaluate the request for consistency with the approved development plan.

1. If the Director determines that the amended plan is non-substantive and is not in conflict with the approved development plan approved by the Planning and Zoning Commission, the Director may approve said amended plan without further proceedings.
2. If the Director determines that the amended plan is substantially different than the approved development plan approved by the Planning and Zoning Commission, the Director shall forward the proposed amended plan to the Planning and Zoning Commission for its review and recommendation.
3. No administrative approval authorized by Subsection (B)(1) above shall cause any of the following:
   a. Substantial change in the character of the development;
   b. Substantial increase in the coverage of structures;
   c. Substantial increase in traffic volumes or substantial changes in traffic circulation patterns;
   d. Substantial increase in the demand for public utilities or other public services;
   e. Reduction in required open space or building setbacks from perimeter property lines;
   f. Reduction of required off-street parking or loading spaces; or
   g. Reduction in required pavement widths. (R.O. 2009 §156.193; Ord. No. 09-227, 12-20-09)

ARTICLE IX. SITE PLANS

SECTION 400.960: FORM AND CONTENT

Site plans shall be clearly drawn to scale as specified below and shall show the following:

1. The title of the project and the name of the engineer, architect, designer or landscape architect, developer and property owner.
2. The north arrow, scale and date.
3. Existing zoning and zoning district boundaries.
4. The boundaries of the property involved, County or municipal boundaries, the location of all existing easements, property lines, existing streets, sidewalks, right-of-way lines, buildings, waterways, major tree masses and other existing physical features in or adjoining the project.
5. Topography of the project area with contour intervals of two (2) feet or less shall be required if the lot area exceeds one (1) acre.
6. The location and sizes of sanitary and storm sewers, water mains, culverts, fire hydrants, electric and telephone lines and street lights and other underground structures, existing and planned.
7. Proposed changes in zoning, if any.
8. The location and character of construction of proposed streets, rights-of-way, sidewalks, alleys, driveways, curb cuts, entrances and exits, loading areas, (including numbers of parking and loading spaces), outdoor lighting systems, storm drainage and sanitary facilities.
9. The location of lots, setback lines and easements and proposed reservations for parks, parkways, playgrounds, school sites and open spaces.
10. A tabulation of the total number of acres or square feet in the project, gross or net as required in the district regulations and the percentage thereof proposed to be devoted to the several dwelling types, commercial uses, other non-residential uses, off-street parking, streets, parks, schools and other reservations.
11. A tabulation of the total number of dwelling units of various types in the project and the overall project density in dwelling units per acre, gross or net as required by district regulations.
12. Location, height and material of all fences, walls, screen planting and landscaping used for protective screening.
13. Location and approximate height of all buildings and structures, accessory and main.
14. Location of all open space or parcels of land intended to be dedicated for public use or reserved for the use of property owners, with the purpose indicated.
15. Any other pertinent information as requested by the Director of Community Development. (R.O. 2009 §156.232; CC 1981 §30-205; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98; Ord. No. 10-244 §1, 11-18-10)

ARTICLE X. ARCHITECTURAL REVIEW

SECTION 400.965: ARCHITECTURAL AND DESIGN STANDARDS

A. *Purpose.* The purpose of these architectural and design standards is to ensure the highest quality and most aesthetically pleasing development in all areas of the City. Redevelopment and new development in the City reflects on the image of St. Charles and

it is crucial that new structures and rehabilitation or additions to old structures adhere to a higher standard to reflect positively on the City's progressive attitude toward its future. These standards are not intended to restrict imagination or variety, but rather to assist in focusing on a design which results in an architectural style that creates a signature appearance that is distinctly St. Charles.

B. *Architectural And Design Standards.* These architectural and design standards shall apply to all new structures (as structure is defined in the building code), reconstruction of structures, rehabilitation of structures and expansion of structures in all zoning districts, except: (1) single-family and two-family residential structures; (2) all structures legally existing or for which building permits have been legally approved on or prior to December 1, 2003; and (3) structures which have previously been approved pursuant to Section 400.980(I) where said approval authorized the use of specific building materials. Architectural and design standards shall be defined as follows:

1. All structures shall have exterior finished walls composed of one hundred percent (100%) masonry on all sides of the structure and shall be designed so as to match or complement existing buildings in the vicinity. *"Masonry",* as used here, shall be defined as exposed face brick or natural building stone which is used as a facing component which is applied over exterior wall back-up construction. Face brick shall be prismatic units in a variety of sizes, colors and shapes. Brick shall be manufactured from clay, shale or similar naturally occurring earthy substances and subject to firing in a kiln. Natural building stone shall include stone that is sawed, cut, split or otherwise finished or shaped having a minimum thickness of one (1) inch. Natural building stone shall include granite, limestone, marble, slate, soapstone, sandstone or other natural stones of similar characteristics and physical properties. Molded, cast or otherwise artificially aggregated units composed of fragments of natural stone (excluding concrete masonry units) may be used with the approval of the Planning and Zoning Commission or, if applicable, the HLPARB. Masonry shall not be painted. Clear sealers and non-pigmented stains may be used. All colors shall be approved by the Planning and Zoning Commission or, if applicable, the HLPARB. Other non-masonry exterior finish materials shall be considered as accent materials and shall be limited to a maximum area of twenty-five percent (25%) of all exterior wall surfaces excluding windows and doors.
   "GPRS" Bonus:
   All tiers. Projects may utilize up to seventy-five percent (75%) recycled building materials. Recycled materials to be utilized shall be approved by the Planning and Zoning Commission or, if applicable, the HLPARB.
2. Rooftop mechanical equipment shall be screened by increased parapet height or other means architecturally consistent and harmonious with the proposed structure so as to not be visible from a point six (6) feet above the elevation of the property line on which the structure is located and from a point four (4) feet above the elevation of any public right-of-way.
   "GPRS" Bonus:
   All tiers. Solar panels are excluded from the rooftop mechanical equipment screening requirement. Solar panel design and placement shall be approved by the Planning and Zoning Commission or, if applicable, HLPARB.

3. All exterior lighting shall be consistent with the architectural concept. Fixtures, standards and all exposed accessories shall be harmonious with the structure's design. All exterior lighting including wall pack lighting shall be shielded to direct light straight down.
4. All exterior solid waste containers and container racks or stands shall be screened from public view by an enclosure which meets the following standards:
   a. *Multi-family residential buildings.* All exterior solid waste containers and container racks or stands for a multiple-family dwelling shall be screened from public view by an enclosure which shall be a minimum of five (5) feet in height. Enclosures shall have a concrete floor, solid gates, and shall otherwise be constructed of masonry, wood or fencing with sight-proof treatment. In no case shall slatted, chainlink fencing be used for such purpose.
   b. *Commercial/institutional/industrial buildings.* All refuse and waste removal storage areas shall be screened with minimum six (6) foot high solid screen walls of masonry construction to complement the primary structure. Enclosures shall have a concrete floor, gates shall be composed of metal or solid vinyl in a complementary color to the masonry and in no case shall slatted, chainlink fencing be used for such purpose. The Planning and Zoning Commission may consider alternative materials if the primary building on the property has a ground floor area less than ten thousand (10,000) square feet.
   c. *SMPD, HDD, FPD, LMPD and CPD.* All exterior solid waste containers and container racks or stands shall be screened from public view by an enclosure which shall be a minimum of five (5) feet in height. Enclosures shall have a concrete floor, solid gates, and shall otherwise be constructed of masonry, weather-resistant wood or fencing with sight-proof treatment. In no case shall slatted, chainlink fencing be used for such purpose.
   d. A fence permit is required for all trash enclosures.
5. Fencing used to screen areas from view of adjacent properties shall be a minimum of six (6) feet high and shall be composed of wood or solid vinyl as approved by the Planning and Zoning Commission or, if applicable, the HLPARB. In no instance, shall slatted, chainlink fence be used for such purpose.
6. All landscaping areas shall be provided with underground irrigation. Native drought-resistant plant species and alternative irrigation systems found in the "GPRSG" may be considered in lieu of traditional underground irrigation systems.
7. The Planning and Zoning Commission or, if applicable, the HLPARB may consider the alternative materials to those listed in Subsection (B) if the applicant demonstrates that any of the following factors are present:
   a. The proposed structure is greater than listed in the following table; or

Building Code Use Group	Covered Structure Footprint Area In Square Feet	Height And/Or Stories
Assembly "A-1", "A-2", "A-3", "A-4"	11,500	50 feet and/or 2 stories
Business "B"	18,000	50 feet and/or 3 stories
Educational "E"	18,500	50 feet and/or 1 story
Institutional "I-1"	10,500	50 feet and/or 3 stories
Institutional "I-2"	9,500	50 feet and/or 1 story
Institutional "I-3"	7,500	50 feet and/or 2 stories

Institutional "I-4"	18,500	50 feet and/or 1 story
Mercantile "M"	14,000	50 feet and/or 3 stories
Residential "R-1", "R-2", "R-4"	12,000	50 feet and/or 3 stories

b. The existing surrounding development is of a nature that the application of the architectural and design standards will not further the aesthetic qualities of the area; or
c. The proposed structural change is an expansion or rehabilitation of an existing structure and application of the architectural and design standards will not further the aesthetic qualities of the structure or the area; or
d. Screening of rooftop mechanical equipment will not further the architectural quality of the structure or improve the aesthetics of the structure; or
e. Landscape irrigation is of such a scale and scope that it will not be practically feasible to irrigate the entire site or landscaping is already established without irrigation and is proposed to remain.

8. Adherence to the materials listed in Subsection (B) shall not be required if the proposed structure is in a building code use group other than those listed in Subparagraph (7) above. (Ord. No. 10-244 §1, 11-18-10)

Cross Reference--As to penalty, §400.1890.

ARTICLE XI. PLANNING AND ZONING COMMISSION

SECTION 400.970: MEMBERSHIP--APPOINTMENT--COMPENSATION--TERMS--VACANCIES--REMOVAL--RULES--MEETINGS--QUORUM-- OFFICERS--MINUTES AND RECORDS

A. *Membership--Appointment--Compensation.* The Planning and Zoning Commission shall consist of ten (10) members who shall include the Mayor, if the Mayor chooses to be a member, a member of the City Council selected by the Council, if the Council chooses to have a member serve on the Commission, and eight (8) citizens appointed by the Mayor and approved by the City Council. All citizen members of the Commission shall be residents and qualified, registered voters of the City and shall serve without compensation.

B. *Terms.* The term of each of the citizen members shall be for four (4) years except that the terms of the citizen members first appointed shall be for varying periods so that succeeding terms will be staggered.

C. *Vacancies.* When a vacancy occurs on the Commission, the Mayor with the approval of the Council, shall appoint a new member to fill the unexpired term.

D. *Removal.* Any member may be removed during the appointment period by the City Council upon written charges and after a public hearing; provided that any member who ceases to meet the qualifications of the Commission shall immediately forfeit his/her membership.

E. *Rules.* The Commission shall adopt rules of procedure in accordance with the provisions of this Chapter.

F. *Meetings.* Regular meetings of the Commission will be held on the fourth (4th) Monday of each month, at a place designated by the Chairperson. In the event of conflict with

holidays or other events, the Chairperson may change the day of the meeting. Special meetings of the Commission may be called by the Chairperson; provided all members of the Commission are sent written notification three (3) days prior to the meeting. All meetings of the Commission, or portions of meetings at which official action is taken, shall be open to the general public.

G. *Quorum.* A quorum shall consist of five (5) of the membership of the Commission.
H. *Officers.* The Commission shall elect a Chairperson, a Vice Chairperson and a Secretary from among the citizen members. These officers shall serve one (1) year terms.
I. *Minutes And Records.* The Secretary shall keep the minutes and records of the Commission with the assistance of the staff of the Department of Community Development.
J. *Appointment Of An Alternate Member.* The City Council may select one (1) of its members to be an alternate member of the Commission. The alternate member may vote in the absence of the regular member selected by the City Council. (R.O. 2009 §156.246; CC 1981 §30-218; Ord. No. 77-31, 7-5-77; Ord. No. 95-183, 7-20-95; Ord. No. 98-209, 5-15-98; Ord. No. 99-53, 2-4-99; Ord. No. 99-205, 6-3-99; Ord. No. 03-52, 3-6-03; Ord. No. 04-38, 2-13-04; Ord. No. 04-109, 5-28-04; Ord. No. 10-244 §1, 11-18-10)

SECTION 400.980: POWERS AND DUTIES

A. The Commission shall make and adopt a City Comprehensive Plan for the physical development of the municipality. The City plan, with the accompanying maps, plats, charts and descriptive and explanatory matter, shall show the Commission's recommendations for the physical development and uses of land and may include, among other things, the general location, character and extent of streets and other public ways, grounds, places and spaces; the general location and extent of public utilities and terminals, whether publicly or privately owned, the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment or change of use of any of the foregoing; the general character, extent and layout of the replanning of blighted districts and slum areas.
B. The Commission may prepare a land use plan for the regulation of the height, area, bulk, location and use of private, non-profit and public structures and premises and of population density.
C. The Commission shall recommend and the City Council may by ordinance adopt regulations governing the subdivision of land within its jurisdiction.
D. The Commission may make reports and recommendations relating to the plan and development of the municipality to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. It may recommend to the executive or legislative officials of the municipality programs for public improvements and the financing thereof.
E. All public officials shall, upon request, furnish to the Commission, within a reasonable time, all available information it requires for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land to make examinations and surveys. In general, the Commission shall have the power necessary to enable it to perform its functions and promote municipal planning.
F. The Planning and Zoning Commission shall hear and decide upon the location, extent and character of streets or other public facilities or public utilities, whether publicly or

privately owned, which have been included in the recommendations and proposals of the Comprehensive Plan or portions thereof.

G. The Planning and Zoning Commission shall hear and decide upon the vacation or abandonment of any street or other public facility.

H. The Planning and Zoning Commission may recommend appointment of staff to the Mayor, for approval by the City Council, necessary for its work and may contract with City planners and other professional persons for the services that it requires. The expenditures of the Commission, exclusive of grants and gifts, shall be within the amounts appropriated for the purpose by the City Council.

I. The Planning and Zoning Commission shall review applications for construction of new structures and substantial improvements outside the historic districts and extended historic districts utilizing the criteria for appearance set forth in the Zoning Ordinance and shall issue or deny site plan approval for such construction. All development within the City of St. Charles outside of the historic and extended historic districts shall be required to receive site plan approval from the Planning and Zoning Commission prior to the issuance of a building permit, with the exception of single-family homes, mobile homes or multi-family structures containing four (4) or less dwelling units. The site plan review shall utilize the criteria for appearance set forth in the Zoning Ordinance.

J. The Planning and Zoning Commission shall review and make a recommendation to the City Council on all applications for conditional uses utilizing the following:

1. *Standards.* The purpose of this Section is to guide and assist the Planning and Zoning Commission and City Council in its decision making process in relation to conditional uses. These uses, because of their nature, require the consideration and exercise of planning judgment on location and site plan. As a result, a conditional use shall be evaluated based on the specific standards of this Section and based on the following standards:
    a. How the proposed conditional use (the use in general) is in harmony with the purposes, goals, objectives, policies and standards of the Comprehensive Plan and any other plan, program or ordinance adopted or under consideration pursuant to official notice by the City.
    b. How the proposed conditional use (in its proposed location) is in harmony with the purposes, goals, objectives, policies and standards of the Comprehensive Plan and any other plan, program or ordinance adopted or under consideration pursuant to official notice by the City.
    c. Whether the proposed conditional use, in its proposed location and as depicted on the required site plan, results in a substantial or undue adverse impact on the adjacent property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way or other matters affecting the public health, safety or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions and policies of the Zoning Ordinance, Comprehensive Plan or any other plan, program or ordinance adopted or under consideration pursuant to official notice by the City.
    d. Whether the proposed conditional use maintains the desired consistency of land uses, land use intensities and land use impacts as related to the environs of the subject property as directed by the Comprehensive Plan.
    e. Whether the proposed conditional use is located in an area that will be

adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property.

f. Whether the potential public benefits of the proposed conditional use outweigh the potential adverse impacts of the proposed conditional use as identified above, after taking into consideration any proposal by the petitioner and any requirements recommended by the petitioner and/or City staff to ameliorate such impacts.

2. In approving the conditional use, the Planning and Zoning Commission may recommend and the City Council may impose conditions or safeguards as are deemed necessary to protect the surrounding properties such as, but not limited to, the following: limitations of size, method or times of operation of the facility and extent of time which such use may occupy the property.
3. The conditional use applies to the subject property and not to the individual who applied. Consequently, a conditional use is transferable to any future owner of subject property unless otherwise specified, but cannot be transferred by the applicant to a different site.
4. A conditional use shall continue for an indefinite period of time unless otherwise specified. (R.O. 2009 §156.247; CC 1981 §30-219; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98; Ord. No. 01-262, 11-13-01; Ord. No. 03-52, 3-6-03; Ord. No. 04-176, 8-4-04; Ord. No. 10-244 §1, 11-18-10)

SECTION 400.990: APPLICATIONS

A. All applications shall be addressed to the Planning and Zoning Commission and submitted to the Department of Community Development by the deadline date for the requested meeting per the schedule annually approved by the Commission.
B. Provisions as to applications to amend, supplement, change or modify the number, shape, area or boundaries of the districts or the regulations herein established are contained in Sections 400.1010 et seq.
C. Applications for approving the vacation or abandonment of any street, right-of-way, sidewalk, storm water structure or other public facility shall show all plans, detailed drawings, elevations, specifications and other information necessary to determine the appropriateness of the features to be upon.
D. Applications for site plan approval and permits for construction of structures outside the historic districts and extended historic districts shall be reviewed by the Planning and Zoning Commission using the architectural and design standards set forth in Section 400.965. Applications for certificates of appropriateness and permits for construction of structures in the extended historic district and not subject to the specific requirements of an historic district shall be reviewed by the Historic Landmark Preservation and Architectural Review Board (HLPARB) using the architectural and design standards set forth in Section 400.965.
    1. Each application shall be submitted with all plans, elevations, detail drawings and specifications. The application shall be in the form and contain such additional information as may be prescribed by regulation by the Commission. The Department of Community Development shall review the application and determine that the application contains sufficient data to adequately describe the

situation to the Planning and Zoning Commission. If the data is not adequate, the Department of Community Development shall notify the applicant of the additional required information. Only applications that are completed shall be forwarded to the Planning and Zoning Commission.

2. If the application complies with the criteria prescribed by this Article and is accordingly approved by the Commission, then the Department of Community Development shall issue a site plan approval. If the application does not comply with the criteria, then the Commission shall disapprove the application and within five (5) days after the disapproval shall specify in writing the facts supporting the disapproval.
3. *Validity of approval.* Site plan approval shall be valid for a period of one (1) year after the date of approval and thereafter shall become null and void unless construction or use is substantially underway during such one (1) year period or unless an extension of time, not exceeding one (1) year, is approved by the Planning and Zoning Commission for good reasons shown before the expiration of such one (1) year period.

E. Applications for a conditional use shall be reviewed and recommended by the Planning and Zoning Commission for action by the City Council. Such application shall show the location and intended use of the site and any other material pertinent to the application. When the request involves physical improvements to the property, an application for a certificate of appropriateness or site plan approval shall also be required.
   1. The Department of Community Development shall review the application and determine that the application contains sufficient data to adequately describe the situation to the Planning and Zoning Commission. If the data is not adequate, the Department of Community Development shall notify the applicant of the additional required information. Only applications that are completed shall be forwarded to the Planning and Zoning Commission.
   2. *Public hearing and notification.* The Planning and Zoning Commission shall hold a public hearing on applications for conditional uses. Notice of public hearings before the Board shall be given by publishing the date, time, place and nature of the hearing at least fifteen (15) days before the date of the hearing in a newspaper of general circulation in the City. The notice shall contain the time and place within the City where information relative to the application may be examined. In addition, the Department of Community Development shall erect a sign containing the notice on the property at least fifteen (15) days prior to the hearing and shall notify the applicant and the property owners of record within three hundred (300) feet of the boundaries of the subject property, in writing, of the hearing at least fifteen (15) days prior to the hearing. In the event an application is tabled by the Commission, it shall be the developer's responsibility to provide written notification to the Department of Community Development at least fifteen (15) days prior to the next regularly scheduled Commission meeting of their intent to have the item removed from the table. The developer shall also be responsible for providing written notification to all property owners within three hundred (300) feet of the subject property of their intent to request their application be taken off the table and acted upon by the Commission at least fifteen (15) days prior to such meeting. Should the developer wish an application to be tabled that

has been advertised for public hearing, the developer must provide written notification to the Department of Community Development at least four (4) working days prior to the scheduled meeting to ensure the public can be made aware of the request.

3. *Amendment procedure.* The procedure for amendment of a conditional use already approved, or a request for a change of conditions attached to an approval, shall be the same as for a new application, except where the Department of Community Development determines the change to be minor, relative to the original approval, it shall transmit the same to the Planning and Zoning Commission, with the original record, without requiring that a new application be filed.
4. *Validity of approval.* Approval of a conditional use shall be valid for a period of one (1) year after the date of approval and thereafter shall become null and void unless construction or use is substantially underway during such one (1) year period or unless an extension of time, not exceeding one (1) year, is approved by the Planning and Zoning Commission for good reasons shown before the expiration of such one (1) year period.
5. *Existing conditional uses.* Any conditional use listed in these regulations, which is legally existing at the effective date of the regulations of this Article, shall be considered a non-conforming use, unless it has qualified as provided above and has been approved as a conditional use by the Planning and Zoning Commission.
6. *Revocation of permits.*
   a. Building permits issued under a conditional use approval may be revoked by the Department of Community Development for failure to comply with the conditions of approval or applicable regulations.
   b. A conditional use approval may be revoked by the Department of Community Development upon finding that the conditions of approval have been violated and endanger the public health and safety. Such revocation shall suspend all activity on the site associated with the conditional use. A revocation order may be appealed to the Planning and Zoning Commission under the same process as a new application but all activity which may endanger public health and safety shall cease until the appeal is considered.
   c. A conditional use approval may be recommended for revocation by the Department of Community Development upon finding that the conditions of approval have been violated. Such revocation shall suspend all activity on the site associated with the conditional use unless an appeal is filed to the Planning and Zoning Commission. An appeal shall stay any action until it is considered and a final decision rendered by the Planning and Zoning Commission or City Council.
7. Only the City Council shall have authority to grant a conditional use.

F. All applications to the Commission shall be acted upon within sixty (60) days after the date of submission of a complete application to the Department of Community Development. If the Commission fails to act upon a conditional use application, it shall be deemed as recommended for approval by the City Council.

G. No conditional use application to the Planning and Zoning Commission shall be allowed on the same piece of property concerning substantially the same request prior to the expiration of one (1) year from a ruling of the Commission. Notwithstanding the

foregoing, upon the written consent of the Councilmember in whose ward the property is located the one (1) year period may be reduced to sixty (60) days. (R.O. 2009 §156.248; CC 1981 §30-220; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98; Ord. No. 01-111, 6-8-01; Ord. No. 01-262, 11-13-01; Ord. No. 03-52, 3-6-03; Ord. No. 04-2, 1-7-04; Ord. No. 04-176, 8-4-04; Ord. No. 10-244 §1, 11-18-10)

SECTION 400.1000: APPEALS

A. In case of disapproval of the items in Section 400.990, the Commission shall communicate its reasons to the City Council. The City Council may overrule the disapproval by a vote of not less than two-thirds (€) of its entire membership.
B. The applicant for a site plan approval under Sections 400.980(I) and 400.990(D) may appeal the Commission decision to the City Council by filing a notice of appeal with the City Clerk within ten (10) days. The City Council shall hold a hearing on the matter within sixty (60) days of the date of the filing of the notice of appeal with the City Clerk. The Council shall hear testimony from the applicant or any other interested person and shall either approve or disapprove the application by majority vote of the members voting thereon. In approving or disapproving the application the Council shall apply the prescribed criteria specified in Sections 400.990(D) and 400.1170 in making its decision and shall make findings of fact in support thereof. The vote by the Council for approving or disapproving the application must be taken at the next meeting or within three (3) weeks, whichever occurs first, of the date of the hearing thereon otherwise the appeal shall be deemed upheld. Appeals of the decision of the City Council may be taken in accordance with Chapter 536, RSMo. (R.O. 2009 §156.249; CC 1981 §30-221; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98; Ord. No. 01-262, 11-13-01; Ord. No. 04-176, 8-4-04; Ord. No. 10-244 §1, 11-18-10)

ARTICLE XII. AMENDMENTS AND MODIFICATIONS

SECTION 400.1010: AUTHORIZATION--INITIATION--APPLICATIONS

The City Council may, from time to time, amend, supplement, change or modify by ordinance the number, shape, area or boundaries of the districts or the regulations herein established. Any such amendment may be initiated by vote of the City Council, by motion of the Planning and Zoning Commission, or by application of a property owner or his/her representative. All applications for change or amendment to the district boundaries shall be submitted to the Department of Community Development, who shall notify the City Council and forward such application to the Planning and Zoning Commission for filing of legal notice and review. All applications to supplement, change or modify the regulations contained herein shall require a public hearing and action before the Planning and Zoning Commission and the City Council. (R.O. 2009 §156.250; CC 1981 §30-249; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98; Ord. No. 04-224, 9-10-04; Ord. No. 10-244 §1, 11-18-10)

SECTION 400.1020: HEARINGS AND NOTICE--ACTION ON REQUEST

A. Notice of public hearings on the change or amendment to the district boundaries before the Commission and before the City Council shall be given by publishing the date, time, place and nature of the hearing at least fifteen (15) days before the date of the hearing in a newspaper of general circulation in the City. The notice shall contain the time and place within the City where the text, maps, plans, ordinances, amendments or changes may be examined. In addition, the Department of Community Development shall erect a sign containing the notice on the property at least fifteen (15) days prior to the hearing and shall notify the applicant and the adjoining property owners, in writing, of the hearing at least fifteen (15) days prior to the hearing.

B. The Planning and Zoning Commission shall hold a public hearing on the change or amendment to the district boundaries before submitting its report to the City Council. The failure of the Commission to act within ninety (90) days after the date of official submission to it shall be deemed approval by the Commission.

1. The Department of Community Development shall review the application and determine that the application contains sufficient data to adequately describe the situation to the Planning and Zoning Commission. If the data is not adequate, the Department of Community Development shall notify the applicant of the additional required information. Only applications that are completed shall be forwarded to the Planning and Zoning Commission.
2. *Public hearing and notification.* The Planning and Zoning Commission shall hold a public hearing on applications for change or amendment to the district boundaries. The Department of Community Development shall notify the applicant and the property owners of record within three hundred (300) feet of the boundaries of the subject property, in writing, of the hearing at least fifteen (15) days prior to the hearing. In the event an application is tabled by the Commission, it shall be the developer's responsibility to provide written notification to the Department of Community Development at least fifteen (15) days prior to the next regularly scheduled Commission meeting of their intent to have the item removed from the table. The developer shall also be responsible for providing written notification to all property owners within three hundred (300) feet of the subject property of their intent to request their application be taken off the table and acted upon by the Commission at least fifteen (15) days prior to such meeting. Should the developer wish an application to be tabled that has been advertised for public hearing, the developer must provide written notification to the Department of Community Development at least four (4) working days prior to the scheduled meeting to ensure the public can be made aware of the request. (R.O. 2009 §156.251; CC 1981 §30-250; Ord. No. 77-31, 7-5-77; Ord. No. 95-156, 6-7-95; Ord. No. 98-209, 5-15-98; Ord. No. 04-224, 9-10-04; Ord. No. 04-248, 11-5-04)

SECTION 400.1030: MODIFICATION OF REQUEST

During the City Council's public hearing, the application may be changed or modified. The Planning and Zoning Commission shall be notified of all changes or modifications. Following the close of the public hearing, the City Council shall not change or alter the application in any way. (R.O. 2009 §156.252; CC 1981 §30-251; Ord. No. 77-31, 7-5-

77; Ord. No. 98-209, 5-15-98)

SECTION 400.1040: RECONSIDERATION
Whenever an application requesting an amendment, supplement or change has been voted upon by the City Council, such application or one substantially similar, shall not be reconsidered sooner than one (1) year after the previous ruling. (R.O. 2009 §156.253; CC 1981 §30-252; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98)

SECTION 400.1050: PROTESTS AGAINST APPLICATION
A protest against an amendment, change, modification or repeal shall be comprised of a petition, duly signed and acknowledged by the owners of thirty percent (30%) or more, either of the land, exclusive of streets and alleys, included in such proposed change or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet from the boundaries of the district proposed to be changed. In case of such protest, such amendment shall not be passed except by the favorable vote of two-thirds (€) of all the members of the City Council. (R.O. 2009 §156.254; CC 1981 §30-254; Ord. No. 77-31, 7-5-77; Ord. No. 95-168, 6-22-95; Ord. No. 98-209, 5-15-98)

ARTICLE XIII. BOARD OF ADJUSTMENT

SECTION 400.1060: CREATED
The Board of Adjustment is created with the powers and duties as set forth in this Article. (R.O. 2009 §156.260; CC 1981 §30-233; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98)

SECTION 400.1070: BOARD OF ADJUSTMENT--APPOINTMENT--TERM--VACANCIES--ORGANIZATION
The City Council shall provide for the appointment of a Board of Adjustment, and in the regulations and restrictions adopted pursuant to the authority of Sections 89.010 to 89.140, RSMo., may provide that the Board of Adjustment may determine and vary their application in harmony with their general purpose and intent and in accordance with general or specific rules therein contained. The Board of Adjustment shall consist of five (5) members, who shall be residents of the City except as provided in Section 305.410, RSMo. The membership of the first (1st) Board appointed shall serve respectively, 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 be appointed for terms of five (5) years each. Three (3) alternate members may be appointed to serve in the absence of or the disqualification of the regular members. All members and alternates shall be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The Board shall elect its own Chairperson who shall serve for one

(1) year. The Board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to Sections 89.010 to 89.140, RSMo. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. Such Chairperson, or in his/her absence the Acting Chairperson, 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 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.

SECTION 400.1080: BOARD OF ADJUSTMENT--POWERS

The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of Sections 89.010--89.140, RSMo., or of any ordinance adopted pursuant to such Sections;
2. To hear and decide all matters referred to it or upon which it is required to pass under such ordinance;
3. In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance, to vary or modify the application of any of the regulations or provisions of such ordinance relating to the construction or alteration of buildings or structures or the use of land so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done, provided that, 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, the Board of Adjustment shall not have the power to vary or modify any ordinance relating to the use of land.
4. In exercising the above-mentioned powers such Board may, in conformity with the provisions of Sections 89.010--89.140, RSMo., 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 officer from whom the appeal is taken. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance except as provided in Section 305.410, RSMo.

SECTION 400.1090: APPEALS AND VARIANCES

A. Applications for appeals and variances to this Chapter shall be processed in the following manner:
    1. All appeals and variances shall be taken within sixty (60) days from the date of the action which is appealed.

2. The application for an appeal or variance shall be addressed to the Board of Adjustment and submitted to the Department of Community Development.
3. An application shall be filed with the Board of Adjustment for review. Such application shall show the location and intended use of the site and any other material pertinent to the application.
4. An appeal stays all proceedings in furtherance of the action appealed, unless the Department of Community Development certifies to the Board of Adjustment that, by reason of facts in the record, a stay would cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a court order.
5. The Department of Community Development shall review the application and determine that the application contains sufficient data to adequately describe the situation to the Board of Adjustment. If the data is not adequate, the Department of Community Development shall return the application to the applicant for additional information. Applications that are completed shall be forwarded to the Board of Adjustment.

B. Unless otherwise specified at the time a variance is granted, the variance applies to the subject property and not to the individual who applied. Consequently, the variance is transferable to any future owner of subject property, but cannot be transferred by the applicant to a different site.
C. A variance shall continue for an indefinite period of time unless specified by the Board.
D. The procedure for amendment of a variance already approved, or a request for a change of conditions attached to an approval, shall be the same as for a new application, except where the Department of Community Development determines the change to be minor, relative to the original approval, it shall transmit the same to the Board, with the original record, without requiring that a new application be filed.
E. The Board of Adjustment shall hold a public hearing on applications for appeals and variances to this Chapter.
    1. Notice of public hearings before the Board shall be given by publishing the date, time, place and nature of the hearing at least fifteen (15) days before the date of the hearing in a newspaper of general circulation in the City. The notice shall contain the time and place within the City where the text, maps, plans, ordinances, appeals or variances may be examined. In addition, the Department of Community Development shall erect a sign containing the notice on the property at least fifteen (15) days prior to the hearing and shall notify the applicant and the property owners of record within three hundred (300) feet of the boundaries of the subject property, in writing, of the hearing at least fifteen (15) days prior to the hearing. In the event an application is tabled by the Board, it shall be the developer's responsibility to provide written notification to the Department of Community Development at least fifteen (15) days prior to the next regularly scheduled Board meeting of their intent to have the item removed from the table. The developer shall also be responsible for providing written notification to all property owners within three hundred (300) feet of the subject property of their intent to request their application be taken off the table and acted upon by the Board at least fifteen (15) days prior to such meeting. Should the developer wish an application to be tabled that has been advertised for public hearing, the

developer must provide written notification to the Department of Community Development at least four (4) working days prior to the scheduled meeting to ensure the public can be made aware of the request.

2. Following the public hearing, a concurring vote of two-thirds (€) of the members of the Board who are present and voting at a meeting shall be necessary for the approval of any application for an appeal or variance.

F. In considering an application for an area variance, i.e., regulations relative to height, density, setbacks and green space, the Board of Adjustment is to determine whether strict application of the zoning regulation would result in practical difficulties or unnecessary hardship for the applicant. The following factors are relevant to determining whether strict application of the regulations would result in practical difficulties or unnecessary hardship:
   1. *Size of the variance.* The relationship of the requested variance to the requirements of the applicable zoning regulations, i.e., a five (5) foot variance is substantial if the required setback is seven (7) feet, it is not as substantial if the required setback is one hundred (100) feet.
   2. *Effect on government services.* The effect of the requested variance on population, density and available government facilities such as water, fire and police protection and sanitary services.
   3. *Effect on neighbors or neighborhood.* The effect of the requested variance on adjoining properties or on the character of the neighborhood generally.
   4. *Alternatives to a variance.* The existence of a feasible alternative to the applicant's proposal or other means of alleviating the hardship.
   5. *Justice.* The granting of the variance is a just action. The cause of the difficulty -- the hardship should be unique to the land rather than to the applicant and should be related to the topography, configuration of the lot or other characteristics of the land. The applicant or economic conditions should not be the cause of the difficulty.

G. The following policies will be considered by the Board of Adjustment before ruling on a variance:
   1. Financial disadvantages to the property owner shall not constitute conclusive proof of unnecessary hardships within the purpose of zoning.
   2. The Board does not possess the power to grant a zoning variance permitting the use of land or buildings that is not included as a use in the district involved.
   3. In granting a variance, the Board may attach thereto any conditions and safeguards it deems necessary or desirable in furthering the purposes of this Chapter. Violation of any of these conditions or safeguards shall be deemed a violation of this Chapter.
   4. The Board shall study the effect of such proposed buildings or use upon the character of the neighborhood, traffic conditions, public utilities and other matters pertaining to the general welfare. (R.O. 2009 §156.263; CC 1981 §30-236; Ord. No. 77-31, 7-5-77; Ord. No. 92-317, 12-23-92; Ord. No. 95-155, 6-7-95; Ord. No. 98-209, 5-15-98; Ord. No. 04-176, 8-4-04)

SECTION 400.1100: REPETITIOUS REQUESTS TO THE BOARD OF ADJUSTMENT

No appeal, request or application under the provisions of Sections 400.1060 through 400.1110 to the Board of Adjustment shall be allowed on the same piece of property concerning the same provision of this Chapter and any other zoning ordinance of the City prior to the expiration of one (1) year from a ruling of the Board on any appeal, request or application to the Board. Notwithstanding the foregoing, upon the written consent of the Councilmember in whose ward the property is located, the one (1) year period may be reduced to sixty (60) days. (R.O. 2009 §156.265; CC 1981 §30-236.1; Ord. No. 88-249, 12-22-88; Ord. No. 98-209, 5-15-98; Ord. No. 04-119, 6-29-04; Ord. No. 04-176, 8-4-04)

Cross Reference--As to penalty, §400.1890.

SECTION 400.1110: APPEALS FROM DECISION OF BOARD

An appeal of any action, decision, ruling, judgment or order of the Board of Adjustment may be taken by any person or any taxpayer, officer, department, board or official of the City to the Circuit Court of St.Charles County. (R.O. 2009 §156.266; CC 1981 §30-237; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98)

ARTICLE XIV. HISTORIC LANDMARKS PRESERVATION AND ARCHITECTURAL REVIEW BOARD

SECTION 400.1180: PURPOSE

The purpose of this Article is to protect, enhance and perpetuate buildings, structures, districts and sites of historical, cultural, architectural, engineering or geographic significance. Further, protection of cultural assets from demolition by neglect is an objective of this Article. (R.O. 2009 §156.400; Ord. No. 96-2, 1-16-96; Ord. No. 97-5, 1-2-97; Ord. No. 98-209, 5-15-98; Ord. No. 98-466, 11-16-98)

SECTION 400.1190: CREATION--MEMBERSHIP--RULES--MEETINGS--OFFICERS--MINUTES--RECORDS--ETC.

A. *Creation.* The Historic Landmarks Preservation and Architectural Review Board (HLPARB) is hereby created with the powers and duties set forth in this Article.

B. *Membership.* The HLPARB shall consist of nine (9) members who shall include one (1) City Councilmember, three (3) persons at large who shall be selected for their knowledge of local history, historic architecture or development and restoration of historic properties and one (1) member from each of the following recognized neighborhood review groups: South Main Preservation Society, Historic Downtown Association, Historic Frenchtown Association, Midtown Community Association and the Saint Charles Commons Neighborhood Association. Members shall be appointed by the Mayor with the approval of the City Council, except for the Councilmember who shall serve as hereafter provided. All members shall be residents and qualified, registered voters of the City.

1. The City Council shall annually appoint a member of the Council to serve a one (1) year term on the HLPARB. The City Council may also select one (1) of its members to be an alternate member of the HLPARB. The alternate member may

vote in the absence of the regular member selected by the City Council.

2. Each recognized neighborhood review group shall provide to the Mayor a list of names of not less than two (2) individuals from the membership of the specific recognized neighborhood review group who shall be eligible for appointment to the HLPARB. The Mayor shall make a selection for appointment to the HLPARB from the list provided by the recognized neighborhood review group.
3. The Mayor shall appoint persons with a demonstrated interest in historic preservation. To the extent available in the community, the HLPARB shall include professional members representing such disciplines as historical architecture, preservation law, art history, history, historic building rehabilitation or any fields related to historic preservation.

C. *Terms.* The members shall hold office for a term of three (3) years or until their successors are appointed and confirmed; provided that any member who ceases to meet the qualifications of the Board shall immediately forfeit his/her membership. The City Councilmember appointed to the Board shall serve for a one (1) year term. Before the end of each term, each recognized neighborhood review group shall provide to the Mayor a list of names of not less than two (2) individuals from the membership of the specific recognized neighborhood review group who shall be eligible for appointment to the HLPARB. The Mayor shall make a selection for appointment to the HLPARB from the list provided by the recognized neighborhood review group.

D. *Vacancies.* When a vacancy occurs on the Board, the Mayor shall, with approval of the City Council, appoint a new member to fill the unexpired terms, following the procedures provided for above.

E. *Meetings.*

1. Regular meetings of the HLPARB will be held on the third (3rd) Monday of each month at a place and time designated by the Board. The Chairperson may change the date of any specific meeting upon at least three (3) days' notice to the Board and upon three (3) days' public notice. Special meetings of the HLPARB may be called by the Chairperson; provided all members of the Board are sent written notification at least three (3) days prior to the meeting. Recognized neighborhood review groups and the City Council member whose ward the project is located in shall be provided written notification at least three (3) days in advance of all special meetings and any change of the day of any specific meeting. Except as otherwise provided by law, all meetings of the HLPARB shall be open to the public pursuant to Chapter 610, RSMo.
2. A quorum of the HLPARB shall consist of at least five (5) members.
3. All decisions or actions of the HLPARB shall be made by a majority vote of those members present at any meeting where a quorum exists; except that in those cases where the applicant seeks authorization to demolish a building or structure, the affirmative vote of five (5) members of HLPARB is required. The Chairperson shall be a voting member of the HLPARB. No member of the HLPARB shall vote on any matter which may significantly affect the property, income or business interest of that member. The Chairperson, and in his/her absence the Acting Chairperson, may administer oaths and compel the attendance of witnesses.

F. *Officers.* The Commission shall elect a Chairperson, a Vice Chairperson and a Secretary

from among the members. These officers shall serve one (1) year terms.

G. *Minutes And Records.* The HLPARB 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.

H. *Compensation.* The members shall serve without compensation, but shall be reimbursed for expenses they incur while on Board business in accordance with standard City policies concerning reimbursement. (R.O. 2009 §156.401; Ord. No. 96-2, 1-16-96; Ord. No. 97-5, 1-2-97; Ord. No. 98-209, 5-15-98; Ord. No. 98-466, 11-16-98; Ord. No. 04-38, 2-13-04; Ord. No. 04-73, 4-26-04; Ord. No. 04-109, 5-28-04)

SECTION 400.1200: POWERS AND DUTIES

The HLPARB shall have the following powers and duties:

1. To conduct an ongoing survey and research effort to identify neighborhoods, areas, sites, structures and objects which have historic, community, architectural or aesthetic importance, interest or value. As part of any survey or research effort, the HLPARB shall review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts and photographs;
2. To investigate and recommend to the Planning and Zoning Commission and to the City Council the adoption of ordinances designating properties or structures having special historic, community or architectural value as "landmarks";
3. To promote, assist, investigate and recommend to the Planning and Zoning Commission and to the City Council the adoption of ordinances designating areas as having special historic, community or architectural value as "historic districts";
4. To keep a register of all properties and structures which have been designated as landmarks or historic districts including all information required for each designation;
5. To confer recognition upon the owners of landmarks and property or structures within historic districts by means of certificates, plaques or markers; and to make recommendations for the design and implementation of specific markings of the streets and routes leading from one landmark or historic district to another;
6. To advise and assist owners of landmarks and property or structures within historic districts on physical and financial aspects of preservation, renovation, rehabilitation and reuse and on procedures for inclusion on the National Register of Historic Places;
7. To nominate landmarks and historic districts to the National Register of Historic Places and to review and comment on any National Register nominations submitted to the HLPARB upon request of the Mayor or City Council;
8. To inform and educate the citizens of St. Charles concerning the historic and architectural heritage of the City by suggesting the publication of appropriate maps, newsletters, brochures and pamphlets and by holding programs and seminars;
9. To review applications for construction, alteration, removal or demolition affecting proposed or designated landmarks or structures within historic districts and to issue or deny certificates of appropriateness and certificates of demolition or removal for such actions; and to review applications for special demolition

permits and construction permits;

10. To develop specific design guidelines for the alteration, construction or removal of landmarks or property and structures within historic districts;
11. To review applications for construction of new industrial, commercial, office and residential structures within the extended historic districts, to develop specific design guidelines for such construction and to issue or deny certificates of appropriateness and permits for such construction;
12. To accept gifts and gratuities, other than any interest in real property, on behalf of the City for study, acquisition, designation and preservation of officially designated monuments and landmarks. All such gifts and gratuities shall be set aside in a special fund known as the Historical Landmarks Fund and shall be distributed only upon approval of the Board and the City Council. All such gifts and gratuities shall be used solely for purposes incidental to and consistent with this Article;
13. To make recommendations to the City Council concerning the application for and utilization of any Federal, State or private grant, grant-in-aid, gift or bequest furthering the general purposes of this Article;
14. To call upon available City staff members as well as other experts for technical advice;
15. To appoint such citizen advisory committees, as may be required from time to time, subject to City Council approval;
16. To periodically review Chapter 400 of the Code of Ordinances and to recommend to the Planning and Zoning Commission and the City Council any amendments appropriate for the protection and continued use of landmarks or property and structures within historic districts; and/or
17. To inform the Community Development Department of any violations of the Code of Ordinances and recommend the issuance of stop work orders when necessary. (R.O. 2009 §156.402; CC 1995 §156.401; Ord. No. 96-2, 1-16-96; Ord. No. 97-5, 1-2-97; Ord. No. 98-209, 5-15-98; Ord. No. 98-466, 11-16-98; Ord. No. 01-262, 11-13-01; Ord. No. 10-244 §1, 11-18-10)

SECTION 400.1210: NOMINATION OF LANDMARKS AND HISTORIC DISTRICTS

A. *General.* Nominations of landmarks and historic districts shall be made to the HLPARB on a form prepared by it and may be submitted by a member of the HLPARB, the owner or owners of record of the nominated property or structures or the City Council. Interested citizens may request the HLPARB or City Council to nominate a structure or property. The owner or owners of the nominated property or structure shall be notified of the nomination in writing, as well as the time and place of the HLPARB public hearing.
B. Properties less than fifty (50) years old shall be ineligible for designation as an historic landmark or contributing structure in an historic district, except in truly exceptional circumstances such as in the case of properties of national significance.
C. *Design Guidelines.* A nomination for designation of a landmark or historic district shall include proposed architectural design guidelines for guidance in future conservation, restoration or rehabilitation. Historic districts or individual landmarks shall have design guidelines written specifically for that district or individual landmark.

1. Design guidelines for review of certificate of appropriateness applications should, at a minimum, include the following architectural criteria: building form, mass and scale; roofs; architectural details; materials; street facades; doors and entries; windows; balconies and galleries; porches; and site planning.
2. Design guidelines shall be drafted with the advice of the recognized neighborhood review group of the nominated district. (R.O. 2009 §156.403; Ord. No. 96-2, 1-16-96; Ord. No. 96-289, 10-16-96; Ord. No. 98-209, 5-15-98; Ord. No. 98-466, 11-16-98)

SECTION 400.1220: INTERIM DEMOLITION PERMITS

No permit shall be issued by the Department of Community Development for demolition or removal of a nominated landmark or of any property or structure within a nominated historic district from the date of the meeting of the HLPARB at which a nomination form is first presented until the final disposition of the nomination by the City Council; unless such alteration, removal or demolition is authorized by order of the Board of Appeals as necessary for public health, welfare or safety. (R.O. 2009 §156.404; CC 1995 §156.411; Ord. No. 96-2, 1-16-96; Ord. No. 97-5, 1-2-97; Ord. No. 98-209, 5-15-98; Ord. No. 98-466, 11-16-98)

SECTION 400.1230: REVIEW BY THE HLPARB

A. The owner or owners of the nominated property or structure shall be notified of the nomination in writing and notified of the time and place of any public hearing.
B. *Criteria For Designation Of Nomination.* The HLPARB shall consider the following criteria in making a determination as to whether or not the nominated landmark has historical and/or architectural significance:
    1. Its character, interest or value as part of the development, heritage or culture characteristics of the community, County, State or country;
    2. Its location as a site of a significant local, County, State or national event;
    3. Its identification with a person or persons who significantly contributed to the development of the community, County, State or country;
    4. Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction or use of indigenous material;
    5. Its identification as the work of a master builder, designer, architect or landscape architect whose individual work has influenced the development of the community, County, State or country;
    6. Its embodiment of elements of design, detailing, materials or craftsmanship which renders it architecturally significant;
    7. Its embodiment of design elements that make it structurally or architecturally innovative;
    8. Its unique location or singular physical characteristics that make it an established or familiar visual feature of the neighborhood, community or City;
    9. Its character as a particularly fine or unique example of a utilitarian structure including, but not limited to, farmhouses; accessory buildings such as summer kitchens, smokehouses or barns; schools; churches; public buildings; institutional

offices; or other commercial structures with a high level of integrity or architectural significance; and/or

10. The fact that it has yielded or may be likely to yield information important in history.

C. *Determination And Report.* The HLPARB shall, within thirty (30) days from the meeting of the HLPARB when the completed nomination in proper form is received by the HLPARB, adopt by resolution the Board's findings as to whether or not the nominated landmark or historic district meets the criteria for designation in Section 400.1230(B). The report of the HLPARB shall be sent to the Planning and Zoning Commission within fourteen (14) days following the vote on the resolution and shall contain the following information:

1. A map showing the location of the nominated landmark or the boundaries of the nominated historic district;
2. Explanation of the significance or lack of significance of the nominated landmark or historic district as it relates to the criteria for designation;
3. The types of alterations that should be reviewed for a certificate of appropriateness and the types of removals and demolitions that should be reviewed for a certificate of demolition or removal;
4. Proposed design guidelines for applying the criteria for review of certificates of appropriateness to the nominated landmark or historic district. (R.O. 2009 §156.405; CC 1995 §§156.403--156.404; Ord. No. 96-2, 1-16-96; Ord. No. 96-289, 10-16-96; Ord. No. 97-5, 1-2-97; Ord. No. 98-209, 5-15-98; Ord. No. 98-466, 11-16-98; Ord. No. 10-244 §1, 11-18-10)

SECTION 400.1240: REVIEW BY PLANNING AND ZONING COMMISSION

A. *Public Hearing.* Following receipt of the report of the HLPARB, the Planning and Zoning Commission shall schedule and hold a public hearing as set out in Section 400.1020(B)(2) as to whether or not the property shall receive the historic landmark designation through a rezoning. Notice of the date, time, place and purpose of the meeting and a copy of the completed nomination form shall be sent in writing to the owner(s) of record and to the nominators. The meeting shall be scheduled, held and conducted in the same manner as other meetings to consider applications for Zoning District Map amendments or ordinance amendments.

B. *Recommendation.* Within thirty (30) days following the close of the meeting of the Planning and Zoning Commission, the Commission shall make a recommendation to the City Council as to whether or not the nominated landmark or historic district should receive a zoning designation as an historic district or landmark. Such a recommendation shall be made upon a motion and vote of the Planning and Zoning Commission. (R.O. 2009 §156.406; CC 1995 §§156.405--156.406; Ord. No. 96-2, 1-16-96; Ord. No. 96-289, 10-16-96; Ord. No. 98-209, 5-15-98; Ord. No. 98-466, 11-16-98)

SECTION 400.1250: ACTION BY CITY COUNCIL

A. The City Council shall, within thirty (30) days after receiving the report of the HLPARB and recommendation from the Planning and Zoning Commission, either reject the proposed designation or designate the landmark or historic district by an ordinance. The

City Council shall hold a public hearing before enacting the ordinance and provide notice and take testimony.

B. The designating ordinance shall prescribe the area to be designated as an historic landmark and the types of construction, alteration, demolition or removal to be reviewed for certificates of appropriateness. The City Council shall also adopt any architectural design guidelines to be used by the HLPARB in reviewing applications for certificates of appropriateness.

C. Should the City Council designate the property as an historic landmark or district, the City Clerk shall provide written notification of the action of the City Council by regular mail to the nominator, the owner(s) of record of the nominated landmark or of all property within a nominated historic district. The notice shall include a copy of the designation ordinance or resolution by the City Council. A copy of each designation ordinance shall be sent to the HLPARB, the Planning and Zoning Commission and the Director of Community Development.

D. Upon designation the official Zoning District Map of the City shall be amended with a supplemental classification to indicate the landmark property or historic district boundaries.

E. A determination by the City Council as to whether or not to designate a property as a landmark or historic district shall be a final decision, as that term is used in Section 536.150, RSMo. (R.O. 2009 §156.407; CC 1995 §§156.408, 156.410; Ord. No. 96-2, 1-16-96; Ord. No. 97-5, 1-2-97; Ord. No. 97-312, 9-18-97; Ord. No. 98-209, 5-15-98; Ord. No. 98-466, 11-16-98)

SECTION 400.1260: AMENDMENT AND RECISION OF DESIGNATION

Designation may be amended or rescinded upon petition to the HLPARB and compliance with the same procedure and according to the same criteria set forth herein for designation. (R.O. 2009 §156.408; CC 1995 §156.412; Ord. No. 96-2, 1-16-96; Ord. No. 98-209, 5-15-98; Ord. No. 98-466, 11-16-98)

SECTION 400.1270: CERTIFICATES OF APPROPRIATENESS

A. *Certificate Required.*
   1. Upon designation as an historic landmark or district, a certificate of appropriateness shall be issued by the HLPARB before any of the following actions are undertaken:
      a. Any exterior alteration of the property requiring a building or demolition permit from the City;
      b. Any exterior alteration of the property not requiring a permit but affecting a significant exterior architectural feature or the exterior architectural appearance as specified in the ordinance designating the landmark or historic district.

B. *Posting.* Where an application has been received for the demolition or removal of a structure, the Department of Community Development shall post a placard in a visible place upon the property. Said placard shall describe the pending application for demolition of the building or structure and the date, time and place of the meeting wherein the application shall be considered by the HLPARB.

C. *Review.* The HLPARB shall review a complete application for a certificate of appropriateness within thirty (30) days of receipt by the Department of Community Development, unless the applicant provides a written request to table such application. Written notice of the approval or denial of the application for a certificate of appropriateness shall be provided to the applicant by the Department of Community Development within seven (7) days following the determination.

D. *Standards For Review.*

1. In considering an application for a certificate of appropriateness, the HLPARB shall be guided by the Secretary of the Interior Standards for Rehabilitation, in addition to any design guidelines in the ordinance:
   a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
   b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
   c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings shall not be undertaken.
   d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
   e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
   f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
   g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
   h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
   i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
   j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
2. *New construction in extended historic districts.* In considering an application for a certificate of appropriateness, the HLPARB shall be guided by the following general standards:
   a. Guidelines already adopted for historic districts within the extended historic

district which the HLPARB deems are applicable to the applicant's site and intended usage.

b. New construction complement the character, scale, building materials, architectural style and overall aesthetics of the majority of the buildings found in the extended district.

c. Such specific guidelines as may be adopted by HLPARB and approved by Council by ordinance.

E. Certificates of appropriateness shall be issued for a period of eighteen (18) months. If the project is not completed within the eighteen (18) month period according to the guidelines provided in the certificate of appropriateness, the project shall be deemed in violation of this Article. Extensions may be granted for just cause. Each extension shall be for a period of no longer than twelve (12) months.

F. A denial of certificate of appropriateness shall be accompanied by a statement of the reasons for the denial. The HLPARB shall make recommendations to the applicant concerning changes, if any, in the proposed action which would cause the HLPARB to reconsider its denial and shall confer with the applicant in an attempt to resolve as quickly as possible the differences between the applicant and the HLPARB. The applicant may resubmit an amended application or reapply for a certificate of appropriateness that takes into consideration the recommendations of the HLPARB. (R.O. 2009 §156.409; CC 1995 §§156.413(A), 156.414(A),(C), 156.416(A), 156.417(A); Ord. No. 96-2, 1-16-96; Ord. No. 97-5, 1-2-97; Ord. No. 98-209, 5-15-98; Ord. No. 98-466, 11-16-98; Ord. No. 01-262, 11-13-01; Ord. No. 10-244 §1, 11-18-10)

SECTION 400.1280: CERTIFICATES OF DEMOLITION OR REMOVAL

A. Except as otherwise provided in Section 400.1280(B), no permit for the demolition or removal of an historic landmark or any structure within an historic district shall be issued by the Department of Community Development until a certificate of demolition or removal has been issued by the HLPARB. Application forms for certificates of demolition or removal shall be prepared by the HLPARB.

B. In the case of structures less than fifty (50) years old located within an historic district, applications for demolition or removal shall be issued a demolition permit without a certificate of appropriateness, unless the Director of Community Development determines that the property may have extraordinary significance and refers the question to the HLPARB.

C. *Notices.* Where an application has been received for the demolition or removal of a structure, the Department of Community Development shall post a placard in a visible place upon the property at least seven (7) days prior to the meeting. Said placard shall describe the pending application for demolition of the building or structure and the date, time and place of the meeting wherein the application shall be considered by the HLPARB. In addition, the Councilmember of the ward where the site of the proposed demolition is located shall receive a copy of the application and accompanying documents. Posting of the placard and notice to the Councilmember shall be mandatory and shall be a condition precedent to HLPARB review of the application. If the placard has not been posted or if the Councilmember has not been notified, then the application shall be held over to the next meeting of the HLPARB.

D. The HLPARB shall review the application and either issue or deny the certificate of

demolition or removal within thirty (30) days of the meeting when the HLPARB receives the application. Written notice of the approval or denial of the application for a certificate of demolition or removal shall be provided the applicant within seven (7) days following the determination and shall be accompanied by a certificate of demolition or removal in the case of an approval.

E. *Historical/Architectural Report.* As part of any application for demolition or removal, a report analyzing the historical and/or architectural significance of the property shall be submitted for review of the HLPARB. Submission of the report to the HLPARB shall be mandatory and shall be a condition precedent to HLPARB review of the application. The report shall address each of the ten (10) criteria for historical/architectural significance provided in Section 400.1280(F). The report shall be written by a professional architect, architectural historian, historic preservation consultant, City planner, archaeologist or art historian.

F. *Standards For Review.* In considering an application for a certificate of demolition or removal, the HLPARB shall be guided by the following criteria as general standards in determining if the structure is historically significant, in addition to any design guidelines in the ordinance designating the landmark or historic district:

1. Its character, interest or value as part of the development, heritage or cultural characteristics of the community, County, State or country;
2. Its location as a site of a significant local, County, State or national event;
3. Its identification with a person or persons who significantly contributed to the development of the community, County, State or country;
4. Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction or use of indigenous material;
5. Its identification as the work of a master builder, designer, architect or landscape architect whose individual work has influenced the development of the community, County, State or country;
6. Its embodiment of elements of design, detailing, materials or craftsmanship which renders it architecturally significant;
7. Its embodiment of design elements that make it structurally or architecturally innovative;
8. Its unique location or singular physical characteristics that make it an established or familiar visual feature of the neighborhood, community or City;
9. Its character as a particularly fine or unique example of a utilitarian structure including, but not limited to, farmhouses; accessory buildings such as summer kitchens, smokehouses or barns; schools; churches; public buildings; institutional offices; or other commercial structures with a high level of integrity or architectural significance; and/or
10. The fact that it has yielded, or may be likely to yield, information important in history.

G. Should the HLPARB determine that the structure is historically significant, then the HLPARB shall proceed to consider whether the preservation of the structure is technologically and economically feasible. In determining whether the preservation of the structure is technologically and economically feasible, the HLPARB shall consider the following criteria:

1. A report from a registered professional engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
2. Estimated market value of the property in its current condition; after completion of the proposed demolition or removal; after any changes recommended by the HLPARB; and after renovation of the existing property. The market value estimates must be prepared by a licensed real estate appraiser;
3. A detailed cost estimate, broken down by category, of the cost to rehabilitate or reuse the existing structure. Such estimate shall be provided by a registered professional architect or engineer, architectural conservator, developer, real estate consultant, appraiser or licensed building contractor experienced in rehabilitation;
4. Assessed value of the property according to the two (2) most recent assessments;
5. Real estate taxes of the previous two (2) years;
6. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture or other;
7. Any other information which may be reasonably obtained which is considered necessary by the HLPARB to make a determination as to whether the property does yield or may yield a reasonable return to the owners.

H. In addition to the foregoing information which the HLPARB may solicit or require the applicant to provide, the applicant may provide the following information with respect to any application for a certificate of demolition or removal:
   1. Amount paid for the property, the date of purchase and the party from whom purchased including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased and any pertinent terms of financing between the seller and buyer;
   2. If the property is income-producing, the annual gross income from the property for the previous two (2) years; itemized operating and maintenance expenses for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
   3. Remaining balance on any mortgage or other financing secured by the property owner and annual debt service, if any, for the previous two (2) years;
   4. Appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase financing or ownership of the property;
   5. Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years;
   6. Information regarding the applicant's relevant tax bracket.

I. In considering an application for a certificate of demolition or removal, if the HLPARB finds that the structure is not historically significant, then the HLPARB shall issue a certificate of demolition or removal. In considering an application for a certificate of demolition or removal, if the HLPARB finds that:
   1. The structure is historically significant; and
   2. It is not technologically or economically feasible to preserve the structure,

   then the HLPARB shall issue a certificate of demolition or removal.

J. Written notice of the approval or denial of the application for a certificate of demolition or removal shall be provided the applicant within seven (7) days following the determination and shall be accompanied by a certificate of demolition or removal in the

case of an approval. A denial of a certificate of demolition or removal shall be accompanied by a statement of the reasons for the denial. The HLPARB shall make recommendations to the applicant concerning changes, if any, in the proposed action which would cause the HLPARB to reconsider its denial and shall confer with the applicant in an attempt to resolve as quickly as possible the differences between the applicant and the HLPARB. The applicant may resubmit an amended application or reapply for a certificate of demolition or removal that takes into consideration the recommendation of the HLPARB.

K. A certificate of demolition or removal shall become void unless demolition is commenced within one (1) year of the date of issuance. Extensions may be granted for just cause.

L. *Pictorial Record.* At the time of issuance of a certificate of appropriateness for the demolition of structure or building under this Article, the City shall take photographs of the structures or buildings to be demolished. Such photographs shall be preserved as a pictorial record of the demolished structure. (R.O. 2009 §156.410; CC 1995 §§156.413(B), 156.414(B),(C), 156.416(B), 156.417(B), 156.422; Ord. No. 96-2, 1-16-96; Ord. No. 97-5, 1-2-97; Ord. No. 98-209, 5-15-98; Ord. No. 98-466, 11-16-98; Ord. No. 01-65, 4-18-01; Ord. No. 01-237, 10-19-01; Ord. No. 10-244 §1, 11-18-10)

SECTION 400.1290: REPETITIOUS REQUESTS

No request or application to the HLPARB shall be considered for the same parcel of property concerning the same request prior to the expiration of one (1) year from the original ruling of the HLPARB, except in the case of a structure subsequently designated a dangerous building or public nuisance by the Director of Community Development. (R.O. 2009 §156.411; Ord. No. 98-466, 11-16-98; Ord. No. 10-244 §1, 11-18-10)

SECTION 400.1300: DANGEROUS/UNSAFE BUILDINGS

Should any historic landmark or structure in an historic district be declared a dangerous/unsafe building and public nuisance under the provisions of Sections 500.350 through 500.450 of this Code of Ordinances, the Director of Community Development shall have the authority to take appropriate emergency measures to vacate, repair or demolish such dangerous buildings or structures without obtaining a certificate of appropriateness. (R.O. 2009 §156.412; CC 1995 §156.421(B); Ord. No. 96-2, 1-16-96; Ord. No. 97-5, 1-2-97; Ord. No. 98-209, 5-15-98; Ord. No. 98-466, 11-16-98; Ord. No. 10-244 §1, 11-18-10)

SECTION 400.1310: APPEALS

A. The applicant or an adjoining property owner may appeal a decision of the Historic Landmarks Preservation and Architectural Review Board to the City Council by filing a notice of appeal with the City Clerk within ten (10) days of the date of the decision of the HLPARB.

B. The City Council shall hold a hearing on the matter within thirty (30) days of the date of the filing of the notice of appeal with the City Clerk. The Council shall hear testimony from the applicant or any other interested person and shall either approve or disapprove

the application by majority vote of the members voting thereon. In approving or disapproving the application the Council shall apply the criteria specified in this Article, and to the criteria established by the HLPARB, in making its decision, and shall make findings of fact in support of its decision. The vote by the Council for approving or disapproving the application must be taken at the next meeting or within three (3) weeks, whichever occurs first, of the date of the hearing thereon otherwise the appeal shall be deemed upheld.

C. Appeals of the decision of the City Council may be taken in accordance with Chapter 536, RSMo. (R.O. 2009 §156.413; CC 1995 §156.421(A); Ord. No. 96-2, 1-16-96; Ord. No. 97-5, 1-2-97; Ord. No. 98-209, 5-15-98; Ord. No. 98-466, 11-16-98; Ord. No. 10-244 §1, 11-18-10)

SECTION 400.1320: RECOGNIZED NEIGHBORHOOD REVIEW GROUPS

A. The following neighborhood associations and preservation groups shall be designated as recognized neighborhood review groups:
   1. South Main Preservation Society
   2. Historic Downtown Association
   3. Frenchtown Community Corporation
   4. Midtown Community Association
   5. St. Charles Commons Neighborhood Association

B. The aforementioned groups shall represent their respective historic districts as recognized neighborhood review groups so long as they comply with this Article. In the event of non-compliance, the group shall have lost its status as a recognized neighborhood review group.

C. In order for a neighborhood association or preservation group to maintain its status as a recognized neighborhood review group, the neighborhood association or preservation group shall meet the following requirements:
   1. Any property owner or person living in this historic district may be a member of the neighborhood association or preservation group.
   2. The members of the recognized neighborhood review group shall elect a coordinator who may be an officer or director of the organization and who shall coordinate the activities of the group relative to this Article.
   3. The organizations shall not discriminate against any person because of race, creed, color, age, sex, national origin, ancestry, religion or political opinion or affiliation.
   4. When meeting relative to a matter before the organization and pursuant to this Article, the organization shall be responsible for complying with the requirements of Chapter 610, RSMo. (1995), the "Sunshine Law" of the State of Missouri.
   5. A neighborhood association or preservation group shall be a recognized neighborhood review group, if copies of the following documents are placed on file with the City Clerk's Office: Articles of Incorporation of the group, the most current annual registration filed with the Secretary of State of the State of Missouri and a complete list of the officers.

D. Recognized neighborhood review groups shall have the following powers and duties:
   1. To review applications to the HLPARB for certificates of appropriateness and certificates of demolition or removal and to make recommendations to the

HLPARB concerning such. Members of the affected group may contact the applicant regarding questions relative to applications before the HLPARB. Applicants before the HLPARB shall be encouraged to contact the affected historic district's recognized neighborhood review group and meet with the group concerning the application before the HLPARB. A copy of all agendas of the HLPARB will be made available to the coordinators of all recognized review groups at least three (3) days prior to the meeting of the HLPARB. In addition, copies of plans, drawings and all other information required applicants shall be supplied to recognized neighborhood review groups for those matters which affect the group's historic district.

2. To recommend to the HLPARB any revisions in design guidelines which have been adopted for the recognized neighborhood review group's historic district. (R.O. 2009 §156.414; CC 1995 §§156.425--156.428; Ord. No. 96-2, 1-16-96; Ord. No. 98-209, 5-15-98; Ord. No. 98-466, 11-16-98; Ord. No. 10-244 §1, 11-18-10)

ARTICLE XV. ADMINISTRATION AND ENFORCEMENT

SECTION 400.1330: ADMINISTRATION

The Director of Community Development shall be responsible for administering, maintaining, interpreting, revising and updating this Chapter and the official Zoning District Map. Where it is alleged that there is error in any order, requirement, decision, determination or interpretation made by the Director of Community Development in the enforcement of the provisions of this Chapter, an appeal may be made to the Mayor within sixty (60) days from the date of the action which is appealed. The decision of the Mayor shall be subject to appeal to the Board of Adjustment within sixty (60) days from the date of decision of the Mayor which is appealed. (R.O. 2009 §156.500; CC 1981 §30-266; Ord. No. 77-31, 7-5-77; Ord. No. 93-132, 6-11-93; Ord. No. 98-209, 5-15-98; Ord. No. 07-162, 6-11-07)

SECTION 400.1340: ENFORCEMENT

A. It shall be the duty of the Department of Community Development to enforce the provisions of this Chapter and to refuse to issue any permit for any building or for the use of any premises which would violate any of the provisions of this Chapter.
B. It shall also be the duty of all officers and employees of the City to assist the Department of Community Development by reporting any seeming violation in new construction, reconstruction or land uses. (R.O. 2009 §156.501; CC 1981 §30-267; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98; Ord. No. 10-244 §1, 11-18-10)

SECTION 400.1350: CERTIFICATES OF USE AND OCCUPANCY

A. Vacant land shall not be occupied or used, except for agricultural uses, until a certificate of use and occupancy shall have been issued by the Department of Community

Development.

B. Premises and buildings hereafter erected or structurally altered shall not be used, occupied or changed in use until a certificate of occupancy shall have been issued by the Department of Community Development, stating that the building or the proposed use of a building or the premises comply with the building laws and the provisions of these regulations.
C. Certificates of use and occupancy shall:
    1. Not be issued until a fire inspection has been conducted and approved by the City of St. Charles Fire Department.
    2. Be issued within ten (10) days after the completion of the erection or structural alteration of a building.
    3. Not be issued until a finalized site plan has been approved, only where site plan review is required by this Chapter; copies of such finalized plan shall be kept on file in the Department of Community Development.
    4. Be kept on file in the office of the Department of Community Development.
D. *Temporary Certificate.*
    1. Pending the issuance of a regular certificate of occupancy, a temporary certificate of occupancy may be issued by the Department of Community Development for a period not exceeding six (6) months during the completion of alterations or during partial occupancy of a building pending its completion.
    2. Such temporary certificate shall not be construed in any way as altering the respective rights, duties or obligations of the owners or of the City relating to the use or occupancy of the premises or any other matter covered by this Chapter.
    3. Such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.
E. When weather conditions prevent installation of any required greenbelt, parking lot landscaping or yard landscaping, the Department of Community Development or designee may issue a certificate of occupancy before installation of the said landscaping, but not before a surety or cash escrow is posted for the benefit of the City. Failure to install any required landscaping within six (6) months of issuance of the certificate of occupancy shall constitute a default and the City shall be entitled to proceed against the surety or cash escrow. (R.O. 2009 §156.502; CC 1981 §30-268; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98; Ord. No. 01-156, 7-19-01; Ord. No. 10-244 §1, 11-18-10)

SECTION 400.1360: BUILDING PERMITS

A. A building shall not be erected, constructed, altered, moved, converted, extended or enlarged without the owner first having obtained a building permit. Such permit shall require conformity with the provisions of this Chapter. When issued, such permit shall be valid for the period of time specified thereon. The Department of Community Development shall be responsible for issuing the building permits.
B. Where a building permit for a structure has been issued in accordance with law prior to the effective date of this Chapter (i.e., July 5, 1977) and provided that construction is begun within six (6) months of the date of the building permit and diligently prosecuted to completion, such structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued and further, may, upon completion, be occupied under a certificate of occupancy by the use for which originally

designated, subject thereafter to the provisions of Sections 400.750 et seq., Non-Conforming Uses.

C. Where site plan review is required according to this Chapter, building permits shall not be issued unless the site plan has been reviewed in accordance with Sections 400.960 et seq. and/or other appropriate Sections of this Chapter.

D. All applications for building permits for use, other than those described in Subsection (C) of this Section, shall be accompanied by a drawing or plot plan, as required by the Department of Community Development, showing with dimensions, the lot lines, the proposed buildings, the location of the existing buildings on the lot and such other information as may be necessary to provide for the enforcement of these regulations including, if necessary, a boundary survey and a staking of the lot by a registered land surveyor and complete construction plans. The drawings shall contain suitable notations indicating the proposed use of all land and buildings. A careful record of the original copy of such applications and plats shall be kept in the office of the Department of Community Development at all times and a duplicate copy shall be kept at the building site at all times during construction.

E. *"GPRS" Bonus.*

All tiers. Complete building permit applications shall receive an initial review within five (5) business days of receipt. (R.O. 2009 §156.503; CC 1981 §30-269; Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98; Ord. No. 09-227, 12-10-09; Ord. No. 10-244 §1, 11-18-10)

ARTICLE XVI. SIGN REGULATIONS

Division 1. General Sign Regulations

SECTION 400.1370: PURPOSE

These sign regulations are designed to encourage the effective and efficient use of signs as a communications tool; to create a cityscape that is free of overly distracting visual clutter and nuisance signage; and to enhance traffic safety and protect the public health, safety and welfare by regulating the location, type, size, height, number, design, construction, installation, maintenance and removal of signs within the City of St. Charles. (R.O. 2009 §156.610; Ord. No. 02-172, 7-10-02; Ord. No. 10-142 §1, 7-8-10)

SECTION 400.1380: EXEMPT SIGNS

The following types of signs are exempted from all the provisions of this Article, unless otherwise noted in this Section:

1. *Public signs.* Signs erected by, or on the order of, a public officer in the performance of his/her public duty, such as safety signs, danger signs and traffic signs.
2. *Historical markers.* Historical markers as recognized by local, State or Federal authorities.
3. Signs located within any officially recognized historic district including, but not limited to, the Historic Downtown District, the South Main Preservation District

and the Frenchtown Historic District. Signs within these districts shall only be subject to the sign regulations set forth in Divisions 1 "General Sign Regulations"; 6, 7 and 8 of this Article.

4. Institutional including church, non-commercial school and civic organization signs. Requirements are as follows:
   a. If such signs are part of a group sign structure, they shall only be located within one-fourth (¼) mile of the City limits and require approval of the City Council;
   b. No sign permit is required except as noted above.
5. Signs for temporary public interest events such as neighborhood garage sales, fund raisers, church fairs, carnivals, festivals, concerts, parades or similar events, provided such signs: are not placed more than thirty (30) days prior to the event; are removed within five (5) days following the event; and are not located to interfere with traffic safety or in rights-of-way without the approval of the Public Works Department. (R.O. 2009 §156.620; Ord. No. 02-172, 7-10-02; Ord. No. 02-276, 11-22-02; Ord. No. 10-142 §2, 7-8-10)

SECTION 400.1390: DEFINITIONS

When used in this Article, the following terms have the following meanings unless the context clearly indicates or requires a different meaning.

ADVERTISING SIGN: A sign which includes advertising copy or graphics relating to any service, product, person, business, place, activity or organization in addition to simple identification.

AREA OF SIGN: The area of the largest single face of the sign within a perimeter which forms the outside shape including any frame, forming an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one (1) section or module, all areas will be totaled.

BILLBOARD: Shall have the meaning set out in *"OUTDOOR ADVERTISING"*.

COMPLEXES/CENTERS: Any number of businesses greater than one which share the same site using common points of ingress and egress and common parking facilities.

DOUBLE-FACED SIGN: A sign with two (2) surfaces placed back-to-back or V-shaped with the common angle not greater than ninety degrees (90°).

ELECTRONIC BILLBOARD: Any structure or portion thereof upon which alphanumeric characters, graphics or symbols defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area including computer programmable, microprocessor controlled electronic displays and projected images or messages with these characteristics are utilized to advertise a person, thing, product or service not located or sold on the lot upon which the electronic billboard is placed.

EXPLICIT SEXUAL ACTS: Depictions or descriptions, whether being performed alone or between members of the same or opposite sex or between humans and animals, of:

1. Sexual intercourse, oral copulation, anal intercourse, oral-anal contact, bestiality, direct physical stimulation of genitals, flagellation or torture in the context of a sexual relationship or any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprolagnia, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty,

zoophilia; or
2. Human genitals in a state of sexual stimulation, arousal or tumescence; or
3. The use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or
4. Fondling or touching of human genitals, pubic regions, buttock or female breast; or
5. Masochism, erotic or sexually-oriented torture, beating or the infliction of pain; or
6. Erotic or lewd touching, fondling or other contact with an animal by a human being; or
7. Human excretion, urination, menstruation, vaginal or anal irrigation; or
8. Other acts of sexual arousal involving any physical contact with a person's genitals, pubic hair, perineum, anus or anal region.

FASCIA SIGN: A sign which is permanently affixed to the horizontal piece covering the joint between the top of a wall and the projecting eaves of the roof.

FLAG-MOUNTED SIGN: A sign which projects from the roof or wall of a building perpendicular to a wall surface.

FREESTANDING SIGN: A sign which is erected or mounted on its own self-supporting permanent structure or base detached from any supporting elements of building.

HLPARB: The Historic Landmarks Preservation and Architectural Review Board of the City of Saint Charles, Missouri.

IDENTIFICATION SIGN: A sign that includes as copy only the name of the business, place, organization, building or person it identifies.

ILLUMINATED SIGN: A sign whose surface is lit, internally or externally, and which identifies, advertises or attracts attention to a use or activity on the premises.

ITEM OF INFORMATION: A word, initial or series of initials, logo, abbreviation, number, telephone number, street address, business name, symbol, graphic or geometric shape contained within a sign.

MULTI-TENANT SIGN: A sign that includes as copy only the names of two (2) or more businesses, places, organizations, buildings or persons it identifies.

NON-CONFORMING SIGN: See Section 400.1820.

NUDITY OR STATE OF NUDITY: Material which depicts one (1) of the following:
1. The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or anal cleavage with less than a fully opaque covering;
2. The showing of the female breast with less than a fully opaque covering of any part of the nipple;
3. The showing of the covered male genitals in a discernibly turgid state;
4. A mother in the act of nursing her baby shall not be included within this definition, nor shall any child under the age of seven (7).

OBSCENE: Material which depicts or describes sexual conduct that is objectionable or offensive to accepted standards of decency which the average person, applying contemporary community standards, would find, taken as a whole, appeals to prurient interests or material which depicts or describes, in a patently offensive way, sexual conduct specifically defined by applicable State laws and, taken as a whole, lacks serious literary, artistic, political or scientific value.

OFF-PREMISE/OFF-SITE SIGN: A sign which directs attention to a business, product, commodity, service, entertainment or attraction sold, offered or existing elsewhere than

upon the same lot where such sign is displayed. "Off-premise/off-site sign" shall include an outdoor advertising sign (billboard) on which space is leased, rented or donated by the owner thereof to others for the purpose of conveying a commercial or non-commercial message.

ON-PREMISE/ON-SITE SIGN: A sign which directs attention to a business, product, commodity, service, entertainment or attraction sold, offered or existing upon the same lot where such sign is displayed.

OUTDOOR ADVERTISING: An outdoor sign, display, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing designed, intended or used to advertise or inform, any part of the advertising or information contents of which is visible from any point of the traveled ways of the interstate or primary systems

PERSON: Any person or persons or entity including, but not limited to, a corporation, limited liability corporation, partnership, unincorporated association or joint venture.

PICTORIAL MATERIAL: Any material suggesting or conveying a visual image and includes, but is not limited to, a photograph, painting or drawing. Any pictorial matter is "obscene" if all of the following apply:

1. The average person, applying contemporary community standards, would find that it appeals to prurient interests when the publication or material is considered as a whole; and
2. It depicts, describes or represents in a patently offensive manner sexual behavior as defined in this Section; and
3. It lacks serious literary, artistic, political or scientific value when the publication or material is considered as a whole.

PORTABLE SIGN (SANDWICH SIGN): Any sign which is not permanently affixed to any structure on a site or permanently ground mounted.

PUBLIC PLACE: Any location not enclosed and within view of the public or any location frequented by the public or where the public is present or likely to be present. Public places include, but are not limited to, streets, roadways, alleys, sidewalks, parks, beaches, yards, parking lots, boats, barges, business and commercial establishments (whether for profit or not-for-profit and whether open to the public at large or where entrance is limited by a cover charge or membership requirement), bottle clubs, hotels, motels, restaurants, nightclubs, country clubs, cabarets and meeting facilities utilized by any religious, social, fraternal or similar organizations.

ROOF-MOUNTED SIGN: A sign which projects above the highest point of the roof line, parapet or fascia of a building.

SEXUAL AROUSAL, GRATIFICATION OR AFFRONT: The purpose or effect of statements, words, pictures or illustrations depicting explicit sexual acts as defined in this Section.

SEXUAL BEHAVIOR: The patently offensive representation depiction or description of any of the following:

1. Ultimate sexual acts, actual or simulated, including vaginal intercourse between a male and a female and anal intercourse, fellatio and cunnilingus between persons regardless of gender; or
2. Masturbation, excretory functions and lewd exhibition of the genitals; or
3. The actual or simulated infliction of pain by one individual upon another or by an individual upon himself or herself for the purpose of sexual gratification or

release of either individual, as a result of flagellation, beating, striking or touching of an erogenous zone including, without limitation, the thigh, genitals, buttock, pubic region or, if such person is a female, a breast.

SIGN: Any device providing identification, advertising or directional information for a specific business, service, product, person, organization, place or building for commercial purposes. "Sign" includes graphic devices such as logos and attention-attracting objects such as logo sculpture and obtrusive colored fascia or architectural elements, banners, balloons, streamers, strobe lights, flags, inflatable structures, projected picture signs, holographic projection signs and other attention- attracting media and devices.

SIGN PACKAGE: A detailed description including, but not limited to, type, size, color and location of all signage.

SOFFIT SIGN: A sign which is suspended from the underside of a lintel, arch or other overhead spanning member and is hung perpendicular to a vertical wall surface.

WALL-MOUNTED SIGN: A sign which is permanently affixed to any vertical portion of a building for which the sign is intended to identify or advertise. (R.O. 2009 §156.630; Ord. No. 02-172, 7-10-02; Ord. No. 08-191, 9-17-08; Ord. No. 10-142 §3, 7-8-10)

SECTION 400.1400: SIGN HEIGHT MEASUREMENT

Sign height measurements are as follows:

1. *Freestanding sign.* Height shall be the distance from the top of the sign structure to the top of curb or crown of roadway where no curb exists. The height of any monument base or other structure erected to support or ornament the sign shall be measured as part of the sign height; and
2. *Wall- or fascia-mounted signs.* Height shall be the distance from the top of the sign structure to the top of curb or crown of road where no curb exists.

(R.O. 2009 §156.640; Ord. No. 02-172, 7-10-02)

SECTION 400.1410: SIGN AREA MEASUREMENT

Sign area measurements are as follows:

1. Sign area will include the areas of all permitted signs. The only exceptions are directional signs assisting in the flow of traffic, street addresses or signs necessary for safety (e.g., stop engine, no smoking) that do not exceed two (2) square feet in area;
2. A sign having more than one (1) component, e.g., a service station identification/price sign combination on a monument base, mounted on the same surface, the sign area will be the area of the smallest rectangle that encompasses the several components of the sign;
3. Sign copy mounted or painted on a background panel or area distinctively painted, textured or constructed as a background for the sign copy shall be measured as the area contained within the outside dimensions of the background panel or surface;
4. Sign copy mounted as individual letters or graphics against a wall or fascia of a building or other structure that has not been painted, textured or otherwise altered to provide a distinctive background for the sign copy shall be measured as the area enclosed by the smallest single rectangle that will enclose all sign copy;

5. Sign copy mounted or painted on an illuminated surface or illuminated architectural element of a building shall be measured as the entire illuminated surface or illuminated architectural element which contains sign copy; and
6. Where there are a number of sign faces:
   a. *One face.* Area of the single face only;
   b. *Two faces.* If the interior angle between the two (2) faces is forty-five degrees (45°) or less, the area will be the area of one (1) face only; if the angle between the two (2) sign faces is greater than forty-five degrees (45°), the sign area will be the sum of the areas of the two (2) faces;
   c. *Three or more sides.* The sign area will be the sum of the areas of each of the faces; and
   d. *Spherical, free-form, sculptural, other non-planar signs.* Sign area will be the sum of the areas using only the four (4) vertical sides of the smallest cube that will encompass the sign.

(R.O. 2009 §156.650; Ord. No. 02-172, 7-10-02)

SECTION 400.1420: SIGN ILLUMINATION

Signs may be illuminated as provided by this Article and specified by approved sign criteria, if applicable, in accordance with the following regulations:

1. Externally illuminated, building-mounted signage may be illuminated by either ground-mounted lights or building-mounted light bars. In either situation, the light source shall be totally screened from view;
2. Externally illuminated, freestanding signage shall be illuminated by ground-mounted lights with the light source being totally screened from view;
3. Internally illuminated, freestanding and building-mounted signage shall be lighted by light sources totally screened from view;
4. Flashing or intermittent forms of illumination are prohibited; and
5. All illuminated signs shall require a sign permit and shall comply with all provisions of the electrical code. (R.O. 2009 §156.660; Ord. No. 02-172, 7-10-02; Ord. No. 02-276, 11-22-02)

Cross Reference--As to penalty, §400.1890.

SECTION 400.1430: SIGN MAINTENANCE

A. Any signage that has been approved or that has been issued a permit shall be maintained by the owner or person in possession of the property on which the sign is located. Maintenance shall be such that the signage continues to conform to the conditions imposed by the sign permit and that the sign shall substantially conform to its original condition without cracking, peeling or fading.
B. Any damaged sign or sign base shall be repaired within sixty (60) days.
C. Any metal portions of any sign shall be kept free of rust and rust stains.
D. Any internally illuminated sign cabinets or sign panels which have been damaged shall remain unilluminated until repaired.
E. Any signage which has been damaged to such extent that it may pose a hazard to passersby shall be repaired or removed immediately.
F. Legal non-conforming signage which has been damaged to the extent of more than fifty

percent (50%) of its reproduction value shall be removed or altered so as to conform to the provisions of this Article.

G. Failure to comply with these sign maintenance requirements shall constitute a violation of this Article. (R.O. 2009 §156.670; Ord. No. 02-172, 7-10-02; Ord. No. 02-276, 11-22-02)

Cross Reference--As to penalty, §400.1890.

Division 2. Specific Sign Regulations

SECTION 400.1440: GENERAL REGULATIONS

The signs listed in this Division 2 are permitted, subject to the criteria listed under each sign and the other applicable Sections of this Article. (R.O. 2009 §156.701; Ord. No. 02-172, 7-10-02)

SECTION 400.1450: ADDRESS SIGNS

An *"address sign"* is a sign consisting of numerals and letters identifying a property address. Requirements are as follows:

1. Letter and numeral height shall not exceed twelve (12) inches; and
2. No sign permit is required unless such sign is illuminated. (R.O. 2009 §156.702; Ord. No. 02-172, 7-10-02)

SECTION 400.1460: AWNING SIGNS

An *"awning sign"* is a sign which is printed, painted or affixed to an awning. Requirements are as follows:

1. Sign copy including logo shall not exceed twelve (12) square feet or fifty percent (50%) of awning face area, whichever is less;
2. Such sign shall only be displayed on the ground floor awnings; and
3. Flashing or intermittent illumination of awnings is prohibited. (R.O. 2009 §156.703; Ord. No. 02-172, 7-10-02; Ord. No. 05-101, 4-13-05; Ord. No. 10-142 §4, 7-8-10)

SECTION 400.1470: BANNER SIGNS

A *"banner sign"* is a sign which is painted or otherwise permanently affixed upon cloth or other flexible material and which is building mounted only. Requirements are as follows (see also Section 400.1640 Sale, Lease or Rent Signs or Banners for additional banner requirements):

1. A banner sign for which a permit is not required shall be limited to an area of twenty-four (24) square feet;
2. All signs shall include wind cuts to reduce the tendency of the banner to billow or sail;
3. The amount of time a banner may be displayed shall be limited to seven (7) days and no one (1) business shall be allowed to display a banner for more than twenty-eight (28) days per calendar year and there shall not be more than one (1) banner per licensed business on display at any one time;
4. Private sponsors of such signs may be identified by a trademark or symbol which shall be secondary in order of placement and shall comprise no more than one-tenth (1/10) of the banner face;
5. Temporary signage for "Going Out of Business" and "Grand Opening" events is regulated under those respective Sections separate from these requirements;
6. A sign permit is not required except under the following situations:
    a. Through the approval of a sign permit, banners not meeting the size and time limitations listed above may be approved where it is demonstrated that the event or announcement depicted on the banner will not have a detrimental impact on the aesthetic qualities of the surrounding area and that it meets one (1) of the following:
        (1) It is of civic or community wide interest;
        (2) It is necessary given the particular situation of a property in terms of size and/or location;
        (3) It is for a seasonal or annual event or sale that typically engenders a time period longer than one (1) week;
        (4) In no case shall a banner be approved for longer than one hundred twenty (120) days per calendar year. (R.O. 2009 §156.704; Ord. No. 02-172, 7-10-02; Ord. No. 02-276, 11-22-02)

SECTION 400.1480: STREET BANNER SIGNS

A. *Street Banner Sign Defined.* For purposes of this Section, a *"street banner sign"* is a sign which is painted or otherwise permanently affixed upon metal, cloth or other flexible material and which is vertically mounted on or hung from a single street light standard in a public right-of-way. A "street banner sign" is not a sign which is attached to public facilities on opposite sides of a public street and extends over a public street or sidewalk.

B. *Permit Required.* It is unlawful to erect or maintain a street banner sign without a valid permit issued in compliance with this Section.

C. *Permit--Who May Obtain.* Permits for the erection or maintenance of street banner signs may be obtained only by fraternal, charitable, civic or veterans' organizations, the City of St. Charles, political subdivisions of the State providing services within the municipal boundaries of the City of St. Charles, a university, a hospital, a church or a historic preservation district located within and recognized by the City of St. Charles.

D. *Permit Application And Approval Procedure.*

1. Applicants desiring to erect or maintain a street banner sign shall make application to the Department of Community Development not more than twelve (12) calendar months nor less than two (2) calendar months in advance of the starting date requested for display of the street banner sign. The application shall contain the following information:
   a. The name and local address of the organization seeking the permit;
   b. The dimensions of the street banner sign for which the permit is sought, together with a color rendering of the words and graphics to be displayed thereon;
   c. A map showing the exact proposed locations where the street banner signs will be hung;
   d. The dates on which the street banner signs are sought to be displayed;
   e. A letter of approval from the Missouri Department of Transportation where it has maintenance responsibility for the right-of-way;
   f. The name of the contractor who has been retained by the applicant to create the proposed attachment mechanism or connection device and hang the banner sign upon receipt of approval; and
   g. A copy of the contractor's plan detailing the proposed attachment mechanism or connection device for review and approval by the Department of Public Works.
2. The applicant must provide at the time of submitting an application the following:
   a. An executed maintenance and indemnification agreement on a form provided by the City which sets forth the light standard attachment device design; who will be responsible for the installation, removal and maintenance of the attachment device and street banner sign; and that the applicant is responsible for any damage caused to the light standard by the installation of the attachment device, support structure or street banner sign; and
   b. A certificate of insurance issued by an insurance company authorized to do business in the State of Missouri which names the City of St. Charles as an additional insured and provides liability insurance in the minimum amounts as set forth in Section 537.610, RSMo., as adjusted for inflation, arising out of a single occurrence or for any one (1) person in a single accident or occurrence for any personal injury or property damage resulting from the street banner

sign, its attachment device or support structure.

c. All applications for a permit to erect or maintain street banner signs shall be presented to the Department of Community Development at which time the Director of Community Development shall make a determination if the requirements of this Section have been satisfied and a recommendation for the issuance of a permit. Thereafter, the application shall be forwarded to the City Council for approval or denial as a consent agenda item.

E. *Permit Fee.* The fee for a street banner sign permit shall be the non-refundable sum of fifty dollars ($50.00) for each calendar year which must be paid to the City Finance Department before the permit will be issued. Fees shall be waived when the City of St. Charles is the street banner sign applicant.

F. *Specifications.*

1. A street banner sign shall not exceed three (3) feet in width and seven (7) feet in length. A street banner sign must hang from the light standard lengthwise and must be finished on both sides. The bottom edge of a street banner sign must be at least twelve (12) feet above a sidewalk or parkway, except in the "HDD" where the bottom of a street banner sign must be at least eight (8) feet above a sidewalk or parkway. The bottom edge of a street banner sign must be at least sixteen (16) feet above street grade, except in the "HDD" where the bottom of a street banner sign must be at least eleven (11) feet six (6) inches above the street grade. No more than one (1) street banner sign is allowed per light standard. Street banner signs shall not be lit.
2. Street banner signs may promote the existence, identify the location of or define the boundaries of the permittee. The street banner sign may contain the permittee's name, logo, symbols, renderings of mascots or phrases or slogans. Street banner signs shall not promote or contain information regarding specific events, advertising material including the permittee's address and phone number. A street banner sign shall not contain any form of commercial advertising, political or religious content, or solicitation.
3. Street banner signs must be uniform in color, size and content and the sign supports must be of uniform design and appearance. Street banner signs may be installed on City light standards or other light standards or utility poles with the owner's written approval. Street banner signs shall not be located on or attached to traffic signals, street signs, buildings, mailboxes, wires or posts or be attached to two (2) or more light standards or utility poles so as to hang between them, nor shall street banner signs be hung across a street.
4. A street banner sign must be installed so as not to block or otherwise interfere with any traffic control device, traffic sign or any public safety device. A street banner sign may not obstruct or shield the light produced by the light standard on which it is located.
5. The City's Department of Public Works shall have the right to inspect the installation of all attachment mechanisms or connection devices.

G. *Maintenance Responsibility--Violations Thereof.* Street banner signs and their supports shall be maintained in good condition. Street banner signs that exhibit any of the following conditions shall be deemed to be in violation of this Division:

1. Any portion of the perimeter of the sign is frayed;
2. The sign fabric is ripped or torn or any stitching is loose;

3. The sign is faded to a degree that the original content of the sign cannot be easily recognized by passing motorists or pedestrians;
4. The sign is partially disconnected from its support; or
5. Any metal portion of the sign, sign support or frame contains rust or rust stains. If a permittee is cited by the Code Enforcement Division of the Department of Community Development for a violation of this Division, the permittee shall repair the street banner sign to its original condition or shall remove the sign within two (2) weeks from the date of the citation. The City shall have the right to remove any street banner sign that has been cited for a violation and has not been repaired or removed within the time specified. If the City removes a street banner sign, the entity that installed the sign shall be liable for the cost of removal. (R.O. 2009 §156.705; Ord. No. 08-95, 5-15-08; Ord. No. 09-42, 3-6-09; Ord. No. 09-76, 4-24-09; Ord. No. 09-211, 12-3-09)

SECTION 400.1490: BUILDING-MOUNTED SIGNS

A *"building-mounted sign"* is one that is directly attached to the facade or face of a building. Requirements are as follows:

1. Such sign shall be supported solely by the facade of the building;
2. Such sign may be flag-mounted in situations where the character of the area may be preserved and enhanced by the use of such sign;
3. Such sign shall not protrude beyond any property line on which the building itself is located;
4. Such sign shall not exceed thirty (35) feet in height;
5. Sign area shall be regulated by the provisions of Division 3 of this Article;
6. Including the business name, a maximum of eight (8) items of information may be displayed on a building mounted sign; and
7. A sign permit is required. (R.O. 2009 §156.706; Ord. No. 02-172, 7-10-02; Ord. No. 10-142 §5, 7-8-10)

SECTION 400.1500: CHANGEABLE COPY/MARQUEE SIGNS

A *"changeable copy/marquee sign"* is one which utilizes changeable letters, text or copy. Any State licensed learning institution is authorized to utilize changeable letters, text or copy without prior approval of the City. However, all other such signs shall be for theaters only. Changeable signs shall also comply with the following requirements:

1. Such signs shall be subject to the requirements for building-mounted or freestanding signs; and
2. A sign permit is required. (R.O. 2009 §156.707; Ord. No. 02-172, 7-10-02; Ord. No. 05-46, 1-28-05; Ord. No. 10-142 §6, 7-8-10)

SECTION 400.1510: CONSTRUCTION SIGNS

A *"construction sign"* is one which identifies the parties included in an "in-progress" construction project. Requirements are as follows:

1. Such signs shall only be displayed on the actual construction site;
2. Such sign shall not exceed eight (8) feet in height nor thirty-two (32) square feet

in area;
3. All such signs shall be removed prior to the issuance of a certificate of occupancy for the site; and
4. No sign permit is required. (R.O. 2009 §156.709; Ord. No. 02-172, 7-10-02)

SECTION 400.1520: DIRECTIONAL SIGNS

A *"directional sign"* is one which includes copy offering pertinent directional information for the purpose of assisting in the flow of vehicular or pedestrian traffic. Requirements are as follows:

1. Such signs shall not exceed three (3) feet in height if freestanding, nor two (2) square feet in area;
2. Such signs shall not include identification or advertising copy;
3. Must be placed to avoid conflicts with vehicular traffic;
4. Such signs are permitted in all zoning districts; and
5. No sign permit is required unless such sign is illuminated or meets the following:
   a. Through the approval of a sign permit, directional signs not meeting the size limitation listed above may be approved where it is demonstrated that such signs will not have a detrimental impact on the aesthetic qualities of the surrounding area and that it is necessary given the particular situation of a property in terms of size and/or location. (R.O. 2009 §156.710; Ord. No. 02-172, 7-10-02; Ord. No. 02-276, 11-22-02)

SECTION 400.1530: DIRECTORY SIGNS

A *"directory sign"* is a wall-mounted sign that lists the name, use or location within a building, building complex or multi-tenant development. Requirements are as follows:

1. Such signs maybe utilized in all non-residential zoning districts;
2. Such signs shall not exceed six (6) feet in height nor six (6) square feet in area;
3. Such signs shall not include any advertising copy; and
4. A sign permit is required. (R.O. 2009 §156.711; Ord. No. 02-172, 7-10-02; Ord. No. 10-142 §7, 7-8-10)

SECTION 400.1540: ON-PREMISE ELECTRONIC MESSAGE SIGNS

An *"on-premise electronic message sign"* is a sign or portion thereof with characters, letters or illustrations that can be electronically changed or rearranged without altering the face or the surface of the sign and directs attention to a business, product, commodity, service, entertainment or attraction sold, offered or existing upon the same lot where such sign is displayed. Requirements are as follows:

1. Such signs shall be subject to the requirements for building-mounted or freestanding signs;
2. A conditional use permit approved by the City Council shall be required for such signs to determine the appropriateness of the proposed location of such sign and to set standards for the operational characteristics such as, but not limited to, the ability to scroll messages, the time frames between messages and the safety impacts on the general public of such a display. Such signs which display only

the time and temperature and are eight (8) or less square feet in area are not subject to conditional use permit approval; and

3. A sign permit is required. (R.O. 2009 §156.712; Ord. No. 02-172, 7-10-02; Ord. No. 08-191, 9-17-08; Ord. No. 10-142 §8, 7-8-10)

SECTION 400.1550: FLAGS

This category applies to official flags for corporations and decorative flags used for commercial purposes. Requirements are as follows:

1. Flagpole height is not limited;
2. No more than one (1) flag shall be flown on any one (1) site or structure;
3. The maximum size of any flag shall not exceed fifteen (15) square feet with no one (1) dimension to exceed six (6) feet in any direction; and
4. A sign permit is required to display any corporate or decorative commercial flag. (R.O. 2009 §156.713; Ord. No. 02-172, 7-10-02; Ord. No. 10-142 §9, 7-8-10)

SECTION 400.1560: FREESTANDING IDENTIFICATION SIGNS

A "*freestanding identification sign"* is one which is erected or mounted on its own self-supporting permanent structure or base detached from any supporting elements of building. Requirements are as follows:

1. Such signs, including their supporting structures, shall not exceed six (6) feet in height and such signs shall not exceed twenty-four (24) square feet in area except in the following circumstances:
   a. The property and the use in question justifies the additional area and height to provide visibility from motorists on I-70, Highway 94 south of I-70, Highway 364 or Highway 370. In such cases, a freestanding sign shall be limited to a maximum height of thirty (30) feet and maximum area of eighty (80) square feet.
2. All such signs shall have monument-type bases of masonry construction or materials which complement the primary structure being identified or the prevailing character of the structures in the area;
3. All such signs shall require a landscape area equal to four (4) square feet for each square foot of sign area. This landscape area shall be located around the base of the sign and shall be surrounded by a six (6) inch high vertical concrete curb. Said landscape area may be modified by the Director of Community Development or his/her designee where it is found that due to pre-existing circumstances the provision of said landscape area will cause an undue burden on the ability to effectively use the property;
4. Such signs shall only identify the name of the business, the center/complex or place for which the sign is intended;
5. Including the business name, a maximum of eight (8) items of information may be displayed on a freestanding sign;
6. Address numerals shall be included on all freestanding sign structures. The numerals shall be no smaller than four (4) inches in height; and
7. A sign permit is required. (R.O. 2009 §156.714; Ord. No. 02-172, 7-10-02; Ord. No. 05-101, 4-13-05; Ord. No. 10-244 §10, 11-18-10)

SECTION 400.1570: FUTURE DEVELOPMENT SIGNS

A *"future development sign"* is one which announces the proposed development of property, prior to the issuance of building permit. Requirements are as follows:

1. Such signs shall include copy identifying the name(s) of the project architect, developer and contractor;
2. Such signs shall not exceed thirty-two (32) square feet in area nor eight (8) feet in height;
3. Such signs may be maintained for a period not to exceed twelve (12) months prior to obtaining building permits for a development and shall be removed prior to the issuance of a certificate of occupancy;
4. Such signs shall not be internally illuminated;
5. All such signs shall be located on the development site;
6. Only one (1) sign shall be displayed per street frontage; and
7. A sign permit is required. (R.O. 2009 §156.715; Ord. No. 02-172, 7-10-02)

SECTION 400.1580: GOING OUT OF BUSINESS SIGNS

A "*going out of business sign"* is a wall sign not greater than twenty-four (24) square feet indicating that the business displaying the sign will cease and be discontinued at a specific location. Requirements are as follows:

1. All businesses shall be permitted to display going out of business signs for an initial period of thirty (30) consecutive days which may be renewed by City staff for an additional fifteen (15) consecutive days upon request by the applicant. Additional time may be requested by the applicant through the approval of the Director of Community Development subject to such request being filed prior to expiration of any prior permits;
2. The business shall cease and be discontinued at that specific location upon the disposal of the stock of goods on hand or after forty-five (45) days, whichever comes first, after the going out of business signage is first displayed unless such additional time has been granted by the Director of Community Development but in no case shall such temporary signage be displayed beyond ninety (90) days from the initial display;
3. Vehicle-mounted and portable signs and flashing lights are prohibited from use as going out of business signs; and
4. A sign permit is required. (R.O. 2009 §156.716; Ord. No. 02-172, 7-10-02; Ord. No. 02-276, 11-22-02; Ord. No. 10-142 §11, 7-8-10)

SECTION 400.1600: LEAD-IN SIGNS

A *"lead-in sign"* is a temporary portable sign used to direct pedestrian or vehicular traffic to a home (or residential unit) which is for sale or rent. Requirements are as follows:

1. Such signs shall not exceed three (3) feet in height nor three (3) square feet in area with no illumination;
2. No more than four (4) such signs shall be displayed for each home for sale or rent;
3. Complexes, developments or subdivisions shall not display more than four (4) such signs;
4. Such signs shall not be placed so as to create a traffic hazard, in a traffic median,

public sidewalk, bicycle path on City property or in City right-of-way between the sidewalk and the curb; and
5. No sign permit is required. (R.O. 2009 §156.719; Ord. No. 02-172, 7-10-02)

SECTION 400.1610: MENU BOARDS

A *"menu board"* is a permanently mounted sign advertising the bill of fare for a restaurant, drive-in or drive-thru restaurant. Requirements are as follows:

1. Menu boards shall not exceed six (6) feet in height nor thirty (30) square feet in area;
2. Freestanding menu boards shall have a monument base of masonry construction and shall have a landscape area at the base of the sign equal to at least two (2) square feet for each square foot of sign area. The landscape area may be modified by the Director of Community Development or his/her designee where it is found that due to pre-existing circumstances, the provision of the landscape area will cause an undue burden on the ability to effectively use the property;
3. Only one (1) such sign per drive-through lane is allowed and the sign shall be located in a manner which provides the least impact on adjacent or nearby land uses. Additionally, one (1) preview board may be installed per drive through lane. Such preview board shall not exceed six (6) feet in height nor twenty (20) square feet in area;
4. The sign area for a menu board shall not be counted in the total aggregate sign area for the business; and
5. A sign permit is required. (R.O. 2009 §156.720; Ord. No. 02-172, 7-10-02; Ord. No. 02-276, 11-22-02; Ord. No. 10-142 §13, 7-8-10; Ord. No. 10-244 §1, 11-18-10)

SECTION 400.1620: PERMANENT RESIDENTIAL SUBDIVISION SIGNS

A *"permanent residential subdivision sign"* is a permanent sign used to identify a recorded subdivision. Requirements are as follows:

1. Such signs shall not exceed five (5) feet in height nor twenty-four (24) square feet in area. A twenty-four (24) square foot sign may be displayed on either side of a street providing direct access to the subdivision and serving as a major entry;
2. Such signs shall be wall mounted or freestanding and shall include a landscape area equal to at least two (2) square feet for each square foot of sign area; and
3. A sign permit is required. (R.O. 2009 §156.721; Ord. No. 02-172, 7-10-02; Ord. No. 10-142 §14, 7-8-10)

SECTION 400.1630: POLITICAL SIGNS

A *"political sign"* is a temporary sign used to advertise the candidacy of an individual, ballot proposition/issue or to encourage citizens to vote. Requirements are as follows:

1. Such signs shall not be located on City property except as stated in Subsection (4) or in City right-of-way;
2. Such signs shall be located so as to not create a traffic hazard; and
3. No sign permit is required.

4. Political signs may be located in Blanchette Park on election day when Memorial Hall is being used as a polling place. (R.O. 2009 §156.722; Ord. No. 02-172, 7-10-02; Ord. No. 06-191, 7-28-06)

SECTION 400.1640: SALE, LEASE OR RENT SIGNS OR BANNERS

A *"sale, lease or rent sign or banner"* is a temporary sign used to advertise the availability of non-residential real property. Note that signs for residential real estate are covered by Section 400.1600, Lead in Signs. Requirements are as follows:

1. Such signs shall not exceed forty-eight (48) square feet in area or ten (10) feet in height and except for banners may be freestanding;
2. Such signs shall only be displayed on the property for which they pertain. Only one (1) sign shall be displayed per street frontage;
3. Such signs shall not be illuminated; and
4. A sign permit is not required except under the following situation:
   a. Through the approval of a sign permit, sale, lease or rent signs or banners not meeting the size limitation listed above may be approved where it is demonstrated that such signs will not have a detrimental impact on the aesthetic qualities of the surrounding area and that it is necessary given the particular situation of a property in terms of size and/or location. (R.O. 2009 §156.723; Ord. No. 02-172, 7-10-02; Ord. No. 02-276, 11-22-02; Ord. No. 10-244 §1, 11-18-10)

SECTION 400.1650: SERVICE STATION SIGNS

A. A *"service station identification/price sign"* is a permanently mounted, two (2) component sign displaying business identification and the retail cost of a gallon of gas/diesel on the premises of the service station. Requirements are as follows:
   1. One (1) such sign is allowed per street frontage;
   2. Such sign shall not exceed twenty-four (24) square feet in area nor six (6) feet in height except in the following circumstances:
      a. The Director of Community Development or his/her designee finds that the property and the use in question justifies the additional area and height to provide visibility from motorists on I-70, Highway 94 south of I-70, Highway 364 or Highway 370. In such cases, a freestanding sign shall be limited to a maximum height of thirty (30) feet and maximum area of eighty (80) square feet.
   3. The price component of the sign shall not exceed five (5) feet in height, nor twelve (12) square feet in area except in the following circumstances:
      a. The Director of Community Development or his/her designee finds that the property and the use in question justifies the additional area and height to provide visibility from motorists on I-70, Highway 94 south of I-70, Highway 364 or Highway 370. In such cases, a freestanding sign shall be limited to a maximum height of thirty (30) feet and maximum area of eighty (80) square feet.
   4. The sign shall have a landscape area at the base of each sign equal to at least four (4) square feet for each square foot of sign area which shall be surrounded by a

six (6) inch high concrete vertical curb. The landscape area may be modified by the Director of Community Development or his/her designee where it is found that due to pre-existing circumstances, the provision of the landscape area will cause an undue burden on the ability to effectively use the property;

5. All such signs shall have monument-type bases of masonry construction or materials which complement the primary structure being identified or the prevailing character of the structures in the area; and
6. A sign permit is required. Where such signs do not exceed six (6) feet in height and twenty-four (24) square feet in area and meet all design and landscape criteria, staff may administratively approve the permit.

B. A *"pump-topper sign"* is a sign which is affixed to the top or sides of an operable fuel dispensing pump. Requirements are as follows:
   1. Such signs shall not exceed three (3) square feet in area;
   2. Such signs shall only display instructional information or price information and shall not include advertising copy pertaining to any product, sale or promotion; and
   3. No sign permit is required. (R.O. 2009 §156.724; Ord. No. 02-172, 7-10-02; Ord. No. 05-101, 4-13-05; Ord. No. 10-142 §15, 7-8-10)

SECTION 400.1670: PROHIBITED SIGNS

Signs that are not specifically authorized are expressly prohibited. These prohibited signs include, but are not limited to, the following:

1. Any non-public signs in public right-of-way or on public property, except as otherwise provided and except approved banner signs installed pursuant to the City's banner program guidelines. The City may install signs on its own property to identify public buildings and uses and to provide necessary traffic control;
2. All roof-mounted signs;
3. Flag-mounted signs, except as otherwise provided;
4. All signs having intermittent or flashing illumination, animated or moving parts or that emit sound, except as otherwise permitted through the approval of a conditional use permit for an electronic message board;
5. Freestanding changeable copy signs, except as otherwise provided;
6. All banners, pennants, streamers, balloons, flags, searchlights, strobe lights, beacons, inflatable signs, except as otherwise provided;
7. Service or bay-mounted sign banners or advertising;
8. Any sign imitating an official traffic control sign or device or any sign or device obscuring such traffic control signs or devices;
9. All signs mounted on or applied to trees, utility poles, rocks or City-owned property, except as otherwise provided;
10. Any sign placed on private property without the property owner's written approval;
11. Off-premise/off-site signs, except as permitted elsewhere in this Article;
12. All portable signs, except as otherwise provided. Portable signs shall include, but are not limited to, signs which are mounted, attached or painted on trailers, boats or vehicles when used as additional signage on or near the business premises. Business vehicles displaying signage or advertising shall be parked in an assigned

parking space which is not immediately adjacent to a street frontage;

13. Signs attached to, suspended from or painted on any vehicle which is regularly parked on any street or private property when one (1) of the purposes of so locating such vehicle is to display, demonstrate and advertise or attract the attention of the public:
    a. It is not a violation of this Section merely to have a common logo or business sign attached to, suspended from or painted on a company vehicle regularly engaged in the business of the owner; and
    b. When it is determined by appropriate authorities that a vehicle is being regularly parked in a manner that violates this Article, the City will issue a single notice of warning to the owner of the vehicle, who will be provided an opportunity for an informal hearing by representatives of the City consisting of the Mayor, Director of Community Development and the Chairperson of the HLPARB or their designated representatives prior to the institution of formal application to the HLPARB and/or judicial proceedings;
14. All painted plywood signs except as may be approved as temporary signs;
15. Nudity and sexually explicit signs. No person shall design or allow the display of the following on a billboard or sign in a public place:
    a. Any material which exposes to public view any pictorial material that is obscene;
    b. Any material showing males or females in a state of nudity where the purpose of the material is sexual arousal, gratification or affront;
    c. Any statements or words describing explicit sexual acts, sexual organs or excrement where such statements or words have as their purpose or effect sexual arousal, gratification or affront;
    d. Any picture or illustration of a person's genitals, pubic hair, perineum, anus or anal region where such picture or illustration has as its purpose or effect sexual arousal, gratification or affront: or
    e. Any picture or illustration depicting explicit sexual acts as defined in this Section where such picture or illustration has as its purpose or effect sexual arousal, gratification or affront; and
16. Signs which are not expressly permitted by this Article. (R.O. 2009 §156.726; Ord. No. 02-172, 7-10-02; Ord. No. 02-276, 11-22-02; Ord. No. 07-162, 6-11-07; Ord. No. 08-191, 9-17-08)

SECTION 400.1680: WINDOW SIGNS

A *"window sign"* is a sign or signage placed in windows so as to attract the attention of persons outside of the building where the sign or signage is placed. Requirements are as follows:

1. Window signage shall be limited to twenty-five percent (25%) of the total window area on each face of the building in which it is placed;
2. Window signage shall not be placed above the ground floor of the building; and
3. No sign permit is required. (R.O. 2009 §156.727; Ord. No. 02-172, 7-10-02; Ord. No. 02-276, 11-22-02)

SECTION 400.1690: UNAUTHORIZED SIGNS OR SIGNS ERECTED IN VIOLATION OF THIS ARTICLE

A. An *"unauthorized sign"* is one which is displayed in the City right-of-way or on City property without City permission. Such signs may be removed by City staff without notice. These signs may be disposed of, if unclaimed within seven (7) days.
B. City staff shall give written notice for any sign otherwise erected or maintained in violation of this Article. Upon failure to correct the violation, City staff shall enforce this Article in accordance with Section 400.1860.
C. Subsection (A) shall not apply to a cross or flowers placed along the right-of-way as a memorial, provided the memorial is temporary, does not obstruct the line of vision and is not a nuisance. (R.O. 2009 §156.728; Ord. No. 02-172, 7-10-02; Ord. No. 06-341, 12-14-06)

Division 3. Signs Permitted For Commercial (Non-Residential) Uses

SECTION 400.1720: LEGAL, NON-RESIDENTIAL USES

Business signs for all legal, non-residential uses shall be in accordance with the following:

1. The total aggregate area of one (1) face of all signs on the premises pertaining to any one (1) business shall not exceed forty (40) square feet. However, if the portion of the building adjacent to its lot's street property line measures more than forty (40) feet, then the total aggregate area of one (1) face of all such signs on the premises may be increased in area at the rate of one (1) square foot of sign area for each foot of building frontage in excess of forty (40) lineal feet; but the total aggregate area of one (1) face of all such signs on the premises shall not exceed eighty (80) square feet for each business. The total aggregate area of all signs on the premises pertaining to any one business with a frontage exceeding one hundred fifty (150) lineal feet may be increased to one hundred fifty (150) square feet. For corner buildings, only the main entrance frontage shall be so measured.
2. Freestanding identification signs shall not be counted as a portion of the total aggregate sign area of the premises but shall be restricted to the following:
    a. One (1) freestanding identification for each street upon which the lot has frontage; and
    b. A sign permit is required.
3. When a site is developed as a complex/center as defined by this Article, only one (1) freestanding identification sign per street frontage of the entire site is permitted in accordance with the following:
        a. Such signs shall identify the center only and shall not be counted in the total aggregate sign area for individual business identification;
        b. A freestanding sign identifying an individual business or businesses and/or the center shall be counted as a portion of the total aggregate sign area allowed for the business and in no instance shall an individual business occupy less than eight (8) square feet of the sign;
        c. A sign permit is required.
4. All wall, soffit or fascia-mounted signs for individual businesses shall be uniform in terms of colors, shapes and maximum vertical dimension with all other such

signs in the center or as otherwise provided for by an approved sign package. (R.O. 2009 §156.730; Ord. No. 02-172, 7-10-02; Ord. No. 02-276, 11-22-02; Ord. No. 05-101, 4-13-05; Ord. No. 10-142 §17, 7-8-10)

SECTION 400.1725: TEMPORARY SIGNAGE

A temporary sign is a sign or attention-attracting object placed on a property for a limited time. The following temporary sign types may be permitted through approval of a sign permit:

1. *Cold air balloons.* Cold air balloons are permitted at a height not to exceed thirty-two (32) feet. Each business is permitted four (4) such advertising devices per calendar year for a period not to exceed fourteen (14) days. Such aids may not be placed on the roof of the building. A permit application shall be submitted and approved prior to erection.
2. *Searchlights.* Searchlights may not interfere with the normal use of adjacent property or cause interference to motor vehicle or pedestrian traffic. Each business is permitted two (2) such advertising devices per calendar year for a period not to exceed seven (7) days each. Such devices may not be placed on the roof of a building. Searchlights shall be required to submit a permit and receive approval prior to use.
3. *Grand openings.* New businesses or business under new ownership or new name may use pennants and streamers only as a part of a grand opening event for up to seven (7) days. Such pennants and streamers must be in good condition, free from dirt or missing pieces.
4. *Approved developments.*
   a. *General.* Only one (1) construction, future use of site, or subdivision promotion sign may be erected per roadway frontage at any one time after first obtaining the required zoning authorization and sign permit. At no time shall guy wires or auxiliary support posts be used to anchor a temporary development-related sign.
   b. *Banners, subdivision identification.* Subdivision identification banners are allowed in any zoning district with a sign permit. Said banners shall not exceed thirty (30) inches by eighty-four (84) inches in sign area and shall be erected, internal to a subdivision, for a period not to exceed two (2) years.
   c. *Flags, subdivision promotion.* Within developing subdivisions, subdivision promotion flags are allowed without securing a sign permit; however, a zoning authorization and building permit is required prior to erecting a flagpole. Said flags shall not be flown on poles exceeding sixteen (16) feet in height with a flag length not to exceed two and one-half (2½) feet. Subdivision promotion flags shall be internal to a subdivision and not visible from beyond the limits of said subdivision.
   d. *Temporary construction signs.* Construction signs which identify the architects, engineers, contractors or other individuals or firms involved with construction on a site may be erected during the construction period. Each construction site may have no more than one (1) such sign facing each roadway on which the site has frontage. No construction sign shall exceed thirty-two (32) feet in outline area, nor exceed ten (10) feet in height above

the average existing finished grade. The signs shall be confined to the site of the construction and shall be removed no later than fourteen (14) days after completion of all construction on the site or after ninety (90) days of suspension of work. The message on a construction sign shall not include any advertisement of a product but may include information announcing the character of the business enterprise or the purpose for which the business is intended.

e. *Temporary signs announcing future use of site.*
   (1) Signs announcing the future use of a site, by a use permitted by the regulations of the particular zoning district in which the lot or development is located, may be erected immediately following the approval of said use but not more than six (6) months prior to construction or development of the site. If after six (6) months construction has not commenced, the sign(s) must be removed. Signs announcing future use of site shall be erected only on the lot or development in question and shall be removed within fourteen (14) days after the completion of construction of a building on the site in the case of a previously undeveloped site, or the occupancy of an existing building, or the beginning of the intended use of the site where no building is to be constructed.
   (2) Each site may have no more than one (1) such sign facing each roadway on which the site has frontage. No such sign shall exceed thirty-two (32) square feet in outline area per facing, nor exceed ten (10) feet in height above the average existing finished grade elevation of the sign or elevation of the adjacent street, whichever is higher.

f. *Subdivision direction signs.*
   (1) For the purpose of these regulations a subdivision direction sign is a sign placed at some location outside the limits of a residential subdivision intended to inform and direct the general public to an approved or pending development. Subdivision direction signs may not be erected until a site plan or preliminary plat has been approved for the subject development. The message upon the sign shall be limited to the name of the subdivision, the name of the developer, insignia, price range, a directional arrow, and written directions.
   (2) Signs may have one (1) face, a face on each side of the sign board, or be V-shaped (not to exceed an interior angle of sixty degrees (60°) and contain two (2) faces.
   (3) Subdivision direction signs may be erected on properties at any of the corners of intersecting streets, highways or roads, subject to the following criteria:
      (a) *Location.*
         (i) Within the area bounded by the street right-of-way lines, a line connecting two (2) points from the street right-of-way lines one hundred thirty (130) feet from the point of intersection of the street right-of-way lines, but not including the area within the sight distance triangle; or
         (ii) Subdivision direction signs may be erected beyond a point located not closer than one hundred thirty (130) feet, but not farther than

two hundred thirty (230) feet from the point of intersection of the street right-of-way lines, as measured along the right-of-way line.

(iii) In the case of non-symmetrical intersections, the limits established for sign placement shall be measured from the prolongation of the right-of-way lines on the opposite side of the street.

(iv) No subdivision direction sign shall be erected within the sight distance triangle or otherwise be placed to obstruct vehicular sight distance.

(b) Subdivision direction signs shall be located no closer to the street right-of-way line than permitted under the requirements for structure setbacks of the applicable zoning district.

(c) Guy wires shall not be utilized to anchor the sign.

(d) Subdivision direction signs shall not be located closer than twenty (20) feet to any other sign.

(4) Not more than three (3) subdivision direction signs, each authorizing the placement of a single subdivision direction sign at a location, will be authorized for each development at any given time. Each development is allowed not more than three (3) sign locations concurrently. For the purposes of this Section, multiple plats or phases of contiguous development shall be considered a single development without regard to ownership.

(5) All subdivision direction signs shall be removed within one (1) year of the date the authorization was issued for said sign.

(6) A limit of one (1) sign per development shall be allowed at an intersection.

(7) A limit of three (3) subdivision direction signs shall be allowed per intersection.

(8) Each sign face shall have a decorative border of a minimum width of one and one-half (1½) inch.

(9) No single sign shall exceed thirty-two (32) square feet or be less than sixteen (16) square feet in outline area. The total permitted sign area allocated for an individual development shall not exceed ninety-six (96) square feet.

(10) A sign permit shall be obtained from the Department of Community Development for the placement of all subdivision direction signs. Applicant must provide a written consent authorizing the removal of said sign upon permit expiration.

(11) *Sign maintenance.* The permittee of any approved subdivision direction sign is required to maintain such signage in a safe and satisfactory manner. A sign is considered to be unsafe and in unsatisfactory condition if the sign contains peeling paint, and/or the sign surface or support structures is rotted, warped, damaged, faded, sun baked or deteriorated. If the Department of Community Development determines repair is needed and the owner fails to repair said sign within thirty (30) days of receiving notification of the disrepair, the City will remove such signs at the permittee's expense. (Ord. No. 10-142 §18, 7-8-10; Ord. No. 10-244 §1, 11-18-10)

SECTION 400.1730: REGIONAL COMMERCIAL USE OVERLAY

This special sign overlay district shall apply to certain uses which by their very nature draw from a regional area and draw customers not familiar with St. Charles and therefore necessitate special sign packages. Therefore, business signs within the overlay district as approved by the City Council are not subject to the standards of this Article. Sign criteria shall be established by the City Council and shall be predicated upon the standards, spirit and intent of this Article and shall be applied by the City Council in making its determination under this Section with regard to an application hereunder. New developments outside those already recognized by this Article may request their signage be considered under this Section but such designation shall be subject to approval by the City Council as set forth above. (R.O. 2009 §156.732; Ord. No. 02-172, 7-10-02; Ord. No. 05-236, 9-16-05; Ord. No. 10-142 §19, 7-8-10)

Division 4. Billboards

SECTION 400.1740: GENERAL PROVISIONS

A. Billboards and electronic billboards shall comply with Missouri State law and Federal law.

B. *Non-Conforming Or Abandoned Billboards.* Where a billboard structure does not include advertising information other than for the use of the billboard for a period of one hundred twenty (120) continuous calendar days, the billboard structure shall be deemed in violation of this Chapter and shall be removed. (R.O. 2009 §156.740; Ord. No. 08-191, 9-17-08)

SECTION 400.1750: PERMITTED DISTRICTS

Billboards and electronic billboards may be permitted in the following districts as conditional uses if approved by the City Council following recommendation by the Planning and Zoning Commission:

1. "I-1" and "I-2" zoning districts.
2. "PD-C", "C-2" and "C-3" zoning districts. (R.O. 2009 §156.741; Ord. No. 08-191, 9-17-08; Ord. No. 11-01 §1, 1-6-11)

SECTION 400.1760: STANDARDS FOR LOCATION AND SPACING, AREA AND HEIGHT

A. *Location And Spacing.* Billboards shall only be located in a permitted zoning district, along the highway and corridors specified herein and shall meet the following location requirements:

1. Billboards shall only be allowed within six hundred sixty (660) feet of the edge of the pavement of Interstate Highway 70 and Missouri State Highways 94, 370 and 364.
2. No billboard shall be located within ten thousand (10,000) feet of an existing billboard on either side of Interstate Highway 70 and Missouri State Highways 94, 370 and 364 within the municipal boundaries of the City. The ten thousand (10,000) foot distance shall be measured along the nearest edge of the pavement

at points directly opposite the billboard along each side of the highway and shall apply to billboards located on either side of the highway in computing the distance between billboards.

3. No billboard shall be located within five hundred (500) feet of an interchange or intersection on Interstate Highway 70 and Missouri State Highways 94, 370 and 364; provided however, that such billboard may be affixed to or located adjacent to a building at an interchange or intersection in a manner as not to cause any greater obstruction of vision than caused by the building itself.
4. No portion of a billboard shall be located within two hundred fifty (250) feet of any structure within any residential zoning district or one hundred (100) feet of any structure used primarily as a dwelling unit in any other zoning district.
5. No billboard shall be located within three hundred (300) feet of any property or district listed on the National Register of Historic Places, any National Historic Landmark or any location officially designated by the City as a historic landmark or historic district.
6. No portion of a billboard shall be placed within a fifty (50) foot radius of any point of a building.
7. No billboard shall be placed on rocks, trees or poles maintained by a public utility.
8. All billboards shall be exempt from front, side and rear yard building setbacks in the districts in which they are permitted; however, the front yard setback from a road right-of-way shall be a minimum of thirty (30) feet.
9. No billboard shall be located on the right-of-way of any road or on any slope or drainage easement for such road.

B. *Maximum Area.*
   1. The maximum area for any one (1) billboard shall be six hundred seventy-two (672) square feet with a maximum height of twenty (20) feet and a maximum length of fifty (50) feet, inclusive of border, cutouts, extensions, projections and trim but excluding the base, apron or supports and other structural members. The area shall be measured by the smallest square, rectangle, triangle, circle or combination thereof which will encompass the entire billboard. Cutouts, extensions and projections shall not exceed twenty-five percent (25%) of the area of sign.
   2. The maximum area limitation shall apply to each side of a billboard structure. Billboards may be placed back-to-back, double faced or in V-type construction with not more than two (2) displays to each facing, but such billboard structure shall be considered as one (1) billboard.

C. *Maximum Height.* The maximum height to top of signage shall not exceed forty-five (45) feet above the natural grade where the billboard is installed or the grade level of the centerline of the highway to which the sign is oriented, whichever is higher. (R.O. 2009 §156.742; Ord. No. 08-191, 9-17-08; Ord. No. 11-099 §1, 5-20-11)

SECTION 400.1770: STANDARDS FOR ELECTRONIC BILLBOARDS

A. *Location And Spacing, Area And Height.* Electronic billboards shall only be permitted in "I-1", "I-2", "PD-C", "C-2" and "C-3" zoning districts along Interstate Highway 70 and Missouri State Highways 94, 370 and 364 and shall meet all requirements for location

and spacing found in Section 400.1760 Standards for Location and Spacing, Area and Height, except that:

1. No electronic billboard shall be erected, located or placed within two thousand six hundred forty (2,640) feet of another electronic billboard on either side of Interstate Highway 70 and Missouri State Highways 94, 370 and 364. This distance shall be measured along the nearest edge of the pavement at points directly opposite the electronic billboard along each side of the highway and shall apply to electronic billboards located on either side of the highway in computing the distance between electronic billboards.
2. No electronic billboard shall be located within two hundred fifty (250) feet of an existing freestanding on-premise electronic message sign.

B. *Duration Of Message.* The electronic billboard image or any portion thereof shall have a minimum duration of at least ten (10) seconds and shall be a static display. No portion of the image may flash, scroll, twirl, change color or in any manner imitate movement.

C. *Transition Of Message.* Where the electronic billboard image or any portion thereof changes, the change sequence shall only be accomplished by means of instantaneous re-pixelization.

D. *Video Display Prohibited.* No portion of any electronic billboard may change its message or background in a manner or by a method of display characterized by motion or pictorial imagery or depict action or a special effect to imitate movement or the presentation of pictorials or graphics displayed in a progression of frames that give the illusion of motion or the illusion of moving objects, moving patterns or bands of light or expanding or contracting shapes.

E. *Brightness And Illumination.*

1. *Brightness.* The electronic billboard sign shall not exceed a maximum of five thousand (5,000) units (candelas per square meter) during daylight hours and a maximum illumination of five hundred (500) units (candelas per square meter) between sundown and sunrise measured from the sign's face at maximum brightness.
2. *Fluctuating or flashing illumination.* No portion of any electronic billboard may fluctuate in light intensity or use intermittent, strobe or moving light or light that changes in intensity in sudden transitory bursts, streams, zooms, twinkles, sparkles or that in any manner creates the illusion of movement.
3. *Dimmer control.* Electronic billboards shall be equipped with an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between sundown and sunrise.

F. *Audio.* Audio speakers are prohibited in association with an electronic billboard.

G. *Text Size Requirements.* Every line of copy and graphics displayed on an electronic billboard shall be at least twelve (12) inches in height on a road with a speed limit of forty-five (45) miles per hour or greater and fifty-four (54) miles per hour or less and at least fifteen (15) inches in height on a road with a speed limit of fifty-five (55) miles per hour or greater.

H. *Malfunction And Non-Compliance.* Electronic billboards shall be designed and equipped to freeze the device in one (1) position if a malfunction occurs. The electronic billboards shall be equipped with a means to immediately discontinue the display if it malfunctions

and the sign owner shall immediately stop the dynamic display when notified by the City that it is not complying with standards of this Code.

I. *Provision Of Community And Public Service Massaging.* The owner of an electronic billboard shall enter into an agreement with the City to provide the City no less than five (5) hours (one thousand eight hundred (1,800) ten (10) second spots) per month per electronic billboard in the City for community and public service messages at such times as shall be determined by the City.

J. *I-70 Corridor Billboard Replacement.* The owner of a billboard existing on the effective date of this Division may, by application for and approval of a conditional use permit, relocate the billboard structure for the purpose of installing an electronic billboard; provided all of the following conditions are satisfied:
   1. The property upon which the billboard is located shall be directly adjacent to Interstate 70 right-of-way;
   2. All existing billboards and freestanding on-premise electronic message signs and their supporting structures shall be permanently removed from the property upon which the electronic billboard is to be located prior to the issuance of a building permit for the electronic billboard;
   3. No freestanding on-premise electronic message signs or billboards shall be located on the property upon which an electronic billboard is located;
   4. The electronic billboard shall be located on the same property, within the property boundaries existing upon the effective date of this Division, and within two hundred fifty (250) feet of the existing billboard being replaced;
   5. The property upon which the electronic billboard is located shall consist of a lot not less than five (5) acres;
   6. The electronic billboard shall comply with all provisions of the sign regulations Article, except for Section 400.1760(A)(2); and
   7. The maximum number of sign faces or surfaces permitted on the electronic billboard shall not exceed two (2).

K. *I-70 Corridor Electronic Billboard Relocation.* The owner of a billboard which has received conditional use approval to replace a traditional, static billboard face with an electronic billboard face and has never installed the electronic billboard face may, by application for and approval of a conditional use permit, transfer the right to install an electronic billboard to a different location on a new billboard support structure; provided, all of the following conditions are satisfied:
   1. The property upon which the originally approved billboard is located and the property upon which the relocated billboard is proposed shall be adjacent to Interstate 70 right-of-way between the eastern limit of the City of St. Charles and the Interstate 70/Highway 94 interchange;
   2. All existing billboards and freestanding on-premise electronic message signs and their supporting structures shall be permanently removed from the property upon which the electronic billboard is to be located prior to the issuance of a building permit for the electronic billboard;
   3. No additional billboard(s) or additional freestanding on-premise electronic message sign(s) shall be located on the property after the first electronic billboard permitted by this Section 400.1770 (K) is so located;
   4. The property upon which the electronic billboard is located shall consist of a lot

not less than three (3) acres;

5. The maximum sign area of the relocated billboard shall not exceed the maximum sign area of the originally approved billboard and in no case shall exceed six hundred seventy-two (672) square feet;
6. Upon approval of a conditional use permit for an I-70 corridor electronic billboard relocation, the original conditional use approval for an electronic billboard shall become null and void;
7. The new billboard structure and electronic billboard shall comply with all provisions of the sign regulations Article, except for Sections 400.1760(A)(2), 400.1760(A)(3) and 400.1770(A)(1); and
8. The maximum number of sign faces or surfaces permitted on a new billboard structure shall not exceed two (2). If conditional use approval to install only one (1) electronic billboard face is being transferred, a new billboard structure may only support one (1) electronic billboard face and one (1) additional face that is not considered to be electronic. (R.O. 2009 §156.743; Ord. No. 08-191, 9-17-08; Ord. No. 11-01 §2, 1-6-11)

Division 5. Signs Permitted For Residential Uses In Any District

SECTION 400.1780: SINGLE- AND TWO-FAMILY DWELLINGS AND SUBDIVISIONS

A. For single- and two-family dwellings, an identification sign not exceeding one (1) square foot in area is permitted giving the name only of the land or building on which displayed or of the owner or lessee thereof. No sign permit is required.
B. Permanent subdivision identification signs for recorded subdivisions are permitted in accordance with the following:
    1. Final location of such signs are to be approved by the City Council if located within City right-of-way; and
    2. A sign permit is required. (R.O. 2009 §156.750; Ord. No. 02-172, 7-10-02; Ord. No. 10-142 §20, 7-8-10)

SECTION 400.1790: MULTI-FAMILY DWELLINGS

Signs for apartments and condominium uses are permitted as follows:

1. One (1) freestanding identification sign not exceeding ten (10) feet in width, five (5) feet in height or twenty-four (24) square feet in area is permitted. Such sign must be located at least five (5) feet from any property line;
2. A wall-mounted sign not exceeding six (6) square feet in area is permitted. The height of such sign shall not exceed ten (10) feet; and
3. A sign permit is required. (R.O. 2009 §156.752; Ord. No. 02-172, 7-10-02)

SECTION 400.1800: MOBILE HOME AND TRAILER PARKS

Signs for mobile home and trailer parks are permitted as follows:

1. One (1) identification sign for each entrance to the park is permitted;
2. One (1) freestanding identification sign not exceeding ten (10) feet in width, five

(5) feet in height or twenty-four (24) square feet in area is permitted. Such sign must be located at least five (5) feet from any property line; and

3. A sign permit is required. (R.O. 2009 §156.754; Ord. No. 02-172, 7-10-02)

Division 6. Obsolete Signs

SECTION 400.1810: OBSOLETE SIGNS

Any sign or sign support structure, whether existing on or erected/installed after the effective date of this Article, which advertises or is intended to support a sign for a business no longer being conducted or a product no longer being offered for sale on or from the premises on which the sign is located shall be removed by the property owner within thirty (30) days upon cessation of such business or sale of such product by owner, agent, tenant or person having the beneficial interest in the business, property or premises on which such sign is located. (R.O. 2009 §156.760; Ord. No. 02-172, 7-10-02)

SECTION 400.1820: NON-CONFORMING SIGNS

Any sign which lawfully exists at the time of enactment of this Article shall be allowed to remain until such time as the sign is substantially altered or changed or until such time as another sign is proposed in lieu of the existing sign. Such sign shall be in conformance with all other provisions of this Article. (R.O. 2009 §156.762; Ord. No. 02-172, 7-10-02; Ord. No. 10-142 §21, 7-8-10; Ord. No. 11-42 §1, 3-16-11)

Division 7. Sign Regulations For Superimposed Districts

SECTION 400.1830: SIGN REGULATIONS FOR "SMPD", "HDD", "FHD", "LMPD" AND "EHP" SUPERIMPOSED DISTRICTS

A. *"SMPD" South Main Preservation District.* The purpose of this Section is to allow adequate signage for pedestrian-oriented historic commercial areas, yet at the same time exclude signage which would be detrimental to property values and the character of the district.

1. *General regulations.*
   a. No sign or graphic may be displayed without first obtaining a certificate of appropriateness from the HLPARB.
   b. No sign or graphic shall be permitted in the district unless the sign relates to or advertises a business within the district.
   c. Signs shall not obscure architectural details or features.
   d. Any projecting sign displayed over a public walkway must be at least eight (8) feet above the walkway.
2. *Wall, projecting, window and awning signs.*
   a. Each building within the district shall be allowed one (1) wall sign per business located within the building. Additionally, buildings with rear entryways shall be allowed one (1) additional wall sign on the rear wall of the building. The size of any wall sign shall be no more than three-fourths (0.75) square feet per lineal foot of the occupant's portion of building frontage,

provided that the aggregate size of all wall signs combined shall not exceed sixteen (16) square feet.

b. Wall signs shall not be located above second story windows.
c. Each building within the district shall be allowed one (1) projecting sign for each frontage of a building; provided that projecting signs shall not be allowed on any building wall facing Main Street which already has a wall sign.
d. Projecting signs shall be allowed a maximum size of thirty-hundredths (0.30) square feet per lineal foot of building frontage, provided that the maximum size of the face of any projecting sign shall not exceed five and one-half (5.5) square feet.
e. Window signs are prohibited.
f. Awning, canopy and umbrella signs are prohibited.

3. *Multiple-occupant buildings and directory signs.* Whenever there is more than one (1) occupant in any building, it shall be the responsibility of the building owner to allocate the permitted signage. Directory signs are permitted where there is more than one (1) occupant per building. Directory signs shall be excluded in the calculation of the total amount of building signage permitted. Maximum one hundred (100) square inches per tenant or four hundred (400) square inches, whichever is less.
4. *Freestanding signs.* Freestanding signs other than pole signs are prohibited. Pole signs shall be permitted under only one (1) of the following circumstances:
   a. Lots with a building having a front yard setback of at least fifteen (15) feet from the right-of-way may erect one (1) pole sign in a front yard.
   b. Building walls with business entrances not facing Main Street may be allowed to erect a pole sign along South Main Street, however, if a pole sign exists on the property, the business shall only be permitted to install a sign face on the existing pole.
   c. Pole signs shall be allowed a maximum size of one-fourth (0.25) square feet per lineal foot of building frontage, provided that the maximum size of the face of any pole sign panel shall not exceed five and one-half (5.5) square feet total for the entire face.
5. *Temporary signs.* The following regulations shall control temporary signs:
   a. *Banners.* One (1) banner or grand opening sign per occupant is permitted of no more than thirty-two (32) square feet. Permits for banners and grand opening signs shall be valid for a maximum of thirty (30) days. Each occupant shall be issued no more than one (1) banner permit per calendar year. Banners and grand opening signs require prior approval by the HLPARB.
   b. *Handbills.* One (1) handbill advertising special events may be placed in one (1) window in a building. Handbills meeting this requirement do not require approval by the HLPARB.
   c. *"Open" and "closed" signs.* Open and closed signs shall not exceed one (1) square foot in size and must be constructed of natural material such as wood or of a material which simulates a natural material. Fluorescent cardboard and brightly colored "open" and "closed" signs shall be prohibited. Open and closed signs meeting this requirement do not require prior approval by the HLPARB.

d. *Menus.* Restaurants shall be allowed to display a house menu which shall be permanently affixed and shall not exceed eighteen (18) inches by twelve (12) inches in size.
e. *Real estate and builders signs.* One (1) real estate, builder or "for sale" sign will be permitted in the front and rear of each building with a maximum size of sixteen (16) square feet per sign. Signs may only be displayed for as long as the property is for lease, sale or under construction. Real estate, builder and "for sale" signs meeting these requirements do not require approval from the HLPARB.

6. *Signs on vehicles.* Signs attached to, painted on or placed on a vehicle (including a trailer) that is parked in the South Main Preservation District shall be prohibited. This provision is not to be construed as prohibiting the identification of a firm or its principal products on vehicles operating during the normal course of business or as prohibiting the parking of vehicles.
7. *Lighting of signs.* Lighting of signs shall be from an indirect source and lights shall be hidden from direct view. Fluorescent lights are prohibited.
8. *Neon signs.* Neon lights in any form including neon signs are prohibited.

B. *"HDD" Historic Downtown District.*

1. *General regulations.*
   a. No sign or graphic may be displayed without first obtaining a certificate of appropriateness from the HLPARB.
   b. No sign or graphic shall be permitted in the district unless the sign relates to or advertises a business within the district.
   c. Signs shall be compatible with the architecture of the building and the Historic Downtown District.
2. *Wall, projecting, window and awning signs.*
   a. Each building is permitted a maximum sum total of all wall, projecting and window signage of one (1) square foot of signage per each lineal foot of frontage of the building. Where there are two (2) or more frontages, the average of frontages shall be computed to determine the signage allotment under this formula. One (1) additional sign is permitted on the rear of each building with a maximum size of fifty percent (50%) of that allowed on the front, provided that the area of the rear elevation signage shall count towards the total sign area for the building.
   b. Each building within the district is allowed one (1) projecting sign per tenant. Projecting signs shall be included in the calculation of the total amount of building signage permitted. Projecting signs must clear a sidewalk or walkway at least eight (8) feet.
   c. *Multiple-occupant buildings and directory signs.* Whenever there is more than one (1) occupant in any building, it shall be the responsibility of the building owner to allocate the permitted signage. Directory signs are permitted where there is more than one (1) occupant per building. Directory signs shall be excluded in the calculation of the total amount of building signage permitted. Maximum one hundred (100) square inches per tenant.
   d. Each occupant within the district is allowed permanent window signs with a maximum size of thirty-three percent (33%) of the panes of glass of space which the tenant occupies. Allowable window signage will include signs or

graphics which are painted, attached to, in proximity or within three (3) feet of window area or part of a signage which is part of a window area. The area of window signage shall be measured as the area of the smallest possible rectangle encompassing all sign elements including letters and graphics. Window signs shall be included in the calculation of the total amount of building signage permitted.

e. In addition to other wall, projecting and window signage, each occupant serving food and beverages is entitled to display one (1) menu of a maximum size of four hundred (400) square inches which shall not be included in the calculation for total allowable building signage. A minimum seventy-five percent (75%) of menu sign shall be used for displaying menu items. To be eligible for a menu sign, tenants must derive at least fifty percent (50%) of its gross revenue from the sale of food.

f. Awning and canopy signs are permitted, the size of which shall be calculated by its actual area and shall be included in the calculation for total allowable building signage.

3. *Freestanding and outdoor signs.*

a. *Freestanding signs.* Freestanding signs are permitted within the "HDD" only on properties which front on Second Street or Third Street. One (1) freestanding sign not to exceed three-fourths (0.75) square feet per lineal foot of frontage of the building for the first fifty (50) lineal feet and one-half (0.50) square feet per lineal foot of frontage of the building for footage in excess of fifty (50) lineal feet is permitted for each shopping center, office center or combinations thereof. Where there are two (2) or more frontages, the average of frontages shall be computed to determine the signage allotment under this formula.

b. *A-frame or sandwich board signs.* Each occupant is entitled to one (1) A-frame or sandwich board sign with a maximum size of thirty (30) inches wide and forty-eight (48) inches in height per side. A-frame or sandwich board signs shall be located no less than twenty-five (25) feet apart from each other and may be displayed only during hours of operation. A-frame or sandwich board signs shall be excluded from the total allowable building signage based on frontage.

4. *Temporary signs.*

a. *Miscellaneous attention-getting devices.* Banners and balloons may be used by permit only. A maximum of one (1) banner of no more than thirty-two (32) square feet shall be permitted per property. Permits for banners shall be valid for a maximum of thirty (30) days. Permits for balloons shall be valid for a maximum of seven (7) days. Each occupant shall be issued no more than three (3) balloon permits per calendar year and four (4) banner permits per calendar year per occupant. Balloons shall be flown no more than thirty-five (35) feet in height.

b. *"Open" and "closed" signs.* Open and closed signs shall not exceed one (1) square foot in size and shall be displayed at or near the entrance. Open and closed signs meeting this requirement do not require approval by the HLPARB.

c. *Real estate and builders signs.* One (1) real estate builder or "for sale" sign

will be permitted in the front and rear of each building with a maximum size of sixteen (16) square feet per sign. Signs may only be displayed for as long as the property is for lease, sale or under construction. Real estate, builder and "for sale" signs do not require approval from the HLPARB so long as these requirements are met.

d. *Signs on vehicles.* Signs attached to, painted on or placed on a vehicle or trailer parked in Historic Downtown District shall be prohibited. This provision is not to be construed as prohibiting the identification of a firm or its principal products on vehicles operating during the normal course of business or as prohibiting the parking of vehicles.

5. *Illumination of signs.* Internal illumination of signs is prohibited. Only a steady concealed source of light shall be permitted for signs within the district.
6. Neon lights in any form, including neon signs, shall be prohibited except that any retail, restaurant or beverage business may display one (1) neon sign of not more than four (4) square feet in a first (1st) floor window, provided that the sign advertises food, beverages, products or services provided on the premises and does not incorporate the name or logo of the business itself. Neon signs meeting these requirements do not require approval by the HLPARB and shall not be subject to the regulations contained in Section 400.1830(B)(2),(5),(7),(8) or (9).
7. *Sign design.* Signs shall utilize colors from the approved paint color chart adopted by the HLPARB or shall use colors with proven historical relevance that may be approved by the HLPARB.
8. *Sign materials.* Painted wood and metal are appropriate sign materials. Plastic should only be used in limited amounts or when disguised to look otherwise.
9. Letter size and styles should be compatible with the building.
10. *Hanging devices.* Projecting signs should be attached by use of period appropriate devices. Modern-looking chains, hooks and other visible devices should be avoided. A sign shall be installed in a workmanlike manner and hide from view such fixtures as guy wires, braces, angle irons, cables, nuts and bolts, brackets, mounting plates, conductors, transformers, conduits, raceways and similar fixtures.

C. *"FHD" Frenchtown Historic District.*

1. *General regulations.*
   a. No sign or graphic may be displayed without first obtaining a certificate of appropriateness from the HLPARB.
   b. No sign or graphic shall be permitted in the district unless the sign relates to or advertises a business within the district.
   c. Signs shall be compatible with the architecture of the building and the Frenchtown Historic District.
2. *Wall, projecting, window and awning signs.*
   a. Each building is permitted a maximum sum total of all wall, projecting and window signage of one (1) square foot of signage per each lineal foot of frontage of the building. Where there are two (2) or more frontages, the average of frontages shall be computed to determine the signage allotment under this formula. One (1) additional sign is permitted on the rear of each building with a maximum of fifty percent (50%) of that allowed on the front.
   b. Each building within the district is allowed one projecting or monument sign

per tenant. Projecting and monument signs shall be included in the calculation of the total amount of building signage permitted. Projecting signs must clear a sidewalk or walkway by at least eight (8) feet.

c. *Multiple-occupant buildings and directory signs.* Wherever there is more than one occupant in any building, it shall be the responsibility of the building owner to allocate the permitted signage. Directory signs are permitted where there is more than one (1) occupant per building. Directory signs shall be excluded in the calculation of the total amount of building signage permitted. Maximum one hundred (100) square inches per tenant.

d. Each occupant within the district is allowed permanent window signage with a maximum size of fifty percent (50%) of the panes of glass of space which the tenant occupies. Allowable window signage will include signs or graphics which are painted, attached to, in proximity or within three (3) feet of the window area or part of a signage which is part of a window area. The area of window signage shall be measured as the area of the smallest possible rectangle encompassing all sign elements including letters and graphics. Window signs shall be included in the calculation of the total amount of building signage permitted.

e. In addition to other wall, projecting and window signage, each occupant serving food and beverages is entitled to display one (1) menu of a maximum size of four hundred (400) square inches which shall not be included in the calculation for total allowable window signage. A minimum seventy-five percent (75%) of menu sign shall be used for displaying menu items. To be eligible for a menu sign, tenants must derive at least fifty percent (50%) of its gross revenue from the sale of food.

f. Awning and canopy signs are permitted, the size of which shall be calculated by its actual area and shall be included in the calculation for total allowable building signage.

3. *Freestanding and outdoor signs.*

a. *Freestanding signs.* One (1) freestanding monument sign not to exceed three-fourths (0.75) square feet per lineal foot of frontage of the building for the first fifty (50) lineal feet and one-half (0.50) square feet per lineal foot of frontage of the building for footage in excess of fifty (50) lineal feet is permitted for each shop, office center or combination thereof. Where there are two (2) or more frontages, the average of frontages shall be computed to determine the signage allotment under this formula. The maximum height of a freestanding sign shall be six (6) feet.

b. *A-frame or sandwich board signs.* Each occupant is entitled to one (1) A-frame or sandwich board sign with a maximum size of thirty (30) inches wide and forty-eight (48) inches in height per side. A-frame or sandwich board signs shall be located no less than twenty-five (25) feet apart from each other and may be displayed only during hours of operation. A-frame or sandwich board signs shall be excluded from the total allowable building signage based on frontage.

4. *Temporary signs.*

a. *Miscellaneous attention-getting devices--banners.* Banners may be used by permit only. A maximum of one (1) banner of no more than thirty-two (32)

square feet shall be permitted per property of less than twenty thousand (20,000) square feet of retail or office space. Those businesses, companies or institutions which occupy more than twenty thousand (20,000) square feet of office or commercial space may have one (1) banner of not more than ninety-six (96) square feet. Permits for banners shall be valid for a maximum of thirty (30) days. Each occupant shall be issued no more than four (4) banner permits per calendar year. At the discretion of the Director of Community Development, banners announcing awards, honors, anniversaries, grand openings or other milestones may be displayed for more than thirty (30) days, but no more than ninety (90) days.

b. *"Open" and "closed" signs.* Open and closed signs shall not exceed one (1) square foot in size and shall be displayed at or near the entrance. Open and closed signs meeting this requirement do not require approval by the HLPARB.

c. *Real estate and builder signs.* One (1) real estate, builder or "for sale" sign will be permitted in the front and rear of each building with a maximum size of sixteen (16) square feet per sign. Signs may only be displayed for as long as the property is for lease, sale or under construction. Real estate, builder and "for sale" signs do not require approval from the HLPARB so long as these requirements are met.

d. *Signs on vehicles.* Signs attached to, painted on or placed on a vehicle or trailer parked in the Frenchtown Historic District shall be prohibited. This provision is not intended to be construed as prohibiting identification of a firm or its principal products on vehicles operating during the normal course of business or as prohibiting the parking of vehicles.

5. *Illumination of signs.* Internal illumination of signs is prohibited. Only a steady, concealed source of light shall be permitted for signs within the district.
6. Any retail, restaurant or beverage business may display one (1) neon sign of not more than six (6) square feet in a first (1st) floor window, provided the sign advertises food, beverage, products or services provided on premise. Neon signs are further prohibited for use as open signs or to advertise hours of operation.
7. *Sign design.* Signs shall utilize colors from the approved paint color chart adopted by the HLPARB or shall use colors with proven historical relevance that may be approved by the HLPARB.
8. *Sign materials.* Painted wood and metal are appropriate sign materials. Plastic should only be used in limited amounts or when disguised to look otherwise.
9. *Letter size and letter styles.* Size and style should be compatible with the building.
10. *Hanging devices.* Projecting signs should be attached by use of period appropriate devices. Modern-looking chains, hooks and other visible devices should be avoided. A sign shall be installed in a workmanlike manner and hide from view such fixtures as guy wires, braces, angle irons, cables, nuts and bolts, brackets, mounting plates, conductors, transformers, conduits, raceways and similar fixtures.

D. *"EHP" Extended Historic Preservation District.*

1. *General regulations.*

a. No sign or graphic may be displayed on a building constructed before 1960

without first obtaining a Certificate of Appropriateness from the HLPARB.

b. No sign or graphic shall be permitted in the district unless the sign relates to or advertises a business within the district.
c. Signs shall be compatible with the architecture of the building on which the sign will be located.
d. In reviewing applications for a Certificate of Appropriateness, criteria provided in Divisions 1--8 of this Article shall be used.

E. *"LMPD" Landmarks Preservation District.*

1. *General regulations.*
   a. No sign or graphic may be displayed without first obtaining a Certificate of Appropriateness from the HLPARB.
   b. No sign or graphic shall be permitted in the district unless the sign relates to or advertises a business within the district.
   c. Signs shall be compatible with the architecture of the building on which the sign will be located.
   d. In reviewing applications for a Certificate of Appropriateness for building frontages located along Boone's Lick Road and building frontages north of the 1100 Block of South Main Street, the criteria provided in Section 400.1830(A) shall be used.
   e. In reviewing applications for a Certificate of Appropriateness for building frontages not located along Boone's Lick Road and building frontages south of the 1000 Block of South Main Street, the criteria provided in Divisions 1--6 and 8 of this Article shall be used. (R.O. 2009 §156.765; Ord. No. 02-172, 7-10-02; Ord. No. 02-276, 11-22-02; Ord. No. 10-142 §22, 7-8-10; Ord. No. 10-244 §1, 11-18-10; Ord. No. 11-100 §1, 5-20-11)

Division 8. Sign Permits, Fees And Procedures

SECTION 400.1840: PERMITS AND FEES

A. A sign permit shall be required in order to erect, install, relocate, modify or change any sign within the City unless otherwise noted. *"Modify",* as it is used herein, shall mean any change in or to an existing sign, its face, copy, colors or supporting structures.
B. Failure to conform to the conditions of a sign permit, including any conditions or stipulation attached thereto by the Department of Community Development, HLPARB or any applicable board, shall render such permit void.
C. Fees for sign permits shall be required and payable in such sums as the City Council may from time to time establish by resolution.
D. Sign permits include electrical work. All electrical work must comply with the Electrical Code. (R.O. 2009 §156.770; Ord. No. 02-172, 7-10-02; Ord. No. 10-142 §23, 7-8-10; Ord. No. 10-244 §1, 11-18-10)

SECTION 400.1850: PERMIT PROCEDURES

All applications for sign permits shall be made in writing on a form supplied by the City. Said application shall be submitted in accordance with the following:

1. Three (3) sets of drawings, prepared to scale, of the proposed signage shall be

submitted to the Community Development Department which shall include all of the following information:

a. The address of the site for the proposed signage, applicant's name, name of business, business address, business telephone number and contractor information;
b. The configuration of the proposed signage listing the height, width, total square footage, method of attachment, method of illumination, including details of the fixture and screening, and colors and materials;
c. A site plan showing the proposed locations of signage;
d. Building elevations showing proposed location of signage; and
e. A detailed plan showing the size, quantity and type of landscaping for freestanding signs.

2. *General requirements.*
   a. Every sign shall be designed as an integral architectural element of the building and site to which it relates; and
   b. The colors, materials and lighting of every sign shall be harmonious with the building and site to which it relates.
3. *Time limits on approval.* The start of construction of any and all signs requiring approval of a sign permit shall occur within one hundred eighty (180) days of their approval by City staff, the HLPARB or City Council and shall be placed and functioning within two hundred forty (240) days of said approval. Failure to place the sign(s) within this period shall automatically constitute a revocation of the permit. (R.O. 2009 §156.772; Ord. No. 02-172, 7-10-02; Ord. No. 02-276, 11-22-02; Ord. No. 05-236, 9-16-05; Ord. No. 10-142 §24, 7-8-10; Ord. No. 10-244 §1, 11-18-10)

SECTION 400.1860: ADMINISTRATION

A. *Enforcement.* The Department of Community Development is hereby authorized and directed to enforce all of the provisions of this Article and perform the functions outlined for City staff within this Article. Upon presentation of proper credentials, the City may enter at reasonable times any building, structure or premises in the City to perform any duty imposed upon him/her by this Article.
B. *Violations.* Any person violating any of the provisions of this Article shall be deemed guilty of a misdemeanor. The owner of any sign, building or premises or part thereof, where anything in violation of this Article shall be placed or shall exist, and any person who may have knowingly assisted in the commission of any such violation shall be guilty of a separate offense. (R.O. 2009 §156.774; Ord. No. 02-172, 7-10-02; Ord. No. 10-142 §25, 7-8-10; Ord. No. 10-244 §1, 11-18-10)

ARTICLE XVII. CLOTHING DROP BOXES

SECTION 400.1870: CLOTHING DROP BOXES

Clothing drop boxes shall only be permitted in accordance with the requirements and

conditions of this Section.

1. Only exempt organizations pursuant to 26 USC Section 501 may place upon its property or sponsor a clothing drop box.
2. A clothing drop box shall not exceed six (6) feet in height, four (4) feet in width and four (4) feet in depth.
3. Clothing drop boxes shall be constructed of metal or wood and shall be secured at all times except when being emptied by its owner or sponsor.
4. Clothing drop boxes shall be located a minimum of twenty (20) feet from any driveway curb cut and outside any sight distance triangle as described in Section 400.540. A clothing drop box shall not be located within any required street frontage buffer or landscape buffer, front, side or rear yard setback or in front of the front building line. A clothing drop box shall not encroach on any minimum required parking spaces.
5. No more than one (1) clothing drop boxes shall be permitted on site at any time.
6. Clothing drop boxes shall be emptied at least two (2) times per week or as often as necessary to prevent the contents from overflowing the box.
7. Any sign or label affixed to a clothing drop box shall pertain only to the box or the sponsoring organization. The name, address and telephone number of the owner shall be affixed to the box to enable the ownership of the box to be readily ascertained.
8. No clothing drop box shall be permitted in the South Main Preservation District, the Landmarks Preservation District, the Historic Downtown District, the Frenchtown Neighborhood District and the Commons Neighborhood District.
9. *Site plan review.* Any organization desiring to place or sponsor a clothing drop box shall submit to the Community Development Department:
   a. A site plan which adequately and accurately describes the location of the box which may consist of a "red-lined" portion of a previously approved site plan or plat, and
   b. A letter from the person who owns or has the right to possession of the property authorizing the use of the site as the location of a box.
10. Clothing drop boxes owned or operated by a for profit entity shall obtain and pay a business license fee pursuant to Chapter 605. (R.O. 2009 §156.820; Ord. No. 07-212, 8-22-07; Ord. No. 09-137, 7-23-09)

ARTICLE XVIII. VIOLATIONS AND PENALTIES

SECTION 400.1880: VIOLATIONS

A. In case any structure is erected, constructed, reconstructed, altered, repaired or converted in violation of this Chapter, the Department of Community Development is authorized and directed to institute any appropriate action to put an end to such violation.
B. In case any building, structure or land is used in violation of this Chapter, the Department of Community Development is authorized and directed to institute any appropriate action to put an end to such violation.
C. The Director of Community Development or his/her designee shall have the power to

issue a summons for any violation of this Chapter.

D. Any person or corporation who shall violate any of the provisions of this Chapter or fail to comply herewith or with any of the requirements hereof or who shall build or alter any structure in violation of any detailed statement or plan submitted and approved hereunder shall be subject to the penalty set forth in Section 400.1890. The owner of any building or premises or part thereof, where anything in violation of this Chapter shall exist or shall be placed, and any engineer, architect, planner, builder, contractor, agent, person or corporation employed in connection therewith who has willfully assisted in the commission of any such violation shall be guilty of a separate offense and, upon conviction thereof, shall be penalized as provided in Section 400.1890. (R.O. 2009 §156.998; CC 1981 §30-272 Ord. No. 77-31, 7-5-77; Ord. No. 98-209, 5-15-98; Ord. No. 10-244 §1, 11-18-10)

Cross Reference--As to penalty, §400.1890.

SECTION 400.1890: PENALTY

The owner or general agent of a building or premises where a violation of any provision of said regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee, or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation, or who maintains any building or premises in which any such violation shall exist shall be guilty of an ordinance violation punishable by a fine of not less than ten dollars ($10.00) and not more than two hundred fifty dollars ($250.00) for each and every day that such violation continues, 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. Notwithstanding the provisions of Section 82.300, RSMo., for the second (2nd) and subsequent offenses involving the same violation at the same building or premises, the punishment shall be a fine of not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00) for each and every day that such violation shall continue, or by imprisonment for ten (10) days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court.

CHAPTER 405: SUBDIVISION REGULATIONS

ARTICLE I. GENERAL PROVISIONS

SECTION 405.010: SHORT TITLE

This Chapter shall be known and may be cited as the "Subdivision Ordinance of the City of St. Charles, Missouri". (R.O. 2009 §154.001; CC 1981 §25-1; Ord. No. 3775, 8-7-70)

SECTION 405.020: INTERPRETATION AND PURPOSE
In their interpretation and application, the provisions of this Chapter shall be held to the minimum requirements adopted for the protection of the public health, safety and welfare. To protect the public, among other purposes, such provisions are intended to provide for permanently wholesome community environment, adequate municipal services and safe streets. (R.O. 2009 §154.002; CC 1981 §25-2; Ord. No. 3775, 8-7-70)

SECTION 405.030: SCOPE
The provisions of this Chapter shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this Chapter, unless such lot or lots shall be resubdivided after the effective date of this Chapter. Where this Chapter imposes a greater restriction upon land than is imposed or required by existing provisions of law, ordinance, contract or deed, the provisions of this Chapter shall control. (R.O. 2009 §154.003; CC 1981 §25-3; Ord. No. 3775, 8-7-70 ; Ord. No. 75-68, 11-19-75; Ord. No. 90-6, 1-3-90)

SECTION 405.040: APPROVING AUTHORITY
In accordance with Chapter 89, RSMo., and supplements thereto, a majority of all members elected to the Council shall be the Approving Authority. The provisions of this Chapter shall be administered by the City Engineer. (R.O. 2009 §154.004; CC 1981 §25-4; Ord. No. 3775, 8-7-70)

SECTION 405.050: DEFINITIONS
For the purposes of this Chapter, the following terms, phrases, words and their derivation shall have the meaning given herein. When not consistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word *"shall"* is always mandatory and not merely directory.
CITY MAP: The map established by the Council showing the streets, highways and parks theretofore laid out, adopted and established by law and any amendments thereto adopted by the Council or additions thereto resulting from the approval of subdivision plats by the Council and the subsequent filing of such approved plats.
CITY ZONING MAP: A Comprehensive Plan prepared by the Planning and Zoning Commission which indicates the locations for the various functional classes of public works, places and structures and for the general physical development of the City and includes any amendment to such plan or parts thereof.
DEVELOPMENT: Any subdivision of land as herein defined or any material change in the use or appearance of any parcel of land or the act of building structures or installing site improvements.
FINAL PLAT: The final map, drawing or chart on which the subdivider's plan or subdivision is presented to the City Council for approval and which, if approved, will be submitted to the office of the County Recorder of Deeds for recording.
LOT: A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record of survey map or by

metes and bounds for the purpose of sale or lease to, or separate use of, another.
OWNER: Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Chapter.
PRELIMINARY PLAT: The preliminary map, drawing or chart indicating the proposed layout and improvements of the subdivision.
STREETS AND ALLEYS: Street is a strip of land including the entire right-of-way, intended primarily as a means of vehicular and pedestrian travel which may also be used to provide space for sewers, public utilities and sidewalks.

1. *ALLEY:* A minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.
2. *ARTERIAL STREET:* A fast or heavy traffic street of considerable continuity and used primarily as a traffic artery for intercommunication among large areas.
3. *COLLECTOR STREET:* A street which carries traffic from minor streets to arterial streets including the principal entrance streets of residential development and streets for circulation within such a development.
4. *CUL-DE-SAC OR DEAD-END STREET:* A minor street with only one (1) outlet.
5. *MARGINAL ACCESS STREET:* A minor street which is parallel and adjacent to arterial streets and which provides access to abutting properties and protection from through traffic.
6. *RESIDENTIAL STREET:* A minor street primarily used for access to the abutting properties.

SUBDIVIDER: Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under this Chapter to effect a subdivision of land hereunder for itself or for another.
SUBDIVISION: The division of a parcel of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development or, if a new street is involved, any division of a parcel of land. A division of land which may be ordered or approved by a court or effected by testamentary or intestate provisions shall not be deemed a subdivision. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.
ZONING COMMISSION OR COMMISSION: The Planning and Zoning Commission of the City. (R.O. 2009 §154.005; CC 1981 §25-5; Ord. No. 3775, 8-7-70; Ord. No. 90-6, 1-3-90; Ord. No. 09-179, 10-2-09)

SECTION 405.060: COMPLIANCE

No person shall subdivide any tract of land which is located within the City except in conformity with the provisions of this Chapter. (R.O. 2009 §154.006; CC 1981 §25-6; Ord. No. 3775, 8-7-70)

Cross Reference--As to penalty, §405.320.

SECTION 405.070: REQUIREMENTS FOR COMPLIANCE

A. *Recording Of Plat.* No plat of any subdivision shall be entitled to record in the office of the Recorder of Deeds or have any validity until it shall have been approved in the

manner prescribed herein. In the event any such unapproved plat is recorded, it shall be considered invalid and the City Council shall institute proceedings to have the plat stricken from the records of the County.

B. *Sale Of Land In Subdivision.* No owner of any land located within a subdivision shall transfer, sell, agree to sell or negotiate to sell any land by reference to, exhibition of or by the use of a plan or plat of a subdivision before such plan or plat has been approved and recorded in the manner prescribed therein. The description of such lot or parcel by metes and bounds in the instruments of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of this Chapter.

C. *Permits.*
   1. The Building Commissioner shall not issue building permits for any structure on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed herein.
   2. The Building Commissioner shall not issue a permit for the installation of wells and septic tanks upon any lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed herein. (R.O. 2009 §154.007; CC 1981 §25-7; Ord. No. 3775, 8-7-70; Ord. No. 96-149, 5-22-96)

Cross Reference--As to penalty, §405.320.

SECTION 405.080: ENFORCEMENT

It shall be the duty of the City Engineer or any assistant or inspector working under his/her direction to enforce the provisions of this Chapter. The City Engineer is hereby authorized and directed to institute any appropriate accommodation or proceedings to prevent violations of this Chapter. (R.O. 2009 §154.008; CC 1981 §25-93; Ord. No. 3775, 8-7-70; Ord. No. 73-38, 6-20-73)

ARTICLE II. PROCEDURES FOR APPROVAL OF PLATS

SECTION 405.090: PRE-APPLICATION PROCEDURES

A. Previous to the filing of an application for approval of the preliminary plat, the subdivider shall submit to the City Engineer plans and data as specified in Sections 405.270 through 405.290. This step does not require formal application, fee or filing of the plat with the City Council.

B. Within fifteen (15) days the City Engineer shall inform the subdivider that the plans and data as submitted and modified do or do not meet the objectives of these regulations. When the City Engineer finds the plans and data do not meet the objectives of these regulations, he/she shall express his/her reasons therefor. (R.O. 2009 §154.020; CC 1981 §25-19; Ord. No. 3775, 8-7-70)

SECTION 405.100: APPROVAL OF PRELIMINARY PLAT

A. *Preparation.* On reaching conclusions informally recommended in Section 405.090

above regarding his/her general program and objectives, the subdivider shall cause to be prepared a preliminary plat together with improvement plans and other supplementary material as required in Sections 405.270 through 405.290 of this Chapter.

B. *Filing--Fees.* Twenty (20) preliminary plats and one (1) copy of a vicinity sketch of any proposed subdivision shall be filed with the City Clerk for the Council, at least ten (10) days prior to a regularly scheduled Council meeting at which consideration is requested. The subdivider shall pay the following filing fee for filing a preliminary subdivision plat:

1. Single-family $25.00 plus $2.00 per lot
2. Multi-family $50.00 plus $1.00 per unit
3. Commercial $50.00 plus $2.00 per acre

C. *Approval.*

1. *Official recommendations.* The City Clerk shall, forthwith after the filing of the preliminary plat, transmit copies of the plat for their study and recommendations to the:
   a. City Engineer;
   b. City Clerk;
   c. Building Commissioner;
   d. Park Board;
   e. Fire Chief;
   f. Local postmaster;
   g. Each City-owned utility; or
   h. Such other official, body, company or agency as may be directed by the Council.
2. *Referral.* The preliminary plat shall be referred by the Council to the Zoning Commission for their study and written recommendation.
3. *Notice of action taken.* The Council shall, within thirty (30) days after receiving the written recommendation of the Zoning Commission, determine whether the preliminary plat shall be approved, with modifications or disapproved and shall give notice to the subdivider in the following manner:
   a. Approval of such preliminary plat shall be transmitted in writing to the subdivider.
   b. If approved with modifications or disapproved, the City Clerk shall attach to two (2) copies of the plat a statement of the reasons for such action and return one (1) to the subdivider.
   c. In any case, a notation of the action taken and requisite reasons therefor shall be entered in the records of the Council.
4. *Effect of approval.* Approval of the preliminary plat by the Council shall not constitute final acceptance of the subdivision by the Council.
5. *Right of subdivider after approval.* Preliminary approval shall confer upon the subdivider the right for a two (2) year period from the date of approval, that the terms and conditions under which the preliminary approval was granted shall not be changed and that the final plat will be accepted. The final plat shall be filed not later than two (2) years after the date of approval of the preliminary plat, otherwise it will be considered void unless an extension is requested in writing by the subdivider and good cause granted by Council. (R.O. 2009 §154.021; CC 1981 §25-20; Ord. No. 3775, 8-7-70; Ord. No. 87-109, 5-20-87)

Cross Reference--As to penalty, §405.320.

SECTION 405.110: DISPLAY HOUSE PLAT

A. The purpose of this Section is to provide a procedure whereby the construction of a display house can begin prior to the recording of the final subdivision plat. A *"display house"* is a single-family house constructed for the purpose of marketing or promoting the sale of houses or lots in a subdivision.

B. After approval of a preliminary plat of a proposed subdivision by the City Council, a display house plat may be filed for review and approval by the Director of Community Development. A display house plat shall not be filed later than one (1) year after approval of the preliminary plat.

C. The display house plat shall contain no more than one (1) display house for every ten (10) houses proposed, not to exceed ten (10) display houses for the entire preliminary plat. The display house plat shall be superimposed upon the preliminary plat and shall show the location of each display house in relation to proposed lots and streets. A complete outboundary survey of the display house plat shall be shown on the display house plat. The script of the display house plat shall contain terms and conditions as required by the Director of Community Development including, but not limited to, the following provisions set forth in Subsection (D).

D. The display house plat shall conform to the preliminary plat, this Chapter, Chapter 400 Zoning Code and any other applicable ordinance of the City and Statutes.

E. Application for a display house plat shall be filed on forms provided by the Director. The Director may require submission of additional information, material and documents necessary to determine compliance with these regulations. The Director shall review the application and may submit it for review and comment to other agencies and departments as the Director deems necessary. The Director shall, in writing, either approve, with or without conditions or disapprove the application. If approved and after all conditions are met, the Director shall sign and furnish a certificate of approval to the applicant and shall record a copy with the Recorder of Deeds. In the event the Director does not approve the request, he/she shall so inform the applicant in writing. The applicant may appeal the decision to the Mayor within ten (10) days after the disapproval is sent to the applicant. If the Mayor disapproves the application, the applicant may appeal to the City Council within ten (10) days after the disapproval.

F. No building permit shall be issued for a display house until the display house plat has been approved by the Director of Community Development. Prior to the issuance of the building permit for a display house, the improvements required by Sections 405.230 through 405.250 which are needed for service to the display house shall be constructed. In lieu of the completion of the improvements, a bond executed by a surety company, based on an estimate by the City Engineer, shall be furnished by the subdivider in an amount equal to a percent of the cost of construction of the improvements, using the same percentage as required in Section 405.220. The surety will be subject to the condition that the improvements will be completed within twelve (12) months after approval of the display house plat. The bond shall also cover the same percentage of the cost to remove or demolish the display houses in accordance with Subsection (K) below. As alternatives to the surety bond, the subdivider may deposit a cashier's check with, and payable to, the City Treasurer or may deposit the amounts required above in an escrow account, the terms of which must be approved by the City. Deposited amounts shall be refunded to the subdivider at the time the final plat is approved, unless the subdivider is at that time in

violation of the time limits imposed by this Subsection or Subsection (K) below.

G. The Director of Community Development's approval shall expire and the building permits shall be null and void for all display houses upon which construction has not begun within ninety (90) days after the approval of the display house plat.

H. Neither the display houses nor any part of the proposed subdivision may be sold or otherwise conveyed until each display house is on an approved lot of record. Occupancy permits shall not be issued for display houses until each display house is on an approved lot of record. An *"approved lot of record"* is a lot shown on a final plat which has been approved and recorded as required by this Chapter.

I. Nothing contained in this Section shall prohibit the sale or conveyance, as a whole unit, of the entire tract of land described in the preliminary plat, if otherwise permitted under this Code of Ordinances and any other applicable ordinance of the City.

J. The display house plat shall become null and void:
   1. If no construction has commenced upon any of the display houses within ninety (90) days after the approval of the display house plat;
   2. When a final plat is recorded which establishes that each display house is on an approved lot of record; or
   3. When the preliminary plat expires.

K. If a display house is not located upon a lot of record when the display house plat becomes null and void, then the display house shall be removed or demolished by the owner within sixty (60) days. (R.O. 2009 §154.022; CC 1981 §25-20; Ord. No. 87-123, 6-11-87; Ord. No. 07-162, 6-11-07)

Cross Reference--As to penalty, §405.320.

SECTION 405.120: APPROVAL OF FINAL PLAT

A. *Scope.* The final plat shall have incorporated all changes or modifications required by the Council, otherwise it shall conform to the preliminary plat and if desired by the subdivider it may constitute only that portion of the approved preliminary plat which the subdivider proposed to record and develop at that time; provided that such portion conforms with all the requirements of this Chapter.

B. *Filing Of Final Plat.* After receiving notice of the action of the Council approving the preliminary plat, the subdivider shall file with the City Clerk for the Council twenty (20) copies of the final plat and four (4) complete sets of the exhibits as required in Sections 405.270 through 405.290 at least ten (10) working days prior to the meeting at which it is to be considered.

C. *Approval.*
   1. *Official recommendations.*
      a. *Submitted to City Engineer.* Four (4) complete sets of cross sections, profiles, topographical maps and detailed construction drawings shall be submitted to the City Engineer by the City Clerk for his/her study and recommendation. The City Engineer shall submit a written report to the Council of his/her study and recommendations prior to consideration of approval of the final plat.
      b. *Transmitted to other officials.* The City Clerk shall, within seven (7) days after the filing of the final plat, transmit copies of the plat for their records, study and recommendation to the:
      (1) Zoning Commission;

(2) City Engineer;
(3) City Clerk;
(4) Building Commissioner;
(5) Park Board;
(6) Fire Chief;
(7) Local postmaster;
(8) Each City-owned utility; or
(9) Such other official, body, company or agency as may be directed by the Council.

c. *Final tracing.* After receiving a written report, if any, from each City Official or agency of the City in Subsection (C)(1)(b) above, the Council shall notify the subdivider of any required changes so that the subdivider may correct the final tracing and submit same for final approval. The final plat, in the form of final tracing, shall then be resubmitted at least ten (10) working days prior to the meeting at which the plat is to be considered by the Council.

d. *Notice of action taken.* The Council shall act on the final plat within thirty (30) days after filing, unless such time is extended by the Council. The Council shall determine whether the final plat shall be approved or disapproved and shall give notice to the subdivider in the following manner:
(1) If approved, the plat shall have endorsed upon it the approval of the City Council under the hand of the City Clerk and the official Seal of the City.
(2) If disapproved, the City Clerk shall attach to the plat a statement of the reasons for such action as recorded in the minutes of the Council and return it to the subdivider.
(3) In any case, a notation of the action taken and the requisite reasons therefor shall be entered in the records of the Council.

e. *Recording.* The City Clerk shall cause the final plat to be filed in the office of the Recorder of Deeds and the subdivider shall pay the recording fees.

f. Prior to recording of the approved final plat, a digital media copy of any record plat prepared using computer assistance shall be submitted in a computer readable format approved by the City Engineer to the Public Works Department. In addition, the subdivider, at its expense, shall, immediately upon recording, furnish the City Clerk with one (1) black or blue line print of the final plat. (R.O. 2009 §154.023; CC 1981 §25-24; Ord. No. 3775, 8-7-70; Ord. No. 00-38, 2-4-00)

SECTION 405.130: ADJUSTMENT OF PLATS

A. *Revisions Of Plat After Approval.* Except as permitted in this Section, no changes, erasures, modifications or revisions shall be made in any plat of a subdivision after approval has been given by the Council and endorsed in writing on the plat, unless the plat is first resubmitted to the Council.

B. *Easements And Mathematical Corrections.* The Director of Public Works shall have the authority to grant adjustments in location of easements and to make mathematical corrections.

C. *Boundary Adjustments And Other Revisions.*

1. *Purpose.* The purpose of this Subsection is to allow adjustments to be made to lot

lines of platted lots or other lawful parcels for the purpose of adjusting the sizes of building sites; however, it is not intended that extensive replatting be accomplished by use of this Subsection.

2. *Criteria.* Boundary adjustments must meet the following criteria:
   a. No additional lot shall be created by any boundary adjustment.
   b. A boundary adjustment plat shall contain no more than two (2) commercial or industrially zoned lots or three (3) residentially zoned lots.
   c. Existing zoning shall not be affected by this procedure.
3. *Procedure.*
   a. A boundary adjustment shall be accomplished by a plat depicting the boundaries of the original lots and of the adjusted lots.
   b. The boundary adjustment plat shall be filed with the Director of Community Development and the City Engineer for their review. If found to be in compliance with this and any other applicable Sections, the boundary adjustment plat shall have endorsed upon it the approval of the Director of Community Development and the City Engineer and shall be certified by the City Clerk with the official Seal of the City. The boundary adjustment plat shall then be forwarded to the office of the City Clerk for recording.
   c. The City Clerk shall cause the boundary adjustment plat to be recorded in the office of the St. Charles County Recorder of Deeds and the property owner shall pay any recording fees. A copy of the recorded boundary adjustment plat shall be returned to the Director of Community Development. (R.O. 2009 §154.024; Ord. No. 96-149, 5-22-96)

ARTICLE III. DESIGN AND DEVELOPMENT STANDARDS

SECTION 405.140: CONFORMITY WITH CITY ZONING MAP AND CITY MAP

The proposed subdivision shall conform to the City Zoning Map and City map. (R.O. 2009 §154.035; CC 1981 §25-33; Ord. No. 3775, 8-7-70)

Cross Reference--As to zoning map, §§400.080--400.090.

SECTION 405.150: STREETS

A. The arrangements, character, extent, width, grade and location of all streets shall conform to the City map, City Zoning Map and standard specifications of the City and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety and their appropriate relation to the proposed uses of the land to be served by such streets. Where not shown on the City map or City Zoning Map, the arrangement and other design standards of streets shall conform to the provisions found herein.

B. Streets shall be related appropriately to the topography so as to produce usable lots and streets of reasonable gradient as required herein. Street grades shall conform as closely as possible to the original topography. Combinations of steep grades and curves shall be avoided.

C. The proposed street layout shall be appropriate for the type of development proposed and properly integrated with the street system in the area adjoining the subdivision. The layout shall also conform to the existing and proposed land uses and the most advantageous development pattern for the surrounding area.
D. Major traffic generators such as industries, business districts, schools, shopping centers with a density in excess of eighteen (18) units per gross acre shall obtain primary access from streets classified as collectors or arterials.
E. Residential streets shall be laid out to discourage the use of through traffic, to permit efficient drainage and utility systems and to require the minimum length of pavement necessary to provide convenient and safe access to property. Curvilinear streets, cul-de-sacs and loop streets shall be encouraged.
F. Proposed through streets shall be extended to the boundary lines of the tract to be subdivided, unless the Planning and Zoning Commission has determined that such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
G. Proposed streets shall be developed according to the Comprehensive Plan as adopted by the City.
H. *Hardship To Owners Of Adjoining Property Avoided.* The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.
I. In general, provisions should be made for through streets at intervals not exceeding one thousand five hundred (1,500) feet.
J. Private streets shall not be approved nor shall public improvements be approved for any private street.
K. Half-width streets shall be prohibited.
L. Every subdivision shall be served by an adequate system of publicly dedicated streets as specified herein. All public streets within the subdivision shall be located, platted and dedicated to the City in accordance with the standards defined in this Chapter.

Right-of-Way Specifications--Residential

Street Type	Arterials	Collectors	Minor Street	Minor Cul-de-sac
Minimum right-of-way	80€	56€	50€	50€
Maximum grade at centerline	6%	8%	8%	8%
Minimum grade at centerline	1%	1%	1%	1%
Minimum street width (back of curb to back of curb)	50€	36€	26€ or 32€	26€
Minimum site distance at crest of curve	300€	200€	150€	150€
Minimum horizontal radius of centerline	600€	300€	100€	50€
Minimum horizontal tangent distance between reverse curves	200€	100€		
Sidewalks	Both sides	Both sides	Both sides	Both sides except the circular position

**At direction of the Director of Public Works, the right-of-way width requirement may be reduced if the allowable minimum street width is less than thirty-two (32) feet.

M. Grade of up to ten percent (10%) may be allowed for collector, minor streets and cul-de-

sacs at the discretion of the Director of Public Works where conformance with the eight percent (8%) requirement would result in extensive cut and fill of the natural terrain or excavation into rock.

N. Minor streets shall be at least twenty-six (26) feet wide, but the Planning and Zoning Commission may require a minor street to be thirty-two (32) feet wide if it finds that it is in the best interest of the City for safety and traffic control purposes. Parking shall be allowed only on one (1) side of a minor street.

O. If a minor street or minor cul-de-sac is to be constructed as a twenty-six (26) foot wide pavement with parking on one (1) side, it is the responsibility of the developer to indicate on the preliminary plat and on the final plat the side of the street to be designated as no parking. The developer shall install no parking signs in accordance with City signage standards within twenty (20) days after the completion of the street or portion thereof in accordance with the ordinance approving the final plat. The developer shall maintain the no parking signs until the street has been accepted by the City.

P. Cul-de-sacs shall have a maximum length of six hundred fifty (650) feet, except where a loop water system is provided for maintaining water pressure for fire protection acceptable to the Fire Chief, a cul-de-sac of eight hundred fifty (850) feet may be provided.

Q. Cul-de-sac turnarounds shall be provided at the end of all permanent dead-end streets. Cul-de-sac turnarounds shall have a right-of-way of one hundred (100) feet and a pavement width diameter of eighty-four (84) feet. At the option of the subdivider a circular island may be provided in the cul-de-sac, provided the pavement has a minimum width of twenty-six (26) feet from back of curb to back of curb and on-street parking shall be prohibited in the area of the island.

R. In the case of temporary dead-end streets, which are stub streets and designed to provide future connections with unsubdivided adjacent areas, the Planning and Zoning Commission shall require a temporary easement for a turnaround of the type discussed in Subsection (Q) of this Section.

S. Non-perpendicular streets shall have a perpendicular approach at intersections of at least one hundred (100) feet. No more than two (2) streets shall intersect at any one (1) point.

T. Where collector or arterial streets intersect other collectors or arterial streets, the curb radius at the intersection shall not be less than forty (40) feet.

U. Minor street intersections shall have a curb radius of not less than thirty-two (32) feet.

V. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided. Proposed new intersections with an existing street shall, whenever appropriate and practicable, coincide with any existing "T" intersection on the opposite side of the street.

W. Intersections shall be designed with grades as level as possible, consistent with proper provisions for drainage. Approaches to intersections shall have a grade not exceeding four percent (4%) for a distance of not less than twenty (20) feet measured from the nearest curb or gutter of the intersecting street.

X. Additional street paving in the form of turning lanes and/or right-of-way may be required at intersections of collectors and arterials with other collectors or arterials.

Y. Property line corners at street intersections shall be rounded with a radius of at least twenty (20) feet.

Z. Developers are required to incorporate traffic calming measures such as raised

intersections, neighborhood traffic circles, chicanes, neckdowns, center island narrowings and chokers as identified in the informational report entitled "Traffic Calming State of the Practice" by the Institute of Transportation Engineers (ITE) or as directed by the Director of Public Works.

1. Design speed for residential streets shall be twenty (20) miles per hour.
2. Traffic calming measures or intersections shall be spaced a minimum of four hundred (400) feet apart.
3. Local streets should be discontinuous and generally should be interrupted with jogs and offsets. Four-way intersections shall be avoided.
4. Local streets should not exceed six hundred (600) to nine hundred (900) feet in length. They may, however, extend to one-fourth (¼) mile if the street is curved (one hundred (100) to two hundred (200) feet radius) for an adequate length (minimum curve length equals the curve radius) and the cut-through traffic potential is minimal. (R.O. 2009 §154.036; CC 1981 §25-34; Ord. No. 85-172, 10-8-85; Ord. No. 87-242, 12-9-87; Ord. No. 01-292, 12-21-01)

Cross References--As to penalty, §405.320; as to construction and repair of streets, §§505.200 et seq.; as to grades, §§505.500 et seq.

SECTION 405.160: RIGHTS-OF-WAY AND PAVEMENT WIDTH FOR COMMERCIAL SUBDIVISION

A. Perimeter streets abutting a proposed commercial subdivision shall be developed in accordance with the master street plan. Where an internalized system of public streets or private service easements is proposed for commercial subdivision, the following design standards shall be observed:

B. Commercial/industrial developments applying for special street adaptation shall provide for minimum twenty-six (26) foot wide pavement, a minimum of twenty-eight (28) foot right-of-way adjacent to a minimum twenty (20) foot easement. Right-of-way and easement shall be dedicated to the City.
C. Developments involving commercial/industrial special street adaptation shall require approval from the Planning and Zoning Commission and City Council approval. This classification is different from the commercial street and industrial street classification because commercial/industrial special street adaptation will require a recorded agreement between the developer and City containing notice of all variances, maintenance agreements for maintenance of easements and/or plan concept approval of the entire

development.

D. Minimum right-of-way and pavement width shall be determined by the City Engineer to assure adequacy based on projected function to assure safety and proper traffic circulation, but shall not be less than indicated.

E. Parking shall be prohibited on both sides of streets designated as commercial, industrial and commercial/industrial, except as set forth in subparagraph (1) below.

1. Street parking shall be permitted on the both sides of Wall Street beginning at a point four hundred twenty-five (425) feet north of the northern curb line of Forest Gate Drive northwardly to Plaza Way Drive, except within fifteen (15) feet of any fire hydrant or within three (3) feet of any driveway. (R.O. 2009 §154.037; CC 1981 §25-34.1; Ord. No. 85-172, 10-8-85; Ord. No. 07-188, 6-22-07; Ord. No. 07-214, 8-23-07)

Cross Reference--As to penalty, §405.320.

SECTION 405.170: ALLEYS

A. *Residential Areas.* Public alleys shall not be permitted in residential areas. Private alleys may be established and permitted along the rear of adjoining lots for common use by adjoining landowners for access in multi-family zoned areas but the private alley must be paved to specifications designated by the City Engineer and the instrument creating the private alley must specifically require that the maintenance of the private alley must be provided by adjoining property owners and that instrument must be recorded in the office of the Recorder of Deeds.

B. *Commercial Districts.* Alleys shall be provided in commercial districts except that the Council may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the use proposed.

C. *Width.* The right-of-way of an alley shall be not less than twenty (20) feet.

D. *Dead-End.* Dead-end alleys shall not be permitted; except that the Council may waive this requirement where a dead-end alley is unavoidable and where adequate turnaround facilities have been provided. (R.O. 2009 §154.038; CC 1981 §25-35; Ord. No. 3775, 8-7-70; Ord. No. 85-137, 8-28-85)

Cross Reference--As to penalty, §405.320.

SECTION 405.180: EASEMENTS

A. *Easements Provided For Utilities.* Easements with a right-of-way width of not more than fifteen (15) feet adequate for installation and maintenance of utility facilities shall be provided near the rear lot lines and five (5) feet along certain side lot lines where necessary for utilities.

B. *Easements For Drainage.* Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or a drainage right-of-way conforming substantially with the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose. (R.O. 2009 §154.039; CC 1981 §25-36; Ord. No. 3775, 8-7-70)

SECTION 405.190: BLOCKS

A. *Factors Governing Dimensions.* Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required in the area by Chapter 400 Zoning Code and to provide for convenient access, circulation control and safety of street traffic.
B. *Lengths.* Block lengths shall not exceed one thousand five hundred (1,500) feet or be less than two hundred (200) feet.
C. *Arrangement.* A block shall be so designed as to provide two (2) tiers of lots.
D. *Crosswalks.* In blocks where public facilities may justify crosswalks, pedestrian crosswalks may be required by the Council in locations deemed necessary to public health, convenience and necessity. Such crosswalks shall be six (6) feet wide and be straight from street to street. (R.O. 2009 §154.040; CC 1981 §25-37; Ord. No. 3775, 8-7-70)

Cross Reference--As to penalty, §405.320.

SECTION 405.200: LOTS

A. *Dimensions.* Lot dimensions and area shall not be less than the requirements of Chapter 400 Zoning Code, however, areas used for open storm water drainage easements shall not be included in the calculations of minimum lot dimensions of the area.
B. *Location.* All lots shall abut by their full frontage on a publicly dedicated street or a street that has received the legal status as such.
C. *Lines.* Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.
D. *Corner Lots.* Corner lots for residential use shall have extra width to permit appropriate building setback from orientation to both streets. Lots abutting on a pedestrian walkway shall be required to have a side yard of not less than ten (10) feet.
E. *Uninhabitable Lots.* Lots subject to flooding and lots deemed by the Council to be uninhabitable shall not be platted for residential occupancy nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard, but such land within the plat shall be set aside for such uses and shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.
F. *Lot Remnants.* All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels. (R.O. 2009 §154.041; CC 1981 §25-38; Ord. No. 3775, 8-7-70)

Cross Reference--As to penalty, §405.320.

SECTION 405.210: PUBLIC SITES AND OPEN SPACES

Dedication of public spaces shall be deemed accepted as public property by the City Council upon approval of the final plat unless the City Council objects to the dedication. (R.O. 2009 §154.042; CC 1981 §25-39; Ord. No. 3775, 8-7-70)

ARTICLE IV. REQUIRED IMPROVEMENTS

SECTION 405.220: IMPROVEMENTS INSTALLED AND GUARANTEED

A. *Improvement Guarantee Required.* After the improvement plans have been approved and all inspection fees paid, but before consideration of a final plat of a subdivision, the Council shall be satisfied that all improvements required by Sections 405.230 through 405.250 have been constructed, the developer shall guarantee the completion of improvements required by the approved improvement plans ("required improvements") and guarantee maintenance of such improvements as required herein. Except as provided in Subsection (B), the developer shall either:
   1. Complete the improvements in accordance with the approved improvement plans under the observation and inspection of the Public Works Department or the appropriate public agency and establish a maintenance agreement and provide a deposit to guarantee maintenance of such improvements as required herein; or
   2. Establish a deposit under a deposit agreement with the City guaranteeing the construction, completion and installation ("construction deposit") and a separate deposit amount for maintenance obligations ("maintenance deposit") as required herein and for the improvements shown on the approved improvement plans within the improvement completion period approved by the Director of Public Works, which shall not exceed two (2) years.

B. *Exceptions.* The Director of Public Works may require any specific improvement to be installed prior to approval of the record plat where failure to install such improvement prior to further development could result in damage to the site or surrounding property.

C. *Deposit Options.* Deposits required by this Section shall be in conjunction with a deposit agreement and may be in the form of cash or letter of credit as follows:
   1. Cash deposited with the Finance Department to be held in an interest-bearing account dedicated for that purpose, with all interest accruing to the City to offset administrative and other costs of maintaining the cash deposits.
   2. An irrevocable letter of credit drawn on a local financial institution acceptable to and in a form approved by the City Attorney and the Director of Public Works. The instrument may not be drawn on any financial institution with whom the developer or a related entity has any ownership interest or with whom there is any joint financial connection that creates any actual or potential lack of independence between the institution and the developer. The letter of credit shall provide that the issuing institution will pay on demand to the City such amounts as the City may require to fulfill the obligations herein and may be reduced from time to time by a writing of the Director of Public Works. The letter of credit shall be irrevocable for at least one (1) year and shall state that any balance remaining at the expiration shall automatically be deposited in cash with the Finance Department, unless a new letter of credit is issued and agreed to by the City or the City issues to the institution a written release of the obligations for which the letter of credit was deposited. The developer shall pay a non-refundable fee of two hundred dollars ($200.00) to the City with submission of a letter of credit and one hundred dollars ($100.00) for any amendment or extension thereto to partially reimburse the City's administration and review costs in accepting and maintaining such letter of credit.
   3. Due to the costs of administering deposit guarantees/escrows and the compliance with State law relating thereto, any developer that elects to use a construction

escrow in lieu of completing the improvements, as otherwise provided for in this Chapter and Section 89.410, RSMo., shall deposit an additional fee of five hundred dollars ($500.00) that shall be used by the City to defray costs of administration, legal costs, procedural changes and other costs not otherwise reimbursed to the City resulting from the City's acceptance of such deposit guarantees. The developer shall be obligated to reimburse the City for any additional costs, including, but not limited to, reasonable attorneys fees, above such deposit amount arising in any way from the City's acceptance of a deposit/escrow in lieu of completion of improvements. The developer may request a refund of any principal amounts, if any, of any initial or supplemented deposit above the costs attributable to the development during the period of the escrow by written request made within thirty (30) days after the developer has received a City approval of all categories of improvements subject to such deposit agreement.

D. *Amount Of Deposit.* The amount of the deposit required by this Section shall be calculated as follows:
   1. *Construction deposit.* The deposit required of a developer establishing a deposit agreement pursuant to Subsection (A)(2) shall be, in addition to the separate maintenance deposit sum, in the amount of one hundred ten percent (110%) of the Department of Public Works approved estimate of the cost of the construction, completion and installation of the required improvements. The Director of Public Works shall adopt, to the extent practical, schedules reflecting current cost estimates of typically required improvements.
   2. *Maintenance deposit.* The deposit required of a developer pursuant to Subsection (A)(1) and (A)(2) for maintenance obligations shall be in the amount of ten percent (10%) of the Department of Public Works estimate of the cost of the construction, completion and installation of the required improvements. The maintenance deposit shall be established by cash sum or submission of a separate letter of credit.
   3. Where certain improvements are required to be installed prior to approval of the record plat pursuant to Subsection (B)(2), the gross deposit amount for the construction deposits shall be reduced by the estimated cost of such improvements.

E. *Deposit Agreement--Releases.* The deposit agreement shall be entered into with the City of St. Charles, shall require the developer to agree to fulfill the obligations imposed by this Section and shall have such other terms as the City Attorney may require consistent with this Section. The agreement shall authorize the Director of Public Works to release the cash or reduce the obligation secured under the letter of credit as permitted herein. Such releases or reductions may occur upon completion, inspection and approval by the Director of Public Works of all required improvements within a category of improvements or may occur from time to time, as work on specific improvements is completed, inspected and approved, provided however, that:
   1. *Releases--general.* The Director of Public Works shall release the cash or release the letter of credit as to all or any part of its obligation only after construction, completion and installation of some phase of work on the improvements indicated on the approved improvement plans, receipt of requisite written notification from

the appropriate inspecting public authority and approval by the Public Works Department; and only in the amounts permitted herein.

2. *Extension of completion period.* If, at the end of the improvement completion period, all the improvements shown on the approved improvement plans have not been completed, the developer may request and the Director of Public Works may grant an extension to the improvement completion period for a period of up to two (2) years if after review by the Public Works Department such longer period is deemed necessary to facilitate adequate and coordinated provisions for transportation, water, sewerage, schools, parks, playgrounds or other public improvements, facilities or requirements so long as all guarantees are extended and approved by the City Attorney; provided that the Director of Public Works may require as a condition of the extension execution of a new agreement, recalculation of deposit amounts or satisfaction of new Code of Ordinance requirements or other reasonable conditions as may be needed to ensure that the extended agreement fully complies with the terms of this Section.
3. *Construction deposit releases.* After an inspection of any specific improvements, the Director of Public Works may at the Director's discretion release up to the ninety-five percent (95%) of the original sum deposited for the construction of such specific required improvements. Irrespective of any discretionary prior releases that may be authorized by the Director of Public Works after completion of any component of the guaranteed improvements (i.e., less than all of the improvements in a given category), the remaining amount held for any category of improvements for the entire development shall be released within thirty (30) calendar days of completion of all of the improvements in such category of improvement, minus a retention of five percent (5%) which shall be released only upon completion of all improvements. The Director of Public Works shall establish the improvement categories, which may consist of improvement components or line items, to be utilized for calculation of deposit amounts, but such categories, components and line items shall in no way modify or reduce the developer's guarantee as to all required improvements, irrespective of any release or completion of any category or underlying component or line item. All improvements in a category shall be deemed complete only when:
    a. Each and every component and line item within a category for the entire development has been constructed and completed as required;
    b. The developer has notified the Director of Public Works in writing of the completion of all components of the category, provided all necessary or requested documentation and requests an inspection;
    c. The developer is not in default or in breach of any obligation to the City under this Section including, but not limited to, the Director of Public Work's demand for maintenance or for deposit of additional sums for the development; and
    d. The inspection has been completed and the results of the inspection have been approved in writing by the Director of Public Works. Releases of the maintenance deposit amounts shall be as provided elsewhere in this Section for maintenance deposits.
4. *Effect of release--continuing obligations.* The developer shall continue to be responsible for defects, deficiencies and damage to public streets and other

required improvements for the development. No inspection approval or release of funds from the construction deposit as to any component or category shall be deemed to be City approval of improvement or otherwise release the developer of its obligation relating to the completion of the improvements until the final development release on all improvements and maintenance is issued declaring that all improvements have in fact been constructed as required. Inspection and approval of any or all required improvements shall not constitute acceptance of the improvement by the City as a public improvement for which the City shall bear any responsibility.

5. *Deficient improvements.* No approval of required improvements shall be granted for improvements that fail to meet the specifications established herein or otherwise adopted by the Department of Public Works.
6. *Final construction deposit release.* Upon final inspection and approval of all required improvements and a favorable recommendation by the Board of Public Works and the City Council, the remaining amount of the construction deposit shall be released; provided that no such funds shall be released on a final inspection until the development is complete as determined by the Director of Public Works.
7. *Appeals.* If the developer believes that a release or certificate of completion has been improperly denied including, but not limited to, under Subsections (E) or (F), an appeal shall be filed to the Director of Administration.
8. The Department of Public Works shall inspect each category of improvement or utility work within twenty (20) business days after a request for such inspection has been filed with the department by the developer and no inspection shall be required until such request is received by the department. For purposes of this Section, an "inspection request" shall constitute and occur only on a completed written request on a form that shall include:
   a. The category of improvement reflected in the deposit agreement that is requested to be inspected;
   b. An engineer's certification that the category of improvement has been installed and on the date of inspection application is maintained and in conformance with the final approved improvement plans and all applicable requirements thereto and is therefore ready for inspection; and
   c. A verified statement from the representative officer of the developer attesting that the information in the inspection request is true and accurate.

   Nothing herein shall preclude the Department of Public Works from completing additional inspections at its discretion or as a courtesy to the developer.

F. *Maintenance Guarantee.*
   1. *Scope and duration.* Upon commencement of installation of the required improvements within the subject development, the developer shall be responsible for the maintenance of the improvements including undeveloped lots, streets, sidewalks, utilities, common areas and storm and drainage facilities, until the sooner of:
      a. The expiration of eighteen (18) months after acceptance for public dedication of the specific improvement by the City; or
      b. The expiration of eighteen (18) months after occupancy permits have been issued on ninety-five percent (95%) of all of the lots or units in the

development subject to the deposit agreement.

Maintenance shall include repair or replacement of all defects, deficiencies and damage to the improvements that may exist or arise, abatement of nuisances caused by such improvements, removal of mud and debris from construction, erosion control, grass cutting, removal of construction materials (except materials to be used for construction on the lot or as permitted by site plan) and street de-icing and snow removal. All repairs and replacement shall comply with City specifications and standards. Any maintenance on improvements accepted by the City for public dedication shall be completed under the supervision of and with the prior written approval of the Director of Public Works.

2. *Maintenance deposit--amount--use.*
   a. The maintenance deposit shall be retained by the City to guarantee maintenance of the required improvements and, in addition to being subject to the remedies of Subsection (G) and other remedies of the Code of Ordinances, shall be subject to the immediate order of the Director of Public Works to defray or reimburse any cost to the City of maintenance or repair of improvements related to the development which the developer fails or refuses to perform. Such costs shall include off-site damage caused by deficiencies in the improvements or failure of maintenance. Except in emergency circumstances or where action is otherwise required before written notice can be provided, the Director of Public Works shall provide the developer with a written demand and opportunity to perform the maintenance before having such maintenance performed by the City. The Director of Public Works shall have the authority to require the maintenance deposit to be placed or replenished by the developer in any form permitted for an original deposit where the amount remaining is determined to be insufficient or where the maintenance deposit was drawn upon by the City for maintenance.
   b. In determining the amount of maintenance deposit that shall continue to be held, portions of the deposit amount that were attributable to improvement that have been accepted by any third (3rd) party governmental entity or utility legally responsible for the maintenance of the improvement may be released upon such acceptance of the improvement by the entity. The Director of Public Works may approve such further releases if it is determined in his/her discretion, after inspection of the improvements, that the total maintenance amount retained is clearly in excess of the amount necessary for completion of the maintenance obligation, after all reasonable contingencies are considered.
3. *Final maintenance deposit release.* Upon expiration of the maintenance obligations established herein, the Director of Public Works shall cause a final inspection to be made of the required improvements. Funds shall then be released if there are no defects or deficiencies found and all other obligations are shown to be satisfied on inspection thereof or at such time thereafter as any defects or deficiencies are cured with the permission of, and within the time allowed, by the Director of Public Works. This release shall in no way be construed to indemnify or release any person from any civil liability that may exist for defects or damages caused by any construction, improvement or development for which any deposit has been released.

G. *Failure To Complete Improvements.* The obligation of the developer to construct,

complete, install and maintain the improvements indicated on the approved improvement plans and provide for street maintenance shall not cease until the developer shall be finally released by the Director of Public Works, nor shall any deposit agreements or obligations hereunder be assignable by developer. If, after the initial improvement completion period or after a later period as extended pursuant to this Section, the improvements indicated on the approved improvement plans are not constructed, completed, installed, accepted and maintained as required or if the developer shall violate any provision of the deposit agreement, the Director may notify the developer to show cause within not less than ten (10) calendar days why the developer should not be declared in default. Unless good cause is shown, no building or other permit shall be issued to the developer in the development during any period in which the developer is in violation of the deposit agreement or any Section of the Code of Ordinances. If the developer fails to cure any default or present compelling reason why no default should be declared, the Director shall declare the developer in default and may take any one (1) or more of the following acts:

1. Deem the balance under the deposit agreement not theretofore released as forfeited to the City, to be then placed in an appropriate trust and agency account subject to the order of the Director of Public Works for such purposes as letting contracts to bring about the completion or maintenance of the improvements indicated on the approved improvement plans or other appropriate purposes in the interest of the public safety, health and welfare; or
2. Require the developer or surety to pay to the City the balance of the surety not theretofore released; or
3. Require the developer to submit an additional cash sum sufficient to guarantee the completion or maintenance of the improvements indicated on the approved improvement plans after recalculation in order to allow for any inflated or increased costs of constructing or maintaining the improvements.

The failure of a developer to complete the improvement obligations within the time provided by the agreement (or any extension granted by the City) and including the payment of funds to the City due to such failure or an expiration of a letter of credit shall be deemed an automatic act of default entitling the City to all remedies provided in this Section without further or prior notice. It shall be the sole responsibility of the developer to timely request an extension of any deposit agreement if the improvements are not completed in the original time period provided by the deposit agreement and no right to any extension shall exist or be assumed.

H. *Other Remedies For Default.* If the developer or surety fails to comply with the Director's requirements for payment as described above or fails to complete the improvements as required or otherwise violates the deposit agreement provisions and there is a risk that development will continue in the subdivision without the timely prior completion of improvements or compliance with deposit agreement provisions, the Director of Public Works may in addition or alternatively to other remedies:

1. Suspend the right of anyone to build or construct on the undeveloped portion of the development. For the purpose of this Subsection the *"undeveloped portion"* means all lots other than lots which have been sold for personal use and occupancy or are under bona fide contract for sale to any person for personal use or occupancy. The Director shall give the developer ten (10) calendar days'

written notice of an order under this Subsection with copies to all sureties, as appropriate, who have outstanding obligations for any undeveloped portion of the development and shall record an affidavit of such notice with the Recorder of Deeds. If, within the ten (10) calendar day period after notice is given, the Director is not convinced by compelling evidence that completion of the improvements is adequately assured and maintenance of streets assured as provided herein, the Director of Public Works shall order construction suspended on the undeveloped portion of the development. The order shall be served upon the developer with a copy to the issuer of the surety, as appropriate, and a copy recorded with the Recorder of Deeds. Public notice of said order shall be conspicuously and prominently posted by the Director at the subdivisions or lots subject to said order. The notice shall contain the following minimum language which may be supplemented at the discretion of the Director of Public Works.

a. If said notice is for a subdivision:
   THIS SUBDIVISION, (name of subdivision), HAS BEEN DECLARED IN DEFAULT BY THE CITY OF ST. CHARLES DIRECTOR OF PUBLIC WORKS. NO DEVELOPMENT, CONSTRUCTION, BUILDING OR DEMOLITION IN ANY MANNER SHALL TAKE PLACE WITHIN THE LIMITS OF THIS SUBDIVISION UNTIL SUCH TIME AS THE CITY OF ST. CHARLES DIRECTOR OF PUBLIC WORKS REMOVES THIS PROHIBITION. ANY DEVELOPMENT, CONSTRUCTION, BUILDING OR DEMOLITION IN ANY MANNER WHILE THIS PROHIBITION IS IN EFFECT IS ILLEGAL AND SHALL BE ENFORCED PURSUANT TO CHAPTER 405, CITY OF ST. CHARLES CODE OF ORDINANCES.
b. If said notice is for a lot:
   THIS LOT, (lot number), HAS BEEN DECLARED IN DEFAULT BY THE CITY OF ST. CHARLES DIRECTOR OF PUBLIC WORKS. NO DEVELOPMENT, CONSTRUCTION, BUILDING OR DEMOLITION IN ANY MANNER SHALL TAKE PLACE WITHIN THE LIMITS OF THIS LOT UNTIL SUCH TIME AS THE CITY OF ST. CHARLES DIRECTOR OF PUBLIC WORKS REMOVES THIS PROHIBITION. ANY DEVELOPMENT, CONSTRUCTION, BUILDING OR DEMOLITION IN ANY MANNER WHILE THIS PROHIBITION IS IN EFFECT IS ILLEGAL AND SHALL BE ENFORCED PURSUANT TO CHAPTER 405 CITY OF ST. CHARLES CODE OF ORDINANCES.

The suspension shall be rescinded in whole or in part only when the Director of Public Works is convinced that completion of the improvements is adequately assured in all or an appropriate part of the development and a guarantee of public street maintenance provided; or

2. Suspend the rights of the developer or any related entity to construct structures in any development platted after the effective date of such suspension throughout the City of St. Charles. The Director of Public Works shall give the developer ten (10) calendar days' written notice of an order under this clause with a copy to sureties known to the Director of Public Works to have obligations outstanding on behalf of the developer or related entities and shall record an affidavit of such notice with the Recorder of Deeds. If, within the ten (10) calendar day period after notice is given, the Director of Public Works is not convinced by compelling

evidence that completion of the improvements is adequately assured and maintenance of streets assured as provided herein, the Director of Public Works shall order construction suspended. The order shall be served upon the developer with a copy to the surety, as appropriate, and a copy recorded with the Recorder of Deeds. The suspension shall be rescinded only when the Director of Public Works is convinced that completion of the improvements is adequately assured and public street maintenance is assured.

I. *Suspension Of Development Rights.* From and after the effective date of this Section, if a developer or any related entity has a development improvement guarantee that is in default as determined by the Director of Public Works including any escrow or bond under any prior version of this Section:
   1. The Director of Public Works shall be authorized, but not be limited, to thereafter pursue the remedies of Subsection (H); and
   2. The rights of the developer or any related entity to receive development approval, which approval shall include, but not be limited to, approval of any plat or deposit agreement for new or further development in the City, shall be suspended. The suspension shall be rescinded only when the Director of Public Works is convinced that completion and maintenance of the improvements is adequately assured.

J. *Additional Remedies.* If any party fails to comply with any obligation of this Section, the Director of Public Works may recommend that the City Attorney take appropriate legal action and the City may also withhold any building or occupancy permits to this developer or related entities until such compliance is cured. The City shall also have the right to partially or wholly remedy a developer's deficiencies or breached obligations under this Code of Ordinances by set-off of any funds or assets otherwise held by the City of the developer to the maximum extent permitted by law. Such set-off shall occur upon written notice of such event by the Director of Public Works to the developer after the developer has failed to timely cure the deficiencies. It shall be deemed a provision of every deposit agreement authorized under this Chapter that the developer shall pay the City's costs, including reasonable attorney's fees, of enforcing such agreement in the event that the developer is judicially determined to have violated any provision herein or in such agreement. The developer may appeal any decision taken pursuant to this Section by filing an appeal to the Director of Administration.

K. *Related Entities.* For purposes of this Section, "*related entity*" has the following meaning: a developer is a related entity of another person or entity:
   1. If either has a principal or controlling interest in the other; or
   2. If any person, firm, corporation, association, partnership or other entity with a controlling interest in one has a principal or controlling interest in the other.

   The identification of related entities shall be supported by documentation from the Secretary of State's office, Jefferson City, Missouri. (R.O. 2009 §154.055; CC 1981 §25-51; Ord. No. 3775, 8-7-70; Ord. No. 87-243, 12-9-87; Ord. No. 06-61, 3-10-06; Ord. No. 09-179, 10-2-09)

SECTION 405.230: MONUMENTS

Monuments shall be placed at all block corners, angle points, points of curves in streets and at intermediate points as shall be required by the City Engineer. The monuments

shall be of such material, size and length as may be approved by the Engineer. (R.O. 2009 §154.056; CC 1981 §25-52; Ord. No. 3775, 8-7-70)

SECTION 405.240: STREETS AND RELATED STRUCTURES AND FACILITIES

A. *Street Standards.*
   1. *Specifications and inspections.* All streets shall be constructed in accordance with St. Louis County Standard Specifications for Highway Construction, Divisions 200 through 1000, developed by the St. Louis County Department of Highways and Traffic, and with applicable standard specifications of the City. Such construction shall be subject to inspection and approval by the City Engineer.
   2. *Subgrade specifications.* Soil compaction for all sewer and street construction shall be to ninety percent (90%) Modified Proctor standards.
   3. *Pavement thickness.* Pavement shall be constructed of six (6) inches concrete (non-reinforced) on four (4) inch Type 1 aggregate base on prepared subgrade or two (2) inches Type "C" bituminous asphalt on six (6) inches Type "X" bituminous asphalt on four (4) inch Type 1 aggregate base on prepared subgrade and is to be constructed to St. Louis County standards.
   4. *Control joints and expansion joints.* Control joints shall be spaced fifteen (15) feet apart. Expansion joints shall be placed as directed by the site geotechnical engineer and approved by the Director of Public Works.
   5. *Underdrains.* Underdrains shall be placed under the new pavement at areas directed by the site soils engineers which will be subject to final approval of the Director of Public Works.
   6. The provisions of this Section shall not be subject to variance under Section 405.300.

B. *Curbs, Gutters And Drainage.* Curbs, gutters and drainage structures shall be provided in accordance with standard specifications of the City. Such construction shall be subject to inspection and approval by the City Engineer.

C. *Name Signs.* Street name signs shall be placed at all street intersections within or abutting the subdivision. Such signs shall be of a type approved by the City and shall be placed in accordance with standards of the City.

D. *Underground Wiring.* All electric and telephone distribution lines shall be installed underground. Cable switching enclosures, pad-mounted transformers and service pedestals may be installed above ground.

E. *Lighting.* The minimum requirement for street lighting facilities shall be one (1) nine thousand five hundred (9,500) lumen high-pressure sodium light at each street intersection, but not further apart than two hundred (200) feet within or abutting the subdivision. Light standards shall be approved by the City's Public Works Director or his/her designee. After acceptance by the City, the lighting facilities will be maintained and operated at the expense of the City.
   1. All street lights for each plat shall be installed by the developer within six (6) months time after the streets have been installed or when fifty percent (50%) or more of the lots within the subdivision have been developed.
   2. Connection fee charges for each street light are to be paid to the City by the developer when the improvement plans are approved by the City.

F. *Sidewalk Construction.* Sidewalks shall be constructed by the developer along all portions of public streets which are adjacent to common ground or land which is not part of the development. Sidewalks shall be constructed in accordance with City specifications and at locations approved by the City Engineer. (R.O. 2009 §154.057; CC 1981 §25-52; Ord. No. 3775, 8-7-70; Ord. No. 89-16, 1-19-89; Ord. No. 94-150, 6-22-94; Ord. No. 01-292, 12-21-01)

Cross References--As to penalty, §405.320; as to drains and driveways, §§505.350 et seq.; as to poles and wires, §§505.650 et seq.

SECTION 405.250: PUBLIC WATER SUPPLY AND FIRE HYDRANTS

A. *Accessible Public Water Supply.* Where a public water supply approved by the City is reasonably accessible, each lot within the subdivision area shall be provided with a connection thereto. All connections shall be subject to the approval of the Board of Public Works.

B. *Non-Accessible Public Water Supply.* In a proposed subdivision pending accessibility of a public water supply, the subdivider may be required to construct wells or a private water supply system in such a manner that an adequate supply of potable water, by the State Board of Health, will be available to every lot in the subdivision at the time improvements are erected thereon.

C. *Fire Hydrants.* Fire hydrants shall be installed in all subdivisions by the subdivider under the supervision of the Board of Public Works. The fire hydrant standards shall be subject to the approval of the Board of Public Works. (R.O. 2009 §154.058; CC 1981 §25-54; Ord. No. 3775, 8-7-70)

Cross Reference--As to penalty, §405.320.

SECTION 405.260: ROADWAY CONSTRUCTION STANDARDS

A. The St. Louis County Standard Specifications for Highway Construction, Divisions 200 through 1000, developed by the St. Louis County Department of Highways and Traffic, one (1) copy of which is on file with the City Clerk, are hereby adopted for the City's standard construction specifications for roadway facilities. More specifically, those Divisions are as follows:

B. Those Divisions listed above shall be adopted in whole with the following exceptions:
   1. All references to "St. Louis County" in any form shall be replaced with "City of St. Charles" where appropriate.
   2. All references to "department" shall mean the "Public Works Department of the City of St. Charles" where appropriate.

3. The standard details for construction of pavements shall follow those standards established by the ordinances of the City. The City Engineer will maintain and make available at a reasonable cost copies of said details. The ordinances of the City supersede and take precedence over the St. Louis County Standard Specifications for Highway Construction.
4. *Seed/sod.* Sections 803 and 805 are to be modified to include forty-five (45) days of maintenance by the contractor prior to acceptance by the City. During this period the contractor shall keep adequate moisture in the top six (6) inches of soil to promote proper growth of the grass. No grass that is dead or in poor health shall be accepted by the City and the contractor is responsible for replacement of dead or grass in poor health.
5. *Construction staking.* All construction staking shall be provided by the contractor unless otherwise indicated by the City Engineer.
6. A developer achieving Tier 1 status under the Green Point Rating System Guide established in Section 400.920 may make application to the Department of Public Works for the use of a Green Point Rating System Alternative to the requirements of Section 405.260(B) as set forth in the "Development Guide: Infrastructure Alternatives for St. Charles "GPRS" Projects" on file with the City Clerk. (R.O. 2009 §154.059; Ord. No. 03-220, 9-3-03; Ord. No. 10-174 §4, 7-18-10)

ARTICLE V. PLATS AND DATA

SECTION 405.270: PRE-APPLICATION PLANS AND DATA

A. *General Subdivision Information.* General subdivision information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawings required below. This information may include data on existing covenants, land characteristics and available community facilities and utilities; and information describing the subdivision proposal such as number of residential lots, typical lot width and depth, price range, business areas, playgrounds, park areas and other public areas, proposed protective covenants and proposed utilities and street improvements.
B. *Location Map.* The location map shall show the relationship of the proposed subdivision to existing community facilities which serve or influence it. Include development name and location; main traffic arteries; public transportation lines; shopping centers; elementary and high schools; parks and playgrounds; principal places of employment; other community features such as railroad stations, airports, hospitals and churches; title; scale; north arrow and date.
C. *Sketch Plan.* A sketch plan on a topographic survey shall show in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions. The sketch plan may be a freehand pencil sketch made directly on a print of the topographical survey. (R.O. 2009 §154.070; CC 1981 §25-66; Ord. No. 3775, 8-7-70)

SECTION 405.280: PRELIMINARY PLAT AND DATA

A. *Form.* The preliminary plat shall be clearly and legibly drawn. The size of the map shall not be less than twelve (12) inches by eighteen (18) inches. The map of a subdivision containing three (3) acres or less shall be drawn at a scale of one (1) inch equals fifty (50) feet. All other subdivisions shall be drawn at a scale of one (1) inch equals one hundred (100) feet.

B. *Map Contents.* The preliminary plat shall contain the following information:
   1. *Description.*
      a. *Proposed name of the subdivision.* The name shall not duplicate, be the same in spelling or alike in pronunciation with any other recorded subdivision in the County.
      b. Names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land.
      c. Names and addresses of the subdivider, owner and engineer.
      d. Location by section, town, range, township, County, State.
      e. Names of streets within the adjoining plat.
   2. *Existing conditions.*
      a. Boundaries of the subdivision indicated by a heavy line and the approximate acreage.
      b. Location, widths and names of existing or platted streets, railroad rights-of-way, easements, parks, permanent buildings, section and corporation lines.
      c. Zoning districts, if any.
   3. *Survey data.* Existing contours with intervals of no more than five (5) feet. Elevations are to be based on U.S.G.S. datum.
      a. Drainage channels, wooded areas, power transmission poles and lines and any other significant items should be shown.
      b. Vicinity sketch.
   4. *Drafting of plat.* Date of preparation, scale of map and north arrow.
   5. *Proposals.* Locations and principal dimensions for all proposed streets, alleys, easements, lot lines and areas to be reserved for public use.

C. *Other Information.*
   1. Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units, type of commercial use, so as to reveal the effect of the development on traffic, fire hazards or congestion of population.
   2. Proposed utility systems and sources.
   3. Provisions for sewage disposal, drainage, flood control and proposed culverts or bridges.
   4. Dimensions of lot lines and building setbacks.
   5. Names of new streets.
   6. Present zoning classification.
   7. Acreage subdivided.
   8. If any zoning changes are contemplated, the proposed zoning plan for the areas including dimensions.
   9. Information required in Subsections (C)(1) through (4) above may be provided in a separate instrument attached to the plat. (R.O. 2009 §154.071; CC 1981 §25-67; Ord. No. 3775, 8-7-70)

SECTION 405.290: FINAL PLAT AND DATA

A. *Form.* The final plat shall be clearly and legibly drawn in India ink on tracing cloth. The size of the map shall not be less than twelve (12) inches by eighteen (18) inches. The map of a subdivision containing three (3) acres or less shall be drawn at a scale of one (1) inch equals one hundred (100) feet, unless otherwise required by the Council.

B. *Preparation.* The final plat shall be prepared by an engineer or land surveyor registered in the State and he/she shall cause his/her seal to be affixed thereto.

C. *Map Contents.*
   1. *Description.*
      a. Name of the subdivision.
      b. Names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land.
      c. Names and addresses of subdivider, owner and engineer.
      d. Location by section, town, range, township, County, State.
      e. Names of streets within the adjoining plat.
   2. *Existing conditions.*
      a. All plat boundaries.
      b. Bearings and distances to the nearest established street lines, section corners or other recognized permanent monuments which shall be accurately described on the plat.
      c. Municipal, township, County or section lines accurately tied to the lines of the subdivision by distance and bearings.
      d. Accurate location of all monuments.
   3. *Survey data.*
      a. Length of all arcs, radii, internal angles, points of curvature and tangent bearings.
      b. When lots are located on a curve or when side lines are at angles other than 90°, the width at the building line shall be shown.
      c. Vicinity sketch.
   4. *Drafting of plat.* Title, date of preparation, scale of map and north arrow.
   5. *Proposals.*
      a. All easements for right-of-way provided for public services or utilities and any limitations of such easements.
      b. All lot numbers and lines with accurate dimensions in feet and hundredths and with bearings or angles to street and alley or crosswalk lines.
      c. Accurate outlines of any areas to be dedicated or temporarily reserved for public use with the purpose indicated thereon.
      d. Building setback lines with dimensions.

D. *Required Information.* The following items shall be submitted at the same time that the final plat is filed:
   1. Certification that real estate taxes are paid shall be furnished in the form of copies of paid real estate tax bills on the land within the proposed subdivision.
   2. If a zoning change was involved, certification from the City Clerk shall be furnished indicating that the change requested has been approved and is in effect.
   3. Certification by an engineer or land surveyor registered in the State, to the effect that the plat represents a survey made by him/her and that all monuments shown thereon actually exist and that their location is correctly shown.

4. An acknowledgment by the owner or owners of his/her or their adoption of the plat and of the dedication of streets and other public areas.
5. Plan and profiles of streets, storm and sanitary sewers and appurtenances, sewage disposal facilities, topographical map, grading plan and corrections, culverts and all other construction drawings related to the improvements to be constructed in the subdivision.
6. A statement by the City Engineer certifying that he/she is in receipt of two (2) maps showing all utilities in exact location and elevation, identifying those portions already installed and those to be installed and that subdivider has complied with Section 405.220. (R.O. 2009 §154.072; CC 1981 §25-68; Ord. No. 3775, 8-7-70)

ARTICLE VI. VARIANCES

SECTION 405.300: AUTHORIZED BY COUNCIL--PREREQUISITES

A. A majority of elected Council may authorize upon recommendation from the Zoning Commission a variance from these regulations when, in its opinion, extreme hardship may result from strict compliance. In granting any variance, the Council shall prescribe only conditions that it deems necessary to or desirable for the public interest. In making its findings, as required herein below, the Council shall take into account the nature of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Council finds:
    1. There are special circumstances or conditions affecting the property such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of the land.
    2. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
B. Notwithstanding any other provision to the contrary, no variance shall be granted to allow private streets, except in planned unit developments, and then only when the private streets are built to the same standards as the City's public streets. (R.O. 2009 §154.085; CC 1981 §25-80; Ord. No. 3775, 8-7-70; Ord. No. 87-131, 6-19-87)

Cross Reference--As to penalty, §405.320.

SECTION 405.310: APPLICATION REQUIREMENTS

A. *Generally.* Application for such variance should be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Planning and Zoning Commission. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner.
B. *Complete Neighborhood.* Application for any such variance shall be made in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Planning and Zoning Commission stating fully and clearly all facts relied upon by the petitioner and shall be supplemented with maps, plans and other additional data which may aid the Council in the analysis of the proposed project. The plans for such

development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan. (R.O. 2009 §154.086; CC 1981 §25-81; Ord. No. 3775, 8-7-70)

SECTION 405.320: PENALTY

Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor and subject to the penalty provisions set forth in Section 100.150. (R.O. 2009 §154.999; CC 1981 §25-93; Ord. No. 3775, 8-7-70; Ord. No. 73-38, 6-20-73)

CHAPTER 410: FLOOD DAMAGE PREVENTION

ARTICLE I. GENERAL PROVISIONS

SECTION 410.010: FINDINGS--PURPOSE--OBJECTIVES

A. *Findings Of Fact.*
   1. The flood hazard areas of the City are subject to periodic inundation which results in loss of life, property, health and causes safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
   2. These flood losses are caused by the cumulative effect of obstructions in flood plains causing increased flood heights and velocities and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed or otherwise protected from flood damages.

B. *Purpose.* It is the purpose of this Chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
   1. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion or in flood heights or velocities.
   2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
   3. Control the alteration of natural flood plains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters.
   4. Control filling, grading, dredging and other development which may increase erosion or flood damage.
   5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

C. *Objectives.* The objectives of this Chapter are:
   1. To protect human life and health;
   2. To minimize expenditure of public money for costly flood control projects;

3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood-blight areas; and
7. To ensure that potential home buyers are notified that property is in a flood area.

D. *Methods Used To Analyze Flood Hazards.* The Flood Insurance Study (FIS) that is the basis of this Chapter uses a standard engineering method of analyzing flood hazards which consist of a series of interrelated steps.
1. Selection of a base flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated and the depth of inundation. The base flood selected for this Chapter is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this Chapter. It is in the general order of a flood which could be expected to have a one percent (1%) chance of occurrence in any one (1) year as delineated on the Federal Insurance Administrator's FIS and illustrative materials dated December 15, 1992, as amended, and any future revisions thereto.
2. Calculation of water surface profiles are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
3. Computation of a floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
4. Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height.
5. Delineation of flood fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood. (R.O. 2009 §152.01; CC 1981 §12-1; Ord. No. 77-7 3-9-97; Ord. No. 96-225, 7-23-96)

SECTION 410.020: DEFINITIONS

For the purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPEAL: A request for a review of the Building Commissioner's interpretation of any provision of this Chapter or a request for a variance.

AREA OF SHALLOW FLOODING: A designated AO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD: The land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

BASE FLOOD: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

DEVELOPMENT: Any manmade change to improved or unimproved real estate

including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD HAZARD BOUNDARY MAP (FHBM): An official map of a community, issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazards have been designated as Zone A.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: The official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as the Flood Hazard Boundary Floodway Map and the water surface elevation of the base flood.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

HISTORIC STRUCTURE: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a State Inventory of Historic Places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    a. By an approved State program as determined by the Secretary of the Interior; or
    b. Directly by the Secretary of the Interior in States without approved programs.

LOWEST FLOOR: The lowest floor of the lowest enclosed area including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this Chapter.

MANUFACTURED HOME: A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) days. For insurance purposes, the term *"manufactured home"* does not include park trailers,

travel trailers and other similar vehicles.
MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.
MEAN SEA LEVEL: The average height of the sea for all stages of the tide.
NEW CONSTRUCTION: Structures for which the "start of construction" commenced on or after March 9, 1977.
RECREATIONAL VEHICLE: A vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

START OF CONSTRUCTION: (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Public L. 97-3481)). Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The *"actual start"* means the first (1st) placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure.
STRUCTURE: That which is built or constructed as well as manufactured homes, structures constructed off-site and including, but not limited to, driveways.
SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

VARIANCE: A grant of relief to a person from the requirements of this Chapter, which permits construction in a manner otherwise prohibited by this Chapter where specific enforcement would result in unnecessary hardship. (R.O. 2009 §152.02; CC 1981 §12-2;

Ord. No. 77-7, 3-9-97; Ord. No. 84-163, 12-18-84; Ord. No. 87-57, 3-18-87; Ord. No. 92-11, 1-23-92; Ord. No. 96-225, 7-23-96)

SECTION 410.030: APPLICABILITY--ESTABLISHMENT OF SPECIAL FLOOD AREAS

A. This Chapter shall apply to all areas of special flood hazards within the City and to all areas of special flood hazards outside the City on lands owned or controlled by the City.
B. The areas of special flood hazard identified by the Federal Insurance Administration through a scientific and engineering report entitled "The Flood Insurance Study for the City of St. Charles, Missouri" dated September, 1976, with accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps and any revision thereto are hereby adopted by this reference and declared to be a part of this Chapter. (R.O. 2009 §152.03; CC 1981 §12-3; Ord. No. 77-7, 3-9-97; Ord. No. 90-102, 4-18-90)

SECTION 410.040: COMPLIANCE WITH PROVISIONS--INTERPRETATION AND CONSTRUCTION

A. *Compliance With Provisions.* No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Chapter and other applicable regulations.
B. *Construction And Interpretation Of Provisions.*
    1. This Chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Chapter and other provisions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
    2. In the interpretation and application of this Chapter, all provisions shall be:
        a. Considered as minimum requirements;
        b. Liberally construed so as to promote the objectives set forth in Section 410.010; and
        c. Deemed neither to limit nor repeal any other powers granted under State Statutes. (R.O. 2009 §152.04; CC 1981 §§12-4--12-5; Ord. No. 77-7, 3-9-97)

Cross Reference--As to penalty, §410.180.

SECTION 410.050: LIABILITY OF CITY

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the City nor by any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made hereunder. (R.O. 2009 §152.05; CC 1981 §12-6; Ord. No. 77-7, 3-9-97)

SECTION 410.060: AMENDMENTS--COMPLIANCE WITH FEDERAL LAW

A. The regulations, restrictions and boundaries set forth in this Chapter may from time to time be amended, supplemented, changed or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973; provided that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City.

B. The regulations of this Chapter are in compliance with the National Flood Insurance Program regulations as published in Title 44 of the Code of Federal Regulations. (R.O. 2009 §152.06; CC 1981 §12-9; Ord. No. 77-7, 3-9-97; Ord. No. 87-57, 3-17-87)

SECTION 410.070: ADMINISTRATOR OF FLOOD PROGRAM--POWERS AND DUTIES

A. *Administrator--Flood Program.* The Director of Community Development or a designated assistant shall be the Administrator and shall administer and implement the provisions of this Chapter.

B. *Powers And Duties.* Duties of the Administrator shall include, but not be limited to, the following:

1. Reviewing all development permits to assure that the permit requirements of this Chapter have been satisfied and assuring that the proposed sites are reasonably free from flooding.
2. Reviewing permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
3. Notifying adjacent communities and the State Emergency Management Agency (SEMA) of the State of Missouri prior to any alteration or relocation of a watercourse and submitting evidence of such notification to the Federal Insurance Administration.
4. Assuring that maintenance is provided within the altered or relocated portion of such watercourse so that the flood-carrying capacity is not diminished.
5. Verifying and recording the actual elevation in relation to mean sea level of the lowest floor, including basement, of all new or substantially improved structures.
6. Verifying and recording the actual elevation in relation to mean sea level to which the new or substantially improved structures have been floodproofed.
7. When floodproofing is utilized for a particular structure, the Administrator shall obtain certification from a registered professional engineer or architect.
8. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 410.080.
9. When base flood elevation data have not been provided in accordance with Section 410.030, then the Administrator shall obtain, review and reasonably utilize any base flood elevation or floodway data available from a Federal, State

or other source in order to administer the provisions of Sections 410.120 et seq.

10. All records pertaining to the provisions of this Chapter shall be maintained in the office of the Administrator and shall be open for public inspection. (R.O. 2009 §152.07; CC 1981 §§12-9--12-10; Ord. No. 77-7, 3-9-97; Ord. No. 77-14, 4-13-77; Ord. No. 86-2, 1-7-86; Ord. No. 87-57, 3-17-87; Ord. No. 96-225, 7-23-96)

SECTION 410.080: VARIANCES AND APPEALS

A. *Establishment Of Appeal Board.* The Board of Adjustment, as established by the City, shall hear and decide appeals and requests for variances from the flood plain management requirements of this Chapter.

B. *Responsibility Of Board Of Adjustment.* Where an application for a flood plain development permit or request for a variance from the flood plain management regulations is denied by the Chief Building Inspector, the applicant may apply for such flood plain development permit or variance directly to the Board of Adjustment as defined in Subsection (A) of this Section. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the Chief Building Inspector in the enforcement or administration of this Chapter.

C. *Further Appeals.* Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the Circuit Court as provided in Chapter 536, RSMo.

D. *Flood Plain Management Variance Criteria.* In passing upon such applications for variances, the Board of Adjustment shall consider all technical data and evaluations, all relevant factors, standards specified in other Sections of this Chapter and the following criteria:

1. The danger to life and property due to flood damage;
2. The danger that materials may be swept onto other lands to the injury of others;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations, not subject to flood damage, for the proposed use;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the Comprehensive Plan and flood plain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise and sediment transport of floodwaters, if applicable, expected at the site; and
11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.

E. *Conditions For Approving Flood Plain Management Variances.*

1. Generally, variances may be issued for new construction and substantial

improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level; providing items (2) through (6) below have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.

2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places or local inventory of historic places upon determination.
3. Variances shall not be issued within any designated floodway if any significant increase in flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
   a. A showing of good and sufficient cause;
   b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
   c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
6. A community shall notify the applicant in writing over the signature of the Chief Building Inspector that:
   a. The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars ($25.00) for one hundred dollars ($100.00) of insurance coverage, and
   b. Such construction below the base flood level increases risks to life and property.

   Such notification shall be maintained with the record of all variance actions as required by this Code. (R.O. 2009 §152.08; CC 1981 §12-11; Ord. No. 77-7, 3-9-97; Ord. No. 87-57, 3-17-87; Ord. No. 96-225, 7-23-96)

Cross Reference--As to board of adjustment for zoning regulations, §§400.1060 et seq.

SECTION 410.090: EXISTING NON-CONFORMING USES

A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Chapter but which is not in conformity with the provisions of this Chapter may be continued subject to the following conditions:
   1. If such use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to this Chapter.
   2. Uses or adjuncts thereof which are or become nuisances shall not be permitted to continue as non-conforming uses.

B. If any non-conforming use or structure is destroyed by any means including flood, it shall not be reconstructed if the cost is more than fifty percent (50%) of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Chapter. This limitation does not include the cost of any alteration to

comply with existing State or local health, sanitary, building or safety codes or regulations nor the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places. (R.O. 2009 §152.09; CC 1981 §12-12; Ord. No. 77-7, 3-9-97; Ord. No. 87-57, 3-18-87)

ARTICLE II. DEVELOPMENT PERMIT

SECTION 410.100: PERMIT REQUIRED
A development permit shall be required in conformance with the provisions of this Chapter. (R.O. 2009 §152.20; CC 1981 §12-24; Ord. No. 77-7, 3-9-97)

SECTION 410.110: APPLICATION PROCEDURES
Application for a development permit shall be made to the Building Commissioner on forms furnished by him/her and may include, but not be limited to, the following plans, in duplicate, drawn to scale, showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill storage of materials; drainage facilities; and the location of the foregoing. Specifically, the following information is required:

1. Elevation, in relation to mean sea level, of the lowest floor, including basement, of all structures.
2. Elevation, in relation to mean sea level, to which any non-residential structure has been floodproofed.
3. A certificate from a registered professional engineer or architect that the non-residential floodproofed structure meets the floodproofing criteria in Section 410.130(2).
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (R.O. 2009 §152.21; CC 1981 §12-25; Ord. No. 77-7, 3-9-97)

ARTICLE III. SPECIFICATIONS

SECTION 410.120: SPECIFICATIONS APPLICABLE TO ALL STRUCTURES
In all areas of special flood hazards, the following provisions are required:

1. All new construction, including manufactured homes and substantial improvements, shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.
2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
3. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

4. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
5. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;
6. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;
7. The storage or processing of materials that are buoyant, flammable, explosive or could be injurious to human, animal or plant life in time of flooding is prohibited;
8. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.
9. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. (R.O. 2009 §152.30; CC 1981 §12-37; Ord. No. 77-7, 3-9-97; Ord. No. 77-14, 4-13-77; Ord. No. 87-57, 3-18-87; Ord. No. 96-225, 7-23-96)

SECTION 410.130: SPECIFICATIONS APPLICABLE TO SPECIFIC STRUCTURES

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Sections 410.030 and 410.070(B)(9), the following provisions are required:

1. *Residential construction.* New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to the level of one (1) foot above the base flood elevation.
2. *Non-residential construction.* New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood level the structure is water-tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this Subsection (2) are satisfied. Such certification shall be provided to the official as set forth in Section 410.110.
3. *Enclosed areas below the lowest floor.* Require for all new construction and substantial improvements that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves or other

coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. *Manufactured homes.*
   a. All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Manufactured homes must be anchored in accordance with State and local building codes and FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
      (1) Over-the-top ties be provided at each of the four (4) corners of the manufactured home with two (2) additional ties per side at the intermediate locations and manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side.
      (2) Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points and manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side.
      (3) All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds.
      (4) Any additions to manufactured homes be similarly anchored.
   b. Manufactured homes that are placed or substantially improved within Zones A1-30, AH and AE on the community's FIRM on sites outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision or in an existing manufactured home park or subdivision on which a manufactured home has been elevated on a permanent foundation such that the lowest floor of the manufactured home is one (1) foot above the base flood elevation must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement in accordance with the provisions of Subsection (4)(a) above.
   c. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of Subsection (4)(b) above must be elevated so either the lowest floor of the manufactured home is one (1) foot above the base flood elevation or the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than thirty-six (36) inches in height above grade and must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement in accordance with the provisions of Subsection (4)(a) above.
   d. *Floodways.* Located within areas of special flood hazard established in Section 410.030(B) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:
      (1) Encroachments including fill, new construction, substantial improvements and other developments are prohibited unless certain certification by a professional registered engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during

occurrence of the base flood discharge.

(2) If Subsection (4)(d)(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Article.

(3) In Zone A unnumbered, obtain review and reasonably utilize any floodway data available through Federal, State or other sources or Subsection (4) of this Section in meeting the standards of this Section. (R.O. 2009 §152.31; CC 1981 §12-38; Ord. No. 77-7, 3-9-97; Ord. No. 87-57, 3-18-87; Ord. No. 90-103, 4-18-90; Ord. No. 03-154, 7-8-03)

Cross Reference--As to mobile home parks, ch. 415.

SECTION 410.140: RECREATIONAL VEHICLES

A. Recreational vehicles placed on sites within all unnumbered and numbered A Zones, AO, AE and AH Zones on the community's FIRM either:
   1. Be on the site for fewer than one hundred eighty (180) consecutive days and be fully licensed and ready for highway use; or
   2. Meet the permitting, elevating and the anchoring requirements for manufactured homes of this Chapter.

B. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices and has no permanently attached additions. (R.O. 2009 §152.31.1; Ord. No. 96-225, 7-23-96)

SECTION 410.150: AREAS OF SHALLOW FLOODING

Located within the areas of special flood hazard established in Section 410.030(B) are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential structures have the lowest floor, including basement, elevated above the crown of the nearest street to or above the depth number specified on the community's FIRM.
2. All new construction and substantial improvements of non-residential structures shall:
   a. Have the lowest floor, including basement, elevated above the crown of the nearest street to or above the depth number specified on the FIRM; or
   b. Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is water-tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. (R.O. 2009 §152.32; CC 1981 §12-39; Ord. No. 77-7, 3-9-97)

SECTION 410.160: SUBDIVISION PROPOSALS

A. All subdivision proposals and other proposed new developments including manufactured

home parks or subdivisions and/or additions shall be consistent with the need to minimize flood damage.

B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
D. Base flood elevation data shall be provided for subdivision proposals and any other proposed development (including proposals for manufactured home parks and subdivisions). (R.O. 2009 §152.33; CC 1981 §12-40; Ord. No. 77-7, 3-9-97; Ord. No. 87-57, 3-18-87; Ord. No. 03-154, 7-8-03)

SECTION 410.170: VIOLATION

A. Violation of the provisions of this Chapter or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances or special exceptions, shall constitute a misdemeanor.
B. Nothing herein contained shall prevent the City or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation. (R.O. 2009 §152.98; CC 1981 §12-7; Ord. No. 77-7, 3-9-97)

SECTION 410.180: PENALTY

Any person who violates this Chapter or fails to comply with any of its requirements shall, upon conviction thereof, be subject to punishment as provided in Section 100.150 of this Code of Ordinances. (R.O. 2009 §152.99; CC 1981 §12-7; Ord. No. 77-7, 3-9-97)

CHAPTER 415: MOBILE HOME PARKS

Cross Reference--As to flood regulations--manufactured homes, §410.130(4).

SECTION 415.010: DEFINITIONS

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONDUCTING, MAINTAINING OR OPERATING A MOBILE HOME PARK: Permitting, suffering or allowing a mobile home or homes to be parked, kept, stored, camped, maintained or to remain upon any lot, parcel or tract of real property within the City for any fee, charge, rent, price or other valuable consideration which in any way directly or indirectly emanates from or is paid by the owner or occupant of such mobile home to the owner, occupant or manager of such real estate.

MOBILE HOME: Any vehicle, contraption or structure set or equipped to be set upon wheels and designed to be moved or propelled by being towed, pulled or carried along behind a vehicle and so constructed, equipped or furnished that the interior of the same may be used as a place for the dwelling, living, sleeping or housing of a human being.

MOBILE HOME SPACE: A plot of ground within a mobile home park designed for the

accommodation of one (1) mobile home, containing a concrete pad with a minimum of four hundred (400) square feet in area; and each mobile home space shall have water, sewer and electric connections; such mobile home space shall consist of a minimum of three thousand (3,000) square feet which shall be at least thirty-five (35) feet wide and clearly defined. (R.O. 2009 §153.01; CC 1981 §17-1; Ord. No. 3409, 8-10-66)

SECTION 415.020: LICENSE REQUIRED

It shall be unlawful for any person owning, renting, leasing, operating, managing or occupying any lot, parcel or tract of real property within the City to conduct, maintain or operate a mobile home park, containing one (1) or more mobile home spaces thereupon, without first obtaining a license therefor from the City Collector. (R.O. 2009 §153.02; CC 1981 §17-2; Ord. No. 3409, 8-10-66)

Cross References--As to penalty, §100.150; as to business licensing and taxation, ch. 605.

SECTION 415.030: LICENSE FEE

A. The annual license fee for each mobile home park shall be forty dollars ($40.00) for each block of five (5) mobile home spaces or fraction thereof contained in any mobile home park and an additional seven dollars ($7.00) for each mobile home space in excess of five (5).
B. The annual license fees payable under the provisions of this Chapter shall be due and payable in advance on the first (1st) day of each year; provided that the fees for license issued after the first (1st) day of any year shall be, for the part of the year then remaining, one-twelfth (1/12) of the annual fee for each month or part thereof from the date of issuance to January first (1st) thereafter. (R.O. 2009 §153.03; CC 1981 §17-3; Ord. No. 3409, 8-10-66; Ord. No. 3453, 12-24-66)

Cross Reference--As to penalty, §100.150.

SECTION 415.040: PLOT AND CERTIFICATE REQUIRED

A. No license shall be issued to any person to conduct, maintain or operate a mobile home park unless he/she shall have first produced to the City Council:
    1. A plot of the tract of land on which the established or proposed mobile home park is to be located showing plot of the entire tract and designating the location and size of the required mobile home space; a twenty-four (24) foot wide paved roadway with a minimum of sixteen (16) feet wide opening at all times. Through or collector streets are to be a minimum of thirty-four (34) feet in width.
    2. A certificate in writing stating:
        a. The maximum number of mobile homes the mobile home park will accommodate.
        b. The lot, parcel or tract of real property whereon the mobile home park is or is to be set up now conforms to the regulations prescribed by this Chapter.
        c. The location of the established or proposed mobile home park.
        d. It is agreed that provisions of this Chapter, the laws of the State, this Code of Ordinances and any other ordinance of the City shall be fully complied with in

the conducting, maintaining and operating of such mobile home park.

B. In all cases no such license shall be issued unless and until the City Council shall have made an order directing the City Collector to issue such license. (R.O. 2009 §153.04; CC 1981 §17-4; Ord. No. 3409, 8-10-66)

Cross Reference--As to penalty, §100.150.

SECTION 415.050: FEE DEPOSITED WITH CERTIFICATE

At the time of filing a certificate for a license under the provisions of Section 415.040, the applicant shall place in the hands of the City Clerk the amount of the license fee for the license applied for, either in cash, or bank draft, money order, certified check or cashier's check, made payable to the City or the City Collector. No license shall be granted by the Council unless such deposit of the license fee has been made. If the license is not granted, the amount of the license fee shall be refunded to the applicant. If the license is granted, such amount deposited with the application shall be turned over to the City Collector whose receipt therefor shall be given to the applicant, together with the license issued. (R.O. 2009 §153.05; CC 1981 §17-5; Ord. No. 3409, 8-10-66)

Cross Reference--As to penalty, §100.150.

SECTION 415.060: REVOCATION OF LICENSE

The City Council may revoke any license issued under the provisions of this Chapter upon proof of the violation of or the failure to comply with any of the provisions of this Chapter, the laws of the State, this Code of Ordinances or any other ordinance of the City regulating, controlling or relating to health, sanitation, fire protection, the public peace or the public morality. (R.O. 2009 §153.06; CC 1981 §17-6; Ord. No. 3409, 8-10-66)

SECTION 415.070: MANNER OF LOCATING MOBILE HOMES

Mobile homes shall be so located on each space that there shall be at least twenty-five (25) feet clearance between mobile homes; provided however, that with respect to mobile homes parked end to end, clearance may be less than twenty-five (25) feet but shall not be less than fifteen (15) feet. No mobile home shall be located closer than fifteen (15) feet to any building within the park or from any property line bounding the park. Neither the front end nor primary entrance side of any trailer or mobile home which is located on the periphery of the park shall face the exterior of the park. (R.O. 2009 §153.07; CC 1981 §17-7; Ord. No. 3409, 8-10-66; Ord. No. 3513, 9-6-67)

Cross Reference--As to penalty, §100.150.

SECTION 415.080: PARK REGISTER

For the purpose of the proper and efficient administration of this Chapter, the person conducting, maintaining or operating a mobile home park within the City shall at all times keep a register, wherein the name of the owner or occupant of any mobile home shall be recorded together with his/her permanent address. Such register shall at all times be available for inspection by the Mayor, Chief of Police or Building Inspector. (R.O. 2009 §153.08; CC 1981 §17-8; Ord. No. 3409, 8-10-66)

SECTION 415.090: INSPECTIONS--ENFORCEMENT

Any person conducting, maintaining or operating a mobile home park within the City shall at all times grant the Mayor, Chief of Police, Building Inspector and Chief of Fire Department the right to inspect the premises upon which such mobile home park is located. It shall be the duty of the various named officials, upon their findings and discovery of a violation of or failure to comply with the terms of this Chapter, to report such fact to the City Council in writing immediately and, further, to cause the violator to be arrested and prosecuted in the Municipal Court of the City. (R.O. 2009 §153.09; CC 1981 §17-9; Ord. No. 3409, 8-10-66)

SECTION 415.100: KEPT IN PARK--EXCEPTIONS

A. It shall be unlawful to keep or maintain any mobile home any place in the City for living or sleeping purposes unless it shall be located within a mobile home park, except as provided in Subsection (B) of this Section.
B. The Building Commissioner may permit a mobile home to be used for living and sleeping purposes so as to provide quarters for a watchman or guard during construction of a non-residential structure costing in excess of one hundred thousand dollars ($100,000.00); provided that such permit shall not exceed a period of two (2) years and that the mobile home shall be removed before a certificate of occupancy is issued on the structure. (R.O. 2009 §153.10; CC 1981 §17-10; Ord. No. 3409, 8-10-66; Ord. No. 73-30, 5-23-73)

Cross Reference--As to penalty, §100.150.

SECTION 415.110: EFFECTIVE DATE

This Chapter shall take effect and be in full force and effect from and after its passage and approval; provided however, that these amendments shall not interfere with any vested property rights or contractual rights. (R.O. 2009 §153.11; CC 1981 §17-11; Ord. No. 3409, 8-10-66)

TITLE V. BUILDING AND CONSTRUCTION

CHAPTER 500: BUILDING REGULATIONS

Cross References--As to fire prevention code, §§205.060 et seq.; as to occupational license fees, §605.160; as to streets and sidewalks, ch. 505.

ARTICLE I. GENERAL PROVISIONS

SECTION 500.010: DEPARTMENT OF COMMUNITY DEVELOPMENT RESPONSIBLE FOR PERMITS AND INSPECTIONS

A. The Department of Community Development shall be responsible for issuing building, electrical, mechanical and plumbing permits in accordance with the provisions of this Code and any other City ordinance and shall be responsible for the building, electrical, mechanical and plumbing inspections as provided for by the provisions of this Code and any other City ordinance.

B. The Director of Community Development shall be the official in charge of the codes adopted pursuant to this Chapter. The Director of Community Development in accordance with the prescribed procedures of the City of St. Charles shall have the authority to appoint the Building Official, related technical officers, inspectors, plans examiners and other employees as necessary to enforce the codes. (R.O. 2009 §150.001; CC 1981 §5-6; Ord. No. 88-47, 4-7-88; Ord. No. 10-152 §1, 7-21-10)

SECTION 500.020: STOP WORK ORDERS

The Directors of Public Works or Community Development shall have the power to order all work to be stopped on any building(s) or structure(s) where such work is being done in violation of any provision of the City Code or where work is being done in the development as a whole that is in violation of any provision of the City Code. Such order shall stop work on all projects the subject contractor or subcontractor is currently engaged in at the discretion of the Mayor. Such stop orders may be given orally and may be enforced when so given, provided however, that any oral stop work order shall be followed by a written order within two (2) hours. Copies of the written stop work order shall be provided to all members of the City Council within eight (8) hours of the order being issued. All work that is stopped shall not be resumed except upon permission of the Mayor. All members of the City Council shall be informed, within eight (8) hours, once the Mayor has granted permission to resume all stopped work. Written stop orders may be served by any Police Officer, Director of Public Works, Assistant Director of Public Works, City Engineer, Senior Project Managers, Project Managers, Assistant Project Managers, Street Superintendent, Assistant Street Superintendent, Street Supervisors, Water Systems Manager, Water Distribution Supervisor, Facilities Maintenance Supervisor or any Community Development Department employee and may be served by personal service or by posting on the premises affected. (R.O. 2009 §150.002; Ord. No. 04-192, 8-13-04; Ord. No. 06-91, 4-26-06; Ord. No. 07-162, 6-11-07; Ord. No. 08-127, 6-18-08)

SECTION 500.030: WAIVER OF BUILDING PERMIT FEES

Building permit fees shall not be assessed for construction projects of the City of St. Charles. (R.O. 2009 §150.003; CC 1981 §5-7; Ord. No. 90-24, 2-7-90)

SECTION 500.033: AUTHORITY

All references to the Board of Appeals in the codes or reference material adopted pursuant to this Chapter shall use the procedures set forth in Chapter 125 of the Code of Ordinances. (Ord. No. 10-152 §2, 7-21-10)

SECTION 500.035: BUILDING PERMIT EXPIRATION

A. Building permits are valid for a twelve (12) month period from the date of issuance and may be extended for an additional six (6) month period with the approval of the Director of Community Development, at no additional cost, if in the opinion of the Director of Community Development work is proceeding and the applicant needs additional time to complete the project or the applicant was unduly delayed through no fault of the applicant. The Mayor may extend a building permit for additional six (6) month periods upon the recommendation of the Director of Community Development.

B. Once construction starts, if no building inspections have occurred within a six (6) month period, the permit shall be deemed to have expired. The site of an expired building permit shall be posted with a stop work order and all construction shall cease until such time as a new building permit is issued, including payment of the full cost of the building permit.

C. Any uncompleted construction project for which a building permit has been expired for a period of six (6) months may be ordered to be removed or enclosed. (Ord. No. 10-152 §3, 7-21-10)

ARTICLE II. BUILDING CODE

SECTION 500.040: INTERNATIONAL BUILDING CODE ADOPTED BY REFERENCE

A. The 2006 Edition of the International Building Code, including Appendices C, E, F, G, H, I and J, except as otherwise provided in this Chapter, as published by the International Code Council, Inc., is adopted by reference as the Building Code of the City and made a part of this Section as if fully set forth herein.

B. Wherever the phrase "Name of Jurisdiction" appears in the 2006 Edition of the International Building Code, it shall be deemed to mean the City.

C. Nothing in Sections 500.040 and 500.050 in the Building Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby amended by Sections 500.040 and 500.050. No just or legal right or remedy of any character shall be lost, impaired or affected by Sections 500.040 and 500.050.

D. One (1) copy of Sections 500.040 and 500.050, the 2006 Edition of the International Building Code, and the proposed amendments have been on file in the City Clerk's office at least ninety (90) days prior to the adoption of Sections 500.040 and 500.050. (R.O. 2009 §150.015; Ord. No. 88-47, 4-7-88; Ord. No. 95-149, 6-7-95; Ord. No. 97-146, 5-8-97; Ord. No. 02-21, 2-6-02; Ord. No. 05-151, 5-27-05; Ord. No. 10-152 §5, 7-21-10)

SECTION 500.050: AMENDMENTS--EXEMPTIONS

The code adopted by Section 500.040 of this Chapter is hereby amended as follows:

1. Section 102.4 Referenced codes and standards is deleted and the following is inserted in lieu thereof, to read as follows:

Section 102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply. If a referenced standard is in conflict with a code independently and specifically adopted by the City, the standard in the code specifically adopted by the City shall prevail over the referenced standard.

2. Section 103 is deleted.
3. Section 105.2 Work exempt from permit shall have the following Sections amended.
   a. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 144 square feet.
4. Section 105.5 is deleted.
5. Section 113.4 Violation penalties is deleted.
6. Section 310.1 Residential Group R shall be amended to include the following use under the R-3 Residential Occupancies heading.
   Bed and Breakfast
7. Section 310.2 Definitions shall be amended to include the following definition:
   Bed and Breakfast. A building or structure arranged for lodging of not more than 6 lodgers or boarders (primarily transient in nature) for compensation, with or without meals, and occupied as a single-family dwelling unit.
8. Section 1105.1 Public entrances shall be amended to read as follows.
   In addition to accessible entrances required by Sections 1105.1.1 through 1105.1.6 at least 50 percent of all public entrances shall be accessible.
9. Section 1109.5.1. Minimum number shall be amended to read as follows:
   No fewer than one drinking fountain shall comply with the requirements for people using a wheelchair.
   Exception: Occupancies with an occupant load of less than 50 people shall be permitted to provide an approved bottled water dispenser in lieu of the required drinking fountain.
10. Section 2902.2 Separate facilities shall have the following exception amended to read as follows:
    2. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 30 or less.
11. Section 2902.4 Required public toilet facilities shall be amended to read as follows:
    Customers, patrons and visitors shall be provided with public toilet facilities in structures and tenant spaces intended for public utilization. Employees shall be provided with toilet facilities in all occupancies. Employee toilet facilities shall be either separate or combined employee and public toilet facilities. (R.O. 2009 §150.016; CC 1981 §5-3; Ord. No. 88-47, 4-7-88; Ord. No. 89-76, 5-4-89; Ord. No. 91-22, 2-7-91; Ord. No. 93-40, 3-3-93; Ord. No. 94-8, 1-5-94; Ord. No. 95-149, 6-7-95; Ord. No. 95-242, 9-20-95; Ord. No. 97-146, 5-8-97; Ord. No. 98-494, 11-19-98; Ord. No. 98-496, 12-1-98; Ord. No. 99-135, 5-6-99; Ord. No. 01-239, 10-19-01; Ord. No. 02-21, 2-6-02; Ord. No. 05-151, 5-27-05; Ord. No. 07-162, 6-11-07; Ord. No. 10-152 §5, 7-21-10)

Cross Reference--As to certificates of occupancy to which above fees apply, §400.1350.

SECTION 500.060: CONFLICT WITH OTHER REGULATIONS

Where the Building Code adopted by this Article imposes a greater restriction or requirement than is imposed or required by other ordinances, the provisions of the Building Code shall control. Any provision of this Code of Ordinances or any other ordinance of the City that imposes a greater restriction or requirement than the Building Code shall control. (R.O. 2009 §150.017; CC 1981 §5-4; Ord. No. 88-47, 4-7-88)

SECTION 500.065: VIOLATION AND PENALTY

Any person who shall violate any provision of the code adopted in this Article or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan of or directive of the Code Official, or of a permit or certificate issued under the provision of this code, shall be guilty of an ordinance violation, punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment not exceeding three (3) months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

ARTICLE III. RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS

SECTION 500.070: INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS ADOPTED BY REFERENCE

A. The 2006 International Residential Code for One- and Two-Family Dwellings, including the 2007 Supplement to the 2006 International Residential Code and Appendices A, B, C, D, G, H, J, K, N, O and Q, except as otherwise provided in this Chapter, as published by the International Code Council, Inc., is adopted by reference as the One- and Two-Family Dwelling Code of the City and made a part of this Section as if fully set forth herein.
B. Wherever the phrase "Name of Jurisdiction" appears in the 2006 Edition of the International Residential Code for One- and Two-Family Dwellings, it shall be deemed to mean the City.
C. Nothing in Sections 500.070 and 500.080 or in the One- and Two-Family Dwelling Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby amended by Sections 500.070 and 500.080. No just or legal right or remedy of any character shall be lost, impaired or affected by Sections 500.070 and 500.080.
D. One (1) copy of Sections 500.070 and 500.080, the 2006 Edition of the International Residential Code for One- and Two-Family Dwellings, including the 2007 Supplement to the 2006 International Residential Code, and the proposed amendments have been on file

in the City Clerk's office at least ninety (90) days prior to the adoption of Sections 500.070 and 500.080. (R.O. 2009 §150.020; Ord. No. 97-152, 5-8-97; Ord. No. 02-46, 3-5-02; Ord. No. 05-152, 5-27-05; Ord. No. 10-152 §6, 7-21-10)

SECTION 500.080: AMENDMENTS

The code adopted by Section 500.070 of this Chapter is hereby amended as follows:

1. Section R102.4 Referenced codes and standards is amended to read as follows:
   Section R102.4 Referenced codes and standards. If a referenced standard is in conflict with a code independently and specifically adopted by the City, the standard in the code specifically adopted by the City shall prevail over the referenced standard.
2. Section R103 Department of Building safety is deleted.
3. Section R105.2 Work exempt from permit, the following Sections are amended to read as follows:
   Section R105.2 Work exempt from permit.
   Building:
   1. One-story detached accessory structures, provided the floor area does not exceed 144 square feet, or decks/porches provided the floor area does not exceed 25 square feet.
   3. Retaining walls that are not over 4 feet (1219 mm) in height measured from finished grade to the top of the wall, unless supporting a surcharge.
   5. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below.
   8. Swings and other playground equipment accessory to a one- or two-family dwelling.
4. Section R105.5.1 Permit renewal is deleted.
5. Section R112 Board of Appeals is deleted.
6. Section R113.4 Violation penalties is deleted.
7. Section R202 Definitions, the following text is added to the definition of Rough-In:
   Rough-In. The installation of all parts of the plumbing system that must be completed prior to the installation of fixtures. This includes DWV, water supply and built in fixture supports. In unfinished areas, rough-ins will require waste lines only.
8. Table R301.2(1) Climatic and Geographic Design Criteria, the following values shall be entered into the table.
   Ground Snow Load: 20 psf
   Wind Design Speed: 90 mph
   Wind Topographical Effect: No
   Seismic Design Category : C (unless indicated otherwise in a soils evaluation report from an approved geotechnical agency)
   Weathering: Severe
   Frost Line Depth: 30 inches
   Termite: Slight to Moderate
   Winter Design Temp: 6
   Ice Barrier Underlayment Required: No

Flood Hazards: (a) 4-9-1977, (b) 8-2-1996
Air Freezing Index: 1500 or less
Mean Annual Temp: 50--55

9. Section R302.1 Exterior wall, the following exception is added to read as follows:
   4. Cantilevered manufactured fireplaces and uncovered balconies may project up to 24 inches beyond the exterior into a required side yard. Under no circumstance shall a cantilevered fireplace or balcony encroach into a platted utility easement.
10. Section R303.1 Habitable rooms, the following exception is added which shall read as follows:
    4. Unfinished basements and utility rooms require natural ventilation (net openable area) at the ratio of 1% of the square footage floor area served. Mechanical ventilation with outdoor air (not re-circulated air) in accordance with the Mechanical Code may be substituted at a rate of .05 cfm/sq. ft. of area.
11. Section R303.3 Bathrooms, the exception is amended to read as follows:
    Exception: The glazed areas shall not be required where artificial light and a mechanical ventilation system are provided. The minimum ventilation rates shall be 50 cubic feet per minute (24 L/s) for intermittent ventilation or 20 cubic feet per minute (10 L/s) for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside, or to an attic gable vent or ventilated soffit.
12. Section R303.4.2 Exhaust openings is amended to read as follows:
    Exhaust air shall not be directed onto a public walkway.
13. Section R306.5 Hose bibb, the following Section is added to read as follows:
    Section R306.5 Hose Bibb.
    Every dwelling shall provide one outside frost-proof hose bibb. The hose bibb shall be protected from backflow per Section P2902.
14. Section R306.6 Floor Drain, the following Section is added to read as follows:
    Section R306.6 Floor Drain.
    All basements shall have a floor drain within 20 feet of the heating/cooling system(s) and water heaters. The floor drain shall comply with Chapter 27 of the International Residential Code for One- and Two-Family Dwellings.
15. Section R310.1 Emergency Escape and Rescue Openings is amended to add the following exception:
    Exception: Habitable spaces in basements, in existing dwelling units, which are not used for sleeping rooms, are not required to have emergency escape and rescue openings when the basement is equipped with a NFPA 13D or NFPA 13R sprinkler system.
16. Section R311.3.2 Floor elevations for other exterior doors, the exception shall be amended to read as follows:
    Exception: A landing is not required where a stairway of three or fewer risers is located on the exterior side of the door, provided the door does not swing over the stairway.
17. Section R311.3.2 Floor elevations for other exterior doors is amended to add the following exception:
    Exception:

1. Doors, with no landing, for future deck/balcony shall be protected by an approved guard if the door threshold is more than 3 risers (23¼") above grade.
2. Exterior balconies less than 60 square feet and only accessible from a door are permitted to have a landing less than 36 inches measured in the direction of travel.

18. Section R314.4 Thermal barrier is amended to add the following exception: *Exception:* A thermal barrier is not required on the interior of a "three-season-room" if a minimum of eighty (80) percent of the area within the plane of any given wall or ceiling is composed of glass and no more than twenty (20) percent of the remaining area within the plane has an interior covering of 0.032-inch-thick (0.8 mm) aluminum, 0.016-inch-thick corrosion-resistant steel, or another approved material installed in such a manner that the foam plastic is not exposed.
19. Section R403.1.4.1 Frost protection, exceptions are amended to read as follows: *Exceptions:*
    1. Freestanding accessory structures with an area not exceeding 144 square feet and an eave height of 10 feet or less shall not be required to be protected.
    2. Decks not supported by a dwelling, not exceeding 144 square feet, need not be provided with footings that extend below the frost line. Footings shall not bear on frozen soil unless such frozen condition is of a permanent character.
20. Section R403.1.7 Footings on or adjacent to slopes is amended to read as follows: The placement of buildings and structures on or adjacent to slopes steeper than 1 unit vertical in 3 units horizontal (33.3 percent slope) shall conform to Sections R403.1.7.1 through R403.1.7.4 or according to an engineer approved structural design.
21. Section R404.1 Concrete and masonry foundation walls is amended to read as follows:
    2. Floor joists shall be connected to the sill plate at the top of the foundation wall by 3-8d toe nails.
    4. Deleted.
    5. Deleted.

    Exception: Anchor bolt spacing installation in seismic category C shall not be required to be more restrictive than the following: ½" round anchor bolts, placed at a maximum of 6€-0" O.C., set a minimum of 7" into concrete required for anchoring of sill plates (2x4 minimum) around entire foundation with nuts and 2½" square washers by 3/16" thick. Sill plates are to be grouted level or have sill sealer with approved shim materials and methods. There shall be an anchor bolt located 4" to 12" from the end of each sill/sole plate.
22. Section R405 Foundation drainage is amended to include the following Sections: R405.1.1 An evaluation from a geotechnical engineer of the soil for the presence or absence of ground water is required. The evaluation report shall be based on either a subsurface soil investigation or satisfactory data from adjacent areas together with an inspection of the excavation prior to pouring concrete. R405.1.1.1 No ground water present, provide drain tile, perforated pipe, or other approved foundation drainage systems (such as water channel system) around perimeter of the outside of the foundation or inside the foundation. Drain discharge shall be by gravity daylight or be connected to a basement floor sump pit.

R405.1.1.2 An approved filter membrane shall be placed over the top of the joint/pipe perforations. The tile/pipe shall be placed on 2" minimum gravel or crushed stone and have 6" minimum cover.
R405.1.1.3 Drainage system shall discharge by gravity to daylight or be connected to an approved sump pit (18" in diameter x 24" deep with fitted cover). A sump pump will be provided if basement is finished or partially finished by pump discharged by an approved method.
R405.1.2 Ground water present--Provide drain tile, perforated pipe or other approved foundation drainage systems (such as water channel system) around perimeter of the outside of the foundation and inside the foundation. Drain discharge shall be by gravity to daylight or be connected to a basement floor sump.
R405.1.2.1 Drainage system shall discharge by gravity to daylight or be connected to an approved sump pit (18" in diameter x 24" deep with fitted cover) having a sump pump that discharges into an approved disposal system.

23. Table R502.2.2.1 is amended to read as follows:

TABLE R502.2.2.1
FASTENER SPACING FOR A SOUTHERN PINE OR HEM-FIR DECK LEDGER AND A 2-INCH NOMINAL SOLID-SAWN SPRUCE-PINE-FIR BAND JOIST c,f,g
(Deck Live Load = 40 psf, Deck Dead Load = 10 psf)

Less	*6€-1" to 8€-0"*	*8€-1" to 10€-0"*	*10€-1" to 12€-0"*	*12€-1" to 14€-0"*	*14€-1" to 16€-0"*	*16€-1" to 18€-0"*
Spacing of Fasteners d,e						
	16	16	15	13	11	10
	24	24	24	24	21	19

	24	24	24	21	18	16a. The tip of the lag screw shall fully extend beyond the inside face of the band joist. b. The maximum gap between the face of the ledger board and face of the wall sheathing shall be ½". c. Ledgers shall be flashed to prevent water from contacting the house band joist. d. Lag screws and bolts shall be staggered in accordance with Section R502.2.2.1.1. e. Deck ledger shall be minimum 2 x 8 pressure preservative treated No. 2. grade lumber, or other approved materials as established by standard engineering practice. f. When solid-sawn pressure preservative treated deck ledgers are attached to engineered wood products (structural composite lumber rimboard or laminated veneer lumber), the ledger attachment shall be designed in accordance with accepted engineering practices. g. A minimum 1 by 9½ Douglas Fir laminated veneer lumber rimboard shall be permitted in lieu of the 2 inch nominal band joist. h. Wood structural panel sheathing, gypsum board sheathing or foam sheathing not exceeding 1 inch in thickness shall be permitted. The maximum distance between the face of the ledger board and the face of the band joist shall be 1 inch.

24. Section R502.2.2.3 and Figure R502.2.3 are deleted.
25. Section R602.8 fireblocking required, is amended to read as follows:
    7. Open web or perforated truss floor joists must be covered by one sheet of inch type "X" fire rated gypsum board (or equivalent) or a NFPA 13D or a NFPA 13R sprinkler system must be installed in the basement.
26. Section R603.1 General, is amended to read as follows:
    Elements shall be straight and free of any defects that would significantly affect structural performance. Cold formed steel wall framing members shall comply with the requirements of this section or with American Iron and Steel Institute (AISI) Standards for cold formed steel framing.
27. Section R606.1.1 Professional registration not required, is deleted.
28. Section R905.2.8.2 Valleys, is amended to add the following:
    4. For closed valleys (valley covered with shingles), valley lining of two layers of 15 pound felt paper complying with ASTM D 226 Type I, ASTM D Type 1, or ASTM D 6757.
29. Section R1005.7 Installation, is added, which shall read as follows:

Section R1005.7: Factory-built chimneys shall be installed in accordance with the manufacturer's installation instructions. The flue chase for a factory-built chimney shall have a minimum of one thickness of five-eighths (€") inch, Type X drywall or its equivalent extending to the roof sheathing of the structure applied to the inside of every portion of the flue chase that abuts a structure.

30. Section 1005.8 Required Fire Separation Enclosures, is added, which shall read as follows:
    Section R1005.8 Required Fire Separation Enclosures.
    All prefabricated metal chimneys shall be enclosed in a shaft with one layer of five-eighths (€") inch, Type X drywall or equivalent from the fireplace connector to the underside of the roof sheathing securely attached with framing material. When the chimney is located on the exterior of the structure, it need only be separated by lining the exterior wall adjacent to the shaft with one layer of five-eighths (€") inch, Type X drywall or equivalent. All joints are to be tight within one-eighth of an inch or taped with a layer of joint compound. Required clearances shall be maintained between chimney and the drywall per chimney manufacturer's specifications.
31. Section R1005.2 Decorative shrouds is amended to read as follows:
    Decorative shrouds shall not be installed at the termination of factory-built chimneys except where the shrouds or listed and labeled for use with the specific factory-built chimney system and/or installed in accordance with the manufacturer's installation instructions.
32. Section R1006.1.1 Factory Built Fireplaces is amended to read as follows:
    Exterior combustion air ducts for factory-built fireplaces shall be a listed component of the fire-place and/or shall be installed according to the fireplace manufacturer's instructions.
33. Section N1101.8 Certificate is deleted.
34. Section N1102.2.3 Access hatches and doors shall be amended to read as follows:
    Access doors from conditioned spaces to unconditioned spaces shall be insulated to a level equivalent to the insulation on the surrounding surfaces. Access shall be provided to all equipment which prevents damaging or compressing insulation. A wood framed or equivalent baffle or retainer is required to be provided when loose fill insulation is installed, the purpose of which is to prevent the loose fill insulation from spilling into the living space when the attic access is opened and to provide the permanent means of maintain the installed R-value of the loose fill insulation.
35. Section N1102.4.1 Building thermal envelope shall be amended to read as follows:
    The building thermal envelope shall be durably sealed to limit infiltration. The sealing methods between dissimilar materials shall allow for differential expansion and contraction. The following shall be caulked, gasketed, weather-stripped or otherwise sealed with an air barrier material, suitable film or solid material.
    1. Openings between window and door assemblies and their respective jambs and framing.
    2. Utility penetrations.

3. Walls and ceilings separating the garage from conditioned spaces.
4. Behind tubs and showers on exterior walls.
5. Common walls between dwelling units.
6. Other sources of infiltration.

36. Section N1103.2.1 Insulation shall be amended to read as follows:
All ducts shall be insulated to a minimum of R-6.
Exception: Ducts or portions thereof located completely in the building thermal envelope or basement.
37. Section N1103.2.2 Sealing is amended to include the following exception:
Exception: Ducts or portions thereof located completely inside the conditioned space or basement.
38. Section M1305.1 Appliance access for inspection, service, repair and replacement, is amended to read as follows:
Indoor appliances shall be accessible for inspection, service, repair and replacement without removing permanent construction, other appliances, or any other piping or ducts not connected to the appliance being inspected, serviced, repaired or replaced. A level working space at least 30" deep and 30" wide (762 mm x 762 mm) shall be provided in front of the control side to service an appliance. Installation of room heaters shall be permitted with at least 18-inch (457 mm) working space. A platform shall not be required for room heaters.
39. Section M1308.3 Foundations and supports is amended to read as follows:
Foundations and supports for outdoor mechanical systems shall be raised at least 2 inches (76 mm) above the finished grade, and shall also conform to the manufacturer's installations instructions.
40. Section 1501.1 Outdoor discharge is amended to include an additional exception:
Exception: Bathroom exhaust vents may terminate at the soffit when provided with an approved termination cap or may terminate at a gable vent.
41. Section M1502.6 Length limitations is amended to include an additional exception:
Exceptions:
    3. Where a clothes dryer booster fan is installed and listed and labeled for the application, the maximum length of the exhaust duct, including any transition duct, shall be permitted to be in accordance with the booster fan manufacturer's installation instructions. Where a clothes dryer booster fan is installed and not readily accessible from the room in which the dryer is located, a permanent identifying label shall be placed adjacent to where the exhaust duct enters the wall. The label shall bear the words "This dryer exhaust system is equipped with a remotely located booster fan."
42. Section 1503.4 Make up air required shall be amended to read as follows:
Exhaust hood systems capable of exhausting in excess of 600 cubic feet per minute shall be proved with makeup air systems, shall be equipped with a means of closure and shall be automatically controlled to start and operate simultaneously with the exhaust system.
43. Section 1601.3.1 Joints and Seams is amended to include the following exception:
Exception: Ducts or portions thereof located completely inside the conditioned space or basement.
44. Section 2415.1 Prohibited locations is amended to include the following

exception:
Exception: Developments approved by the Department of Community Development, prior to July 6th 2010, which have buildings of three or more attached town house units shall be permitted to install piping through adjoining units until such time as all proposed units are completed.

45. Section G2439.5.1 Maximum length is amended to include the additional exception:
Exceptions:
    2. Where a clothes dryer booster fan is installed and listed and labeled for the application, the maximum length of the exhaust duct, including any transition duct, shall be permitted to be in accordance with the booster fan manufacturer's installation instructions. Where a clothes dryer booster fan is installed and not readily accessible from the room in which the dryer is located, a permanent identifying label shall be placed adjacent to where the exhaust duct enters the wall. The label shall bear the words "This dryer exhaust system is equipped with a remotely located booster fan."
46. Section G2427.5.3 (503.5.4) Chimney Termination is amended to read as follows:
Chimneys for residential-type or low-heat appliances shall extend at least 3 feet (914 mm) above the highest point where they pass through a roof of a building at least 2 feet (610 mm) higher than any portion of a building within a horizontal distance of 10 feet (3048 mm) (see figure G2427.5.3). Chimneys for medium heat appliances shall extend at least 10 feet (3048 mm) higher than any portion of any building within 25 feet (7620 mm). Chimneys shall extend at least 5 feet (1524 mm) above the highest connected appliance draft hood outlet or flue collar. Decorative shrouds shall not be installed at the termination of factory-built chimneys except where such shrouds are listed and labeled for use with the specific factory-built chimney system and/or installed in accordance with the manufacturer's installation instructions.
47. Section 02427.6.3.1 (503.6.4.1) Decorative shrouds is amended to read as follows:
Decorative shrouds shall not be installed at the termination points of gas vents except where such shrouds are listed for use with the specific gas venting system and/or installed in accordance with manufacturer's installation instructions.
48. Section N1102.6 Alternate Design shall be added to read as follows:
The following Section is added and can be used as an alternative to the previous sections of Chapter 11 of the International Residential Code for One- and Two-Family Dwellings.
    1. *Minimum R Values:*
        A. Roof/ceiling R-30
        B. 2 x 4 wood frame walls and band joists/board R-13
        C. Floor over unheated crawl space R-19
        D. Concrete/masonry basement foundation walls
            For finished basement areas R-5
            For unfinished basement areas R-5

Exception: Unfinished basements may have up to a maximum of 20% of the total basement wall area exposed above the outside finished grade/ground level as un-insulated concrete walls. The foundation wall area above the outside

grade/ground level that may be un-insulated is determined by the formula .20 times the basement wall height of all walls (including insulated exterior frame walls for walk-out basements and walls common to both basement and attached garages) times the perimeter of these basement walls. In unfinished areas the basement foundation wall insulation shall extend down to the basement floor slab or to a minimum of 24 inches below outside finished grade when the grade is above the floor slab elevation.

E. Slab-on-grade floors:
Minimum R-4.2 (unheated slab)
Minimum R-6.2 (heated slab)
Note: The insulation shall be along the perimeter of the foundation wall downward from the slab a minimum distance of 24" or horizontally under the slab for a minimum of 24".

2. *Doors.* All metal doors shall be insulated.
Exception: Overhead garage doors
3. *Windows.* All skylights shall be double-glazed. Windows for natural ventilation of unfinished basements may be single-glazed. All other windows shall comply with one of the three following conditions:
   A. For window areas that do not exceed 24% of the gross insulated frame wall area of the entire building:
      1. Use double-glazed windows with ½" minimum (gross overall thickness) clear glass, with either aluminum frame with thermal break, vinyl frame, wood frame or fiberglass frame, or
      2. Use a window having a maximum overall U-value not more than 0.56.
   B. For window areas greater than 24% and not more than 30% of the gross insulated frame wall area of the entire building use one of the two following options:
      1. Use double-glazed windows with ½" minimum (gross overall thickness) clear glass, with either aluminum frame with thermal break, vinyl frame, wood frame or fiberglass frame. In addition, one of the following must be provided:
         a. Windows must be treated with low-emissivity (Low E) film, or
         b. The exterior walls shall be sheathed with a minimum of ½" insulated sheathing with a minimum R-value of 3.
      2. The maximum U-value of all windows shall not exceed 0.51.
   C. For window areas that exceed 30% of the gross insulated frame wall area of the entire building, calculations that confirm compliance with the provisions of this code shall be required. (R.O. 2009 §150.021; Ord. No. 97-152, 5-8-97; Ord. No. 98-494, 11-19-98; Ord. No. 02-46, 3-5-02; Ord. No. 05-152, 5-27-05; Ord. No. 10-152 §6, 7-21-10)

SECTION 500.085: VIOLATION AND PENALTY

Any person who shall violate any provision of the code adopted in this Article or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or

repair a building or structure in violation of an approved plan of or directive of the Code Official, or of a permit or certificate issued under the provision of this code, shall be guilty of an ordinance violation, punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment not exceeding three (3) months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

ARTICLE IV. ENERGY CONSERVATION CODE

SECTION 500.090: INTERNATIONAL ENERGY CONSERVATION CODE ADOPTED BY REFERENCE

A. The 2006 Edition of the International Energy Conservation Code, except as otherwise provided in this Chapter, as published by the International Code Council, Inc., is adopted by reference as the Energy Conservation Code of the City and made a part of this Section as if fully set forth herein.
B. Wherever the phrase "Name of Jurisdiction" appears in the 2006 Edition of the International Energy Conservation Code, it shall be deemed to mean the City.
C. Nothing in Sections 500.090 and 500.100 or in the Energy Conservation Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby amended by Sections 500.090 and 500.100. No just or legal right or remedy of any character shall be lost, impaired or affected by Sections 500.090 and 500.100.
D. One (1) copy of Sections 500.090 and 500.100, the 2006 Edition of the International Energy Conservation Code, and the proposed amendments have been on file in the City Clerk's office at least ninety (90) days prior to the adoption of Sections 500.090 and 500.100. (R.O. 2009 §150.025; Ord. No. 05-153, 5-27-05; Ord. No. 10-152 §7, 7-21-10)

SECTION 500.100: AMENDMENTS

The code adopted by Section 500.090 of this Chapter is amended in the following respects:

1. Section 101.1 Title is amended to read as follows:
   Section I 01.1 Title. These regulations shall be known as the Energy Conservation Code of the City of Saint Charles, Missouri, hereinafter referred to as "this code". (R.O. 2009 §150.026; Ord. No. 05-153, 5-27-05; Ord. No. 10-152 §7, 7-21-10)

SECTION 500.105: VIOLATION AND PENALTY

Any person who shall violate any provision of the code adopted in this Article or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan of or directive of the Code Official, or of a permit or certificate issued under the provision of this code, shall be

guilty of an ordinance violation, punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment not exceeding three (3) months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

ARTICLE V. PROPERTY MAINTENANCE CODE

SECTION 500.110: INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED BY REFERENCE

A. The 2006 Edition of the International Property Maintenance Code including the 2007 Supplement to the 2006 International Property Maintenance Code, except as otherwise provided in this Chapter, as published by the International Code Council, Inc. is adopted by reference as the Property Maintenance Code of the City and made a part of this Section as if fully set forth herein.
B. Wherever the phrase "Name of Jurisdiction" appears in the 2006 Edition of the International Property Maintenance Code, it shall be deemed to mean the City.
C. Nothing in Sections 500.110 and 500.120 or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby amended as cited in Sections 500.110 and 500.120. No just or legal right or remedy of any character shall be lost, impaired or affected by Sections 500.110 and 500.120.
D. One (1) copy of Sections 500.110 and 500.120, the 2006 Edition of the International Property Maintenance Code, and the proposed amendments have been on file in the City Clerk's Office at least ninety (90) days prior to the adoption of Sections 500.110 and 500.120. (R.O. 2009 §150.030; Ord. No. 95-153, 6-7-95; Ord. No. 97-151, 5-8-97; Ord. No. 00-141, 6-9-00; Ord. No. 05-154, 5-27-05; Ord. No. 10-152 §8, 7-21-10)

SECTION 500.120: AMENDMENTS

The code adopted by Section 500.110 is hereby amended as follows:

1. Section PM-101.1 Title is amended to read as follows:
   Section PM-101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Saint Charles, Missouri, hereinafter referred to as "this code".
2. Section 103 Department of Property Maintenance Inspection is deleted.
3. Section PM-106.4 Violation penalties is deleted.
4. Sections PM-111.2 through PM-111.5 are hereby deleted.
5. The following Section is deleted:
   PM-302.4, Weeds.
6. The following Section is deleted:
   PM-302.8 Motor Vehicles.
7. Section PM-304.13 Window, skylight and door frames is hereby amended by adding a new Subsection PM-304.13.3 which shall read as follows:

With the approval of the Director of Community Development, doors and windows in structures with broken, cracked or missing glazing material may be temporarily boarded up for a period not to exceed ninety days or for the term of any permit issued by the Department of Community Development. After the expiration of such permit, or after ninety days when no permit is required, boarding on all doors and windows must be removed and doors and windows shall then contain glazing which is free from cracks and holes. In no event shall a door be boarded up which had no glazing as part of its composition. Upon failure of the owner to comply with this Section and by order of the Director of Community Development, the Director of Community Development after notice pursuant to Section PM-107 shall cause the installation of the appropriate glazing through any available public agency, or by contract or arrangements by private parties and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

8. Section PM-304.14 Insect screens is amended to read as follows:
Section PM-304.14 Insect screens. During the period from April 1 to November 1 every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.
Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.
9. Section 306 Component Serviceability shall be renumbered Section 308. Subsection 306.3.1 General shall be renumbered Section 308.1.
10. Section 404.4.1 Area for sleeping purposes is amended as follows:
Every bedroom occupied by one person shall contain at least 70 square feet of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet of floor area for each occupant thereof.
11. Section 404.5 Overcrowding is amended by adding Section 404.5.1 Sleeping Areas and Section 404.5.2 Combined Spaces as follows:
404.5 Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

Table 404.5 Minimum Area Requirements

Space	*Minimum Area in Square Feet*		
	1--2 Occupants	*3--5 Occupants*	*6 or more Occupants*
Living Room[a,b]	No Requirements	120	150
Dining Room[a,b]	No Requirements	80	100
Bedrooms	Shall comply with Section 404.4		

For SI: 1 square foot = 0.093 m^2.
a. See Section 404.5.2 for combined living room/dining room spaces.
b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

Section 404.5.1 Sleeping area. The minimum occupancy area required by Table

404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 404.4.

Section 404.5.2 Combined spaces. Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

12. Section PM-602.3 Heat Supply is amended as follows:
Section PM-602.3 Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from October 1 through May 15 to maintain a temperature of not less than 65 degrees F. (18 degrees C.) in all habitable rooms, bathrooms, and toilet rooms.
13. Section PM-602.4 Occupiable workspaces is amended as follows:
Section PM-602.4 Occupiable workspaces. Indoor occupiable work space shall be supplied with sufficient heat during the period from October 1 to May 15 to maintain a temperature of not less than 65 degrees F. (18 degrees C.) during the period the space is occupied.
Exceptions:
    1. Processing, storage and operation areas that require cooling or special temperature conditions.
    2. Areas in which persons are primarily engaged in vigorous physical activities. (R.O. 2009 §150.031; Ord. No. 95-153, 6-7-95; Ord. No. 97-151, 5-8-97; Ord. No. 00-141, 6-9-00; Ord. No. 00-268, 9-21-00; Ord. No. 05-154, 5-27-05; Ord. No. 10-152 §8, 7-21-10; Ord. No. 11-32 §1, 3-4-11)

SECTION 500.125: VIOLATION AND PENALTY

Any person who shall violate any provision of the code adopted in this Article or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan of or directive of the Code Official, or of a permit or certificate issued under the provision of this code, shall be guilty of an ordinance violation, punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment not exceeding three (3) months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

ARTICLE VI. EXISTING BUILDING CODE

SECTION 500.130: INTERNATIONAL EXISTING BUILDING CODE ADOPTED BY REFERENCE

A. The 2006 Edition of the International Existing Building Code, including Appendixes A and B, except as otherwise provided in this Chapter, as published by the International

Code Council, Inc., is adopted by reference as the Existing Building Code of the City and made a part of this Section as if fully set forth herein.

B. Wherever the phrase *"Name of Jurisdiction"* appears in the 2006 Edition of the International Existing Building Code, it shall be deemed to mean the City.

C. Nothing in Sections 500.130 and 500.140 or in the Existing Building Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby amended by Sections 500.130 and 500.140. No just or legal right or remedy of any character shall be lost, impaired or affected by Sections 500.130 and 500.140.

D. One (1) copy of Sections 500.130 and 500.140, the 2006 Edition of the International Existing Building Code, and the proposed amendments have been on file in the City Clerk's office at least ninety (90) days prior to the adoption of Sections 500.130 and 500.140. (R.O. 2009 §150.035; Ord. No. 05-155, 5-27-05; Ord. No. 10-152 §9, 7-21-10)

SECTION 500.140: AMENDMENTS

The code adopted by Section 500.130 is amended as follows:

1. Section 101.1 Title is deleted and one new Section is enacted in lieu thereof which shall read as follows:
   Section 101.1 Title. These regulations shall be known as the Existing Building Code of the City of Saint Charles, Missouri, hereinafter referred to as "this code".
2. Sections 103 Department of Building Safety is deleted.
3. Section 112 Board of Appeals is deleted.
4. Section 113.4 Violations penalties is hereby deleted.
5. Section 114 Stop Work Order is deleted. (R.O. 2009 §150.036; Ord. No. 05-155, 5-27-05; Ord. No. 10-152 §9, 7-21-10)

SECTION 500.145: VIOLATION AND PENALTY

Any person who shall violate any provision of the code adopted in this Article or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan of or directive of the Code Official, or of a permit or certificate issued under the provision of this code, shall be guilty of an ordinance violation, punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment not exceeding three (3) months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

ARTICLE VII. MECHANICAL CODE

SECTION 500.150: INTERNATIONAL MECHANICAL CODE ADOPTED BY REFERENCE

A. The 2006 Edition of the International Mechanical Code, including Appendix A, except as

otherwise provided in this Chapter, as published by the International Code Council, Inc., is adopted by reference as the Mechanical Code of the City and made a part of this Section as if fully set forth herein.

B. Wherever the phrase "Name of Jurisdiction" appears in the 2006 Edition of the International Mechanical Code, it shall be deemed to mean the City.

C. Nothing in Sections 500.150 and 500.160 or in the Mechanical Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby amended by Sections 500.150 and 500.160. No just or legal right or remedy of any character shall be lost, impaired or affected by Sections 500.150 and 500.160.

D. One (1) copy of Sections 500.150 and 500.160, the 2006 Edition of the International Mechanical Code, and the proposed amendments have been on file in the City Clerk's office at least ninety (90) days prior to the adoption of Sections 500.150 and 500.160. (R.O. 2009 §150.040; CC 1981 §5-125; Ord. No. 88-111, 6-23-88; Ord. No. 95-150, 6-7-95; Ord. No. 97-149, 5-8-97; Ord. No. 00-143, 6-9-00; Ord. No. 05-156, 5-27-05; Ord. No. 10-152 §10, 7-21-10)

SECTION 500.160: AMENDMENTS

The code adopted by Section 500.150 is amended as follows:

1. Section 101.1 Title is amended to read as follows:
   Section 101.1 Title. These regulations shall be known as the Mechanical Code of the City of Saint Charles, Missouri, hereinafter referred to as "this code".
2. Section 101.2.2 Appendix A is added:
   Section 101.2.2 Appendix A. Appendix A is adopted.
3. Section 103 is deleted.
4. Section 106.1 Permits--When Required is amended to read as follows:
   Section 106.1 Permits--when required. An owner, authorized agent or contractor who desires to erect, install, enlarge, alter, repair, remove, convert or replace a mechanical system, the installation of which is regulated by this code, or to cause such work to be done, shall make application to the Code Official and obtain the required permit for the work.
   Exception: Where equipment replacements and repairs must be performed in an emergency situation, permit application shall be made within the next working business day of the Department of Community Development.
5. Section 106.3 Application for Permit is deleted and one new Section is enacted as follows:
   Section 106.3 Application for permit. Each application for a permit shall be made to the Code Official and include a general description of the proposed work and its location.
6. Section 106.4 Permit Issuance is amended to read as follows:
   Section 106.4 Permit issuance. The application, construction documents and other data filed by an applicant for a permit shall be reviewed by the Code Official. If the Code Official finds that the proposed work conforms to the requirements of this code and all laws and ordinances applicable thereto, and that the fees specified elsewhere in his code have been paid, a permit shall be issued to

the applicant.

7. Section 106.4.3 Expiration is deleted.
8. Section 106.4.4 Extensions is deleted.
9. Sections 106.5, 106.5.1, 106.5.2 and 106.5.3 Fees are deleted.
10. Section 108.4 Violation Penalties is deleted.
11. Section 108.5 Stop Work Orders is deleted.
12. Section 108.6 Abatement of Violation is deleted.
13. Sections 109.2 through 109.7 Membership of Board are hereby deleted.
14. Section 805.1 Factory-Built Chimneys--Listing is amended to read as follows:
    Section 805.1 Listing. Factory-built chimneys shall be listed and labeled and shall be installed and terminated in accordance with the manufacturer's installation instructions. The flue chase for a factory-built chimney shall have a minimum of one thickness of five-eighths inch type "X" drywall or its equivalent extending to the roof sheathing of the structure applied to the inside of every portion of the flue chase that abuts a structure. All joints are to be tight within one-eighth of an inch or taped with a layer of joint compound. Required clearances shall be maintained between chimney and the gypsum board per chimney manufacturer's specifications.
15. A new Section 903.1.2 Required Fire Separation Enclosures is added to Section 903 to read as follows:
    Section 903.1.2 Required fire separation enclosures. All prefabricated metal chimneys shall be enclosed in a shaft with one layer of five-eighths inch type "X" gypsum board or equivalent from the fireplace connector to the underside of the roof sheathing securely attached with framing material. When the chimney is located on the exterior of the structure, it need only be separated by lining the exterior wall adjacent to the shaft by one layer of five-eighths inch type "X" gypsum board or equivalent. All joints are to be tight within one-eighth of an inch or taped with a layer of joint compound. Required clearances shall be maintained between chimney and the gypsum board per chimney manufacturer's specifications. (R.O. 2009 §150.041; CC 1981 §5-126; Ord. No. 88-111, 6-23-88; Ord. No. 88-196, 10-19-88; Ord. No. 95-150, 6-7-95; Ord. No. 97-149, 5-8-97; Ord. No. 98-494, 11-19-98; Ord. No. 00-143, 6-9-00; Ord. No. 05-156, 5-27-05; Ord. No. 10-152 §10, 7-21-10)

SECTION 500.165: VIOLATION AND PENALTY

Any person who shall violate any provision of the code adopted in this Article or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan of or directive of the Code Official, or of a permit or certificate issued under the provision of this code, shall be guilty of an ordinance violation, punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment not exceeding three (3) months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

ARTICLE VIII. FUEL GAS CODE

SECTION 500.170: INTERNATIONAL FUEL GAS CODE ADOPTED BY REFERENCE

A. The 2006 Edition of the International Fuel Gas Code, including Appendixes A, B, C and D, except as otherwise provided in this Chapter, as published by the International Code Council, Inc., is adopted by reference as the Fuel Gas Code of the City and made a part of this Section as if fully set forth herein.
B. Wherever the phrase "Name of Jurisdiction" appears in the 2006 Edition of the International Fuel Gas Code, it shall be deemed to mean the City.
C. Nothing in Sections 500.170 and 500.180 or in the Fuel Gas Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby amended by Sections 500.170 and 500.180. No just or legal right or remedy of any character shall be lost, impaired or affected by Sections 500.170 and 500.180.
D. One (1) copy of Sections 500.170 and 500.180, the 2006 Edition of the International Fuel Gas Code, and the proposed amendments have been on file in the City Clerk's office at least ninety (90) days prior to the adoption of Sections 500.170 and 500.180. (R.O. 2009 §150.045; Ord. No. 05-157, 5-27-05; Ord. No. 10-152 §11, 7-21-10)

SECTION 500.180: AMENDMENTS

The code adopted by Section 500.170 is amended as follows:

1. Section 101.1 Title is amended to read as follows:
   Section 101.1 Title. These regulations shall be known as the Fuel Gas Code of the City of Saint Charles, Missouri, hereinafter referred to as "this code".
2. Section 103 is deleted.
3. Sections 106.5, 106.5.1, 106.5.2 and 106.5.3 are deleted.
4. Section 108.4 Violation Penalties is deleted.
5. Section 108.5 Stop Work Orders is deleted.
6. Section 108.6 Abatement of Violation is deleted.
7. Section 109 Means for appeal is deleted. (R.O. 2009 §150.046; Ord. No. 05-157, 5-27-05; Ord. No. 10-152 §11, 7-21-10)

SECTION 500.185: VIOLATION AND PENALTY

Any person who shall violate any provision of the code adopted in this Article or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan of or directive of the Code Official, or of a permit or certificate issued under the provision of this code, shall be guilty of an ordinance violation, punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment not exceeding three (3) months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

ARTICLE IX. ELECTRICAL CODE

SECTION 500.190: NATIONAL ELECTRICAL CODE ADOPTED BY REFERENCE

A. The 2005 Edition of the National Electrical Code, including Annex G, except as otherwise provided in this Chapter, as published by the National Fire Protection Association, Inc. is adopted by reference as the Electrical Code of the City and made a part of this Section as if fully set forth herein.

B. All electrical installations in this City shall be in accordance with the Electrical Code of the City, and no installation or alteration of electrical equipment shall be made for light, heat, or power in any building in this City until and unless the installation of the electric wiring therein and thereto shall conform to the requirements of such Electrical Code or as near as practical in the protection from danger of fire and other electrical hazards.

C. Nothing in Sections 500.190 and 500.200 and the Electrical Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby amended or by Sections 500.190 and 500.200. No just or legal right or remedy of any character shall be lost, impaired or affected by Sections 500.190 and 500.200.

D. One (1) copy of Sections 500.190 and 500.200, the 2005 Edition of the National Electrical Code, and the proposed amendments have been on file in the City Clerk's office at least ninety (90) days prior to the adoption of Sections 500.190 and 500.200. (R.O. 2009 §150.055; CC 1981 §9-1; Ord. No. 3793, 10-9-70; Ord. No. 76-78, 10-20-76; Ord. No. 88-110, 6-23-88; Ord. No. 95-152, 6-7-95; Ord. No. 97-148, 5-8-97; Ord. No. 00-142, 6-9-00; Ord. No. 05-158, 5-27-05; Ord. No. 10-152 §12, 7-21-10)

SECTION 500.200: ELECTRIC WIRING INSPECTOR--CONFORMANCE WITH REGULATIONS

The code adopted by Section 500.190 is amended as follows:

1. Article 80.1 Scope is amended to read as follows:
   80.1 Scope. The following functions are covered:
   (1) The inspection of electrical installations as covered by 90.2.
   (2) (Reserved).
   (3) The review of construction plans, drawings, and specifications for electrical systems.
   (4) The design, alteration, modification, construction, maintenance, and testing of electrical systems and equipment.
   (5) The regulation and control of electrical installations at special events including but not limited to exhibits, trade shows, amusement parks, and other similar special occupancies.
2. Article 80.5 Adoption is amended to read as follows:
   80. 5 Adoption. Article 80 is adopted.
3. Article 80.13 Authority (13) is amended to read as follows:
   (13) Whenever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the authority having jurisdiction shall be permitted to require that such work be exposed for inspection. The authority having jurisdiction shall be notified when the installation is ready for inspection and shall conduct the inspection within two

(2) business days.

4. Article 80.15 Electrical Board is deleted and one new Section is enacted in lieu thereof to read as follows:
   80.15(A) *Creation of the Electrical Board.* The Board of Appeals shall be the Electrical Board, hereinafter designated as the Board.
   80.15 (B), (C), (D), (E), and (F) are deleted.
   80.15(B) Appeals.
   (1) *Review of decisions.* Any person, firm, or corporation may register an appeal with the Board for a review of any decision of the electrical inspector, provided such appeal is made in writing within twenty (20) days after such person, firm, or corporation shall have been notified. Upon receipt of such appeal, said Board shall, if requested by the person making the appeal, hold a public hearing and proceed to determine whether the action of the Board, or the electrical inspector complies with this law and, within twenty (20) days after receipt of the appeal or after holding the hearing, shall make a decision in accordance with its findings.
   (2) *Conditions.* Any person shall be permitted to appeal a decision of the authority having jurisdiction to the Board when it is claimed that any one or more of the following conditions exist:
      a. The true intent of the codes or ordinances described in this Code has been incorrectly interpreted.
      b. The provisions of the codes or ordinances do not fully apply.
      c. A decision is unreasonable or arbitrary as it applies to alternatives or new materials.
   (3) *Submission of appeals.* A written appeal, outlining the Code provision from which relief is sought and the remedy proposed, shall be submitted to the authority having jurisdiction within twenty (20) calendar days of notification of violation.
5. Article 80.23(B) Penalties is deleted.
6. Article 80.27 Inspector's Qualifications is deleted.
7. Article 80.35 Effective Date is amended as follows:
   80.35 Effective date. Article 80 shall take effect immediately after its passage and publication. (R.O. 2009 §150.056; Ord. No. 05-158, 5-27-05; Ord. No. 10-152 §12, 7-21-10)

SECTION 500.210: PERMIT REQUIRED

No person shall do or cause to be done any electrical wiring or alter or repair any electrical work in the City unless a permit has been obtained from the Director of Community Development or a designee and the person has proof of having a County electric license, together with a surety company bond, in the amount of ten thousand dollars ($10,000.00), conditioned that the person will indemnify and save harmless the City from all accidents and damage caused by any negligence in protecting the work or by unfaithful, imperfect or improper work done under the permit and that the person will promptly pay all fines and charges lawfully imposed for a violation of any of the rules, regulations and ordinances pertaining to electricians and electric wiring and have on deposit with the City Clerk the sum of one hundred dollars ($100.00) to guarantee

payment of the fees for permit and inspections; provided however, that any person desiring to continue as an electrician shall have a current County license and a bond to the City, providing that all permit fees then due to the City are paid. (R.O. 2009 §150.058; CC 1981 §9-16; Ord. No. 3793, 10-9-70; Ord. No. 88-110, 6-23-88)

Cross Reference--As to penalty, §500.650.

SECTION 500.220: SCOPE OF PERMIT--COMPLIANCE WITH TERMS

A. *Scope Of Permit.* No permit issued under this Article shall be deemed to authorize anything or any work not stated in the application and permit.

B. *Compliance With Terms Of Permit Required.* No person shall install or do any electrical wiring, except under and in accordance with the terms and conditions of a permit issued pursuant to this Article. (R.O. 2009 §150.059; CC 1981 §§9-19--9-20; Ord. No. 3793, 10-6-70)

Cross Reference--As to penalty, §500.650.

SECTION 500.230: HOMEOWNER PERMITS

A. A homeowner permit may be issued for an addition to, or repair, modification or reconstruction of an existing electrical or plumbing system on the premise of a detached single-family dwelling, including accessory structures, to the owner or to a member of the owner's immediate family residing with the owner, without any proof that the owner has a electrical or plumbing license under the following conditions:
   1. The dwelling shall be designed and used solely for living purposes.
   2. The dwelling shall be occupied by, or vacant and intended for immediate occupancy by the owner and the owner's family and by no other persons.
   3. The permittee shall personally perform all required work.
   4. Prior to the issuance of a permit under this Section, the Code Enforcement Officer may require an affidavit or other reasonable proof that the request for a permit complies with the foregoing provisions and that the applicant has the necessary knowledge and ability to perform the proposed work.
   5. The permit may be revoked by the Code Enforcement Officer if the Officer determines that work under the permit is not being properly performed or that the application did not comply or no longer complies with this Section. Upon such revocation, the property owner may be required by the Officer to proceed immediately to procure a licensed person to correct or complete the work.

B. This Section does not authorize a waiver or modification of any provision of this Article relating to the materials, design, installation or practice of electrical or plumbing work or to the preparation and approval of plans or to required fees for permits, inspections and reinspections. (R.O. 2009 §150.060; CC 1981 §9-16.1; Ord. No. 90-106, 4-30-90; Ord. No. 96-139, 5-8-96)

SECTION 500.235: VIOLATION AND PENALTY

Any person who shall violate any provision of the code adopted in this Article or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan of or directive of the Code

Official, or of a permit or certificate issued under the provision of this code, shall be guilty of an ordinance violation, punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment not exceeding three (3) months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

ARTICLE X. PLUMBING CODE

SECTION 500.240: INTERNATIONAL PLUMBING CODE ADOPTED BY REFERENCE

A. The 2006 Edition of the International Plumbing Code, including Appendixes B, C, D, E, F and G except as otherwise provided in this Chapter, as published by the International Code Council, Inc., is adopted by reference as the Plumbing Code of the City and made a part of this Section as if fully set forth herein.
B. Wherever the phrase "Name of Jurisdiction" appears in the 2006 Edition of the International Plumbing Code, it shall be deemed to mean the City.
C. Nothing in Sections 500.240 and 500.250 or in the Plumbing Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby amended as cited in Sections 500.240 and 500.250. No just or legal right or remedy of any character shall be lost, impaired or affected by Sections 500.240 and 500.250.
D. One (1) copy of Sections 500.240 and 500.250, the 2006 Edition of the International Plumbing Code, and the proposed amendments have been on file in the City Clerk's office at least ninety (90) days prior to the adoption of Sections 500.240 and 500.250. (R.O. 2009 §150.075; CC 1981 §22-1; Ord. No. 76-80, 10-20-76; Ord. No. 88-112, 6-23-88; Ord. No. 95-154, 6-7-95; Ord. No. 97-147, 5-8-97; Ord. No. 00-140, 6-9-00; Ord. No. 05-159, 5-27-05; Ord. No. 10-152 §13, 7-21-10)

SECTION 500.250: AMENDMENTS

The code adopted by Section 500.240 is amended to read as follows:

1. Section 101.1 Title is amended to read as follows:
   Section 101.1 Title. These regulations shall be known as the Plumbing Code of the City of Saint Charles, Missouri, hereinafter referred to as "this code".
2. Section 101.2 Scope is amended to read as follows:
   Section 101.2 Scope. The provisions of this code shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within this jurisdiction. This code shall also regulate nonflammable medical gas, inhalation anesthetic, vacuum piping, nonmedical oxygen systems and sanitary and condensate vacuum collection systems. The installation of fuel gas distribution piping and equipment, fuel gas-fired water heaters and water heater venting systems shall be regulated by the International Fuel Gas Code.

Exceptions:

1. Detached one- and two-family dwellings and multiple one-family dwellings (town houses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code.
2. Plumbing systems in existing buildings undergoing repair, alteration, or additions, and change of occupancy shall be permitted to comply with the International Existing Building Code.

3. Sections 103.1 through 103.4 are deleted.
4. Sections 106.6, 106.6.1, 106.6.2, and 106.6.3 are deleted.
5. Section 108.4 Violation Penalties is deleted.
6. Section 108.5 Stop Work Orders is deleted.
7. Section 108.6 Abatement of Violation is deleted.
8. Section 109.1 Application for appeal is deleted.
9. Section 109 Means of Appeal is deleted.
10. Section 305.6.1 Sewer Depth is amended to read as follows:
    Section 305.6.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of 30 inches (762 mm) below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 30 inches (762 mm) below grade.
11. Section 403.2 Separate facilities shall have the following exception amended to read as follows.
    2. Separate facilities shall not be required in structures or tenant spaces with total occupant load, including both employees and customers, of 30 or less.
12. Section 410.1 Approval is amended to include the following exception:
    Exception: Occupancies with an occupant load of less than 50 people shall be permitted to provide an approved bottled water dispenser in lieu of the required drinking fountain.
13. Section 701.2 Sewer required is hereby to read as follows:
    Section 701.2 Sewer required. Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer, where available, or an approved private sewage disposal system in accordance with the International Private Sewage Disposal Code. A public water main or public sewer system shall be considered available to a building when the building is located within 200 feet of the public water main or sewer. (R.O. 2009 §150.076; CC 1981 §22-2; Ord. No. 76-80, 10-20-76; Ord. No. 88-112, 6-23-88; Ord. No. 91-31, 2-20-91; Ord. No. 95-154, 6-7-95; Ord. No. 97-147, 5-8-97; Ord. No. 98-494, 11-19-98; Ord. No. 00-140, 6-9-00; Ord. No. 05-159, 5-27-05; Ord. No. 10-152 §13, 7-21-10)

SECTION 500.260: EXEMPTIONS FROM PLUMBING PERMIT FEES

A. Plumbing permit fees and water tap-on fees shall not be assessed for construction projects of the City.

B. All governmental entities, comprehensive colleges and universities (not including single-purpose institutions) and schools offering basic education to any grade (K through 12) shall be exempt from the fees imposed by this Subsection. This exemption from payment

of the fees does not provide an exemption from the obligation to obtain the permits and inspections. If an exempt entity requests that the City expedite its review and inspections and if the City must contract for the expedited services, then the exempt entity shall pay the costs for the expedited contractual services. (R.O. 2009 §150.078; CC 1981 §22-4; Ord. No. 90-24, 2-7-90; Ord. No. 95-242, 9-20-95)

SECTION 500.270: PLUMBERS AND DRAINLAYERS

A. *License Required--Bond.* Any person desiring to do business as a plumber or drainlayer shall make application for a license to do so by filing the application in the office of the Director of Community Development, together with a surety bond in the sum of ten thousand dollars ($10,000.00) conditioned that the applicant will indemnify and save harmless the City from all accidents and damages caused by any negligence in conducting the work or by unfaithful, imperfect or improper work done under the license and that the applicant will promptly pay all fines and charges lawfully imposed for a violation of any of the rules, regulations and ordinances pertaining to plumbers, drainlayers, plumbing and sewers.
B. *Investigation Of Application--Issuance.* The Director of Community Development shall establish examinations, rules and regulations for the purpose of determining whether an applicant is qualified to be licensed as a plumber or drainlayer in this City. An applicant must receive a passing grade on the examination before a license will be issued to the applicant. An applicant shall pay a fee of fifty dollars ($50.00) before taking the test.
C. *Fee--Proration.* The annual license fee for doing business as a plumber shall be thirty-five dollars ($35.00) and the annual license fee for doing business as a drainlayer shall be twenty dollars ($20.00); provided however, that if the license is issued for a period beginning on or after December thirtieth (30th) and ending on June thirtieth (30th), one-half (½) of the annual license fee shall be paid.
D. *Expiration.* All licenses issued under the provisions of this Article shall be issued to and terminate on June thirtieth (30th) of each year.
E. *Renewal.* Any person desiring to continue a business as a plumber or as a drainlayer shall make application for the renewal of each license to the Director of Community Development. The Director of Community Development may make an order directing that a license be renewed to the applicant if all permit fees then due the City are paid and if previous work done in the City has been satisfactory.
F. *Plumbing And Drainlaying To Be In Conformance Therewith.* All plumbing and drainlaying installations in this City shall be in accordance with the International Plumbing Code and no installations or alterations of plumbing fixtures or piping shall be made, except in conformity thereto.
G. *Deposits.* It shall be the duty of every person engaged in the business of plumbing or drainlaying, or both, when applying for or requiring inspections to keep on deposit at all time, with the City Collector, to the credit of a guarantee fund, two hundred fifty dollars ($250.00) to guarantee payment of the fees for permits and inspections. (R.O. 2009 §150.079; CC 1981 §§22-4; Ord. No. 3561, 4-24-68; Ord. No. 3590, 7-24-68; Ord. No. 85-238, 12-20-85; Ord. No. 87-106, 5-20-87; Ord. No. 88-112, 6-23-88)

SECTION 500.275: VIOLATION AND PENALTY

Any person who shall violate any provision of the code adopted in this Article or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan of or directive of the Code Official, or of a permit or certificate issued under the provision of this code, shall be guilty of an ordinance violation, punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment not exceeding three (3) months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

ARTICLE XI. FEES

SECTION 500.280: FEES

A. A fee for each integrated permit, certificate of occupancy, application to the Board of Appeals, plan examination, inspection and miscellaneous permit is hereby imposed as set forth herein. The Department of Community Development, Code Enforcement Division is responsible for the calculation, charging and collection of each fee. The Director of the Department of Community Development shall have the authority to decide and set any future fee increases within the maximum allowed by the formula.

B. *Definitions.* For the purpose of this Section, the following definitions shall apply:
ESTIMATED CONSTRUCTION COST: The greater of the following: the cost of construction as stated by the applicant on the permit application or the cost of construction according to the most recent square footage construction costs table as published by the International Code Council, Inc.
INTEGRATED PERMIT: One (1) permit issued for a combination of all building, electrical, mechanical and plumbing construction to be completed in the same structure.
PERMIT FEE MULTIPLIER: Shall be .0045.

C. *Fee For Integrated Permit.* The Department of Community Development, Code Enforcement Division shall charge the following fee for an integrated permit.
    1. For residential property requiring no more than two (2) inspections, the fee shall be twenty-five dollars ($25.00) or the estimated construction cost multiplied by the permit fee multiplier, whichever is greater.
    2. For all other property, the fee shall be fifty dollars ($50.00) or the estimated construction cost multiplied by the permit fee multiplier, whichever is greater.

D. *Fee For Individual Plumbing, Electrical, Mechanical Or Building Permit.* The Department of Community Development, Code Enforcement Division shall charge the following fee for an individual plumbing, electrical, mechanical or building permit when an integrated permit cannot be issued. The fee shall be fifty dollars ($50.00) or the estimated construction cost as stated by the applicant on the permit application multiplied by the permit fee multiplier, whichever is greater.

E. *Fee For Plan Examinations.* The Department of Community Development, Code Enforcement Division shall charge the fee stated in paragraph (1) below for plan examination:
    1. The fee shall be fifty dollars ($50.00) or the estimated construction cost multiplied by two thousandths (.002), whichever is greater, except as stated in

paragraph (3) below.
2. The plan examination fee shall be in addition to any other permit fee.
3. In the event the City shall pay a third (3rd) party for plan examination, then the plan examination fee shall be the amount paid by the City for the plan examination.
4. Plan examination fees are not refundable.

F. *Fee For Miscellaneous Permits.* The Department of Community Development, Code Enforcement Division shall charge a thirty-five dollar ($35.00) fee for an electric temporary pole, electrical service repair or upgrade, furnace, air conditioner, water heater or sewer lateral permit.

G. *Fee For Certificate Of Occupancy.* A certificate of occupancy shall be required for commercial, miscellaneous and industrial uses whenever there is a change in ownership, occupancy, use or when a structural addition, alteration or renovation is made. The Department of Community Development, Code Enforcement Division shall charge the following fee for existing structures:
1. Fifty dollars ($50.00) for each commercial or industrial structure.

H. *Fee For Additional And Canceled Inspections.* The Department of Community Development, Code Enforcement Division shall charge a fee of fifty dollars ($50.00) in the following situations:
1. For each inspection, when notice of defective work or material is made that requires additional inspection to verify correction of the defect.
2. Failure of applicant to cancel a scheduled inspection within twenty-four (24) hours or one (1) business day of the date and time of the inspection.

I. *Fee For Renewal Of Integrated Permit.* The Department of Community Development, Code Enforcement Division shall charge a fee of fifty dollars ($50.00) for renewal of a residential integrated permit and a fee of one hundred dollars ($100.00) for renewal of any other integrated permit.

J. *Fee For Application To The Board Of Appeals.* The Department of Community Development, Code Enforcement Division shall charge a fee of one hundred thirty-five dollars ($135.00) for each application to the Board of Appeals.

K. *Exemptions From Fees.* The following are exempt from the payment of fees for integrated permit, certificate of occupancy, plan examination, inspection and miscellaneous permit:
1. Governmental entities and political subdivisions;
2. Comprehensive colleges and universities (not including single-purpose institutions);
3. Schools offering basic education to any grade (kindergarten through grade 12);
4. Places of worship.

This exemption from the payment of fees is not an exemption from the obligation to apply for and obtain permits and inspections, as required by law. In the event the City shall pay a third party for any examination or inspection due to a request for expedited service by the applicant, then the exempt entity shall pay the costs incurred by the City for such service.

L. *Fee Reduction For Green Point Rating System.* There shall be a project fee reduction for the GPRS Bonus for the applicable tier as set forth below:
1. GPRS Bonus: Tier 1: Project fee reduction of fifteen percent (15%).

2. GPRS Bonus: Tier 2: Project fee reduction of fifty percent (50%).
3. GPRS Bonus: Tier 3: Project fee reduction of eighty-five percent (85%).

An exemption or reduction from the payment of fees is not an exemption from the obligation to apply for and obtain permits and inspections, as required by law. In the event the City shall pay a third (3rd) party for any examination or inspection due to a request for expedited service by the applicant, then the exempt entity shall pay the costs incurred by the for such service.

M. Nothing in Section 500.280 hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby amended by this Section. No just or legal right or remedy of any character shall be lost, impaired or affected by this Section. (R.O. 2009 §150.085; Ord. No. 05-160, 5-27-05; Ord. No. 09-227, 12-10-09; Ord. No. 10-152 §4, 7-21-10)

ARTICLE XII. RENTAL DWELLING UNITS

SECTION 500.290: STATEMENT OF PURPOSE

The purpose of Sections 500.300 through 500.340 of the Code of Ordinances of the City of Saint Charles, Missouri, as amended, is to provide for the health, safety and general welfare of the residents of the City of Saint Charles through the establishment of a rental inspection program. The rental inspection program shall monitor the general condition of rental units within the City through the establishment of a regularly scheduled inspection procedure. At a minimum, the health and safety occupancy inspection shall review the following areas of potential health and safety concerns to assure that all necessary utility services are provided and functioning properly; all HVAC systems are in working condition; all plumbing fixtures are in proper working condition; no unsafe electrical hazards exist; the structure is structurally sound; all windows are in place, unbroken and function properly; plaster and paint on walls are not peeling or flaking; there is no accumulation of trash, debris, chemicals or fabric which could pose a fire hazard; there are no insect or rodent infestations; and the exterior of the structure meets all property maintenance codes. (R.O. 2009 §150.090; Ord. No. 00-37, 2-4-00; Ord. No. 04-254, 11-5-04; Ord. No. 07-67, 3-13-07)

SECTION 500.300: DEFINITIONS

For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CRIMINAL ACTIVITY: The commission, attempted commission, conspiracy to commit or the solicitation, coercion or intimidation of another person to commit any crime which is chargeable by indictment or information under Missouri law including, but not limited to:

1. Chapter 195, RSMo., relating to drug regulations;
2. Chapter 570, RSMo., relating to stealing and related offenses;
3. Chapter 567, RSMo., relating to prostitution; or

4. Chapter 571, RSMo., relating to weapons.

DIRECTOR: The Director of the Community Development Department or the Director's designee.

DWELLING UNIT: A single unit providing complete, independent living facilities for one (1) or more persons including permanent provision for living, sleeping, eating, cooking and sanitation. The term "dwelling unit" shall not apply to any single-family house which is not rented or leased in whole or in part. (R.O. 2009 §150.091; CC 1981 §15-50; Ord. No. 88-38, 3-16-88; Ord. No. 00-37, 2-4-00; Ord. No. 04-254, 11-5-04; Ord. No. 07-67, 3-13-07)

SECTION 500.310: CERTIFICATE OF COMPLIANCE

A. It shall be unlawful after the adoption of this Article for any person to occupy or for any owner or agent thereof to rent or lease any dwelling unit, or any part thereof, for any purpose until the owner or agent has applied for a health and safety occupancy certificate and a certificate has been issued by the Department of Community Development. A certificate shall be valid until such time as an inspection is required pursuant to Sections 500.330(A) or 500.340.
B. The certificate shall state that the dwelling unit and any adjacent common area, if applicable, has been inspected and that the same is in compliance with the provisions of this Article. The certificate shall also state the name and address of the owner.
C. It shall be unlawful for any person to knowingly make any false statement in an application for a certificate.
D. By issuing a health and safety occupancy certificate, the City does not intend to and does not warrant, insure or guarantee to the holder thereof, to his/her assignee or to any other person that there are no violations of any provision of this or any other ordinance. The City makes no warranty or representation whatsoever as to the condition of the unit or building. (R.O. 2009 §150.092; CC 1981 §15-51; Ord. No. 88-38, 3-16-88; Ord. No. 00-37, 2-4-00; Ord. No. 04-254, 11-5-04; Ord. No. 07-67, 3-13-07)

Cross Reference--As to penalty, §500.650.

SECTION 500.320: FEES

The fee for the certificate shall be fifty dollars ($50.00) for each dwelling unit inspected. If two (2) dwelling units within the same locality are inspected at the same time, the fee shall be forty-five dollars ($45.00) each. If three (3) or more dwelling units within the same locality are inspected at the same time, the fee shall be forty dollars ($40.00) each. A twenty-five dollar ($25.00) fee shall be charged if a private inspector conducts the inspection under Section 500.330(F). If a unit must be reinspected, there shall be no reinspection fee. (R.O. 2009 §150.093; CC 1981 §15-52; Ord. No. 88-38, 3-16-88; Ord. No. 00-37, 2-4-00; Ord. No. 04-254, 11-5-04)

Cross Reference--As to penalty, §500.650.

SECTION 500.330: DWELLING UNIT INSPECTION

A. The Department of Community Development is authorized to and may make inspections of all of the dwelling units and adjacent common areas, if any, upon any change in

occupancy thereof after the adoption of this Article. At the discretion of the Director, an inspection upon a change in occupancy may be waived if it is found that the unit in question has at least a one (1) year history of compliance with these regulations and a limited period of time, generally not to exceed one (1) year, has expired since the previous inspection of said unit.

B. The inspections shall be for the purpose of determining whether the dwelling unit and the adjacent common areas, if any, conform to the requirements of this Article. Under this Article, common areas shall not be subject to independent inspection but shall only be inspected in conjunction with the inspection of an adjacent dwelling unit.
C. For the purpose of making the inspection, the Director is authorized to enter, examine and survey the premises by appointment with the knowledge of the owner and tenant if occupied.
D. The inspection shall determine compliance with the basic health and safety requirements of Section 500.110, maximum occupancy of unrelated persons and the Property Maintenance Code.
E. If a violation is found, the owner shall be given a reasonable length of time to make repairs prior to reinspection. A temporary certificate shall be issued while repairs are being made, unless a violation renders the premises unfit for human habitation, as determined in writing by the Department of Community Development. No final certificate shall be issued until the dwelling unit and the common area, if applicable, complies or comply with the requirements of this Article.
F. For the purpose of issuing a certificate under this Article, inspections may also be performed by private inspectors who are not employed by the City of St. Charles. Such inspectors shall hold a current, valid certification issued by the International Code Council (ICC) in its Property Maintenance Code and shall utilize official inspection forms provided by the City. The Department of Community Development shall verify all inspection forms submitted by such inspectors. The submission of a materially false inspection form by a private inspector shall be a violation of this Chapter and the City may revoke the approval of any private inspector who fails to comply with any provision of this Article or who fails to perform accurate inspections.
G. Appeals from decisions of the Department of Community Development shall be filed with the Board of Appeals. The procedures for appeal and for the meetings, hearings and decisions of the Board shall be the same as set forth elsewhere in the Code of Ordinances of the City of St. Charles. For informational purposes only, any person appealing under this Section shall forward a copy of the appeal to the City Council member in whose ward the affected dwelling unit is located. (R.O. 2009 §150.094; CC 1981 §15-53; Ord. No. 88-38, 3-16-88; Ord. No. 00-37, 2-4-00; Ord. No. 01-220, 9-21-01; Ord. No. 04-254, 11-5-04; Ord. No. 07-67, 3-13-07)

SECTION 500.340: CRIMINAL ACTIVITY IN DWELLING UNIT-- FREQUENCY OF INSPECTION

If a dwelling unit is the site of criminal activity, then the following procedure shall be used to inspect the dwelling unit and to determine frequency of re-inspections:

1. The Chief of Police may request the Director to inspect a dwelling unit which was a site of criminal activity to determine compliance of the property with Section 500.330(D).

2. Director may immediately inspect the dwelling unit to determine compliance of the property with Section 500.330(D).
3. After the initial inspection of a dwelling unit, the Chief of Police and Director are authorized to determine whether the premises shall be re-inspected and the Director is authorized to re-inspect the premises. (R.O. 2009 §150.095; Ord. No. 07-67, 3-13-07)

ARTICLE XIII. DANGEROUS AND UNSAFE BUILDINGS

SECTION 500.350: PURPOSE AND SCOPE

It is the purpose of this Article to provide a just, equitable and practical method for the repairing, vacation or demolition of buildings or structures which are detrimental to the health, safety or welfare of the occupants of such buildings or to the general public. This Article shall apply to all dangerous building as herein defined which are now in existence or which may hereafter exist in the City. (R.O. 2009 §150.105; CC 1981 §5-31; Ord. No. 74-5, 2-6-74)

SECTION 500.360: DEFINITION

For the purpose of this Article, the following definition shall apply unless the context clearly indicates or requires a different meaning.

DANGEROUS BUILDING: All buildings or structures which have any or all of the following defects:

1. Those whose interior walls or other vertical structural members lift, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
2. Those which, exclusive of the foundation, show thirty-three percent (33%) or more of damage or the deterioration of the supporting member or members or fifty percent (50%) of damage or deterioration of the non-supporting enclosing or outside walls or coverings.
3. Those which have improperly distributed loads upon the floor or roof or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.
4. Those which 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 which are so dilapidated, decayed, unsafe, unsanitary or would ordinarily fail to provide the amenities essential to decent living that they are unfit for human habitation or likely to cause sickness or disease, so as to work injury to the health, safety or welfare of those occupying such buildings.
6. Those having light, air and sanitary facilities which 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 means of access.

8. Those which have parts thereof which are so attached that they may fall or injure members of the public or property.
9. Those which, because of their condition, are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this City. (R.O. 2009 §150.106; CC 1981 §5-32; Ord. No. 74-5, 2-6-74)

SECTION 500.370: DECLARED NUISANCE--EMERGENCY MEASURES

A. *Declared Nuisance.* All dangerous buildings are hereby declared to be public nuisances and shall be repaired, vacated or demolished as provided in this Article.
B. *Emergencies.* In cases where it reasonably appears that there is immediate danger to the health, life or safety of any person, the Building Code Official may take emergency measures to vacate and repair or demolish such dangerous building or structure and the cost of such shall be collected in the same manner as provided in Section 500.440. (R.O. 2009 §150.107; CC 1981 §§5-33--5-34; Ord. No. 74-5, 2-6-74; Ord. No. 98-494, 11-19-98)

SECTION 500.380: HISTORIC DISTRICTS

No enforcement in this Article shall be contrary or adverse to the intent and purpose of Sections 400.330 through 400.350, which set forth the provisions effecting the "SMPD", "EHP" and "HDD" historic districts; provided, no dangerous building shall be allowed to exist without commencement of the required work longer than ninety (90) days from the date of declaration by the Building Code Official, excepting in cases applicable to Section 500.370(B). (R.O. 2009 §150.108; CC 1981 §5-35; Ord. No. 74-5, 2-6-74; Ord. No. 98-235, 5-20-98; Ord. No. 98-494, 11-19-98)

Cross Reference--As to penalty, §500.650.

SECTION 500.390: DUTIES OF BUILDING CODE OFFICIAL

The Building Code Official shall have the duty under this Article to:

1. *Inspection, generally.* Inspect or cause to be inspected, as often as may be necessary, all residential, institutional, assembly, commercial, industrial, garages, special or miscellaneous occupancy buildings for the purpose of determining whether any defects exist which render such building a dangerous building when there are reasonable grounds to believe that any such building is dangerous.
2. *Inspection upon complaints.* Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this Article and shall determine if there are reasonable grounds to determine that such building is dangerous.
3. *Inspection upon reports by City department heads.* Inspect any building, wall or structure reported by any department head of this City as probably existing in violation of this Article.
4. *Declaration of nuisance.* Declare that any building found to be a dangerous building is a nuisance.
5. *Notification of declaration.* Notify in writing, either by personal service or by certified mail, return receipt requested, or if service cannot be had by either of

these modes of service, publication two (2) times for two (2) successive weeks in a newspaper qualified to publish legal notices, the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in such building as shown by the land records of the Recorder of Deeds of the County of any building found by him/her to be a dangerous building within the standards set forth in this Article.

6. *Calling of hearing before Board of Appeals.* Upon failure to commence the required work or demolition within the time specified or upon failure to proceed continuously with the required work without unnecessary delay, the Building Code Official shall call and have a full and adequate hearing upon the matter before the Board of Appeals, giving the affected parties at least ten (10) days' written notice of the hearing. Any party may be represented by counsel and all parties shall have an opportunity to be heard. After the hearings, if the Board of Appeals finds evidence supporting that the building or structure is a nuisance or detrimental to the health, safety or welfare of the residents of the City, the Building Code Official shall issue an order making specific findings of fact, based upon competent and substantial evidence, which shows the building or structure to be a nuisance and detrimental to the health, safety or welfare of the residents of the City. If the findings of fact do not support a finding that the building or structure is a nuisance or detrimental to the health, safety or welfare of the residents of the City, no order shall be issued to demolish, repair or remove such building. If the findings of fact show that such building is a nuisance and subject to the provisions of this Article, the Building Code Official shall order the structure to be demolished, removed or repaired, whichever is necessary according to the findings of fact.
7. *Posting of declaration.* If the building or structure is declared to be a nuisance, such building shall be marked or posted with a written notice of such finding. (R.O. 2009 §150.109; CC 1981 §5-47; Ord. No. 74-5, 2-6-74; Ord. No. 95-98, 4-13-95; Ord. No. 98-494, 11-19-98)

SECTION 500.400: NOTICE TO REPAIR, VACATE OR DEMOLISH

A. The required notice to repair, vacate, clean up or demolish shall state that:
   1. The owner must repair, clean up or vacate, repair and clean up or vacate, demolish and clean up such building in accordance with the terms of the notice in this Article;
   2. The occupant must vacate such building or the building must be repaired in accordance with the notice and the occupant may "remain in possession";
   3. The mortgagee, agent or other persons having an interest in such building as shown by the land records may, at their own risk, repair, vacate, clean up or demolish or have such work done; provided that any person notified under this Section to repair, vacate, clean up or demolish any building shall be given such reasonable time not exceeding thirty (30) days to commence the required work unless in the judgment of the Building Commissioner it is determined to be necessary to extend such time to commence the required work.

B. The notice provided for in this Section shall state a description of the building or structure deemed hazardous, statement of the particulars which make the building or

structure a dangerous building and an order requiring that the designated work to be commenced within a time or extension thereof provided for in Subsection (A) above. (R.O. 2009 §150.110; CC 1981 §5-48; Ord. No. 74-5, 2-6-74; Ord. No. 95-98, 4-13-95)

SECTION 500.410: STANDARDS FOR ORDER TO REPAIR, VACATE OR DEMOLISH

The following standards shall be followed by the Building Code Official in ordering repair, vacation, clean up or demolition of any dangerous buildings:

1. If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this Article, it shall be ordered repaired.
2. If the dangerous building is in such condition as to make it dangerous to the health, safety or general welfare of its occupants, it shall be ordered to be vacated and repaired.
3. In all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this Article, it shall be demolished.
4. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this Article or any other ordinance of the City or Statute of the State, it shall be repaired or demolished.
5. In all cases where cleanup is necessary because of the repair or demolition of a dangerous building, the property shall be ordered to be cleaned up. (R.O. 2009 §150.111; CC 1981 §5-49; Ord. No. 74-5, 2-6-74; Ord. No. 95-98, 4-13-95; Ord. No. 98-494, 11-19-98)

SECTION 500.420: APPEALS

The person or company ordered to comply with the findings of the Board of Appeals may, within thirty (30) days from the receipt of the order of the Building Code Official as directed by the Board of Appeals, appeal such decision to the County Circuit Court in the manner provided for in Chapter 536, RSMo., as amended. (R.O. 2009 §150.112; CC 1981 §5-50; Ord. No. 74-5, 2-6-74; Ord. No. 98-494, 11-19-98)

SECTION 500.430: SEARCHES

Any owner, occupant, lessee, mortgagee, agent or any other person having an interest in an alleged dangerous building shall allow the Building Inspector to inspect such building. Upon failure to allow inspection, the Building Code Official may apply to the Municipal Judge for a search warrant if reasonable grounds exist to believe that such a building is a dangerous building. (R.O. 2009 §150.113; CC 1981 §5-51; Ord. No. 74-5, 2-6-74; Ord. No. 98-494, 11-19-98)

SECTION 500.440: ACTION BY BUILDING CODE OFFICIAL

Upon failure to comply with the order of the Building Code Official within thirty (30) days, the Building Code Official shall cause such building or structure to be repaired, vacated, cleaned up or demolished as the facts may warrant. The Building Code Official shall certify the charge for such repair, vacation, cleanup or demolition to the City Clerk

who shall cause a special tax bill therefor against the property to be prepared and submitted to the City Council. The Director of Finance shall collect such tax bill. 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 date of its issuance, shall be a lien on the property until paid and shall bear the legal interest rate. (R.O. 2009 §150.114; CC 1981 §5-52; Ord. No. 74-5, 2-6-74; Ord. No. 95-98, 4-13-95; Ord. No. 98-494, 11-19-98)

Cross References--As to property tax, §§140.250 et seq.

SECTION 500.450: WITHHOLDING INSURANCE PROCEEDS

As to damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, if an order is issued by the Building Code Official or his/her designee as provided in Section 500.440 and a special tax bill or assessment is issued against the property, it shall be deemed a personal debt against the property owner. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, this Section establishes a procedure for the payment of up to twenty-five percent (25%) of the insurance proceeds as set forth in Subsections (1) through (7) of this Section. This Section shall apply only to a covered claim payment which 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 ten percent (10%) 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 Section.
2. The City shall release the proceeds and any interest which has accrued on such proceeds received under Subsection (1) of this Section 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 Section 500.440. If the City has proceeded under the provisions of Section 500.440, all monies in excess of that necessary to comply with the provisions of Section 500.440 for the removal of the building or structure, less salvage value, shall be paid to the insured.
3. If there are no proceeds of any insurance policy as set forth in Subsection (2) above, 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 date of its issuance shall be a lien on the property until paid.
4. This Section shall apply to fire, explosion or other casualty loss claims arising on all buildings and structures.
5. This Section does not make the City or County a party of 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.
6. The Finance Director shall notify the Director of Insurance within fourteen (14) days after the adoption of this Section in accordance with Section 67.412, RSMo. The Director of Insurance shall, in turn, notify insurance companies which issue policies insuring buildings and other structures against fire, explosion or other casualty loss within fourteen (14) days after such notification. Insurance

companies shall have sixty (60) days after the Director of Insurance notifies them of the adoption of this Section to establish procedures within this City to carry out the provisions of Section 67.410, RSMo.

7. The City may certify that in lieu of payment of all or part of the covered claim payment under Section 67.410, RSMo., if it has obtained satisfactory proof that the insured has or will remove debris and repair, rebuild or otherwise make the premises safe and secure, in this event, the City shall issue a certificate within thirty (30) days after receipt of proof to permit covered claim payment to the insured without deduction pursuant to Section 67.410, RSMo. It shall be the obligation of the insured or other person making claim to provide the insurance company with the written certificate provided for in this Subsection (7). (R.O. 2009 §150.115; CC 1981 §5-54; Ord. No. 84-153, 12-5-84; Ord. No. 93-134, 6-16-93; Ord. No. 95-98, 4-13-95; Ord. No. 98-494, 11-19-98)

Cross Reference--As to insurance companies, ch. 655.

ARTICLE XIV. DEMOLITION AND REMOVAL OF BUILDINGS

SECTION 500.460: DEMOLITION PROHIBITED WITHOUT PERMISSION OF BUILDING CODE OFFICIAL

No person shall demolish or remove or cause the demolition or removal of a building of greater than five hundred (500) square feet of floor area within the limits of the City without the permission of the Building Code Official to do so. (R.O. 2009 §150.125; CC 1981 §5-65; Ord. No. 3533, 11-8-67; Ord. No. 98-494, 11-19-98)

Cross Reference--As to penalty, §500.650.

SECTION 500.470: PERMIT REQUIREMENTS

A. *Permit Application.* Every person desiring to demolish or remove a building within the City shall first apply to the Building Code Official for and obtain the permit required by Section 500.460.

B. *Form And Content.* The permit required by Section 500.460 shall be on a blank form to be prepared by the Building Code Official and shall set forth the address of the building to be demolished or removed and such other data and information as the Building Code Official may deem necessary and pertinent.

C. *Ninety Day Period--Extension.* Permits required by Section 500.460 shall be issued for a period not to exceed ninety (90) days but the time may be extended by the Building Code Official for a reasonable time for good cause shown. (R.O. 2009 §150.126; CC 1981 §§5-66--5-68; Ord. No. 3533, 11-8-67; Ord. No. 98-494, 11-19-98)

SECTION 500.480: DEPOSIT REQUIRED

Upon receipt of the permit required in Section 500.460 from the Building Code Official, the applicant shall present the same to the City Clerk who shall endorse upon such permit the fact that the applicant has deposited with him/her one hundred dollars ($100.00) in

the form of a cashier's check of some banking institution payable to and for the use and benefit of the City as a forfeiture or guarantee for the proper replacement and restoration of the lot upon which the building was demolished or removed. (R.O. 2009 §150.127; CC 1981 §5-69; Ord. No. 3533, 11-8-67; Ord. 98-494, 11-19-98)

SECTION 500.490: NOTICE TO UTILITIES--RELEASE FROM UTILITIES

Before a building can be demolished or removed, the owner or agent or contractor shall notify all utilities having service connections within the building, such as water, electric, gas, sewer and other connections. A permit to demolish or remove a building shall not be issued until there is on file with the Building Code Official a release from the utilities having service connections within the building to be demolished and appurtenant equipment, such as meters and regulators, stating that they have been removed or sealed and plugged in a safe manner. (R.O. 2009 §150.128; CC 1981 §5-70; Ord. No. 3533, 11-8-67; Ord. No. 98-494, 11-19-98)

SECTION 500.500: REMOVAL OF DEBRIS AND HAZARDS

Whenever a building is demolished or removed, the premises shall, within thirty (30) days after the completion of demolition or removal, be cleared of all rubble, debris and otherwise made free of all unsafe or hazardous conditions and established grades shall be restored as may be needed to insure public safety. (R.O. 2009 §150.129; CC 1981 §5-71; Ord. No. 3533, 11-8-67)

SECTION 500.510: LIABILITY INSURANCE REQUIRED

The owner or agent or contractor shall carry public liability insurance in the sum of five hundred thousand dollars ($500,000.00) combined single limit for each occurrence or in excess of such sums to protect the owner or agent or contractor and the City from all tort liability and such owner or agent or contractor must furnish evidence of such insurance coverage before issuance of any permit to demolish or remove a building closer than ten (10) feet from a property line adjacent to a public street or a greater distance if the Building Code Official deems it necessary for the safety of the public. (R.O. 2009 §150.130; CC 1981 §5-72; Ord. No. 3533, 11-8-67; Ord. No. 3577, 6-5-68; Ord. No. 98-494, 11-19-98)

SECTION 500.520: FEE FOR PERMIT

The fee for a permit to demolish or remove a building required by this Chapter shall be thirty-five dollars ($35.00) and shall be paid by the applicant to the City Collector for deposit in the General Fund of the City. (R.O. 2009 §150.131; CC 1981 §5-73; Ord. No. 3533, 11-8-67; Ord. No. 87-108, 5-20-87; Ord. No. 93-40, 3-3-93)

ARTICLE XV. HEATING, AIR-CONDITIONING, REFRIGERATION AND VENTILATION

SECTION 500.530: GENERAL

This Article shall govern the licensing of persons who design, install, construct, maintain, service, repair, alter or modify a product or equipment in heating, air-conditioning, refrigeration, ventilation, process cooling and process heating by providing reasonable requirements for knowledge and skill to protect the public health, safety and welfare. (R.O. 2009 §150.140; Ord. No. 96-67, 3-6-96)

SECTION 500.540: DEFINITIONS

Unless otherwise expressly stated, the following words and terms shall have the following meanings when used in this Article:

BTUH: British Thermal Unit Per Hour of Heat.

HEATING AND AIR-CONDITIONING: The process of treating air to control temperature, humidity, cleanliness, ventilation or circulation to meet human comfort requirements.

HORSEPOWER: The equivalent to seven hundred forty-six (746) watts.

HVACR: The design, installation, construction, maintenance, service, repair, alteration or modification of a product or of equipment in heating and air-conditioning, refrigeration, ventilation or process cooling or heating systems.

HVACR EMPLOYEE: A person who is an employee of an HVACR licensee and who does not hold a Class A, B or C HVACR license and who can only perform work for an HVACR licensee.

HVACR GAS FITTING WORK: Gas fitting work for the purpose of supplying a HVACR system from an existing, accessible manual safety shut-off gas cock, installing flue gas vents and combustion air for the HVACR system.

HVACR MAINTENANCE WORK: Repair, modification, service and all other work required for the normal continued performance of a HVACR system. This term does not include the installation or total replacement of a system or the installation of boiler or pressure vessels that must be installed by licensed persons.

LICENSEE: The holder of a license issued pursuant to this Article.

ONE TON: Twelve thousand (12,000) BTUH.

PUBLIC ENTITY: Any agency of the State of Missouri or any political subdivision of the State.

REFRIGERATION: The use of mechanical or absorption equipment to control temperature, humidity, or both, in order to satisfy the intended use of a specific space other than for human comfort.

REPAIR: The reconstruction or replacement of any part of an existing HVACR system for the purpose of its maintenance.

SUBCONTRACTOR: A person who performs a portion of the HVACR installation. (R.O. 2009 §150.141; Ord. No. 96-67, 3-6-96)

SECTION 500.550: ADMINISTRATION

A. *Powers Of The Director.* The Director of Community Development may:
   1. Adopt rules and regulations to ensure the proper administration and enforcement of this Article;
   2. Assist and advise the City Council on all matters related to licensing of HVACR

maintenance work;
3. Conduct hearings on all matters related to the licensing and inspection of HVACR work;
4. Establish HVACR code inspection programs;
5. Conduct investigations into the qualifications of applicants for licensure;
6. Review applications for a Class A, Class B or Class C license; and
7. Assist and advise the City Council in such matters as are requested by the City Council.

B. *City Council Approval Of Rules.* No rule or portion of a rule promulgated under the authority of this Article shall become effective until it has been approved by the City Council. (R.O. 2009 §150.142; Ord. No. 96-67, 3-6-96)

SECTION 500.560: LICENSING

A. *General.* It shall be unlawful for any person to engage in HVACR work without the appropriate license, unless exempted pursuant to this Section. It is unlawful for any licensee to allow a non-licensed person or any other person to use his/her St. Charles City HVACR license for any purpose.

B. *Persons Excepted.* This Article shall not apply to a person who:
1. Performs HVACR work in an existing building or structure owned and occupied by the person performing the work as a place of residence.
2. Performs HVACR work in an existing building or structure owned or occupied by that person on that person's farm.
3. Performs work for a public utility on construction, maintenance and development work which is incidental to the public utility's business.
4. Is a HVACR subcontractor who performs HVACR work for a current HVACR Class A or Class B license.
5. Is a person or public entity servicing or repairing its own HVACR system with its own personnel specifically trained for such service or repair.
6. Is a person who is an employee of a licensed HVACR contractor, performing work under the supervision of the HVACR contractor.

C. *Permits Required.* Any person exempt under this Section shall conform to regulations on the performance of HVACR work and shall obtain local permits and inspections as may be required by local ordinance. (R.O. 2009 §150.143; Ord. No. 96-67, 3-6-96)

SECTION 500.570: LICENSE CLASSES

A. *General.* Except as otherwise provided by Section 500.560, every individual who designs, installs, constructs, maintains, services, repairs, alters or modifies any HVACR system or any portion of an HVACR system in the City of St. Charles, Missouri, shall obtain one (1) of the following classes of licenses:
1. Class A -- Entitles the licensee to perform HVACR work without limitation to BTUH or horsepower capacities;
2. Class B -- Entitles the licensee to perform HVACR work on air-conditioning systems that develop a total of not more than twenty (20) tons of cooling capacity per unit or five hundred thousand (500,000) BTUH heating input per unit and refrigeration system of fifteen (15) horsepower or less per unit; or

3. Class C -- Entitles the licensee who is in the business of servicing and repairing heating, ventilation, air-conditioning or refrigeration equipment for the public or servicing, repairing or replacing components of HVACR equipment and performing HVACR work on air-conditioning systems that develop a total of not more than twenty (20) tons of cooling capacity per unit or five hundred thousand (500,000) BTUH heating input per unit and refrigeration system of fifteen (15) horsepower or less per unit. A Class C license holder shall not install any original HVACR equipment or replace any existing HVACR equipment.

B. *Supervision.* An HVACR employee must perform HVACR work under the supervision of a HVACR license holder. (R.O. 2009 §150.144; Ord. No. 96-67, 3-6-96)

SECTION 500.580: LICENSE APPLICATION

A. *General.* An applicant for a HVACR license must meet the following minimum requirements:
   1. The applicant must be at least eighteen (18) years of age;
   2. The applicant must file an application on forms prescribed by the Director of Community Development;
   3. The applicant must specify the class of license desired;
   4. The applicant must meet all requirements specified by the rules and regulations promulgated by the Director of Community Development;
   5. The applicant must pay the appropriate license fees; and
   6. The applicant must have a valid HVACR license issued by St. Charles County or have passed tests equivalent to those required for HVACR licensure by St. Charles County.

B. *Denial And Revocation.* All applicants who meet the requirements of licensure shall be issued the appropriate license except that the administrative authority may deny a license if the applicant has:
   1. Committed any act which, if committed by a licensee, would be grounds for suspension or revocation of the license;
   2. Previously been denied a license for cause or previously had a license revoked for cause; or
   3. Knowingly made any false statement or misrepresentation on the application. (R.O. 2009 §150.145; Ord. No. 96-67, 3-6-96)

SECTION 500.590: EXPIRATION OF LICENSE

All licenses issued pursuant to this Article shall be issued to and terminate on June thirtieth (30th) of each year. (R.O. 2009 §150.146; Ord. No. 96-67, 3-6-96)

SECTION 500.600: GAS FITTING WORK

Any individual licensed or registered to perform HVACR work may perform HVACR gas fitting work without obtaining any other license to perform the work. HVACR gas fitting work shall be performed in accordance with the appropriate standards for gas fitting work. (R.O. 2009 §150.147; Ord. No. 96-67, 3-6-96)

SECTION 500.610: ENFORCEMENT

A. *General.* The Director of Community Development may make investigations and conduct hearings and, upon its own investigation or a complaint in writing, signed and verified by the complainant, suspend or revoke any license or registration if it finds that the holder of the license or registrant has:
   1. Made a material misstatement in the application for license or registration or renewal thereof;
   2. Demonstrated incompetency to act as a license holder or registrant according to the rules and standards promulgated by the Director of Community Development; or
   3. Has violated any provision of this Article or any rule, regulation or order promulgated by the Director of Community Development.

B. *Power Of Appeal.* The individual complained against shall have the right to appeal to the Board of Appeals. One (1) year after the date of the revocation, an application may be made for a new license or registration. (R.O. 2009 §150.148; Ord. No. 96-67, 3-6-96)

SECTION 500.620: ELECTRICAL WORK

Nothing in this Article shall be construed as allowing an HVACR licensee to perform electrical work without complying with applicable local, City or State electrical licensing requirements and any applicable local code or State code pertaining to electrical work. (R.O. 2009 §150.149; Ord. No. 96-67, 3-6-96)

SECTION 500.630: BONDING

All persons licensed under this Article shall be required to maintain on file with the Director of Community Development evidence of an individual or blanket bond in the amount of ten thousand dollars ($10,000.00). This bond must be kept in force at all times. (R.O. 2009 §150.150; Ord. No. 96-67, 3-6-96)

SECTION 500.640: LIABILITY INSURANCE

All persons licensed under this Article shall be required to maintain on file with the Director of Community Development evidence of liability insurance coverage in the amount for five hundred thousand dollars ($500,000.00) combined single limit. (R.O. 2009 §150.151; Ord. No. 96-67, 3-6-96)

SECTION 500.650: PENALTY

A. Any person who violates any of the provisions of this Chapter for which no other penalty is set forth shall be subject to the penalty set forth in Section 100.150 of this Code of Ordinances.

B. It shall be unlawful to fail to comply with the notice of declaration of nuisance, as described in Section 500.370, within a reasonable time or upon failure to proceed continuously without unreasonable delay as specified in the Building Code Official's order. Such unlawful acts shall be punishable by fine and imprisonment as specified for offenses in the Municipal Court of the City. (R.O. 2009 §150.999; CC 1981 §§5-5, 5-53,

9-5; Ord. No. 74-5, 2-6-74; Ord. No. 88-10, 6-23-88; Ord. No. 88-47, 4-7-88; Ord. No. 98-494, 11-19-98)

CHAPTER 505: STREETS AND SIDEWALKS

Cross References--As to street trees, ch. 225; as to excavation, grading and storm water control, ch. 510; as to subdivisions--design and development standards for streets and sidewalks, §§405.140 et seq.

ARTICLE I. GENERAL PROVISIONS

SECTION 505.010: UTILITY STOPS LEVEL WITH SIDEWALK

All utility stop boxes or attachments or any other device in the sidewalks of the City shall be at the same level of the sidewalk in which it is located. It shall be unlawful for any person to own or control such device which is not on the same level as the sidewalk. (R.O. 2009 §54.002; CC 1981 §24-2)

Cross Reference--As to penalty, §100.150.

SECTION 505.030: ATTACHING SIGNS, POSTERS AND THE LIKE TO POLES AND TREES

It shall be unlawful for any person to attach in any way a sign, poster, bill, banner or any other material or thing to any standard or any part of the supports for the street lights along Main Street from First Capital Drive to Clark Street without first securing the permission of the City Engineer by presenting a written petition stating in detail an exact description of the sign, poster, bill, banner or other material or thing to be attached and an explanation of the manner and place of attachment. Except as provided above, it shall be unlawful to post any sign or advertisement of any nature on any tree or public utility pole in or along any street or sidewalk in the City. (R.O. 2009 §54.004; CC 1981 §24-7)

Cross References--As to signs generally, §§400.1370 et seq.; as to penalty, §100.150.

SECTION 505.040: DAMAGING BRIDGES, CULVERTS OR CROSSWALKS

It shall be unlawful for any person to remove, tear up, deface or otherwise destroy, injure or alter any bridge, culvert or crosswalk of the City without having lawful authority to do so from the City Council. (R.O. 2009 §54.005; CC 1981 §24-8)

Cross Reference--As to penalty, §100.150.

SECTION 505.050: INGRESS AND EGRESS FROM PUBLIC STREETS--COMPOSITIONS

A. Ingress and egress to property from public streets shall be made only upon a properly

constructed driveway. In accordance with the specifications on file in the office of the Director of Public Works, curbs shall be constructed of cast-in-place concrete and sidewalks and driveways shall be constructed of cast-in-place concrete or concrete pavers.

B. The City Engineer, upon the written application of a property owner, may grant a temporary variance from the requirements of Section 505.280(A) pertaining to the width and fall of sidewalks.

C. The City Engineer, upon the written application of a property owner, may grant a temporary variance from the requirements of Subsection (A) relative to driveways being constructed of concrete and permit a temporary driveway constructed of asphalt when the subject property does not have, and is not required to have, sidewalks and the abutting property does not have sidewalks.

D. The temporary variances authorized in Subsections (B) and (C) of this Section may be terminated by the City Engineer at such time as sidewalks are planned or constructed on properties abutting the property for which temporary variances were granted. When a temporary variance is terminated, the property owner shall, within sixty (60) days, construct sidewalks or driveways in accordance with Section 505.280(A) and Subsection (A) of this Section.

E. Properties which have asphalt driveways prior to September 23, 1970, may be repaired, overlayed or seal-coated. (R.O. 2009 §54.006; CC 1981 §24-9; Ord. No. 3725, 2-26-70; Ord. No. 3790, 9-23-70; Ord. No. 72-49, 7-5-72; Ord. No. 89-72, 5-4-89; Ord. No. 95-120, 5-2-95)

SECTION 505.060: DUTY OF ABUTTING PROPERTY OWNER

It shall be the duty of the owner of any lot, tract or parcel of ground abutting upon or laying adjacent to any public street within the City to level or fill the space between the curbstone and the sidewalk with suitable soil or dirt to grow grass. Such parkway shall be sowed in grass and shall be kept mowed and in good condition by the abutting property owner. (R.O. 2009 §54.007; CC 1981 §24-10; Ord. No. 3725, 2-26-70)

SECTION 505.070: AUTHORIZATION REQUIRED FOR PLANTING AND RESURFACING PARKWAY

It shall be unlawful to surface or pave any parkway within the City with asphalt, seal-coat, concrete, rock, gravel or any similar material, except as may be authorized by the Director of Public Works. Planting of trees and shrubs in the parkway is regulated by Chapter 225 of this Code. (R.O. 2009 §54.008; CC 1981 §24-11; Ord. No. 3725, 2-26-70; Ord. No. 88-6, 1-20-88)

Cross Reference--As to penalty, §100.150.

SECTION 505.080: WATER FROM DOWNSPOUTS AND DRAINS

No water from any downspout or from any gutter or drain from any building or premises shall be permitted to drain or run onto the surface of any sidewalk or cross the same, unless it be made to pass through conduits, drains or pipes placed beneath the surface of the sidewalk. (R.O. 2009 §54.009; CC 1981 §24-12)

Cross Reference--As to penalty, §100.150.

SECTION 505.090: ERECTING SIGNS, LAMPPOSTS AND AWNINGS

Every person who shall, within the City, erect or set up, or cause to be erected or set up, or in case the same is already erected, upon due notice by the Chief of Police or City Engineer, shall not remove within three (3) days any lamppost, sign, pole or any other thing on any street or sidewalk, or who shall suspend any awning, sign or other thing extending over any sidewalk beyond the outline of such sidewalk, or less than eight (8) feet, six (6) inches in height above the pavement without first having obtained permission of the City Building Commissioner specifying the thing to be put up or suspended shall be deemed guilty of a misdemeanor. Such permission may be revoked by the City Council at any time and after due notice of such action by the City Building Commissioner, any person violating any of the provisions of this Section, or failing to remove any such obstruction on notice of such revocation, shall be deemed guilty of a misdemeanor as if such permission had never been given; provided that movable awnings made of cloth or canvas, put up or placed by permission of the City Building Commissioner, shall, when lowered, be not less than seven and one-half (7½) feet, in the clear, above the sidewalk. It shall be unlawful to erect or maintain any awning which is less than seven (7) feet above the street or sidewalk. (R.O. 2009 54.010; CC 1981 §24-13)

Cross Reference--As to penalty, §100.150.

SECTION 505.100: REMOVAL OF DEBRIS LEFT BY CONSTRUCTION WORK

A. Any person, firm or corporation to whom a building, demolition, or grading permit has been issued shall remove at least twice each working day any mud, dirt, sticky substance, litter or foreign matter of any kind carried into or deposited upon any public street or public sidewalk of the City by any vehicle or by the wheels of any vehicle entering or leaving the site of the project for which the building, demolition or grading permit was issued. The removal shall be performed once prior to noon and once at the end of the working day.

B. Any landowner involved in building construction, demolition or grading shall remove at least twice each working day any mud, dirt, sticky substance, litter or foreign matter of any kind carried into or deposited upon any public street or public sidewalk of the City by any vehicle or by the wheels of any vehicle entering or leaving the site of the project of building construction, demolition or grading. The removal shall be performed once prior to noon and once at the end of the working day. (R.O. 2009 §54.012; CC 1981 §24-14.1; Ord. No. 87-67, 4-18-87; Ord. No. 03-122, 5-27-03)

SECTION 505.110: AUCTION SALES

It shall be unlawful for any person to expose or offer any merchandise or other property for show or sale by auction or otherwise upon any street, sidewalk or public place without first having obtained permission of the City Council upon written application therefor, specifying the purpose, location and length of time for which such permission is

requested. (R.O. 2009 §54.013; CC 1981 §24-19)

Cross Reference--As to penalty, §100.150.

SECTION 505.120: THROWING STONES, GLASS OR THE LIKE ON STREETS

It shall be unlawful for any person to throw or scatter any bottles, tacks, scraps of iron or other metal, stones, glass or any other substance, likely or liable to cause injury or damage to the tires of motor vehicles, upon the streets of this City. (R.O. 2009 §54.014; CC 1981 §24-20)

Cross Reference--As to penalty, §100.150.

SECTION 505.130: BONFIRES--FLYING KITES--PLAYING BALL

A. *Bonfires On Streets And Sidewalks.* It shall be unlawful for any person to kindle or maintain any bonfire on any street or sidewalk in the City.

B. *Flying Kites And The Like On Streets.* It shall be unlawful for any person to fly any balloon or kite in or along the streets and sidewalks of the City except that a person may fly a balloon or kite in a cul-de-sac, eyebrow or alley.

C. *Playing Ball On Streets.* It shall be unlawful for any person to play baseball, football or any game of ball or engage in throwing and catching balls on any streets of the City except that a person may play baseball, football or any game of ball in a cul-de-sac, eyebrow or alley. (R.O. 2009 §54.015; CC 1981 §§24-21--24-22; Ord. No. 09-91, 5-15-09)

Cross Reference--As to penalty, §100.150.

SECTION 505.140: UNDERGROUND SPRINKLER SYSTEM

No underground sprinkler system or underground irrigation system shall be installed on any street right-of-way. (R.O. 2009 §54.016; CC 1981 §24-25; Ord. No. 89-17, 1-19-89)

Cross Reference--As to penalty, §100.150.

SECTION 505.150: ANNEXATION OF EXISTING STREETS

Upon annexation of property containing a street, such street shall be petitioned for acceptance as a public street in accordance with Sections 505.330 and 505.340. (Ord. No. 10-219 §1, 10-26-10)

ARTICLE II. OBSTRUCTIONS

SECTION 505.160: OBSTRUCTING STREETS AND SIDEWALKS

A. *Generally.* It is declared a nuisance to encumber any square or street within this City by placing or causing to be placed thereon any wood, barrels, boxes, crates, lumber, brick, stone, iron or iron junk or other articles, unless such articles are permitted to remain upon any such square, street, alley or sidewalk in the construction of any new building or in the

removal, repair or alteration of any building or for the purpose of piling building material or tools; provided that such persons shall have first obtained the written permission of the proper office of this City to use such square or streets for such purposes. This Section shall not apply to persons receiving or discharging any article in the way of regular business.

B. *Sidewalks To Be Kept Free From Obstructions.* It shall be the duty of all persons owning or occupying any property in this City to keep the sidewalk in front of such property free from obstructions; provided however, that it shall not be unlawful for such owners or occupants to obstruct sidewalks when receiving or discharging any article in the way of regular business or with the placement of a lighted barricade as required by Section 505.170. Notwithstanding the foregoing, the owner of an automobile parked in a residential driveway that is less than twenty-two (22) feet in length in such a manner that the automobile blocks the sidewalk shall not be subject to enforcement of this restriction against blocking sidewalks absent the receipt of a complaint regarding blocking the sidewalk.

C. *Basketball Goals In Cul-De-Sacs And Eyebrows Excepted Under Certain Conditions.* Notwithstanding the provisions contained in Subsections (A) and (B) of this Section, a basketball goal may be situated on right-of-way that abuts private property located on the bulb of a cul-de-sac or eyebrow; provided that the owner of each residence with frontage on the bulb of the cul-de-sac or eyebrow signs a petition consenting to the periodic use of the cul-de-sac or eyebrow for basketball and the basketball goal can and shall be removed upon the direction of a Police Officer or Code Enforcement Officer. (R.O. 2009 §54.030; CC 1981 §24-3, 24-5; Ord. No. 09-91, 5-15-09; Ord. No. 10-231 §1, 11-10-10)

Cross References--As to nuisances, §§220.020 et seq.; as to penalty, §100.150.

SECTION 505.170: LIGHTED BARRICADES TO WARN OF OBSTRUCTIONS

Whenever any obstruction of any nature is necessarily left in or upon the roadway of any street, except vehicles, or upon any sidewalk of the City between one (1) hour after sunset and one (1) hour before sunrise, the owner of or the person so leaving such obstruction shall place or cause to be placed or attached thereto a lighted barricade Type I or Type II as defined in Section 6C-8 of the Manual on Uniform Traffic Control Devices. (R.O. 2009 §54.031; CC 1981 §24-4; Ord. No. 91-46, 3-8-91)

SECTION 505.180: TEMPORARY CLOSING OF STREETS--ALTERING OF PARKING RESTRICTIONS AND SPEED LIMITS

The Mayor shall have the authority to temporarily close any street or part thereof to vehicle traffic or to divert traffic thereon or to divert or direct the course of pedestrian travel thereon or to alter parking restrictions and speed limits in case of street work, street improvements or construction on property adjoining the street. (R.O. 2009 §54.032; CC 1981 §24-15; Ord. No. 94-135, 6-21-94; Ord. No. 07-162, 6-11-07)

SECTION 505.190: OBSTRUCTING THE VIEW OF FIRE HYDRANTS

A. No owner or person in possession of any lot, tract or parcel of land shall permit any tree,

shrub or other vegetative matter on that lot, tract or parcel of land to grow within such close proximity to a fire hydrant so as to prevent the viewing of the fire hydrant from any location on the nearest street or public right-of-way within fifty (50) feet of the fire hydrant.

B. In addition to other remedies, the City shall have the authority to remove any vegetation which obstructs the view of a fire hydrant as described in Subsection (A). (R.O. 2009 §54.034; CC 1981 §24-24; Ord. No. 86-17, 1-28-86)

Cross Reference--As to penalty, §100.150.

ARTICLE III. CONSTRUCTION AND REPAIR

SECTION 505.200: STREET CONSTRUCTION TO CONFORM WITH SUBDIVISION REGULATIONS

All streets hereafter constructed which are not in a subdivision shall conform to the requirements of Section 405.150 of this Code of Ordinances. (R.O. 2009 §54.045; CC 1981 §24-74)

SECTION 505.210: PERMIT REQUIRED--APPLICATION

A. *Required.* No person shall begin to construct, reconstruct, repair, alter or grade any sidewalk, curb, curb cut, driveway or street without first obtaining a permit from the Director of Public Works or his/her designee.

B. *Application.* An applicant for a permit hereunder shall file with the Director of Public Works or his/her designee an application showing:

1. Name and address of owner or agent in charge of the property abutting the proposed work area.
2. Name and address of party doing work.
3. Location of work area.
4. Attached plans showing details of the proposed alteration.
5. Estimated cost of the alteration.
6. Such other information as the Director of Public Works or his/her designee shall find reasonably necessary to the determination of whether a permit shall be issued. (R.O. 2009 §54.046; CC 1981 §§24-45--24-46; Ord. No. 3725, 2-26-70)

Cross Reference--As to penalty, §100.150.

SECTION 505.220: FILING AND INSPECTION FEES

The following fees shall accompany an application for a permit under this Article:

1. The filing fees shall be ten dollars ($10.00) for each residential property and fifteen dollars ($15.00) for each commercial property; provided that when sidewalks, curbs, curb cuts, driveways or streets are to be constructed, reconstructed, repaired or altered simultaneously, only one (1) permit and fee shall be required. The Director of Public Works or his/her designee shall issue a permit for the construction of improvements, by a subdivider or developer, in the

development of a subdivision prior to the sale of the lot or lots involved, at no cost, except for the inspection fees in the following Subsection (2).

2. The Director of Public Works or his/her designee shall collect an inspection fee of fifteen dollars ($15.00) per lot, for deposit into the General Fund of the City, for the inspection of the construction of improvements, by a subdivider or developer, in the development of a subdivision. (R.O. 2009 §54.047; CC 1981 §24-47; Ord. No. 3725, 2-26-70; Ord. No. 92-255, 10-21-92)

Cross Reference--As to penalty, §100.150.

SECTION 505.230: FINDINGS PREREQUISITE TO ISSUANCE

The Director of Public Works or his/her designee shall issue a permit hereunder when he/she finds:

1. The plans for the proposed operation are satisfactory.
2. The work shall be done according to the specifications of the City.
3. The operation will not unreasonably interfere with vehicular and pedestrian traffic, the egress to and from the property affected and adjacent properties.
4. The health, welfare and safety of the public will not be unreasonably impaired. (R.O. 2009 §54.048; CC 1981 §24-48; Ord. No. 3725, 2-26-70)

SECTION 505.240: DRIVEWAY AND CURB CUT PERMITS

A. *Generally.* The Director of Public Works or his/her designee may grant permits for driveways and curb cuts for each parcel of land under one (1) ownership as follows:

1. For driveways and curb cuts for properties used for school, commercial or industrial purposes: Two (2) driveways and curb cuts not to exceed thirty-five (35) feet in width for each driveway or an aggregate total of seventy (70) feet as measured at the property line; provided the City may require a six (6) inch vertical curb be installed to properly delineate the driveways. For school, commercial or industrial tracts where the lot fronts or abuts two (2) or more streets, three (3) driveways and curb cuts, not to exceed thirty-five (35) feet in width for each driveway or an aggregate total of one hundred five (105) feet, as measured at the property line.
2. For driveways and curb cuts for single-family residences: Two (2) driveways and curb cuts not to exceed an aggregate total of twenty-nine (29) feet.
3. For driveways and curb cuts for properties used as duplex or apartment dwellings: Two (2) driveways and curb cuts not to exceed an aggregate total of thirty-two (32) feet.
4. For driveways and curb cuts for churches and institutional uses: Two (2) driveways and curb cuts not to exceed thirty-five (35) feet in width for each driveway or an aggregate total of seventy (70) feet.
5. Where a street intersection radius is thirty-two (32) feet or less, the minimum distance that a driveway shall be located from a street intersection shall be thirty-five (35) feet. This measurement shall commence from the intersection of the tangent lines of the curb radius between the two (2) intersecting streets.
6. Where a street intersection radius exceeds thirty-two (32) feet, no driveway or part thereof shall be located closer than three (3) feet to curb radius.

B. *Director Of Public Works Or His/Her Designee May Authorize Granting Of Additional Permits.* The Director of Public Works or his/her designee may issue a permit for driveways and curb cuts in addition to the numbers and widths specified in Subsection (A) of this Section. The applicant must provide a plan of the proposed curb cuts and driveways with a statement indicating the need to exceed the numbers and widths specified in Subsection (A) of this Section. (R.O. 2009 §54.049; CC 1981 §24-49--24-50; Ord. No. 3725, 2-26-70; Ord. No. 3790, 9-23-70; Ord. No. 3805, 1-21-71; Ord. No. 88-99, 6-23-88; Ord. No. 92-149, 7-8-92; Ord. No. 94-250, 9-20-94)

SECTION 505.250: DURATION

All work done under a permit issued under the provisions of this Article shall be done at no cost to the City. Permit shall become void after six (6) months from issue date. (R.O. 2009 §54.050; CC 1981 §24-51; Ord. No. 3725, 2-26-70)

SECTION 505.260: SIDEWALK CONSTRUCTION SUPERVISION

All sidewalks constructed in the City shall be constructed under the supervision and direction of the Director of Public Works or his/her designee within such time as the Mayor and Council shall, by ordinance, direct and provide. (R.O. 2009 §54.051; CC 1981 §24-54)

SECTION 505.270: DUTY OF ABUTTING PROPERTY OWNER

A. *To Be Constructed At Expense Of Abutting Property Owner.* Sidewalks shall, in all cases, be constructed at the expense of the owner of the property fronting or abutting on the line thereof in the manner and form by ordinance or otherwise prescribed.

B. *Duty Of Owner/Occupant To Keep Sidewalk In Repair--Failure To Repair After Notice.*

1. Every owner or occupant of any premises fronting or abutting on any sidewalk in the City shall keep the sidewalk in front of or abutting on such premises in good repair. Every person, owner or occupant of any such premises fronting or abutting on any such sidewalk which shall be out of repair, failing, neglecting or refusing to repair such sidewalk within thirty (30) days after notice to repair the same given by the Mayor shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished as provided in Section 100.150.
2. During the interim of the thirty (30) day notice, such person, owner or occupant may appeal to the City Council by reason of:
   a. Hardship;
   b. It should not be his/her responsibility to repair; or
   c. The weather will prevent compliance.
3. The City Council may extend the time of compliance, direct that the Mayor order additional persons to repair the sidewalk or direct that the City bear a portion of the cost of such requested relief as it finds fair and equitable. Should an appeal be filed to the City Council, enforcement shall be abated pending their decision. (R.O. 2009 §54.052; CC 1981 §§24-55--24-56; Ord. No. 83-68, 9-8-83; Ord. No. 07-162, 6-11-07)

SECTION 505.280: CONSTRUCTION SPECIFICATIONS

A. *Width And Fall Generally.* All sidewalks constructed in the City shall be at least four (4) feet wide, except as may be otherwise ordered by the City Council, and shall decline gradually or have a fall from the building line of the lot to the top of the curbstone of one-fourth (¼) inch to the foot. No sidewalk now constructed shall be diminished in width.

B. *Grade To Be Given By Director Of Public Works Or His/Her Designee--Width To Be Uniform In Block.* Before any sidewalk is constructed, the Director of Public Works or his/her designee shall give the grade thereof. Whenever practicable, all sidewalks in the same block shall be of uniform width with the edges of the same in a continuous straight line as directed by the Director of Public Works or his/her designee.

C. *Materials And Specifications To Be In Accordance With Regulations Of City.* Except as provided in Section 505.290 in the case of temporary sidewalks, all sidewalks in this City shall be constructed of materials and in the manner as specified by regulations of the City. (R.O. 2009 §54.053; CC 1981 §§24-57--24-59)

Cross Reference--As to penalty, §100.150.

SECTION 505.290: TEMPORARY SIDEWALKS

The Council may, upon application, permit the owner of property or the occupant to construct a temporary sidewalk in front of his/her property; provided that no such sidewalk shall be less than three (3) feet wide and shall at all times be kept and maintained safe for travel thereon; provided further, that such temporary sidewalk may be ordered removed at any time the Council may deem it necessary. (R.O. 2009 §54.054; CC 1981 §24-60)

SECTION 505.300: CONSTRUCTION REQUIRED WITHIN SIX MONTHS OF ISSUING BUILDING PERMIT

A. Within six (6) months after the issuance of a building permit for any lot which is vacant at the time of application for the building permit, the owner of the property securing the building permit shall install a concrete sidewalk along each and every street abutting the property in accordance with the ordinances of the City relating to sidewalks.

B. Whenever a party seeks a building permit on a parcel of land within the City, the party seeking the building permit shall also cause the strip of land between the back of the curb and right-of-way abutting his/her property to be landscaped so as to conform with City subdivision right-of-way cross sections. This requirement shall be upheld even though a variance to construct a sidewalk has been given. If the excavation of the right-of-way should present an undue hardship, a variance to this Section may be given by the City Council. (R.O. 2009 §54.055; CC 1981 §24-61; Ord. No. 3446, 11-23-66; Ord. No. 80-10, 1-30-80)

SECTION 505.310: EXEMPTIONS

A. Exemptions from the requirements of Section 505.300 by owners of properties where there are practical difficulties or unnecessary hardship, other than financial, in the way of carrying out the requirements of such Section by reason of natural contour of public property at the lot or surrounding area, location of lot or future planned street widening

shall be requested in writing to the Director of Public Works or his/her designee.

B. The Director of Public Works or his/her designee shall investigate the request and report his/her recommendations to the City Council.
C. Such request, if any, must be made at least ninety (90) days prior to the expiration date for installation of the sidewalk.
D. In the event that an exemption is recommended to, and granted by, the City Council, such exemption shall only be for the time that conditions at the property remain the same as they were at the time of the appeal. Changes in conditions at the property may result in the City Council reopening the matter and in recommending a revocation of exemption from installation of the sidewalk as required by this Article. (R.O. 2009 §54.056; CC 1981 §24-62; Ord. No. 3780, 8-19-70; Ord. No. 75-17, 4-9-75; Ord. No. 95-90, 4-13-95)

SECTION 505.320: COST-SHARING SIDEWALK REPLACEMENT PROGRAM

The City establishes a cost-sharing sidewalk replacement program with the following guidelines:

1. The City will pay fifty percent (50%) of the costs of repairing defective sidewalks in the City. The remaining fifty percent (50%) of the costs must be paid by the landowners.
2. The City will contract to have the repairs made and the landowners must pay the landowner's share of the costs to the City prior to the beginning of construction.
3. The Director of Public Works or his/her designee will be the final judge as to whether the sidewalk, or any portion of the sidewalk, needs to be repaired.
4. Sidewalks will be repaired on a first-come, first-served basis, except where the costs may be reduced by making multiple repairs in one (1) area.
5. The City's total share of the cost-sharing sidewalk replacement program shall not exceed amounts budgeted for that purpose.
6. Cost participation by the landowner can be waived by the Mayor when the income of the owner is substantially from Social Security or other comparable restrictive sources, such as railroad retirement, and when the total income of the family from all sources does not exceed guidelines by HUD, Section 8 or other Federal housing assistance plans as followed by the Mayor's office for utility tax refunds.
7. If the damage to the sidewalk has been caused by the City, then the City will pay the entire cost.
8. No variance to this policy shall be granted unless seven (7) members of the City Council vote in favor of the variance. (R.O. 2009 §54.057; CC 1981 §24-63; Ord. No. 85-171, 10-8-85)

Cross Reference--As to cost-sharing tree removal and tree trimming program, §225.110.

ARTICLE IV. PROVISIONAL STREETS

SECTION 505.330: PROVISIONAL STREETS

A. The owners of any private street which is contiguous to property used as single-family residential, multi-family residential, commercial or industrial property may petition the City to accept the street as a "provisional street". This Section does not apply to internal streets and drives within mobile home parks or apartment complexes. Prior to acceptance as a public street, all owners of property along the petitioned private street shall annex into the City limits.

B. A petition or petitions must be received from each owner before the City will consider accepting the street. The petitions shall state that the owners understand that the City would not reconstruct or overlay the provisional street until the City's public streets have been adequately maintained to the City's satisfaction and until the City has adequate excess funds to do so. The petitions shall also state that the owners understand that when the City does overlay the provisional street, it will do so only to the width of the existing pavement and that when the City does reconstruct the provisional street, it will do so only to the width and depth of the existing pavement. The petition shall further state that the owners understand that any further upgrade shall be at the owners' expense.

C. If a street has been accepted as a provisional street, then the street shall be considered a public street for the purposes of traffic control, repairs and maintenance. The owners shall remain responsible for street lights, snow removal and street sweeping and, if the owners, at the time the petitions are submitted, request that responsibility for pothole repair or crack and seal type repairs to be retained by the owners, then the City may authorize the owners to retain that requested responsibility. The City may require the owners to provide bonds and insurance applicable to the responsibilities not accepted by the City. (R.O. 2009 §54.060; Ord. No. 01-212, 9-21-01; Ord. No. 10-219 §2, 10-26-10)

ARTICLE V. EXISTING PRIVATE STREETS

SECTION 505.340: EXISTING PRIVATE STREETS

A. The owners of any private street, drive or road may petition the City to accept the street, drive or road as a public street. Prior to the City's acceptance, the private street, drive or road shall meet, or be brought up to, current City standards unless otherwise approved by the City Council. Acceptable deviation from current City ordinance shall include only the following:

1. Reduction in required right-of-way width to a forty (40) foot minimum;
2. Reduction in required pavement width to a twenty-five (25) foot minimum;
3. Reduction of sidewalk requirement to one (1) side of street;
4. Reduction of street light requirements to three hundred (300) foot spacing;
5. Reduction of cul-de-sac or turnaround requirements; and
6. Elimination of concrete driveway aprons.

The Director of Public Works or his/her designee will inspect the existing private street, drive, roadway, etc., and provide a recommendation to the City Council pertaining to the existing condition. The City Council will then make a determination as to whether to accept the private street, drive or road as a public street. Prior to acceptance by the City, the property owners of the private street, drive or road will be responsible for all repairs

necessary to bring the street, drive or road up to City standards (or provide an equivalent escrow amount). This requirement may be waived by the City Council at the time of acceptance by ordinance. If accepted, all necessary right-of-way and easement documents will be provided by the private owners and dedicated to the City in accordance with current City standards. It is the responsibility of the private owners to provide plans for the repair or upgrade of the private street, drive or road in accordance with current City standards. The plans shall be submitted to the Director of Public Works or his/her designee for review and any repair or upgrade work must be inspected and approved by the Director of Public Works or his/her designee following the same procedures as a new development.

B. A written and signed petition or petitions must be received from each owner before the City will consider accepting the street, drive or road as a public street. Prior to final acceptance, all owners of property along the petitioned private street shall annex into the City limits. (R.O. 2009 §54.065; Ord. No. 03-93, 4-23-03; Ord. No. 10-219 §3, 10-26-10)

ARTICLE VI. DRIVEWAY APPROACHES AND CULVERTS

SECTION 505.350: DEFINITIONS

For the purposes of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DRIVEWAY APPROACH: Any area in which, because of topography, elevation, position or location, it is necessary to enclose the gutter or road ditch in a driveway culvert in order to have a proper and suitable entrance to any property abutting on any public right-of-way. Driveway approaches are private improvements.

DRIVEWAY CULVERT: A drain pipe or other structure of concrete, masonry, metal, vitrified tile or other materials or combination thereof approved by the Director of Public Works or his/her designee and used to convey or carry surface water across, under or through any driveway approach or road ditch and/or to connect two (2) or more sections of a gutter or road ditch.

GUTTER OR ROAD DITCH: The part of the right-of-way which is shaped, crowned, sloped or graded for drainage purposes. (R.O. 2009 §54.070; CC 1981 §24-75; Ord. No. 84-89, 8-1-84)

SECTION 505.360: PERMIT REQUIRED

It shall be unlawful for anyone to construct any driveway approach over, in or through any gutter or road ditch or to install or construct a driveway culvert through any road, street or public right-of-way without first having obtained a permit from the Director of Public Works or his/her designee hereinafter provided in Section 505.210. (R.O. 2009 §54.071; CC 1981 §24-76; Ord. No. 84-89, 8-1-84)

Cross Reference--As to penalty, §100.150.

SECTION 505.370: APPLICATION--FEE

A. *Application.* Applications for permits shall be made to the Public Works Department and shall state the name of the applicant, the location of the platted property upon which any driveway approach or culvert is sought to be constructed and the size and type of construction needed. Upon approval by the Director of Public Works or his/her designee, a permit shall be granted. Within sixty (60) days thereafter, the Director of Public Works or his/her designee shall cause the driveway culvert to be installed by the Public Works Department or its authorized representative in accordance with the terms of the permit.

B. *Fee.* A fee shall be charged for the issuance of the permit in such sum equal to the cost of the driveway culvert material. (R.O. 2009 §54.072; CC 1981 §§24-77--24-78; Ord. No. 84-89, 8-1-84)

SECTION 505.380: OBSTRUCTING DRAIN

It shall be unlawful for anyone to retard or obstruct the flow of storm or surface water in or through any driveway culvert, gutter or road ditch in or through any road, street or public right-of-way. (R.O. 2009 §54.073; CC 1981 §24-79; Ord. No. 84-89, 8-1-84)

Cross Reference--As to penalty, §100.150.

SECTION 505.390: NOTICE TO REMOVE OBSTRUCTION

The owner of platted property in front of which there is an obstructed gutter or roadway ditch shall, within twenty (20) days after notification in writing from the Director of Public Works or his/her designee, remove such obstruction or interference or apply for permit to cause a new driveway culvert to be installed so that the flow of the surface or storm water is not obstructed or retarded. If the owner does not reside or maintain a mailing address on the property, notice shall be posted in a conspicuous place on the property and shall be delivered by certified mail to the owner's last known address. (R.O. 2009 §54.074; CC 1981 §24-80; Ord. No. 84-89, 8-1-84)

SECTION 505.400: SURETY REQUIRED

No permit shall be issued by the Public Works Department for any construction in or on any platted property where there is no driveway approach or a new driveway approach is deemed necessary because of the existing conditions, unless the applicant shall provide surety in such amount as is reasonably necessary, based upon the current construction costs, as established by the Director of Public Works or his/her designee. (R.O. 2009 §54.075; CC 1981 §24-81; Ord. No. 84-89, 8-1-84)

Cross Reference--As to penalty, §100.150.

SECTION 505.410: REMOVAL BY CITY

If the property owner does not remove the obstruction or apply for a permit as stated herein within twenty (20) days after notification, the City may do the necessary work and the cost thereof shall be charged or assessed against the property in the same manner as provided by the Statute for a lien. (R.O. 2009 §54.076; CC 1981 §24-82; Ord. No. 84-89, 8-1-84)

ARTICLE VII. UTILITY WORK IN RIGHTS-OF-WAY

SECTION 505.420: APPLICABILITY

To the extent permitted by law, this Article shall apply to all persons desiring to construct, operate or maintain facilities in, along, across, under or over public rights-of-way within the City. (R.O. 2009 §54.090; Ord. No. 3530, 10-25-67; Ord. No. 02-50, 3-6-02)

Cross Reference--As to excavation, grading and storm water control, ch. 510.

SECTION 505.430: DEFINITIONS

For the purposes of this Article, the following terms, phrases, words and abbreviations shall have the meanings given herein, unless otherwise expressly stated. When not inconsistent with the context, words used in the present tense include the future tense and vice versa, words in the plural number include the singular number and vice versa, and the masculine gender includes the feminine gender and vice versa. The words *"shall"* and *"will"* are mandatory and *"may"* is permissive. Unless otherwise expressly stated or clearly contrary to the context, terms, phrases, words and abbreviations not defined herein shall be given their common and ordinary meaning.

APPLICANT: The specific person applying for and receiving a permit under this Article.

APPLICATION: That form designed by the Director of Public Works or his/her designee which an applicant must use to obtain a permit to conduct facilities work across, over or under the City's right-of-way.

EXCAVATION: Any act by which earth, asphalt, concrete, sand, gravel, rock or any other material in or on the ground is cut into, dug, uncovered, removed, or otherwise displaced, by means of any tools, equipment or explosives, except that the following shall not be deemed excavation:

1. Any de minimis displacement or movement of ground caused by pedestrian or vehicular traffic;
2. The replacement of utility poles and related equipment at the existing general location that does not involve either a street or sidewalk cut; or
3. Any other activity which does not disturb or displace surface conditions of the earth, asphalt, concrete, sand, gravel, rock or any other material in or on the ground.

FACILITIES: Any conduit, duct, line, pipe, wire, hose, cable, culvert, tube, pole, receiver, transmitter, satellite dish, micro call, Pico cell, repeater, amplifier or other device, material, apparatus or medium usable (whether actually used for such purpose or not) for the transmission or distribution of any service or commodity installed below or above ground within the public rights-of-way of the City, whether used privately or made available to the public.

FACILITIES WORK: The installation of new facilities or any change, replacement, relocation, removal, alteration or repair of existing facilities that requires excavation within the public rights-of-way, except for the occasional replacement of utility poles and related equipment at the existing general location that does not involve either a street or

sidewalk cut.
MAYOR: The Mayor or designee.
PERMIT: A permit granted by the Director of Public Works or his/her designee to do facilities work within the public rights-of-way.
PERSON: An individual, partnership, association, joint stock company, trust, organization, limited liability company, corporation or other entity or any lawful successor thereto or transferee thereof, but such term does not include the City.
PUBLIC RIGHTS-OF-WAY: The area on, below or above a public roadway, highway, street or alleyway in which the political subdivision has an ownership interest, but not including:

1. The airwaves above a public right-of-way with regard to cellular or other non-wire telecommunications or broadcast service;
2. Easements obtained by utilities or private easements in platted subdivisions or tracts;
3. Railroad rights-of-way and ground utilized or acquired for railroad facilities; or
4. Poles, pipes, cables, conduits, wires, optical cables, or other means of transmission, collection or exchange of communications, information, substances, data, or electronic or electrical current or impulses utilized by a municipally owned or operated utility pursuant to Chapter 91 or pursuant to a Charter form of Government. (R.O. 2009 §54.091; Ord. No. 3530, 10-25-67; Ord. No. 02-50, 3-6-02)

SECTION 505.440: PERMITTING

A. *Permit Requirements.* Any person desiring to conduct facilities work within public rights-of-way must first apply for and obtain a permit, in addition to any other building permit, license, easement, or authorization required by law, unless such facilities work must be performed on an emergency basis; then the person conducting the work shall as soon as practicable notify the City of the location of the work and apply for the required permit by the third (3rd) business day following the commencement of the facilities work.
    1. All applications for permits shall be submitted to the Director of Public Works or his/her designee.
    2. The Director of Public Works or his/her designee shall design and make available standard forms for such applications, requiring such information as the Director of Public Works or his/her designee determines to be necessary, consistent with the provisions of this Article.
    3. Each such application shall be accompanied by payment of fees as designated in this Article.
    4. The Director of Public Works or his/her designee shall review each application for a permit and, upon determining that the applicant has authority to perform the desired facilities work and that the applicant has submitted all necessary information and has paid the appropriate fee, shall issue the permit, except as provided in Subsection (8).
    5. It is the intention of the City that disruption of the public rights-of-way should be minimized. Upon receipt of an application for a permit, the Director of Public Works or his/her designee shall do the following:

a. Evaluate the degree of excavation necessary to perform the facilities work in the rights-of-way and determine whether the excavation will be more than minor in nature. If the applicant can show to the Director of Public Works or his/her designee's reasonable satisfaction that the facilities work involves any of the following:
   (1) No significant disruption or damage to the public rights-of-way, or
   (2) Time sensitive maintenance; then the Director of Public Works or his/her designee shall grant the permit without delay provided that if the permit is not issued in ten (10) business days, the aggrieved party may appeal as provided in Subsection (8); and

b. For circumstances where the Director of Public Works or his/her designee determines that there will be significant excavation of the public rights-of-way and no exemption under any provision of applies, the Director of Public Works or his/her designee may, consistent with the time requirements set forth in Subsection (5)(a) and in the permit, direct permit holders performing facilities work in the same area to consult on how they may schedule and coordinate their work to accomplish the goal of this Section.

6. Each permit shall include projected commencement and termination dates or, if such dates are unknown at the time the permit is issued, a provision requiring the permit holder to provide the Director of Public Works or his/her designee with reasonable advance notice of such dates once they are determined; length of public rights-of-way; number of road crossings; information regarding scheduling and co-ordination of facilities work if applicable; and location of facilities.
7. The Director of Public Works or his/her designee may include in permits such conditions and requirements as are reasonably necessary to protect structures and facilities in the public rights-of-way from damage and for the proper restoration of such public rights-of-way, structures and facilities and for the protection of the public and the continuity of pedestrian and vehicular traffic.
8. The Director of Public Works or his/her designee may deny a permit application for the following reasons if deemed in the public's interest:
   a. Undisputed past due fees from prior permits;
   b. Failure to return the right-of-way to its previous condition under previous permits;
   c. Undue disruption to existing utilities, transportation or use;
   d. Area is environmentally sensitive as defined by State or Federal Statute;
   e. Failure to provide required information; or
   f. The applicant is in violation of the provisions of this Article.

   Notwithstanding the provisions of Subsections (8)(c) and (8)(d) above, the Director of Public Works or his/her designee will cooperate with the applicant to identify alternative routes which most nearly match the routes requested by applicant for the placement of facilities as long as use of the alternative routes does not result in additional installation expense exceeding ten percent (10%) to the applicant or a declination of service quality.
9. Applicant may appeal any final decision of the Director of Public Works or his/her designee to:
   a. The Mayor, which appeal shall be acted upon by the Mayor within five (5) business days; and

b. If denied by the Mayor, the applicant may then appeal to the City Council which shall consider the appeal at its next regular meeting.

10. Applicant shall pay the following fees:

a. Non-refundable permit application fee	$25.00
b. For each cubic yard of flowable fill backfill	$35.00
c. For each square yard of asphalt surface replaced	$20.00
d. For each square yard of concrete surface replaced	$25.00
e. For each square foot of sidewalk replaced	$ 3.00
f. For replacing the surface where no permanent surface is in place	no charge

B. Escrows collected pursuant to this Section will be used only to reimburse the City for its actual incurred cost of managing the rights-of-way and will not be used to generate revenue to the City above such costs. Escrows shall be based on the following:

1. For each cubic yard of flowable fill backfill	$35.00
2. For each square yard of asphalt surface replaced	$20.00
3. For each square yard of concrete surface replaced	$25.00
4. For each square foot of sidewalk replaced	$ 3.00
5. For replacing the surface where no permanent surface is in place	no escrow

C. Fees/escrows are charged to recover the City's actual costs for an applicant's facilities work in the rights-of-way including the costs of processing permits, inspections and administration of this Article, excluding legal fees relating to the interpretation or enforcement of this Article including all appeals.

D. *Applicant Subject To Other Laws, Police Power.*

1. An applicant shall at all times be subject to all lawful exercise of the police powers of the City, including, but not limited to, all powers regarding zoning, supervision of construction and control of public rights-of-way.
2. No action or omission of the City shall operate as a future waiver of any rights of the City under this Article.
3. The City shall have the maximum plenary authority to regulate applicants, permits and facilities work as may now or hereafter be lawfully permissible. Except where rights are expressly granted or waived by a permit, they are reserved, whether or not expressly enumerated. This Article may be amended from time to time and in no event shall this Article be considered a contract between the City and an applicant such that the City would be prohibited from amending any provision hereof. (R.O. 2009 §54.092; Ord. No. 3530, 10-25-67; Ord. No. 02-50, 3-6-02; Ord. No. 06-114, 5-4-06; Ord. No. 07-162, 6-11-07)

Cross Reference--As to penalty, §100.150.

SECTION 505.450: FACILITIES WORK

A. *Oversight Of Facilities Work.*

1. An applicant shall construct, operate and maintain facilities subject to the supervision of the City and in strict compliance with this Article, all applicable zoning and construction permitting ordinances, departmental rules and regulations.
2. Facilities work shall be subject to periodic inspection by the City.
3. The Director of Public Works or his/her designee shall have full access to all portions of facilities work and may issue stop work orders and corrective orders to

prevent unauthorized work. Such corrective or stop work orders shall state that work not authorized by the permit is being carried out, summarize the unauthorized work and provide a period of time to cure the problem, which cure period may be immediate if certain activities must be ceased to protect the public safety, and may be delivered personally or by certified mail to the address listed on the application for permit or to the person in charge of the construction site at the time of delivery.

4. Any person who engages in facilities work in the public rights-of-way and who has not received a valid permit from the City shall be subject to all requirements of this Article. Except in those instances where facilities work must be performed on an emergency basis, the City may, in its discretion, at any time until a permit is secured, order the facilities work stopped and do any of the following: require such person to apply for a permit within ten (10) days of receipt of a written notice from the City that a permit is required; require such person to remove its property and restore the affected area to a condition satisfactory to the City; or take any other action it is entitled to take under applicable law including, but not limited to, filing for and seeking damages.

B. *Construction Standards.*

1. The construction, operation, maintenance and repair of facilities shall be in accordance with all applicable health, safety and building codes.
2. All facilities shall be installed and located with due regard for minimizing interference with the public and with other utility users of the rights-of-way, including the City.
3. An applicant shall not place facilities where they will damage or interfere with the use or operation of previously installed facilities or obstruct or hinder the various utilities serving the residents and businesses in the City of their use of any public rights-of-way.
4. Any and all public rights-of-way disturbed or damaged during the facilities work shall be promptly repaired or replaced by the applicant to their previous condition.
5. Any contractor or subcontractor used for facilities work must be properly licensed under the laws of the State and all applicable local ordinances and each contractor or subcontractor shall have the same obligations with respect to its work as an applicant would have hereunder and applicable laws if the work were performed by the applicant. The applicant shall be responsible for ensuring that the work of contractors and subcontractors is performed consistent with its permits and applicable law, shall be fully responsible for all acts or omissions of contractors or subcontractors and shall be responsible for promptly correcting acts or omissions by any contractor or subcontractor. (R.O. 2009 §54.093; Ord. No. 3530, 10-25-67; Ord. No. 02-50, 3-6-02)

Cross Reference--As to penalty, §100.150.

SECTION 505.460: PERFORMANCE GUARANTEES AND REMEDIES

A. *Performance Bond.*

1. Prior to any facilities work in the public rights-of-way, an applicant shall establish in the City's favor a performance bond in any amount determined by non-discriminatory regulations promulgated by the Director of Public Works or his/her

designee as necessary to ensure the applicant's faithful performance of the facilities work. Differences in bond requirements, including provisions for self-insurance or provisions for a single continuing bond where facilities work is conducted by the same applicant under numerous permits, may be established by regulation based on the extent or nature of the facilities work and the past performance of the applicant. In lieu of a performance bond, an applicant may provide an acceptable substitute with the approval of the Director of Public Works or his/her designee. However, an applicant which has twenty-five million dollars ($25,000,000.00) in net assets and does not have a history of non-compliance with permits shall not be required to provide the performance bond.

2. In the event an applicant fails to complete the facilities work in a safe, timely and competent manner, there shall be recoverable, jointly and severally from the principal and surety of the bond, any damages or loss suffered by the City as a result up to the full amount of the bond.
3. Upon completion of the facilities work to the satisfaction of the Director of Public Works or his/her designee, the Director of Public Works or his/her designee shall eliminate the bond or reduce its amount after a time appropriate to determine whether the work performed was satisfactory, which time shall be established by the Director of Public Works or his/her designee considering the nature of the work performed.
4. A performance bond shall be issued by a surety acceptable to the City and shall contain the following endorsement:
   "This bond may not be canceled or allowed to lapse until sixty (60) days after receipt by the City, by certified mail, return receipt requested, of a written notice from the issuer of the bond of intent to cancel or not to renew."
5. Applicant shall, at its sole cost and expense, indemnify, hold harmless and defend the City, its officials, boards, board members, commissions, commissioners, agents and employees against any and all claims, suits, causes of action or proceedings and judgments for damages or equitable relief which are caused by the acts, errors or omissions of applicant arising out of the construction and maintenance of its facilities.
6. Recovery by the City of any amounts under the performance bond or otherwise does not limit an applicant's duty to indemnify the City in any way, nor shall such recovery relieve an applicant of its obligations under a permit or reduce the amounts owed to the City other than by the amounts recovered by the City under the performance bond or in any respect prevent the City from exercising any other right or remedy it may have.

B. *Penalties.* For each violation of the provisions of this Article or a permit granted pursuant to this Article as to which the City has given notice to applicant as provided in this Article, penalties may be chargeable to the applicant at a rate not exceeding one hundred dollars ($100.00) per day for so long as the violation continues. (R.O. 2009 §54.094; Ord. No. 3530, 10-25-67; Ord. No. 97-268, 8-25-97; Ord. No. 02-50, 3-6-02)

SECTION 505.470: MISCELLANEOUS PROVISIONS

A. *Compliance With Laws.* Each applicant shall comply with all applicable City ordinances, resolutions, rules and regulations heretofore and hereafter adopted or established.

B. *Franchises Not Superseded.* Nothing herein relieves the applicant or the City from any obligations under an existing franchise. Nothing herein shall be deemed to relieve an applicant of the provisions of an existing franchise, license or other agreement or permit.

C. *Rights And Remedies.*

1. The exercise of one (1) remedy under this Article shall not foreclose use of another, nor shall the exercise of a remedy of the payment of damages or penalties relieve an applicant of its obligations to comply with its permits. Remedies may be used alone or in combinations. In addition, the City may exercise any rights it has at law or equity.
2. The City hereby reserves to itself the right to intervene in any suit, action or proceeding involving any provisions of this Article.
3. No applicant shall be relieved of the obligation to comply with any of the provisions of this Article by reason of any failure of the City to enforce prompt compliance.

D. *Incorporation By Reference.* Any permit granted pursuant to this Article shall by implication incorporate this Article into such permit as fully as if set forth therein.

E. *Force Majeure.* An applicant shall not be deemed in violation of provisions of this Article where performance was rendered impossible by war or riots, civil disturbances, floods or other natural catastrophes beyond the applicant's control and a permit shall not be revoked or an applicant penalized for such non-compliance, provided that the applicant takes immediate and diligent steps to bring itself back into compliance as soon as possible under the circumstances with its permit without unduly endangering the health, safety and integrity of the applicant's employees or property, the public, public rights-of-way, public property or private property. (R.O. 2009 §54.095; Ord. No. 3530, 10-25-67; Ord. No. 02-50, 3-6-02)

SECTION 505.480: RELOCATION OF FACILITIES

Whenever, by reason of changes in the grade or widening of a street or in the location or manner of constructing a water pipe, drainage channel, sewer or other City-owned underground or above ground structure, it is deemed necessary by the City to move, alter change, adapt, or conform the underground or above ground facilities of a utility, the utility shall make the alterations or changes on alternative right-of-way provided by the City, if available, as soon as practicable after being so ordered in writing by the City without claim for reimbursement or damages against the City. (R.O. 2009 §54.096; Ord. No. 3530, 10-25-67; Ord. No. 02-50, 3-6-02)

SECTION 505.490: STANDARDS APPLICABLE TO CITY

Any standards in this Article relating to facilities work shall be fully applicable to work performed by the City and its departments. (R.O. 2009 §54.097; Ord. No. 3530, 10-25-67; Ord. No. 95-119, 5-2-95; Ord. No. 02-50, 3-6-02)

ARTICLE VIII. GRADES

SECTION 505.500: ADOPTION OF ORIGINAL GRADES AND SURVEYS

A. The survey and grades of the streets and parts of streets as made and reported to the City Council by Carl C. Ertz, City Engineer, with Washington Gill and Frederick Melkersmann, engineers, aiding him/her in the years 1871 and 1872, which survey and grades so made and reported, were thereupon by ordinance adopted, fixed and established as the official survey and grades of and for the streets and parts of streets covered by and included in such survey and report, the maps, plats, profiles and tables of grades so made being on file or of record in the office of the City Clerk (the profiles of such survey being recorded in City Profile Record Book Number One and the tables of grade so established being of record in City Journal Book "E", pages 549--559) and which survey and grades so made and established as aforesaid, together with the changes and alterations therein and thereto made by ordinances subsequently passed, have been, are and shall be the official survey and grades of and for all the streets and parts of streets covered by and included in the Ertz-Gill-Melkersmann survey and report.

B. The survey and grades of the streets and parts of streets lying west of the area covered by the Ertz-Gill-Melkersmann survey, made and reported to the City Council by Carr Edwards, City Engineer, in the years 1898 and 1899, which survey and grades so made and reported were thereupon by ordinance adopted, fixed and established as the official survey and grades of and for the streets and parts of streets covered by and included in such survey and report, the profiles and bench marks thereof being recorded in Profile Book Number One and the table of grades accompanying such report being recorded in City Journal Book "M", page 127, which survey and grades so made and established as aforesaid, together with such changes and alterations therein and thereto made by ordinances subsequently passed, were, are and shall be the official survey and grades of and for all the streets and parts of streets covered by and included in the Edwards survey and report.

C. The survey and grades of the streets and parts of streets of the City lying outside of the area mentioned or referred to in Subsections (A) and (B) of this Section, as made and reported to the City Council and by ordinances adopted, fixed and established as and for the official grades of and for the streets and parts of streets, including the streets in all additions to the City not included in the Edwards survey and as recorded in the records of the City and Profile Book Number One and in Profile Book Number Two in the City Clerk's office, together with such changes and alterations therein and thereto as were made by ordinances subsequently passed, were, are and shall be the official grades of and for such streets and parts of streets respectively. (R.O. 2009 §54.110; CC 1981 §24-109)

SECTION 505.510: METHOD OF ESTABLISHING

The grades of the streets in this City shall be established by recording the elevations at the inter-sections of streets and alleys in a book to be kept for that purpose, which book shall also contain a record or reference to the record of all acts or ordinances of the Council in relation to or in any way affecting the established grade of any street. (R.O. 2009 §54.111; CC 1981 §24-110)

SECTION 505.520: UNIFORMITY OF STREET ELEVATIONS

A. *Elevation At Street Intersections.* All the corners at any intersecting streets, embracing

the full width of the sidewalks thereof, shall bear a uniform elevation, except when the contour of the streets or other conditions necessarily require otherwise. Whenever it shall be deemed expedient not to bring all the corners of any intersection to the same level, then the elevation at each corner of such intersection shall be given.

B. *To Be Uniform.* So far as practical and expedient, all grades shall extend in unbroken uniformity from intersection to intersection and whenever the grade of any street shall be broken between street intersections, the elevation at such break shall be given, together with the exact distance thereof from one or the other of the relative intersections. (R.O. 2009 §54.112; CC 1981 §§24-111--24-112)

SECTION 505.530: GRADES TO BE RECORDED

All grade elevations shall be recorded in figures, designating the whole number of feet, tenths (.0) and hundredths (.00) of a foot, which manner of designating the grade elevations of the City shall be used in all returns, certificates and other papers or acts relating to the grade of any street in the City. A grade record in the City profile book or grade record shall be made and entered by the Director of Public Works or his/her designee. (R.O. 2009 §54.113; CC 1981 §24-113)

SECTION 505.540: CITY DIRECTRIX OR DATUM LINE

The high water mark of the Missouri River in this City in 1844 as fixed and established by the Ertz-Gill-Melkersmann survey at an elevation of one hundred fifteen (115) feet, with reference and in relation to which all bench marks and grades reported by them and by the Council adopted, established and determined, shall be the City datum line or directrix, until otherwise provided by ordinance. (R.O. 2009 §54.114; CC 1981 §24-114)

SECTION 505.550: EVIDENCE OF TRUE GRADES

A. The measurements, grades, plats, drawings, diagrams, profiles and field notes and tables of grades heretofore or hereafter accepted and adopted by ordinance shall be received and taken as evidence of the true grades of all the streets and parts of streets within the City.

B. In case of the loss of all or any part of such plats, drawings, diagrams, profiles, field notes and tables of grades, the record thereof shall be received and taken and held as evidence of the true grades of the several streets and parts of streets mentioned therein and all plats, drawings, diagrams, profiles, field notes and tables of grades shall be kept on file and preserved in the City Clerk's office. (R.O. 2009 §54.115; CC 1981 §24-115)

SECTION 505.560: REMOVAL OF ENGINEER'S STAKES

It shall be unlawful for any person to remove or otherwise interfere with the stakes or other markers set by the Director of Public Works or his/her designee to designate the grade or line of any sidewalk, curb, gutter or other street improvement or for any person to construct or cause to be constructed in the City any sidewalk, curb or gutter, on a grade other than the grade designated by the Director of Public Works or his/her designee, after the same shall have been properly designated by him/her. (R.O. 2009 §54.116; CC 1981 §24-116)

Cross Reference--As to penalty, §100.150.

ARTICLE IX. NUMBERING OF BUILDINGS

SECTION 505.570: DIVISION OF CITY INTO DISTRICTS

For convenience in numbering, the City is divided into two (2) districts, as follows: All that part of the City lying south and southwest of Jefferson Street and of Watson Street or of an extension thereof shall be known as the "southern district" of the City and the remaining part of the City shall be known as the "northern district" thereof. (R.O. 2009 §54.130; CC 1981 §24-128)

SECTION 505.580: DESIGNATION OF STREETS IN SOUTHERN AND NORTHERN DISTRICTS

A. *Designation Of Streets In Southern District.* In the southern district of the City, Main Street and all streets running parallel with it and Kingshighway and all streets running parallel with it shall be known as "South Main Street", "South Second Street", and in the same manner the word "South" shall be prefixed to the name of Kingshighway and of each of such parallel streets respectively, unless such parallel streets lie entirely within such district, in which case the prefix "South" shall be omitted.

B. *Designation Of Streets In Northern District.* In the northern district of the City, Main Street and all streets running parallel with it and Kingshighway and all streets running parallel with it shall be known as "North Main Street", "North Second Street", and in the same manner the word "North" shall be prefixed to the name of Kingshighway and of each of such parallel streets respectively, unless such parallel streets lie entirely within such district in which case the prefix "North" shall be omitted. (R.O. 2009 §54.131; CC 1981 §§24-129--24-130)

SECTION 505.590: SPACE ALLOTTED NUMBER--ODD AND EVEN NUMBERING

A. *Space Allotted Number.* For the purpose of a proper distribution of numbers, to each space of twenty (20) feet frontage, or fractional part thereof, there shall be allotted one (1) number.

B. *Even Numbers On East And North Side--Odd Numbers On West And South.* The even numbers shall be on the east and north side of the streets respectively and the odd numbers shall be on the west and south side of the streets respectively. (R.O. 2009 §54.132; CC 1981 §§24-131--24-132)

SECTION 505.600: SYSTEM OF NUMBERING

A. *Streets Running North And South.* In numbering the buildings fronting on streets running north and south, the numbering shall begin at Jefferson and at Watson Streets, the dividing streets as provided in Section 505.570, beginning with 100 and 101 respectively,

the numbering in the second (2nd) blocks from the dividing streets to begin with 200 and 201 respectively and so on, the hundreds in each number designating the number of the respective block as counted from the dividing street. In numbering buildings fronting on Kingshighway or on streets parallel with it, the distance between Blocks No. 284, 285 and 298 on one (1) side and Blocks No. 299, 300, 301 and 302 on the other side shall be considered as one (1) block.

B. *Streets Extending East And West.* In numbering buildings fronting on streets extending east and west between the Missouri River and Kingshighway, the beginning street shall be Main Street and running thence westwardly and the same rule shall govern the numbering as is provided in the preceding Section, giving to each block 100 numbers and beginning at Main Street with the numbers 100 and 101 respectively; except that the distance between Fifth Street and Sixth Street shall be treated as one (1) block only; and except that buildings fronting on streets east of Main Street shall be numbered eastwardly from Main Street beginning with the numbers 1 and 2 respectively.

C. *Streets Running Westwardly Or Northwestwardly.* In numbering the buildings fronting on streets running westwardly or northwestwardly from Kingshighway, the beginning street shall be Kingshighway and the same rule shall govern the numbering as is provided in Subsection (A) of this Section; except that the beginning numbers shall be 1500 and 1501 respectively and giving to each block 100 numbers as in other parts of the City. (R.O. 2009 §54.133; CC 1981 §§24-133--24-135)

SECTION 505.610: MAP OF STREET NUMBERING

The Director of Public Works or his/her designee shall prepare a map of the City with the numbers plainly written thereon in conformity with the provisions of this Article so as to expedite the numbering of buildings in the City and in preparing such map he/she shall also provide numbers for the irregular streets of the City, such as Boone's Lick Road and the streets north of Tecumseh Street, according to the general scheme herein provided. The map, when completed, shall be placed in the custody of the City Clerk and shall be open to the inspection of the inhabitants of the City. (R.O. 2009 §54.134; CC 1981 §24-136)

SECTION 505.620: DUTY OF PROPERTY OWNER TO MAINTAIN STREET NUMBER

It is hereby made the duty of each property owner in this City to place, maintain and display on every building owned by him/her the street number of such building in plain, legible numerals, so that the same shall be legible from the street or sidewalk abutting such property. (R.O. 2009 §54.135; CC 1981 §24-137)

SECTION 505.630: CITY MAY NUMBER UPON OWNER'S FAILURE--COSTS AND COLLECTIONS

A. Any building not numbered pursuant to this Article within three (3) days after written notice from the City to do so may be numbered by the City or its agents.

B. The cost of numbering buildings as provided for in Subsection (A) of this Section shall be not less than the actual cost to the City.

C. The cost of numbering of buildings performed by the City, as provided in Subsection (A) of this Section, shall be assessed against the property or buildings so numbered unless the cost thereof shall be paid by the owner, lessee or tenant of such property to the City within thirty (30) days after such numbering shall have been done. The cost of such numbering work shall be assessed against the property and collected as provided by law. (R.O. 2009 §54.136; CC 1981 §24-138)

SECTION 505.640: INTERFERENCE WITH NUMBERING

Any person who shall interfere with the work of numbering buildings as provided for in this Article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to punishment as provided in Section 100.150. (R.O. 2009 §54.137; CC 1981 §24-139)

Cross Reference--As to penalty, §100.150.

ARTICLE X. POLES AND WIRES

SECTION 505.650: MINIMUM HEIGHT OF WIRES

All telephone or telegraph wires shall be run and placed so that the lowest wire at the lowest point shall be at least twenty (20) feet above the surface of the street or alley or the curbstone of the sidewalk, as the case may be. (R.O. 2009 §54.153; CC 1981 §24-154)

Cross Reference--As to penalty, §100.150.

SECTION 505.660: CITY'S RIGHT TO MAKE ALTERATIONS--NOTICE TO COMPANY

The right is reserved by the City Council at any time to direct any alteration in the location of poles now erected or hereafter to be erected and also in the height at which the wires shall run; provided that before any such alteration is made, at least five (5) days' notice in writing shall be given to the President or local officer in charge of the company affected by the proposed alteration and reasonable opportunity shall be afforded the representatives of such company or any citizen interested to be heard therein. When any such alteration shall be ordered, the company shall, within five (5) days thereafter, commence such alterations and complete the same as soon as practicable thereafter and upon failure so to do, it shall be deemed guilty of a misdemeanor. (R.O. 2009 §54.154; CC 1981 §24-155)

Cross Reference--As to penalty, §100.150.

SECTION 505.670: LINES, CABLES AND THE LIKE TO BE KEPT IN REPAIR

All telephone and telegraph companies doing business in this City shall at all times keep and maintain their telephone and telegraph poles, guy poles, wires, cables and other fixtures in the streets, alleys or public places in good repair and shall not permit their wires or cable to unnecessarily sag between poles or other fixtures, nor to in any manner

interfere with the City electric light or fire alarm or other electric wires of the City. Any company or local officer in charge, failing or refusing to make alterations or repairs immediately upon receiving notice from the Director of Public Works or his/her designee to do so, shall be deemed guilty of a misdemeanor. (R.O. 2009 §54.155; CC 1981 §24-156)

Cross Reference--As to penalty, §100.150.

ARTICLE XI. STRUCTURE MOVING PERMIT

SECTION 505.680: STRUCTURE MOVING PERMIT

A. No person shall move any structure within the City of St. Charles on City right-of-way without first securing a permit from the Department of Public Works. Before issuance of the permit, the applicant shall supply:
   1. Hold harmless agreement executed by the owner of the building;
   2. Certificate of insurance naming the City as additionally insured for an amount not less than two million dollars ($2,000,000.00) for bodily injury and property damage;
   3. A route map together with the date and time of the proposed move;
   4. Name, address and phone number of the person, firm or corporation engaged to move the structure together with a resume of moves made by said person, firm or corporation in the St. Louis metropolitan area in the last three (3) years;
   5. The name and phone number of the person supervising the move;
   6. Height, width and load of the structure during move.

B. The fee for the permit shall be fifty dollars ($50.00) per one thousand (1,000) linear feet moved. The permit shall specify the date and hours during which the move may occur.

C. Any person who violates any provision of this Section shall be subject to the penalty set forth in Section 100.150. (R.O. 2009 §54.170; Ord. No. 99-274, 8-11-99)

CHAPTER 510: EXCAVATION, GRADING AND STORM WATER CONTROL

ARTICLE I. GENERAL PROVISIONS

SECTION 510.010: PURPOSE--SCOPE

A. *Purpose.* The purpose of this Chapter is to control storm water runoff on land that is undergoing development for non-agricultural uses and to preserve the natural terrain and waterways of land within the City. The provisions in this Chapter are intended to provide a natural community environment and to prevent soil erosion which makes necessary costly repairs to gullies, washed out fills, roads and embankments. The resulting sediment of soil erosion clogs storm sewers, road ditches and chokes streams and creates

silt lakes, all of which pose a threat to public health and safety. Interpretation and application of the provisions of this Chapter shall be pursuant to these purposes.

B. *Scope.* This Chapter amends and supplements Chapters 505, Streets and Sidewalks and 405, Subdivisions of this Code of Ordinances. In all cases where this Chapter conflicts with other ordinances of the City, the provisions herein shall govern. (R.O. 2009 §151.01; CC 1981 §§10-1-- 10-2; Ord. No. 73-47, 7-25-73)

SECTION 510.020: DEFINITIONS

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DEBRIS OR SILTING BASIN: A barrier or dam built across a waterway or at other suitable locations to retain rock, sand, gravel, silt or other materials.

DIVERSION: A channel with or without a supporting ridge on the lower side constructed across or at the bottom of a slope.

EROSION: The wearing away of the land surface by the action of wind, water or gravity.

EXCAVATION OR CUT: The removal, stripping or disturbance of soil, earth, sand, rock, gravel or other similar substances from the ground.

EXISTING GRADE: The vertical location of the existing ground surface prior to excavation or filling.

FILL OR FILLING: The placing of any soil, earth, sand, rock, gravel or other substance on the ground.

FINISHED GRADE: The final grade or elevation of the ground surface conforming to the proposed design.

GRADING: Any excavation or filling or combination thereof.

GRASSED WATERWAY: A natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, used to conduct surface water from a field, diversion or other site features.

GROUND: Including, but not limited to, the banks and beds of any river or waterway. (R.O. 2009 §151.02; CC 1981 §10-3; Ord. No. 73-47, 7-25-73)

SECTION 510.030: COMMERCIAL OPERATIONS

The provisions of this Chapter shall not be construed as permitting the applicant for a permit under the Article set forth in Sections 510.050 et seq. to carry on any commercial operation or business or use any premises for buildings or structures thereon for any purpose not permitted by other provisions of this Chapter or Chapter 400, Zoning Code. For the purpose of this Section, grading shall not be considered a commercial operation or business if the grading is incidental to and necessary for the establishment or operation of a use permitted in the applicable zoning district. (R.O. 2009 §151.03; CC 1981 §10-4; Ord. No. 73-47, 7-25-73)

SECTION 510.040: RETROACTIVE PROVISIONS

The provisions of this Chapter shall apply to all excavations, grading or filling operations of exposed ground which were being worked as of July 24, 1973; except that any then existing operation shall have been completed within one (1) year from July 24, 1973;

provided that written notice of intention to continue such operation for such time was filed with the Director of Public Works or his/her designee within thirty (30) days after July 24, 1973. No then existing operation shall be extended in area or any new operation commenced after such date without first securing a permit therefor as herein provided and such operation shall be subject to all of the provisions of this Chapter. (R.O. 2009 §151.04; CC 1981 §10-5; Ord. No. 73-47, 7-25-73)

SECTION 510.045: DUTY OF PROPERTY OWNER TO CONTROL RUNOFF WATER

It shall be unlawful for any person in this City to fail, neglect or refuse to control the runoff of water from land possessed by him/her, or under his/her management or control, so that an amount of soil, dirt, gravel, rock, sand, trash, filth or similar material detrimental to or causing a hazard to public users is carried upon a public sidewalk or a paved public street. (R.O. 2009 §54.011; CC 1981 §24-14; Ord. No. 3575, 6-5-68)

Cross Reference--As to penalty, §100.150.

ARTICLE II. GRADING PERMITS

SECTION 510.050: PERMITS--EXCEPTIONS

A. *Required.* No grading shall be commenced in the City, except as hereinafter provided, without first obtaining from the Director of Public Works or his/her designee a grading permit.

B. *Not Required In Certain Cases.* No grading permit shall be required for the following classes of grading operations:

1. *Building permit.* Under provisions of a duly issued building permit where no grading is involved except excavation for the basement or footings and the backfilling thereof and there is no filling in excess of five hundred (500) cubic yards.
2. *Incidental excavations, grading or filling.* Excavation and removal of excavated material and filling provided such operation is clearly incidental to the improvement of the property, consists of not more than five hundred (500) cubic yards of material and the area is graded and covered by revegetation or other suitable means immediately thereafter.
3. *Excavation for streets and drains.* Necessary grading or removal or excavation of soil or other material within the limits of the right-of-way or slope rights of any existing street or for the purpose of constructing streets and other related improvements within the area of new subdivisions when made in accordance with approved subdivision plans and for which the appropriate permits have been issued for street and drain construction. A developer achieving Tier 1 status under the Green Point Rating System Guide established in Section 400.920 may make application to the Department of Public Works for the use of a Green Point Rating System Alternative to the requirements of this Subsection as set forth in the "Development Guide: Infrastructure Alternatives for St. Charles GPRS

Projects" on file with the City Clerk.

4. *Other construction work.* Construction work relating to drains, utilities or sanitary sewer systems for which a street opening or other necessary permit has been issued by the City. A developer achieving Tier 1 status under the Green Point Rating System Guide established in Section 400.920 may make application to the Department of Public Works for the use of a Green Point Rating System Alternative to the requirements of this Subsection as set forth in the "Development Guide: Infrastructure Alternatives for St. Charles GPRS Projects" on file with the City Clerk.
5. *Farming.* The lawful use of land for farming, nurseries or gardening or similar agricultural or horticultural use whenever there is substantial compliance with recommendations or standards of the local soil conservation authority. (R.O. 2009 §151.15; CC 1981 §§10-17--10-18; Ord. No. 73-47, 7-25-73; Ord. No. 10-174 §3, 7-18-10)

Cross Reference--As to penalty, §510.340.

SECTION 510.060: APPLICATION PROCEDURE

Application for a grading permit shall be made by the property owner or his/her authorized agent and shall be made to the Director of Public Works or his/her designee on forms provided by him/her and shall be accompanied by a detailed statement of proposed work, the purpose thereof and why the excavation, grading or filling is clearly incidental to the improvement of the property. An application shall be accompanied by the following:

1. Two (2) sets of maps and plans with specifications showing proposed excavation, grading or filling. Such plans shall be prepared by and shall bear the seal of a licensed engineer, except when the engineering design for excavation or construction is unnecessary to assure compliance with the standards established by this regulation, in which event, such plans may be prepared by a licensed surveyor. All such plans shall be drawn to a scale of not less than one (1) inch equals one hundred (100) feet and shall show the following:
   a. Full name and address of owner of property;
   b. Designation of property by street address;
   c. The location of the premises and its geographic relation to neighboring properties showing all buildings and roads within one hundred (100) feet of the boundaries of the plot on which the excavation, grading or filling is proposed;
   d. The portion of the property that is to be excavated, graded or filled with excavated material;
   e. The estimated maximum quantity of material to be excavated, graded or filled and the estimated part thereof that will be used for grading or filling;
   f. The location of any sewerage disposal system or underground utility line, any part of which is within fifty (50) feet of the proposed excavation, grading or filling area and the location of any gas transmission pipe line operated at a maximum service pressure in excess of two hundred (200) pounds per square inch gauge, any part of which is within one hundred (100) feet of the proposed excavation, grading or filling area;

g. Existing topography and grade of the premises at a contour interval of not more than two (2) feet and the proposed final contour and finished grade elevation at intervals of not more than two (2) feet; except that whenever the existing grade is extremely steep and hilly, the contour intervals may be not more than five (5) feet if approval is first secured from the Director of Public Works or his/her designee;
h. The location and present status of any previous permitted grading operations on the property;
i. The details of any drainage system proposed to be installed and maintained by the applicant, designed to provide for proper surface drainage for land, both during the performance of the work applied for and after the completion thereof;
j. If the proposed excavation or filling is for the purpose of constructing a lake or pond, the details of the proposed dam or other structures and the embankments intended to impound the water, together with the details and locations of the proposed discharge to a valved outlet for drainage purposes and the proposed level of any impounded water;
k. Details of soil preparation and of revegetation of the finished grade or of other methods of soil erosion control;
l. The proposed truck and equipment access ways to the work site;
m. The flow lines of surface water drainage, streams and any existing farm drains, inlets and outfalls, springs or other flowing wells and width of stream beds or flowage lines;
n. A comprehensive drainage plan designed to handle safely the surface water, streams or other natural drains following heavy rain storms during grading operations;
o. Proposed debris basins, grass waterways and diversions;
p. A statement from the property owner or his/her agent assuming full responsibility for the performance of the operation as stated in the application. This statement shall also contain an assurance that all City property or City roads will be protected adequately.

2. For excavations, grading or filling of more than three thousand (3,000) cubic yards of material, a performance bond in form and with surety approved by the Director of Public Works or his/her designee in such amount as the Director of Public Works or his/her designee shall deem sufficient to insure completion of all work following excavation, grading or filling pursuant to the conditions of approval; provided, the City may accept a letter of credit, a certified bank officer's check or other surety from a bank or financial institution in lieu of a bond. The Director of Public Works or his/her designee shall annually submit to the City Council for approval, a schedule of bond requirements and rates. All governmental entities, comprehensive colleges and universities (not including single-purpose institutions) and schools offering basic education to any grade (K through 12) shall be exempt from the requirement imposed by this Subsection to provide a bond. This exemption from the bond requirement does not provide an exemption from the obligation to insure completion of all work following excavation, grading or filling.
3. An application fee to cover the costs of permit and inspection based upon a rate of

ten dollars ($10.00) per one thousand (1,000) cubic yards of material or fraction thereof to be excavated, graded or filled, with a minimum fee as follows:

a. Twenty dollars ($20.00) for projects five hundred (500) to one thousand (1,000) cubic yards.
b. Fifty dollars ($50.00) for projects over one thousand (1,000) cubic yards; and a maximum fee of fifteen hundred dollars ($1,500.00).

4. The applicant shall submit with the application a statement showing estimated time lapse of rough grading, finished grading and revegetation. (R.O. 2009 §151.16; CC 1981 §10-19; Ord. No. 73-47, 7-25-73; Ord. No. 92-254, 10-21-92; Ord. No. 95-233, 9-6-95)

Cross Reference--As to penalty, §510.340.

SECTION 510.070: ISSUANCE

A. The Director of Public Works or his/her designee shall establish the amount of the performance bond, if any, and if the application and plan comply with the standards contained in this Chapter, he/she shall issue a permit in accordance therewith. In acting upon such an application and plan, the Director of Public Works or his/her designee shall be guided by and shall take into consideration the public health, safety and general welfare and particular consideration shall be given as to whether the plan will create any of the following conditions:
   1. Interference with surface water flow and drainage;
   2. Interference with lateral supports and slopes;
   3. Excessive erosion, alteration of the natural topography and grade of land, depletion of natural deposits of topsoil and other natural materials, disturbance of the plant and wildlife, creation of nuisance and dangerous open pits and creation of stagnant water pools.

B. The Director of Public Works or his/her designee may impose such conditions or requirements upon the issuance of a permit as he/she deems necessary or proper to assure faithful compliance with the Chapter. (R.O. 2009 §151.17; CC 1981 §10-20; Ord. No. 73-47, 7-25-73)

SECTION 510.080: EXPIRATION

A permit issued under this Article shall expire one (1) year from the date of issuance; except that the Director of Public Works or his/her designee may, for due cause shown, extend any permit for one (1) year periods after complete review of all plans and examination of work accomplished and proposed; provided application is made at least thirty (30) days prior to the expiration date of such permit. In no case shall a permit be extended if the provisions of this regulation have not been complied with; provided that in connection with continuing operations, the Director of Public Works or his/her designee may waive, for a one (1) year period, those requirements which would make continuing operations impractical. (R.O. 2009 §151.18; CC 1981 §10-21; Ord. No. 73-47, 7-25-73)

ARTICLE III. STANDARDS

SECTION 510.090: EXCAVATIONS AND GRADING OPERATIONS

All excavations and grading operations, whether or not a permit is required, shall comply with the following standards:

1. All excavations, grading or filling shall have a finished grade not to exceed 3:1; except that embankments less than three (3) feet in height shall be exempt therefrom if properly mulched and seeded. Steeper grades are allowed if the excavation is through rock or the excavation head wall or toe wall approved by the Director of Public Works or his/her designee. If such walls exceed a height of six (6) feet, a protective fence or barrier shall be required.
2. Grading plans for sites that exceed one (1) acre of grading shall provide for sediment or debris basins, silt traps or filters, staked straw bales or other approved measures to remove sediment from runoff waters and avoid damage to adjoining properties, roads, ditches and storm sewers. The design is to be approved by the Director of Public Works or his/her designee. Temporary siltation control measures (structural) shall be maintained until vegetative cover is established at a sufficient density to provide erosion control on the site. (Refer to Section 510.100)
3. Time schedules for grading operations shall be categorized as six (6) months or less, twelve (12) months or less and twelve (12) months or more, depending upon the amount of time that the soil shall be exposed or subjected to erosion under normal weather conditions for the season.
4. a. When grading operations are completed or suspended for more than thirty (30) days, permanent grass must be established at sufficient density to provide erosion control on the site. Between permanent grass seeding periods, temporary cover shall be provided according to the Director of Public Works or his/her designee's recommendation. (Refer to Section 510.100)
   b. All finished grades (areas not to be disturbed by future improvement) in excess of twenty percent (20%) slopes (5:1) shall be mulched and tacked at the rate of one hundred (100) pounds per one thousand (1,000) square feet when seeded.
5. Truck and equipment access ways to the site of the operation shall be located so as to minimize danger to traffic and nuisance to surrounding properties. Such access shall be kept either wet or oiled or treated with a chemical dust deterrent or paved to the extent necessary to prevent any dust nuisance to surrounding properties. All such access ways shall be clearly marked with signs and shall be posted approximately two hundred (200) feet distant from such access ways or other traveled areas. Such signs shall read "caution trucks entering" and be of size, type, coloring, lettering and format used by the City Street Department. Debris, soil and other materials shall be removed daily from public streets and sidewalks.
6. Provisions shall be made to accommodate the increased runoff caused by changed soil and surface conditions during the after grading. Unvegetated open channels shall be designed so that gradients result in velocities of two (2) fps (feet per second) or less. Open channels with velocities more than two (2) fps and less than five (5) fps shall be established in permanent vegetation by use of commercial erosion control blankets or lined with rock rip-rap or concrete or other suitable materials as approved by the designated official. Detention basins,

diversions or other appropriate structures shall be constructed to prevent velocities above five (5) fps. (Refer to Sections 510.110 through 510.150.)

7. The adjoining ground to the concerned plot shall be provided with protection from accelerated and increased surface water, silt from erosion and any other consequences of erosion. Where it is necessary for the protection of such property to enter upon private property for the purpose of taking appropriate protecting measures, the owner shall obtain consent from the owner of such adjoining property for such purpose. The applicant shall, at its own expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the grading and shall be responsible for all damage to public or private property or highways resulting from its failure to properly protect and carry out such grading.
8. All lots shall be seeded and mulched or sodded before an occupancy permit shall be issued except that an occupancy permit may be issued by the Building Official in cases of undue hardship because of unfavorable ground conditions.
9. A developer achieving Tier 1 status under the Green Point Rating System Guide established in Section 400.920 may make application to the Department of Public Works for the use of a Green Point Rating System Alternative to the requirements of this Section as set forth in the "Development Guide: Infrastructure Alternatives for St. Charles GPRS Projects" on file with the City Clerk. (R.O. 2009 §151.30; CC 1981 §10-33(1--7); Ord. No. 73-47, 7-25-73; Ord. No. 93-117, 6-2-93; Ord. No. 98-339, 8-20-98; Ord. No. 10-174 §3, 7-18-10)

SECTION 510.100: VEGETATIVE ESTABLISHMENT FOR URBAN DEVELOPMENT SITES

A. *Seeding Rates.*
   1. *Permanent.*
      a. Tall Fescue: 30 lbs./ac.
      b. Smooth Brome: 20 lbs./ac.
      c. Combined: Fescue @ 15 lbs./ac. and Brome @ 10 lbs./ac.
   2. *Temporary.*
      a. Wheat or Rye: 150 lbs./ac. (3.5 lbs. per square foot).
      b. Oats: 120 lbs./ac. (2.75 lbs. per square foot).

B. *Seeding Periods.*
   1. Fescue or Brome: March first (1st) through June first (1st).
   2. Fescue or Brome: August first (1st) through October first (1st).
   3. Wheat or Rye: March fifteenth (15th) through November first (1st).
   4. Oats: March fifteenth (15th) through September fifteenth (15th).

C. *Mulch Rates.* 100 lbs. per 1,000 square feet (4,356 lbs. per acre).

D. *Fertilizer Rates.*
   1. Nitrogen: 30 lbs./ac.
   2. Phosphate: 30 lbs./ac.
   3. Potassium: 30 lbs./ac.
   4. Lime: 600 lbs./ac. ENM*

*ENM = effective neutralizing material as per State evaluation of quarried rock.

(R.O. 2009 §151.31; CC 1981 §10-33(8), App. A; Ord. No. 73-47, 7-25-73; Ord. No. 93-

117, 6-1-93)

SECTION 510.110: DIVERSIONS FOR URBAN DEVELOPMENT SITES

Outlets for diversions must be stable. Stable outlets consist of grass waterways, earthen channels with capacity adequate to prevent gully erosion, grade stabilization structures or other practices as approved by the designated official.

1. *Combination diversion.* Used at the top of a fill slope.
2. *Earth ridge diversion.* Used around the perimeter of a construction site.
3. *Combination diversion.* General use.
4. *Gravel ridge diversion.* General use.

(R.O. 2009 §151.32; CC 1981 §10-33(8), App. B; Ord. No. 73-47, 7-25-73; Ord. No. 93-117, 6-1-93)

SECTION 510.120: STRAW BALE BARRIERS FOR URBAN DEVELOPMENT SITES

Placement and construction of a straw bale barrier:

(R.O. 2009 §151.33; CC 1981 §10-33(8), App. C; Ord. No. 73-47, 7-25-73; Ord. No. 93-117, 6-1-93)

SECTION 510.130: SYNTHETIC FILTER BARRIERS FOR URBAN DEVELOPMENT SITES

A. *Maintenance.*
   1. Filter barriers shall be inspected immediately after each rainfall and at least daily during prolonged rainfall. Any required repairs shall be made immediately.
   2. Should the fabric decompose or become ineffective prior to the end of the expected usable life and the barrier still be necessary, the fabric shall be replaced promptly.
   3. Sediment deposits should be removed after each storm event. They must be removed when deposits reach approximately half the height of the barrier.
   4. Any sediment deposits remaining in place after the silt fence or filter barrier is no longer required shall be dressed to conform with the existing grade, prepared and seeded.

B. *Placement And Construction Of A Synthetic Filter Barrier.*

(R.O. 2009 §151.34; CC 1981 §10-33(8), App. D; Ord. No. 73-47, 7-25-73; Ord. No. 93-117, 6-1-93; Ord. No. 09-119, 6-18-09)

SECTION 510.140: SEDIMENT BASIN FOR URBAN DEVELOPMENT SITES

(R.O. 2009 §151.35; CC 1981 §10-33(8), App. E; Ord. No. 73-47, 7-25-73; Ord. No. 93-117, 6-1-93)

SECTION 510.150: OUTLET PROTECTION FOR URBAN DEVELOPMENT SITES

(R.O. 2009 §151.36; CC 1981 §10-33(8), App. F; Ord. No. 73-47, 7-25-73; Ord. No. 93-117, 6-1-93)

SECTION 510.160: GRADING OPERATIONS

All grading operations shall be restricted as follows:

1. Processing of any kind on the excavation site or the erection or use of any structure thereon such as, but not limited to, hoppers, washers, crushers or sheds; except simple screens to remove oversize aggregates during loading shall be deemed a commercial use and are prohibited except upon the issuance of a special permit by the Director of Public Works or his/her designee.
2. Except as otherwise provided in Section 510.030, no storage area may be created or maintained in connection with an excavation, grading or filling operation; except that under a duly issued permit, an owner or his/her contractor shall be allowed temporarily to store such material incidental to the operation, but such storage shall not be for a longer term than the term of the permit issued.
3. It shall be unlawful to keep or store any trucks, machinery or equipment on any property or street after completion of the grading operation. All such trucks, machinery or equipment shall be removed from such property within ten (10)

days after completion of the work or expiration of the permit, whichever occurs first.

4. *Notification.*
   a. The applicant shall notify the Director of Public Works or his/her designee of the following, when and as completed:
      (1) Rough grading.
      (2) Finished grading before seeding.
      (3) All re-establishment and construction work.
   b. The Director of Public Works or his/her designee, upon such notification, shall make field inspections on the site before rough grading, after final grading, before seeding and at completion to determine if work in progress and the completed operation have been performed in accordance with this Chapter.
5. All pits, quarries, holes or other excavated areas shall be refilled with and no new filling operation shall be conducted with any material except clear, non-burnable fill containing no trash, refuse or harmful matter and such excavated areas and new filling operations shall be graded to the level of adjoining property or to an elevation from which all surface and other waters collected therein may find natural drainage therefrom. Stumps and logs may be used for fill material but only in accordance with standards and the requirements established by the Director of Public Works or his/her designee. Excess material shall either be removed from the premises or leveled with top soil and seeded as provided in Section 510.090(7).
6. It shall be unlawful to change, modify, abolish or alter any of the debris basins, grass waterways, diversions and other soil erosion control structures as permitted in a grading permit; except with the prior consent and written approval of the Director of Public Works or his/her designee. (R.O. 2009 §151.37; CC 1981 §10-34; Ord. No. 73-47, 7-25-73)

Cross Reference--As to penalty, §510.340.

ARTICLE IV. ADMINISTRATION AND ENFORCEMENT

SECTION 510.170: CONSENT TO INSPECT
By applying for a grading permit, the applicant consents to inspection by the City of the proposed graded plot and all work in process. (R.O. 2009 §151.50; CC 1981 §10-46; Ord. No. 73-47, 7-25-73)

SECTION 510.180: CORRECTION OF VIOLATIONS--FAILURE TO COMPLY WITH NOTICE
All violations shall be corrected within the time limit set forth by the Director of Public Works or his/her designee specified in the issuance of a written notice to correct. All persons failing to comply with such notice shall be deemed in violation of this Chapter. (R.O. 2009 §151.51; CC 1981 §10-47; Ord. No. 73-47, 7-25-73)

SECTION 510.190: APPEALS
Any person denied a grading permit as herein provided shall have the right to appeal such denial to the Board of Adjustment or other board established by the City within forty-five (45) days of the date of such denial. (R.O. 2009 §151.52; CC 1981 §10-49; Ord. No. 73-47, 7-25-73)

ARTICLE V. STORM WATER

SECTION 510.200: PURPOSE
Two (2) consequences of construction and development are the increased runoff created by the changed properties of the ground surface and the rate of discharge of this increased runoff. These are both of great relevance to storm water management. The natural condition of the land before development is in relative balance with the natural capacity of the receiving creeks. Normally, the undeveloped conditions provide greater permeability and longer times of concentration. By modification of the ground surface from the irregular, pervious and vegetation-covered, the areas are changed to more impervious, more quickly drained and, in some cases, denuded of vegetation. It is the policy of the City to protect and promote the public health, safety and general welfare. The management of storm water will reduce the erosion on land and creek channels, will reduce the possibility of damage to public and private property, will assist in the attainment and maintenance of water quality standards and will preserve the environmental quality of the watercourses in the City. (R.O. 2009 §151.60; Ord. No. 02-175, 7-19-02)

SECTION 510.210: DEFINITIONS

For the purposes of this Article, the following terms, phrases, words and their derivations shall have the meanings given herein.

2-YEAR PEAK FLOW: The peak rate of flow of water at a given point in a channel, watercourse or conduit resulting from the 2-year storm.

2-YEAR STORM: Rainstorm of a specific duration having a fifty percent (50%) probability of occurrence in any given year.

15-YEAR PEAK FLOW: The peak rate of flow of water at a given point in a channel, watercourse or conduit resulting from the 15-year storm.

15-YEAR STORM: Rainstorm of a specific duration having a six and six hundred sixty-seven thousandths percent (6.667%) probability of occurrence in any given year.

25-YEAR FLOOD: A flood having a four percent (4%) probability of occurrence in a given year.

25-YEAR PEAK FLOW: The peak rate of flow of water at a given point in a channel, watercourse or conduit resulting from the 25-year storm.

25-YEAR STORM: Rainstorm of a specific duration having a four percent (4%) probability of occurrence in an given year.

50-YEAR FLOOD: A flood having a two percent (2%) probability of occurrence in a given year.

50-YEAR PEAK FLOW: The peak rate of flow of water at a given point in a channel, watercourse or conduit resulting from the 50-year storm.

50-YEAR STORM: Rainstorm of a specific duration having a two percent (2%) probability of occurrence in any given year.

100-YEAR FLOOD: A flood having a one percent (1%) probability of occurrence in a given year.

100-YEAR PEAK FLOW: The peak rate of flow of water at a given point in a channel, watercourse or conduit resulting from the 100-year storm.

100-YEAR STORM: Rainstorms of a specific duration having a one percent (1%) probability of occurrence in any given year.

ALLOWABLE RELEASE RATE: The pre-development or existing condition peak flow corresponding to a selected rainfall frequency event.

APPLICANT: The specific person applying for the permit for an approved storm water management system.

BASE FLOOD: The flood having a one percent (1%) probability of being equaled or exceeded in any given year, i.e., the 100-year flood.

BOND: Any form of security for the completion or performance of a storm water management plan or the maintenance of drainage improvements, including surety bond, collateral, property or instrument of credit, or escrow deposit in an amount and form satisfactory to the Governing Body.

DETENTION BASIN: Any manmade area or facility designed to detain (hold) storm water temporarily during and immediately after a runoff event.

DIFFERENTIAL RUNOFF: The difference between the calculated developed runoff rate and the calculated pre-developed runoff rate.

DRAINAGE FACILITY: Any system of artificially constructed drains, including open channels and sewers, used to convey storm water, surface or ground water either continuously or intermittently to natural watercourses.

FLOOD PLAIN: A geographic area susceptible to periodic inundation from the overflow of natural waterways during the base 100-year flood.
FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot and so delineated in the Federal Emergency Management Agency (FEMA) Flood Insurance Study.
FREEBOARD: The difference in elevation between the hydraulic grade line elevation and:

1. The inlet sill elevation; or
2. The top of structure elevation; or
3. The top of channel bank elevation; or
4. The top of wall elevation.

HYDRAULIC GRADE LINE: A line coinciding with the level of flowing water at any given point along an open channel; or the level to which water would rise in a vertical tube connected to any point along a pipe or closed conduit flowing under pressure.
LOW SILL ELEVATION: The lowest finished floor elevation, basement window sill elevation, or basement walk-out door threshold elevation, whichever is lower, of any structure or building.
MAINTENANCE: The act of maintaining or preserving including, but not limited to, operation construction and re-construction.
MSD: Metropolitan St. Louis Sewer District.
OUTFALL: The point location or structure where drainage discharges.
PERMIT: A permit granted by the City to a person to construct a storm water management system.
PERMITTEE: Any person to whom a permit has been granted by the City under this Chapter.
PERSON: An individual, corporation, partnership and/or unincorporated association of persons.
POST-DEVELOPED FLOW: The peak flow corresponding to a selected rainfall event as a result of site conditions after development.
PRE-DEVELOPED FLOW: The amount of flow from an existing site prior to new development or improvements as computed using the Rational Formula.
RATIONAL METHOD: An empirical formula for calculating peak rates of runoff resulting from rainfall.
SITE: The area to be developed or improved.
SOIL CONSERVATION SERVICE METHOD: A technique for calculating storm water runoff volume and peak flow described in Soil Conservation Service (SCS) Technical Release 55.
STORM WATER MANAGEMENT PLAN: The drawings, computations, data, reports, etc., which identify how storm water runoff is to be handled.
STORM WATER MANAGEMENT SYSTEM: All means, natural or manmade, used for conducting storm water runoff to, through or from a drainage area to the point of outlet.
STORM WATER RUNOFF: Water that results from precipitation which is not absorbed by the soil, evaporated into the atmosphere, or entrapped by ground surface depressions and vegetation.
STORM WATER SEWER: A pipe or closed conduit that carries surface runoff and

subsurface waters.
STRUCTURE: Any object constructed above or below ground.
TR-55: See *"SOIL CONSERVATION SERVICE METHOD"*. (R.O. 2009 §151.61; Ord. No. 02-175, 7-19-02)

SECTION 510.220: PERMIT REQUIRED

No person shall uncover, make any connection with or opening into, use, alter or disturb any public or private storm sewer, storm water facility or storm water structure without first obtaining a written permit from the Director of Public Works or his/her designee. All plans for storm water construction or alteration shall be approved by the Director of Public Works or his/her designee or the Director of Public Works or his/her designee's authorized agent prior to the beginning of any such work. A permit application form will be provided by the City and be made available through the Public Works Department. The permit application shall be supplemented by plans, specifications and other information as required in this Article or by the Director of Public Works or his/her designee. A permit cannot be issued without the completed application form, permit fees and all the supplemental plans, specifications and other information as required. (R.O. 2009 §151.62; Ord. No. 02-175, 7-19-02)

Cross Reference--As to penalty, §510.340.

SECTION 510.230: PERMIT FEES, ESCROW AND BOND

A. The permit fee for storm sewers shall be a combination of a one hundred dollar ($100.00) storm sewer construction permit fee plus a storm sewer inspection fee of eighty dollars ($80.00) for every three hundred (300) lineal feet of proposed storm sewer. This charge is not refundable.
B. Upon approval of the final plans for any storm water management system, but before the issuance of any permits, the Director of Public Works or his/her designee shall require the applicant to post a performance bond, cash escrow, certified check, or other acceptable form of performance security for the amount of the work to be done pursuant to the approved storm water management plans. This performance security shall not be fully released by the Director of Public Works or his/her designee except in conformance with State Statutes. A one (1) year guarantee against defects in workmanship will be required by the Director of Public Works or his/her designee for any storm water management system accepted by the City.
C. The Director of Public Works or his/her designee shall establish the amount of the performance bond or escrow, if any, required as part of the permit application. (R.O. 2009 §151.63; Ord. No. 02-175, 7-19-02)

SECTION 510.240: PERMIT APPLICATION PROCEDURE

In advance of any planned storm sewer work, the owner of the site or his/her agent shall cause to have submitted preliminary construction plans on the project to the Director of Public Works or his/her designee for review and comment. After approval of said preliminary plans, the owner or his/her agent shall submit final plans, specifications, calculations, all required additional information, a permit application form, all bonds

and/or escrows and the permit fee to the Director of Public Works or his/her designee for approval. These submitted materials will be reviewed for compliance with the ordinances and standards of the City. Any and all errors or omissions on any part of the submitted material shall be corrected by the owner or the owner's agent prior to issuance of a permit for the work. A separate excavation permit will be required for any portion of the work within City rights-of-way. (R.O. 2009 §151.64; Ord. No. 02-175, 7-19-02)

SECTION 510.250: PERMIT ISSUANCE

A. Only after review and approval by the Director of Public Works or his/her designee of all the required documents as detailed in this Article and payment of all fees, bonds and escrows, a permit will be issued for the proposed work.
B. The Director of Public Works or his/her designee may impose such conditions or requirements upon the issuance of a permit as the Director of Public Works or his/her designee deems necessary or proper to assure the safety of the public and faithful compliance with City ordinances and standards.
C. All appropriate approvals from the United States Army Corps of Engineers and Missouri Department of Natural Resources must be acquired and submitted to the Director of Public Works or his/her designee prior to issuance of a storm water permit. (R.O. 2009 §151.65; Ord. No. 02-175, 7-19-02)

SECTION 510.260: PERMIT EXPIRATION

A permit issued under this Article shall expire one (1) year from the date of issuance; except that the Director of Public Works or his/her designee may, for due cause shown, extend any permit for additional one (1) year periods after complete review of all plans and examination of work accomplished and proposed; provided application is made at least thirty (30) days prior to the expiration date of such permit. In no case shall permit be extended if the provisions of this Article have not been complied with. (R.O. 2009 §151.66; Ord. No. 02-175, 7-19-02)

SECTION 510.270: GENERAL

A. No owner of property regulated by this Article shall permit storm water to be discharged in any manner that injures the property of adjacent property owners.
B. Detention basins shall be maintained by the owner or owners of the property. No modifications can be made to the facility without a permit from the City and, in some situations, the Missouri Department of Natural Resources.
C. Beyond the scope of this Section, the Director of Public Works shall maintain storm water construction and design specifications for the City. These storm water construction and design specifications shall be approved by the Board of Public Works and the City Council. Once approved, the storm water construction and design specifications shall be followed by all persons planning or constructing any storm water management system within the City.
D. Development along natural watercourses shall have residential lot lines, commercial or industrial improvements, parking areas and driveways set back a minimum of twenty-five (25) feet from the top of the existing stream bank. The section of land between a natural

watercourse and lot lines shall be designated as common ground and drainage easement to be maintained by the trustees of the subdivision within all types of residential developments. All developments shall maintain a setback minimum of fifty (50) feet from the top of the existing stream bank and any building or structure. Commercial and industrial areas shall have creek areas dedicated as drainage easements.

E. All storm water design work and calculations shall be prepared by a registered professional engineer in the State of Missouri and stamped with a valid stamp and signed representing that the professional engineer is certifying the responsibility for the design.

F. Prior to acceptance of improvement plans, the Director of Public Works or his/her designee may request that a flood study be performed by the permit applicant in the area of the improvements and, if necessary, require that a letter of map revision be filed with the United States Army Corps of Engineers. (R.O. 2009 §151.67; Ord. No. 02-175, 7-19-02; Ord. No. 04-194, 8-13-04; Ord. No. 07-158, 6-8-07)

Cross Reference--As to penalty, §510.340.

SECTION 510.280: STORM WATER CONSTRUCTION STANDARDS

The Metropolitan St. Louis Sewer District (MSD) Standard Construction Specifications for Sewers and Drainage Facilities, 2009, is hereby adopted for the City's standard construction specifications for storm water facilities with the following exceptions:

1. *Maintenance of backfilled areas.* Backfilled areas shall be maintained to the grade of the surrounding terrain by the developer or contractor for a period of one (1) year after completion of the respective contract/project.
2. *Storm pipes.*
   a. *R.C.P. pipe.* Reinforced concrete pipe shall be installed and inspected per City of St. Charles standards.
   b. *HDPE pipe.* High-density polyethylene pipe shall be installed and inspected per City of St. Charles standards. HDPE pipe shall not be installed under pavement at:
      (1) Any crossing for a major collector street;
      (2) Any crossing for an arterial street; or
      (3) Less than a ninety degree (90°) angle to the pavement.
      Installation of HDPE pipe with a diameter greater than twenty-four (24) inches requires prior approval by the Director of Public Works or his/her designee.
   c. A developer achieving Tier 1 status under the Green Point Rating System Guide established in Section 400.920 may make application to the Department of Public Works for the use of a Green Point Rating System Alternative to the requirements of this Subsection as set forth in the "Development Guide: Infrastructure Alternatives for St. Charles GPRS Projects" on file with the City Clerk.
3. *Bedding under and around the pipe.* All pipe shall be bedded in MSD 1 or 2 bedding unless otherwise directed by the City.
4. *Earth backfill, flowable fill and jetting.* The permissible trench backfill materials and compaction methods and criteria are subdivided into those associated with sewer maintenance and new construction of sewers. All trenches not considered part of new construction as defined below will be backfilled according to the

maintenance standards and at the direction of the Director of Public Works or his/her designee.

a. *Maintenance.* Where maintenance/repairs require excavation to existing sewers.
   (1) *Flowable fill (inside paved areas).* Where maintenance is required to existing sewers in paved areas, flowable fill will be used as backfill (except as approved by the City) from the top of the bedding material six (6) inches above the pipe to the surface or to within one (1) foot of grade in landscaped areas.
   (2) *Earth backfill (outside paved areas).* As an alternative to flowable fill, earth backfill (meeting MSD standards) may be used outside paved areas, from the top of the bedding material six (6) inches above the pipe to the surface. Earth backfill should be placed in maximum eight (8) inch loose lifts and shall be mechanically compacted to a minimum density equal to that of the adjacent, undisturbed earth.

b. *New construction.* To include sewer construction in new residential subdivisions, new residential lots and new commercial developments with the exception that any excavations within existing paved areas or any off-site construction excavations are to be treated as a maintenance excavation as stated above.
   (1) *Earth backfill (outside paved areas).* Earth backfill for new construction may be used outside paved areas and must be properly jetted to achieve proper compaction. (See Jetting in Subdivision (4) below)
   (2) *Earth backfill (inside proposed paved areas).* Earth backfills inside paved areas shall be placed in maximum eight (8) inch loose lifts and shall be mechanically compacted to a minimum density equal to that of the adjacent undisturbed earth. Prior to paving operations, subgrade must be prepared and compacted to City standards per Chapter 405 of this Code.
   (3) *Granular backfill (inside proposed paved areas).* Granular backfill under proposed paved areas and two (2) feet beyond proposed edge of pavement shall consist of well graded three-fourth (¾) inch minus crushed limestone. Granular materials shall be free from organic, deleterious or earth materials such as silt or clay. Granular materials must be properly jetted to achieve proper compaction. (See Jetting in Subdivision (4) below)
   (4) *Jetting.* Granular materials and earth materials associated with new construction outside of pavements may be jetted, taking care to avoid damage to the newly laid sewers. The jetting shall be performed with a probe route on not greater than seven and one-half (7½) foot centers with the jetting probe centered over and parallel with the direction of the pipe. Trench widths greater than ten (10) feet will require multiple probes every seven and one-half (7½) foot centers.
      (a) *Depth.* Trench backfill less than eight (8) feet in depth shall be probed to a depth extending to half the depth of the trench backfill, but not less than three (3) feet. Trench backfill greater than eight (8) feet in depth shall be probed to half the depth of the trench backfill but not greater than eight (8) feet.

(b) *Equipment.* The jetting probe shall be a metal pipe with an exterior diameter of one and one-half (1½) to two (2) inches.

(c) *Method.* Jetting shall be performed from the low surface topographic point and proceed toward the high point and from the bottom of the trench backfill towards the surface. The flooding of each jetting probe shall be started slowly allowing slow saturation of the soil. Water is not to be allowed to flow away from the ditch without first saturating the trench.

(d) *Surface bridging.* The contractor shall identify the locations of surface bridging (the tendency for the upper backfill crust to arch over the trench rather than collapse and consolidate during the jetting process). The contractor shall break down the bridged areas using an appropriate method such as the wheels or bucket of a backhoe. When the surface crust is collapsed, the void shall be backfilled with the same material used as trench backfill and re-jetted. Compaction of the materials within the sunken/jetted area shall be compacted such that no further surface subsidence occurs.

5. *Cast-iron covers.* Concrete covers on structures will not be allowed. Only cast-iron covers are permitted.
6. *Joints.* All pipe joints and joints on new structures shall use City approved rubber compression type joints. Water stops are required at all points of connection not using rubber compression type joints such as connections to existing structures. (R.O. 2009 §151.68; Ord. No. 02-175, 7-19-02; Ord. No. 09-119, 6-18-09; Ord. No. 10-174 §3, 7-18-10)

SECTION 510.290: RULES AND REGULATIONS FOR ENGINEERING DESIGN

The following standards are to be used for the rules and regulations for engineering design of storm water management systems within the City:

1. *Storm sewer design.*
   a. *On-site sewers.* Sized to meet the 15-year, 20-minute storm peak flows.
   b. *Calculation method.* Rational Method (Q=API).
   c. *Sewers downstream of detention basins.* 15-year, 20-minute storm calculated on the area served by the detention basin.
   d. *Maximum discharge velocity at outlets.* Three (3) feet per second after the use of energy dissipaters.
   e. *Maximum flow requiring a piped system or designed channel.* Three (3) cubic foot per second.
   f. *Creeks.* Creeks to be piped under any public road shall be sized to account for a fifty percent (50%) blockage of the pipe for pipes and boxes with a design size (including the percent blocked) up to six (6) feet in diameter. For pipes and boxes six (6) feet and larger, the percent blocked may be reduced at the direction of the Director of Public Works or his/her designee.
2. *Storm water overflow systems.*
   a. *Definition.* The purpose of the overflow system is to provide a drainage path to safely pass flows which cannot be accommodated by the design system

without causing flooding of adjacent structures.

b. *100-year storm events.* Flood areas shall be evaluated and shown on the plans so that if the designed storm sewers are exceeded by a storm event, the flooded area will contain the 100-year, 20-minute and 100-year, 24-hour event. The depth in parking lots may not exceed eight (8) inches and no part of any flooded area may be within thirty (30) feet of a building. A permanent drainage easement is required for all areas within the flood area of a 100-year storm event and must be recorded on the subdivision plat.

c. *100-year flood elevation.* One (1) vertical foot of freeboard shall be maintained between the 100-year high water elevation and the low sill elevation of any adjacent structure or building.

d. *Overflow facilities.* Sewers or structures designed as part of an overflow system for flood areas shall be designed for the 100-year, 20-minute peak flows. Where conditions do not allow this, the overflow system shall be considered on a site specific basis by the City Engineer.

3. *Detention facility design.*

a. *Detention standard.* 15-year, 20-minute storm (to determine whether detention is required or not).

b. *Maximum differential runoff.* If the proposed site will increase runoff by one (1) cfs or more as calculated using the Rational Method for the above standard, the site will require detention. Sites under one (1) acre may be exempted from this rule and be given a written exemption from the City Engineer.

c. *Detention volume requirements.* Detention facilities shall be designed large enough to hold the storm events/peak flows (post-developed conditions) listed below while releasing water at rates that do not exceed the allowable release rates. Each basin is required to have freeboard on top of the required volume.

(1) *Sites ten (10) acres or more.* 2-year and 50-year, 24-hour event inflow hydrograph (using the TR-55 Method).

(2) *Sites under ten (10) acres.* 2-year and 50-year, 20-minute event inflow hydrograph (using the Rational Method).

d. *Outlet design and allowable release rates.* Off-site flows can pass around detention structures where possible and don't have to be detained. For on-site flows (drainage), release rates shall not exceed the peak flows from both the current (pre-developed) 2-year and 25-year storm using the same duration and method of calculation used for the inflow hydrograph in paragraph (3) above. Water exceeding these rates in the post-developed conditions must be detained by the outlet opening/structure of a detention basin or system.

e. *Minimum low elevation.* Shall be above the 15-year, 20-minute storm hydraulic elevation of the receiving channel or pipe system.

f. *Required freeboard.* Two (2) feet without the low flow blocked.

g. *Above ground detention.* All storm water detention facilities shall be provided above ground. The City Council may vary this requirement where it is found that no other alternative exists and a practical hardship exists.

4. *Storm water detention easements.* Storm water detention easements are required for all detention facilities. These easements must be recorded on the subdivision plat and must note that maintenance of the facility or facilities are the

responsibility of the property owner or owners.

5. *Drainage facility surface material.* All drainage facilities including, but not limited to, detention basins, ditches and swales must be sodded or stabilized with rip-rap or other erosion control materials. All newly placed sod shall be maintained following the requirements of Section 405.260. Seed and mulch alone may not be installed in the portions of a drainage facility intended to convey or store the applicable design flow. (R.O. 2009 §151.69; Ord. No. No. 02-175, 7-19-02; Ord. No. 04-178, 8-4-04; Ord. No. 05-49, 2-4-05; Ord. No. 05-70, 3-8-05; Ord. No. 10-136 §1, 6-16-10)

SECTION 510.300: STORM WATER MANAGEMENT PLANS

A. Anyone contemplating any construction work within the City shall prepare, or cause to be prepared, for review and approval by the Director of Public Works or his/her designee, a storm water management plan for each site being developed, re-developed or maintained. This plan shall follow the guidelines presented in the manual "Protecting Water Quality", January 2000 by the Missouri Department of Natural Resources and be stamped by a registered professional engineer within the State of Missouri. The plan shall contain, among other things, recommendations for potential locations and sizes of on-site or off-site storm water management facilities and an evaluation of the existing streams and creeks within the site for stabilization and grade (erosion) control issues. If approved by the Director of Public Works or his/her designee, sites under one (1) acre may be exempted from this rule and be given a written exemption from the Director of Public Works or his/her designee.

B. The plan shall be designed to minimize the amount of erosion of the site during the construction of the project. Failure to have adequate erosion protection on the site or failure to maintain erosion protection throughout the construction of the project shall be considered a violation of this Article and will result in penalties per Sections 510.330 and 510.340. (R.O. 2009 §151.70; Ord. No. 02-175, 7-19-02)

Cross Reference--As to penalty, §510.340.

SECTION 510.310: REQUIRED DOCUMENTS

As part of the review process for the permitting of construction activities, the following items will have to be submitted to the Director of Public Works or his/her designee for review. These items will have to be adjusted by the applicant as necessary to meet the requirements of the City prior to the issuance of a permit for the work.

1. Calculations showing current (pre-developed) and post-developed flows for each required storm event in each drainage area.
2. Storm Water Management Plan and Erosion/Sedimentation Control Plan stamped by a professional engineer per Chapter 3 of "Protecting Water Quality", January 2000 by the Missouri Department of Natural Resources.
3. Elevation vs. discharge tables or curves for all storm frequencies (detention facilities).
4. Elevation vs. storage tables or curves for all storm frequencies (detention facilities).
5. Inflow calculations and data for all storm frequencies (detention facilities).

6. Hydraulic gradeline computations for pipes entering and leaving basins for all frequencies.
7. Geotechnical report for design of detention basin earth fills (if required by the Director of Public Works or his/her designee).
8. Site plan of detention facilities.
9. Site plans showing flood areas and elevations on 100-year, 20-minute and 100-year, 24-hour storm events.
10. Cross sections of detention facility adequate to determine volume.
11. All necessary easements.
12. Approvals from the United States Army Corps of Engineers and Missouri Department of Natural Resources.
13. Flood and creek bank studies. (R.O. 2009 §151.71; Ord. No. 02-175, 7-19-02)

SECTION 510.320: INSPECTION, MAINTENANCE, ACCEPTANCE AND VARIANCE BY CITY

A. The Director of Public Works or his/her designee shall inspect, or cause to be inspected, all storm water management systems constructed within the City. Contractors are required to notify the City prior to beginning any storm water work on each site to be worked or each phase of the site on larger projects.
B. Each owner of the property or site being developed, re-developed or maintained has the responsibility and duty to properly operate and maintain any storm water detention facility. The responsibility of maintenance of the facility in subdivision projects shall remain with the developer until such time as the escrow for such development has been released. Upon release of escrow, the maintenance responsibility shall be vested in the trustees of the subdivision by virtue of a trust indenture. The indenture of trust shall clearly indicate resident responsibility for maintenance. The responsibility for maintenance in single lot development shall remain with the general contractor and owner until final inspection of the development is approved and an occupancy permit is issued. After occupancy, the maintenance of the detention facility shall be vested in the owner of the property. All such privately owned and maintained facilities shall be subject to periodic inspection by the Director of Public Works or his/her designee.
C. If, after an inspection by the Director of Public Works or his/her designee, the Director of Public Works or his/her designee determines that the condition of a privately owned storm water management system is an immediate danger to the public health or safety because of an unsafe condition, or if the trustees or owner fail to provide a reasonable degree of maintenance, the Director of Public Works or his/her designee shall take such action as may be necessary to protect the public health and safety and make the system safe and correct. The Director of Public Works or his/her designee shall follow the abatement procedures set forth in Sections 220.040 through 220.120 of this Code. Any costs incurred by the City, as a result of the Director of Public Works or his/her designee's actions, shall be assessed against the owner(s) of the system.
D. Upon a finding by the City Council by clear and convincing evidence that an extreme hardship exists, there is no adverse impact to the public health, safety and welfare and that any and all impacted property owners consent to the grant of a variance in writing, then the City Council may grant a variance to the requirements of Section 510.290. (R.O. 2009 §151.72; Ord. No. 02-175, 7-19-02; Ord. No. 05-102, 4-13-05)

SECTION 510.330: VIOLATION

A. Any person, company or organization found to be violating any provision of this Chapter shall be served written notice by the Director of Public Works or his/her designee. This notice will require the person, company or organization to appear in front of the Municipal Court for the City of St. Charles to adjudicate the violation.
B. Each day in which any such violation shall continue shall be deemed a separate offense.
C. Any person violating any of the provisions of this Chapter shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.
D. If remedial action is required by the Director of Public Works or his/her designee and the remedial action is not taken, the City Engineer may then issue a stop work order. This stop work order shall direct all parties involved to cease and desist all or any portion of the work on the development except such work necessary to bring the project into compliance. If such stop work order is ignored, the parties shall be in violation of this Chapter and subject to the penalties contained herein. (R.O. 2009 §151.98; Ord. No. 02-175, 7-19-02)

SECTION 510.340: PENALTY

Any person who violates any provision of this Chapter and is found guilty in Municipal Court shall be subject to the penalties administered by the courts with a minimum fine of fifty dollars ($50.00) for each violation. (R.O. 2009 §151.99; CC 1981 §10-48; Ord. No. 73-47, 7-25-73; Ord. No. 02-175, 7-19-02)

CHAPTER 515: URBAN REDEVELOPMENT

ARTICLE I. GENERAL PROVISIONS

SECTION 515.010: TITLE

This Chapter shall be known and may be cited and referred to as "The Urban Redevelopment Ordinance". (R.O. 2009 §155.01; CC 1981 §26.5-1.1; Ord. No. 93-259, 11-2-93)

SECTION 515.020: RELOCATION ASSISTANCE

A. *Definitions.* For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS: Any lawful activity that is conducted:

1. Primarily for the purchase, sale or use of personal or real property or for the manufacture, processing or marketing of products or commodities;
2. Primarily for the sale of services to the public; or
3. On a not-for-profit basis by any organization that has obtained an exemption from the payment of Federal income taxes as provided in Section 501(c)(3) of Title 26,

U.S.C., as amended, and veterans organizations.

DECENT, SAFE AND SANITARY DWELLING: A dwelling which meets applicable housing and occupancy codes. The dwelling shall:

1. Be structurally sound, weather-tight and in good repair;
2. Contain a safe electrical wiring system;
3. Contain an adequate heating system;
4. Be adequate in size with respect to the number of rooms needed to accommodate the displaced person; and
5. For a handicapped person, be free of any barriers which would preclude reasonable ingress, egress or use of the dwelling.

DISPLACED PERSONS: Persons that move from the real property or move their personal property from the real property permanently and voluntarily as a direct result of the acquisition, rehabilitation or demolition of, or the written notice of intent to acquire such real property, in whole or in part, for a public purpose.

HANDICAPPED PERSON: Any person who is deaf, legally blind or orthopedically disabled to the extent that acquisition of another residence presents a greater burden than other persons would encounter or to the extent that modifications to the replacement residence would be necessary.

PERSON: Any individual, family, partnership, corporation, or association, that has a legal right to occupy the property, including, but not limited to, month-to-month tenants.

B. Every urban redevelopment corporation acquiring property within a redevelopment area shall submit a relocation plan as part of the redevelopment plan.

C. Unless the property acquisition under the operation of Chapters 99 and 100 or 353, RSMo., is subject to Federal relocation standards, the relocation plan shall provide for the following:
   1. Payments to all eligible displaced persons who occupied the property to be acquired for not less than ninety (90) days prior to the initiation of negotiations who are required to vacate the premises;
   2. A program for identifying special needs of displaced persons with specific consideration given to income, age, size of family, nature of business, availability of suitable replacement facilities and vacancy rates of affordable facilities;
   3. A program for providing proper and timely notice to all displaced persons, including a general description of their potential rights and benefits if they are displaced, their eligibility for relocation assistance and the nature of that assistance. The notices required for compliance with this Section are as follows:
      a. A general information notice that shall be issued at the approval and selection of a designated redeveloper and shall inform residential and non-residential owners and occupants of a potential project, including the potential acquisition of the property;
      b. A notice of relocation eligibility that shall be issued as soon as feasible after the execution of the redevelopment agreement and shall inform residential and non-residential occupants within the project area who will be displaced of their relocation assistance and nature of that assistance, including ninety (90) days' advance notice of the date the occupants must vacate;
   4. A program for referrals of displaced persons with provisions for a minimum of three (3) decent, safe and sanitary housing referrals for residential persons or suitable referral sites for displaced businesses, a minimum of ninety (90) days'

notice of referral sites for handicapped displaced persons and sixty (60) days' notice of referral sites for all other displaced persons prior to the date such displaced persons are required to vacate the premises and arrangements for transportation to inspect referral sites; and

5. Every displaced person shall be given a ninety (90) day notice to vacate, prior to the date such displaced person is required to vacate the premises.

D. All displaced residential persons eligible for payments shall be provided with relocation payments based upon one (1) of the following, at the option of the person:
   1. A one thousand dollar ($1,000.00) fixed moving expense payment; or
   2. Actual reasonable costs of relocation including, but not limited to, actual moving costs, utility deposits, key deposits, storage of personal property up to one (1) month, utility transfer and connection fees and other initial rehousing deposits including first (1st) and last month's rent and security deposit. Such costs of relocation shall not include the cost of a replacement property or any capital improvement thereto.

E. All displaced businesses eligible for payments shall be provided with relocation payments based upon the following, at the option of the business:
   1. A three thousand dollar ($3,000.00) fixed moving expense payment and up to an additional ten thousand dollars ($10,000.00) for re-establishment expenses. Re-establishment expenses are limited to costs incurred for physical improvements to the replacement property to accommodate the particular businesses at issue; or
   2. Actual costs of moving including costs for packing, crating, disconnection, dismantling, reassembling and installing all personal equipment and costs for relettering similar signs and similar replacement stationery and up to an additional ten thousand dollars ($10,000.00) for re-establishment expenses. Re-establishment expenses are limited to costs incurred for physical improvements to the replacement property to accommodate the particular business at issue.

F. If a displaced person demonstrates the need for an advance relocation payment in order to avoid or reduce a hardship, the developer or public agency shall issue the payment subject to such safeguards as are appropriate to ensure that the objective of the payment is accomplished. Payment for a satisfactory claim shall be made within thirty (30) days following receipt of sufficient documentation to support the claim. All claims for relocation payment shall be filed with the displacing agency within six (6) months after:
   1. For tenants, the date of displacement;
   2. For owners, the date of displacement or the final payment for the acquisition of the real property, whichever is later.

G. Any displaced person, who is also the owner of the premises, may waive relocation payments as part of the negotiations for acquisition of the interest held by such person. Such waiver shall be in writing, shall disclose the person's knowledge of the provisions of this Section and his/her entitlement to payment and shall be filed with the acquiring public agency. However, any such waiver shall not include a waiver of any notice provisions of this Section and a displaced person shall remain entitled to all of the provisions regarding programs which are contained in Section 523.205(5)(2) and (3), RSMo., as amended.

H. All persons eligible for relocation benefits shall be notified in writing of the availability of such relocation payments and assistance, with such notice to be given concurrently

with the notice of referral sites as required in Subsection (C)(3) above.

I. Any urban redevelopment corporation, its assigns or transferees, which have been provided any assistance under the operation of Chapters 99 and 100 or Chapter 353, RSMo., with land acquisition by the City, shall be required to make a report to the City Council, which shall include, but not be limited to, the addresses of all occupied residential buildings and structures within the redevelopment area and the names and addresses of persons displaced by the redeveloper and specific relocation benefits provided to each person, as well as a sample notice provided to each person.

J. An urban redevelopment corporation which fails to comply with the relocation requirements provided in this Section shall not be eligible for tax abatement as provided for in Chapter 353, RSMo.

K. The requirements set out in this Section shall be considered minimum standards. In reviewing any proposed relocation plan under the operation of Chapters 99 and 100 or Chapter 353, RSMo., the City Council shall determine the adequacy of the proposal and may require additional elements to be provided.

L. Relocation assistance shall not be provided to any person who purposely resides or locates a business in a redevelopment area solely for the purpose of obtaining relocation benefits. (R.O. 2009 §155.02; CC 1981 §26.5-1.2; Ord. No. 93-259, 11-2-93; Ord. No. 06-356, 12-20-06)

Cross References--As to fair housing, §§240.010 et seq.

ARTICLE II. URBAN REDEVELOPMENT UNDER CHAPTER 353, RSMo.

SECTION 515.030: AUTHORITY

The City obtains its authority to enact this Article through Article VI, Section 19(a) and Article VI, Section 21 of the Missouri Constitution, from Chapter 353, RSMo., and from the City Charter. (R.O. 2009 §155.15; CC 1981 §26.5-1.10; Ord. No. 93-259, 11-2-93)

SECTION 515.040: DETERMINATION OF NECESSITY FOR LEGISLATION

It is determined and declared by the City Council that in certain portions of the City obsolete, deteriorating, substandard, insanitary or blighted areas exist, occasioned by inadequate planning, excessive land coverage, lack of proper light, air or open space, defective design or arrangement of buildings, lack of proper sanitary facilities, or the existence of buildings which, by reason of age, obsolescence, inadequate or outmoded design, or physical deterioration, have impaired the economic value of areas, infecting them with blight; and such areas are characterized by depreciated values, impaired investments, reduced or negligible income and consequent tax delinquencies; that such conditions exist in areas where obsolete, deteriorating, substandard, insanitary, outworn or outmoded industrial, commercial or residential buildings prevail and the same are conducive to economic and social liabilities, ill health, transmission of disease, infant mortality, juvenile delinquency and crime; that such conditions occur chiefly in areas which are subdivided into small parcels with multiple ownership and frequently with

confusion as to titles; that their assembly for purposes of clearance, replanning, rehabilitation, reconstruction and redevelopment is difficult and costly; that the existence of such conditions and the failure to clear, replan, rehabilitate, reconstruct or redevelop these areas results in progressive deterioration, results in a loss of population by the areas, causes a wasteful expenditure of public funds for policing and occasions large outlays for the creation of public facilities and services elsewhere; that it is impossible and uneconomical for individual owners to independently undertake to remedy such conditions; such conditions require the employment of capital on an investment basis, allowing, however, the widest latitude in the amortization of any indebtedness created thereby; that such conditions further require the acquisition of adequate areas at fair prices, the clearance of such areas through demolition of existing obsolete, deteriorating, inadequate, unsafe or insanitary buildings and the redevelopment of such areas under proper supervision with appropriate planning as to land use, traffic circulation and construction policies; that the clearance, replanning, rehabilitation, reconstruction and redevelopment of such areas on a large scale basis are necessary for the public welfare and are public uses and purposes for which private property may be acquired by purchase of eminent domain; and that such obsolete, deteriorating, substandard, insanitary and blighted areas constitute a menace to the health, safety, morals and welfare of the citizens of the City. Therefore, the necessity for the provisions herein enacted is declared as a matter of legislative determination to be in the public interest. (R.O. 2009 §155.16; CC 1981 §26.5-2; Ord. No. 89-170, 8-15-89)

SECTION 515.050: DEFINITIONS

For the purposes of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AREA: The portion of the City which the City Council has found or shall find to be blighted, so that the clearance, replanning rehabilitation or reconstruction thereof is necessary to effectuate the purposes of this Article. Any such area may include buildings or improvements not in themselves blighted and any real property, whether improved or unimproved, the inclusion of which is deemed necessary for the effective clearance, replanning, reconstruction or rehabilitation of the area of which such buildings, improvements or real property form a part.

BLIGHTED AREA: The portion of the City which the City Council determines that by reason of age, obsolescence, inadequate or outmoded design or physical deterioration have become economic and social liabilities and that such conditions are conducive of ill health, transmission of disease, crime or inability to pay reasonable taxes.

CONSTRUCTION WORK: The taking of possession of land, clearance of the area, erection of improvements and all other related matters to effectuate an approved development plan causing the physical rehabilitation, construction, reconstruction and redevelopment of the area.

CORPORATION: An urban redevelopment corporation organized and existing under and pursuant to the provisions of the "Urban Redevelopment Corporation Law".

COST: The cost of the redevelopment project and shall include, among other expenses, the cost of land, interest during construction, the expense of demolition of existing structures, the expense of utilities, landscaping and roadways, the expense of construction, equipping and furnishing of buildings and improvements, including

architectural, engineering and builders' fees, the expense of reconstruction, rehabilitation, redevelopment, remodeling or initial repair of existing buildings and improvements, brokers' fees, attorneys' fees, realtors' fees, planners' fees, preliminary costs for planning, surveys, title insurance, bonding, preopening expenses, reasonable management and operation expenses until the project is ready for its proposed use as provided for in the approved development plan and the expense of improving those portions of the area which are to remain open spaces, together with additional expense incurred as a result of additions to or changes in the development plan where such additions or changes are approved by ordinance.

DEVELOPMENT PLAN: A plan, together with any amendments thereto, for the redevelopment of all or any part of a blighted area.

REAL PROPERTY: Includes lands, buildings, improvements, land under water, waterfront property and any and all easements, franchises and hereditaments, corporeal or incorporeal, and every estate, interest, privilege, easement, franchise and right therein, or appurtenant thereof, legal or equitable, including restrictions of record created by plat, covenant or otherwise, rights-of-way and terms for years.

REDEVELOPMENT: The clearance, replanning, reconstruction or rehabilitation of any blighted area and the provision for such industrial, commercial, residential or public structures and spaces as may be appropriate, including recreational and other facilities incidental or appurtenant thereto.

URBAN REDEVELOPMENT CORPORATIONS LAW: Chapter 353, RSMo., as amended. (R.O. 2009 §155.17; CC 1981 §26.5-3; Ord. No. 89-170, 8-15-89)

SECTION 515.060: INITIATION OF URBAN RENEWAL REVIEW

A. The process of urban renewal review under this Article can be initiated by the introduction of a Council bill declaring an area to be blighted or by the submission of a proposed development plan by a developer.
B. If a Council bill is introduced to declare an area to be blighted, then the bill shall be referred by the City Clerk to the Community Development Department for study and for recommendation to the Council.
C. If a proposed development plan is submitted by a developer, then the plan shall be filed with the Community Development Department and the Mayor and City Council shall be notified that the proposed development plan has been filed. If the plan has been submitted prior to a declaration that the area is blighted, then the Community Development Department shall consider the question of blight at the same time it considers the plan. The Community Development Department shall study the plan and submit its recommendation to the Council. (R.O. 2009 §155.18; CC 1981 §26.5-4; Ord. No. 89-170, 8-15-89)

SECTION 515.070: COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATION OF BLIGHTING BILL

The Community Development Department shall send its recommendation to the City Council within thirty (30) days after receipt of a proposed ordinance pertaining only to blighting. A recommendation to declare the area blighted shall contain a determination that the area is blighted and that redevelopment of the area is necessary and in the public

interest. (R.O. 2009 §155.19; CC 1981 §26.5-5; Ord. No. 89-170, 8-15-89)

SECTION 515.080: COUNCIL DECLARATION OF BLIGHT

Any ordinance declaring that an area is blighted shall contain a finding that the area is in fact blighted and that redevelopment of the area is necessary and in the public interest. (R.O. 2009 §155.20; CC 1981 §26.5-6; Ord. No. 89-170, 8-15-89)

SECTION 515.090: PRELIMINARY APPROVAL OF APPLICATION FORM

Any corporation proposing to file a development plan for approval by the City Council shall first submit the proposed plan and supporting information to the Community Development Department. No proposed development plan shall be accepted for filing unless it is accompanied by a non-refundable filing fee to the City of five hundred dollars ($500.00) to be used by the City to defray expenses connected with the evaluation and review of the proposed development plan. The corporation shall pay, when due and payable, all other fees, licenses and charges required by the ordinances of the City applicable to the corporation or the redevelopment project to be undertaken. (R.O. 2009 §155.21; CC 1981 §26.5-7; Ord. No. 89-170, 8-15-89)

SECTION 515.100: CONTENT OF DEVELOPMENT PLAN

A development plan shall contain:

1. *General description.* A general description and preliminary design plan of the proposed project showing the proposed land use and traffic circulation.
2. *Legal description.* A legal description of the development area by metes and bounds or other definite designation.
3. *Supporting evidence of blight.* Identification of the facts which demonstrate that the area is a blighted area.
4. *Stages of project.* A statement of the various stages, if more than one (1) is intended, by which the development is proposed to be constructed or undertaken and the approximate time limit for the commencement and completion of each stage, together with a legal description by metes and bounds or other definite designation of the real property to be included in each stage.
5. *Property to be demolished immediately.* A statement of existing buildings or improvements in the development area to be demolished immediately, if any.
6. *Property not to be demolished immediately.* A statement of existing buildings or improvements in the development area not to be demolished immediately, if any, and the approximate period of time during which the demolition of each such building or improvement is to take place.
7. *Building renovation.* A statement of the proposed improvements, if any, to each building not to be demolished immediately, any proposed repairs or alterations to such buildings and the approximate period of time during which such improvements, repairs or alterations are to be made.
8. *New construction.* A statement of the type, number and character of each new industrial, commercial, residential or other building or improvements to be erected or constructed.

9. *Open space.* A statement of those portions, if any, of the blighted area which may be permitted or will be required to be left as open space, the use to which each open space is to be put, the period of time each such open space will be required to remain an open space and the manner in which it will be improved and maintained, if at all.
10. *Property for public agencies.* A statement of those portions, if any, of the blighted area which are proposed to be sold, donated, exchanged or leased to the School Board, Library Board or any other public agency and an outline of the terms of such proposed sale, donation, exchange or lease.
11. *Zoning changes.* A statement of the proposed changes, if any, in zoning ordinances or maps necessary or desirable for the redevelopment and its protection against blighting influences.
12. *Street changes.* A statement of the proposed changes, if any, in existing easements in streets or street levels and any proposed street closings and any changes which would have to be made to streets or alleys adjoining or near the redevelopment project, including the plan for financing these changes.
13. *Utility changes.* A statement of the changes, if any, which will be required in utility sources to accommodate the redevelopment project and changes, if any, in utility lines, easements, or locations.
14. *Dwelling accommodations.* A statement of the character of the existing dwelling accommodations, if any, in the blighted area, the approximate number of families residing therein.
15. *Existing businesses.* A statement of the character of the existing businesses, if any, in the blighted area and the number of businesses.
16. *Housing and business relocation.* If the developer is requesting the power of eminent domain, a relocation plan in accordance with Section 515.110 hereof.
17. *Proposed housing.* A statement of the character, type and quality of construction, approximate number of units, approximate rentals and approximate date of availability of the proposed dwelling accommodations, if any, to be offered to displaced residents during the construction, by each stage of development, and upon completion of the redevelopment.
18. *Tax abatement.* A statement providing:
    a. The proposed tax abatement, if any, for the corporation undertaking the redevelopment project and the reasons and justification for such requested tax abatement and any payments in lieu of taxes;
    b. The assessed valuation of the land and the time improvements thereon, respectively, before development;
    c. The estimated assessed valuation of the land and the improvements thereon, respectively, after redevelopment;
    d. The impact, including an estimate of the amount of ad valorem revenues to be affected by the grant of tax abatement, such tax abatement will have on each taxing authority whose boundaries include any portion of the redevelopment area; and
    e. The conditions upon which tax abatement, if any, will pass to or inure to the benefit of a subsequent owner of the redevelopment project or be lost.
19. *Financing.* A statement of the proposed method of financing the costs of the development plan. Included as a part of the financing statement shall be

reasonable estimates of the costs of acquisition, demolition, construction and rehabilitation, if any, as well as proposed sources and amounts of equity capital and other financing expected to be used in such development. Further, the financing statement shall identify the amount of equity capital which shall be required and the sources of that equity.

20. *Qualifications.* A statement detailing the experience and qualifications of the person or corporation, including any principals, submitting the proposed development plan and proposed to be actively involved in the overall direction and implementation of the redevelopment project.
21. *Eminent domain.* A statement giving the legal description of the real property owned or under option or contract of purchase, if any, or proposed to be purchased or to be acquired by eminent domain by the corporation and the reasons why acquisition by condemnation is proposed.
22. *Eminent domain, exercised by the City.* A statement giving the legal description of the real property, if any, proposed to be purchased or acquired by eminent domain by the City in behalf of the proponents of the development plan, the reasons why the aid of the City is sought for this purpose, and the estimated cost of acquisition of the property.
23. *Acquisition of public property.* A statement listing any real property in public use and belonging to the City, County, State or any political subdivision thereof, together with the consent of such authority to the acquisition of such property or the plan for obtaining the consent.
24. *Affirmative action.* A statement that the developer and its heirs, assigns and successors will, at all times, make all facilities in the developed area available to the general public without regard to race, religion, color, national origin, sex or age.
25. *Certificates.* A certificate from the Secretary of State that the corporation submitting the development plan is a lawfully organized and existing Missouri urban redevelopment corporation under and pursuant to the Urban Redevelopment Corporation Law.
26. *Miscellaneous.* The Community Development Department and the City Council may each require the corporation to submit additional information. (R.O. 2009 §155.22; CC 1981 §26.5-8; Ord. No. 89-170, 8-15-89)

SECTION 515.110: RELOCATION PLAN

Relocation plans shall be submitted as required by Section 515.020. (R.O. 2009 §155.23; CC 1981 §26.5-9; Ord. No. 89-170, 8-15-89; Ord. No. 93-259, 11-2-93)

SECTION 515.120: NOTIFICATION BY COMMUNITY DEVELOPMENT DEPARTMENT

Within fifteen (15) days after a development plan has been filed, the Community Development Department shall give written notice of the filing of the development plan with the department by depositing such notice in the United States mail, postage prepaid, addressed to each mailing address within the project area, if the property is improved, or if the property is unimproved, then to the address of each person or entity having a

property interest in the property as shown on the records of the Assessor. The notice shall contain a statement that notices of public hearings concerning the plan will be inserted in a newspaper of general circulation within the City. The notice shall also contain a statement that any person or entity having an interest of record may file a request with the City Clerk that the person or entity is to be notified by mail of all public hearings concerning the plan; provided however, for purposes of determining whether or not the person was notified, the publication shall be deemed to be sufficient. (R.O. 2009 §155.24; CC 1981 §26.5-10; Ord. No. 89-170, 8-15-89)

SECTION 515.130: COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATION

The recommendation of the Community Development Department shall be transmitted to the City Council within forty-five (45) days from the last date on which a development plan for the particular area is submitted. In the event more than one (1) development plan covering the same common land area, in whole or in part, is transmitted to the Department, then the analysis, reports and recommendations concerning all development plans shall be submitted on the same date. If the Department fails to make a recommendation within the forty-five (45) day period, then the failure to recommend shall be treated as a recommendation to not approve the plan. (R.O. 2009 §155.25; CC 1981 §26.5-11; Ord. No. 89-170, 8-15-89)

SECTION 515.140: CONTENTS OF RECOMMENDATION

A. The recommendation of the Community Development Department concerning a development plan shall contain comments on the following conditions and state the reasons and facts supporting each such comment:
    1. Whether the public purpose as declared by this Article will be effectuated by the development plans;
    2. Whether the development plan is in the public interest;
    3. Whether the development plan will be in accord with the overall redevelopment of the blighted area;
    4. Whether the development plan is consistent with the Comprehensive Plan for the City;
    5. Whether the size of the area proposed by the development plan will allow a practical and economically viable development and whether alternative boundaries are appropriate;
    6. Whether the stages, if any, by which reconstruction of the area as proposed by the development plan will allow a practical and economically viable development;
    7. Whether housing accommodations are or will soon be elsewhere available for all families who will be displaced by the redevelopment project;
    8. Whether alternate locations for businesses which will be displaced by the development plan are or will soon be available;
    9. Whether public facilities, including, but not limited to, school, fire, water, sewer, police, transportation, parks, playgrounds and recreation and other utilities, private or public, are presently adequate, or will be adequate, at the time the redevelopment is ready for use to service the area;

10. Whether the proposed changes, if any, in zoning ordinances or maps are necessary or desirable for the redevelopment of the area and its protection against blighting influences and for the City as a whole;
11. Whether the proposed changes, if any, in streets and street levels or any proposed street closings are necessary or desirable for the redevelopment of the area and its protection against blighting influences and for the City as a whole;
12. The estimated cost of acquisition of real property, if any, which it is proposed the City will acquire for proponents of the development plan, by the exercise of the power of eminent domain.

B. In preparing the recommendations required by Subsection (A) of this Section, the Department may require the developer proposing the plan to prepare such recommendations or be responsible for payment of all or a part of the costs associated with preparation of the recommendations. (R.O. 2009 §155.26; CC 1981 §26.5-12; Ord. No. 89-170, 8-15-89)

SECTION 515.150: MULTIPLE PLANS SUBMITTED

A. No other development plan which proposes the acquisition of all or any part of the real property in the area described in any development plan then on file with the Community Development Department shall be considered by the Council or the Department, unless such plan shall also be filed with the Department within thirty (30) days following the date the first (1st) plan was filed with the Department.
B. In the event more than one (1) development plan concerning the same common land area, in whole or in part, are properly submitted to the Department, then the recommendation shall:
    1. Include for each plan the determinations listed in the preceding Section;
    2. Contain a comparative analysis of the development plans based on the required determinations;
    3. Discuss in detail the conclusions drawn from the said comparative analysis;
    4. Recommend which development plan, if any, is best suited to the public interest. (R.O. 2009 §155.27; CC 1981 §26.5-13; Ord. No. 89-170, 8-15-89)

SECTION 515.160: TIME LIMIT FOR DEVELOPMENT BILL

Any bill approving a development plan shall be either approved or denied by the City Council within six (6) months from the date the plan was filed with the City. Any bill approving a development plan which has not been approved or denied by the City Council within the six (6) month period shall be considered to be denied by the City Council. The six (6) month limitation may be extended by the mutual agreement of the developer and the City Council. (R.O. 2009 §155.28; CC 1981 §26.5-14; Ord. No. 89-170, 8-15-89)

SECTION 515.170: TAX RELIEF FOR REDEVELOPMENT CORPORATIONS

A. *Full Exemption.* The real property of a corporation acquired pursuant to this Article shall not be subject to assessment or payment of general ad valorem taxes imposed by the City for a period not in excess of ten (10) years after the date upon which such corporation

became owner of such real property, except to such extent and in such amount as may be imposed upon such real property during such period measured solely by the amount the assessed valuation of the land, exclusive of improvements, acquired pursuant to this Article and owned by such corporation, as was determined by the Assessor of St. Charles County, for taxes due and payable thereon during the calendar year preceding the calendar year during which the corporation acquired title to such real property; and the amounts of such tax assessments shall not be increased during such period so long as the real property is owned by a corporation and used in accordance with a development plan authorized by the Council.

B. *Property Already Exempt.* In the event, however, that any such real property was tax exempt immediately prior to ownership by any such corporation, the City shall immediately request the Assessor to promptly assess such land, exclusive of improvements, in accordance with the provisions of Section 353.110, RSMo. The amount of such assessed valuation so fixed by the Assessor shall not be increased during the period determined by Council, not to exceed ten (10) years next following the date upon which such corporation acquired ownership thereof, so long as such property is owned by such corporation and used in accordance with the development plan authorized and approved by the Council.

C. *Partial Exemption.* For the next ensuing period not in excess of fifteen (15) years, City ad valorem taxes upon such real property shall be measured by the assessed valuation thereof as determined upon the basis of fifty percent (50%) of the true value of the real property, including any improvements thereon, nor shall such valuations be increased over fifty percent (50%) of the true value of such real property from year to year during the period not in excess of fifteen (15) years, so long as such real property is owned by such corporation and used in accordance with an authorized development plan.

D. *Determination Of Specific Percent Of Tax Exemptions.* The specific percent of tax exemptions and the specific length of time during which the exemptions shall apply shall be determined by the City Council and made a part of the agreement between the City and the corporation.

E. *Full Assessment.* After such periods totaling not more than twenty-five (25) years, the real property shall be subject to assessment by the City and payment of all ad valorem taxes based on the full true value of the real property and shall be owned and operated by the urban redevelopment corporation free from the conditions, restrictions and provisions of this Chapter.

F. *Contract Between City And Corporation.*

1. Notwithstanding any other provisions of this Section to the contrary, after appropriate notice and hearings as hereafter set out, the contract between the City and the corporation shall provide that with respect to all property subject to the development plan, with the exception of institutional property and property otherwise tax exempt, which is owned by the corporation, its subsidiaries, assigns or nominees and is tax abated pursuant to Section 353.110, RSMo., and this Section, the corporation, its subsidiaries, assigns or nominees shall with respect to all such property, in addition to the ad valorem taxes computed under Section 353.110, RSMo., pay to the City during the years in which tax abatement applies an annual payment in lieu of taxes which equals the amount by which the actual tax on such property computed pursuant to Section 353.110, RSMo., is less than

the taxes which were imposed on such property in the year immediately prior to the year in which the abatement begins.

2. The contract with the corporation shall provide that the obligation to make the foregoing payments shall constitute a lien against each parcel for which such payment is required enforceable by the City in the same manner as general real estate taxes.
3. The City shall furnish the Collector of Revenue a copy of the contract requiring payment in lieu of taxes. The Collector shall allocate all revenues received from such payments in lieu of taxes among all taxing authorities whose property tax revenues are affected by the exemption or abatement on the same pro rata basis and in the same manner as the ad valorem property tax revenues received by each taxing authority from such property in the year such payments are due. (R.O. 2009 §155.29; CC 1981 §26.5-15; Ord. No. 89-170, 8-15-89)

Cross References--As to property tax, §§140.250 et seq.

SECTION 515.180 NOTIFICATION OF TAXING AUTHORITIES--PUBLIC HEARING

A. Prior to declaring any area of the City to be a blighted area and approving therefor a development plan and authorizing the execution of a redevelopment agreement which grants to any urban redevelopment corporation rights, powers, duties, immunities and obligations not inconsistent with the provisions of the Urban Redevelopment Corporation Law, the City Council shall hold a public hearing for the stimulation of comment by those to be affected by any such grant. Notice of such public hearing shall be given by publication in a newspaper of general circulation within the City at least once not less than ten (10) days prior to the public hearing. The notice shall generally describe the property affected by the proposed development plan and designation of blight, give the time, date and place of the hearing and state that all persons interested or affected by the proposed designation of blight and redevelopment plan approval are invited to attend the public hearing.

B. Whenever the City Council shall propose to grant an urban development corporation tax abatement, or to receive payments in lieu of taxes pursuant to Chapter 353, RSMo., the City shall:

1. Conduct a public hearing regarding such tax abatement exemption or payments in lieu of taxes, at which hearing all political subdivisions whose boundaries for ad valorem taxation purposes include any portion of the real property to be affected by such tax abatement, exemption or payments in lieu of taxes shall have the right to be heard on such grant of tax abatement, exemption or payments in lieu of taxes.
2. *Written statement.*
   a. Furnish each political subdivision described in Subsection (B) above within fifteen (15) days after a development plan has been filed with a written statement of the impact on ad valorem taxes such tax abatement, exemption or payments in lieu of taxes will have on such political subdivisions along with a written notice of the hearing to be held pursuant to Subsection (B)(1) above, which statement and notice shall include:
   (1) The time, date and place of the public hearing;

(2) An estimate of the amount of ad valorem tax revenues of each political subdivision which will be affected by the proposed tax abatement, exemption or payments in lieu of taxes based upon the estimated assessed valuation of the real property involved as such property would exist before and after it is redeveloped; and

(3) A statement that each political subdivision, or any other interested party, will be allowed to comment at such public hearing.

b. The notice and statement required by this Subsection (B) shall be given by certified or registered mail and delivered for mailing to the post office at least ten (10) days prior to the date of the public hearing.

C. The public hearings of the City Council called for by this Section may be combined into one (1) public hearing provided that the notices required for each hearing are given prior to the date of the combined hearing. (R.O. 2009 §155.30; CC 1981 §26.5-16; Ord. No. 89-170, 8-15-89)

SECTION 515.190: CONTENTS OF ORDINANCE APPROVING DEVELOPMENT PLAN

Every ordinance approving a development plan shall contain:

1. A finding and declaration that the development plan is in the public interest;
2. A provision for liquidated damages to be assessed in favor of the City upon the failure of the urban redevelopment corporation to complete the development project within the time agreed upon by parties;
3. A provision setting forth any performance bond or surety requirements for completion of public improvements and setting forth any completion assurance agreement or other security requirements as the City Council may determine to be appropriate in respect of the feasibility of the particular project, taking into account the proposed financing arrangements therefor and the interest or involvement therein, directly or indirectly, of the City, of any Federal, State or local agency, department, bureau, authority, commission or similar public entity. The references to discharge of the surety on the performance bond shall be deemed to mean and shall include such other or alternative surety or security requirements as may be provided for under this Subsection in any ordinance approving a development plan or in any amendment to an existing ordinance as herein provided;
4. A provision limiting the use of the area included in the development plan to that use described for a period of not less than the period of tax exemptions granted to the corporation and not more than twenty-five (25) years;
5. An acceptable relocation plan for the families and businesses displaced by the development plan;
6. A provision that the developer and its heirs, assigns and successors will, at all times, make all facilities in the developed area available to the general public without regard to race, religion, color, national origin, age or sex;
7. A provision determining the necessity for the granting of the power of eminent domain and, in the event such necessity is found to exist, the granting of such power in the form of a certificate of public convenience and necessity to the corporation authorizing and empowering the corporation to acquire by eminent

domain or otherwise all or any part of the real property for the purpose expressed in the development plan in the area included in the development plan. The corporation shall have the authority and powers of eminent domain as set forth in Section 353.130, RSMo., subject to such conditions as may be imposed by the City Council;

8. Other matters which are required by this Article or deemed necessary by the City Council and in the public interest as determined by the City Council in its sole discretion. (R.O. 2009 §155.31; CC 1981 §26.5-17; Ord. No. 89-170, 8-15-89)

SECTION 515.200: EMINENT DOMAIN--DETERMINATION

The Council may determine that it is in the public interest and serves the public purpose as expressed in this Chapter that the power of eminent domain be used by the City or by the urban redevelopment corporation, or by both, in the acquisition of all or part of the real property included in a development plan. (R.O. 2009 §155.32; CC 1981 §26.5-18; Ord. No. 89-170, 8-15-89)

SECTION 515.210: ESCROW FOR LAND TO BE OBTAINED

If the City Council determines it is in the public interest that the City acquire by eminent domain or otherwise all or part of the real property in the area included in the development plan and for the purpose expressed in the development plan, then the Council may require the corporation to deposit in escrow with the Director of Finance a sum of money in cash, a negotiable cashier's check or checks equal to the estimated cost as determined in the ordinance approving the development plan within ten (10) days after the ordinance is in effect. The term *"cost"*, as used in this Section and as herein defined, includes all expenditures made by the City under this Section, including services of the City Legal Department, the amount paid for such real property, appraisals, abstract, title and recording fees, court costs, witness fees and all other expenses of acquiring such property. (R.O. 2009 §155.33; CC 1981 §26.5-19; Ord. No. 89-170, 8-15-89)

SECTION 515.220: RECOVERY OF COSTS FOR ACQUISITION OF PROPERTY

A. If the deposit of the estimated costs exceeds the final actual cost of acquisition as defined herein, then the balance of the deposit shall be used to satisfy in part or in full any legal obligation which the urban redevelopment corporation may owe the City. Any balance thereafter remaining shall be returned to the urban redevelopment corporation within thirty (30) days after a final determination, judicial or otherwise, and payment thereof of the price to be paid for the real property. Upon payment of all costs to the City by the urban redevelopment corporation, the City shall by quitclaim deed convey all real property acquired by it for the project through eminent domain or otherwise to the urban redevelopment corporation.

B. If the deposit should prove to be insufficient to equal the actual cost to the City of such real property, when such cost is determined after purchase or by action of a condemnation jury or otherwise, then the corporation shall make an additional deposit with the Director of Finance, upon ten (10) days' written notice from the Director of

Finance, of a sum of money in cash equal to such additional acquisition cost as so determined. If the corporation fails to make the additional deposit, the City may, at its option, thereupon sell the property. If the City sells the property and if the sales price does not recover the City's acquisition costs and the costs of sale, then the excess costs shall be charged to and paid by the corporation making the deposit and the amount thereof shall be withheld by the Director of Finance from the funds deposited in escrow and applied to the payment of such expenses. The balance of the funds deposited in escrow shall then be returned to the owner thereof. (R.O. 2009 §155.34; CC 1981 §26.5-20; Ord. No. 89-170, 8-15-89)

SECTION 515.230: AGREEMENT FOR REDEVELOPMENT

Upon enactment into law of an ordinance approving a development plan:

1. The City shall enter into an agreement with the urban redevelopment corporation pursuant to the terms and conditions set forth in this Article and the ordinance approving the development plan. The contract between the City and the corporation shall incorporate the provisions of the development plan and, in addition to such other terms as are appropriate, may include the following provisions:
    a. A provision which prohibits assignment of the corporation's rights under the development plan except on the terms and conditions set forth in the contract;
    b. A provision which requires the corporation to comply with the negotiation provisions of Chapter 523, RSMo.;
    c. A provision setting forth the amount and terms of any tax abatement for the real property to which the development plan pertains;
    d. Provisions setting forth the property, if any, the corporation will dedicate to the City or other public agencies for public use;
    e. Provisions setting forth any improvements the City will provide or construct in conjunction with the development plan;
    f. Provisions requiring the corporation to submit periodic reports to the City regarding the progress of the project, the financial condition of the corporation and the availability of equity or loan financing for future stages of the development plan;
    g. A provision limiting the net earnings of the corporation in the manner specified in the Urban Redevelopment Corporations Law and specifying the disposition of any excess earnings;
    h. Provisions setting forth the remedies for failure of the corporation to complete development in the time and manner specified in the contract and final development plan.
2. The urban development corporation shall obtain all necessary permits as prescribed by law and perform other necessary acts as required by this Article or the ordinance approving the development plan. (R.O. 2009 §155.35; CC 1981 §26.5-21; Ord. No. 89-170, 8-15-89)

SECTION 515.240: FINANCIAL REPORTING

An urban redevelopment corporation whose development plan has been approved by

ordinance and which desires to obtain the benefits of tax exemption status contained in Section 353.110, RSMo., shall file with the Director of Finance a financial statement prepared by an independent certified public accountant, as follows:

1. Such statement shall be filed annually within one hundred twenty (120) days following the close of the corporation's fiscal year and the first (1st) such statement shall be filed for such corporation's fiscal year ending in the calendar year next following the calendar year in which the ordinance approving the development plan became law.
2. The financial statement shall:
   a. Follow generally an accepted accounting practice;
   b. Contain a balance sheet and an operating profit and loss statement;
   c. Contain other information the Director of Finance by rule or regulation shall require;
   d. Be duly attested to by the President and the Treasurer of the corporation as an accurate and truthful representation of the corporations's financial condition;
   e. Contain a statement of the accountant's opinion as to the accuracy and reliability of the financial statements. (R.O. 2009 §155.36; CC 1981 §26.5-22; Ord. No. 89-170, 8-15-89)

SECTION 515.250: PROGRESS REPORTS

A. The Mayor shall make a written report to the City Council, which shall contain the following:
   1. General description of the progress and type of work surveyed;
   2. The stages of the development plan which have been completed and whether construction work in progress will meet the time limits of the stages set forth in the agreement;
   3. Such other information as the Mayor may deem pertinent.

B. The reports shall be filed six (6) months from the date of the agreement and every six (6) months thereafter. The Mayor may file interim reports. A copy of all reports shall be filed with the City Clerk. The urban redevelopment corporation may, from time to time, request certification of completion for a stage of construction and development. The Mayor may recommend that the amount of the performance bond or such other surety or security as may be required under Section 515.190 be reduced proportionately to the remaining cost. (R.O. 2009 §155.37; CC 1981 §26.5-23; Ord. No. 89-170, 8-15-89; Ord. No. 07-162, 6-11-07)

SECTION 515.260: ANALYSIS OF FINANCIAL STATEMENTS

A. The Director of Finance shall review all financial statements submitted, shall determine the net income of the urban redevelopment corporation and shall determine whether the accumulation of surplus net earnings as defined by law, if any, is being handled as provided by law and by agreement.

B. In the event such corporation's net income is not more than the maximum allowed by law or in the event the corporation's net income during any year is more than the maximum allowed by law and the accumulation of surplus net earnings is being handled as provided by law and by agreement, then the Director of Finance shall certify to the Assessor within

sixty (60) days after receipt of the financial statement that the urban redevelopment corporation is eligible for the tax exemption provisions contained in the "Urban Redevelopment Corporation Law" and found in Section 353.110, RSMo., as amended.

C. In the event the corporation's net income is more than the maximum allowed by law and the surplus is not being handled as provided by law and by the agreement, then the Director of Finance shall certify to the Assessor within sixty (60) days after receipt of the financial statement that such corporation is not eligible under the tax exemption provisions contained in Section 353.110, RSMo., of the "Urban Redevelopment Corporation Law". (R.O. 2009 §155.38; CC 1981 §26.5-24; Ord. No. 89-170, 8-15-89)

SECTION 515.270: COMPLETION OF PROJECT

A. Upon the written request of the urban redevelopment corporation for the issuance of a certificate of completion of the project, the Mayor shall review all inspection reports submitted and may make any additional investigation deemed necessary.

B. In the event that the Mayor determines the project has been completed in substantial compliance with the approved development plan and the agreement, then the Mayor shall notify the Director of Finance of this decision within thirty (30) days. The Director of Finance shall then discharge the surety on the performance bond.

C. In the event that the Mayor determines that the project has not been completed, then the Mayor shall transmit notice by registered mail, return receipt requested, to the corporation stating the reasons for the finding that there has not been substantial completion.

D. If the Mayor fails to notify the urban redevelopment corporation within thirty (30) days after receipt of the written request that the project has not been completed, then the failure shall be deemed a certification of completion. Upon presentation of such evidence to the Director of Finance, the Director of Finance shall discharge the surety on the performance bond. (R.O. 2009 §155.39; CC 1981 §26.5-25; Ord. No. 89-170, 8-15-89; Ord. No. 07-162, 6-11-07)

SECTION 515.280: REASSESSMENT

In the event that the certification grants tax exemption status, in whole or in part, to property owned by the urban redevelopment corporation under Section 353.110, RSMo., the Assessor shall forthwith reassess, in whole or in part, the property of the urban redevelopment corporation. (R.O. 2009 §155.40; CC 1981 §26.5-26; Ord. No. 89-170, 8-15-89)

SECTION 515.290: REMEDIES FOR FAILURE TO FOLLOW PLAN

A. *Proceedings.* Whenever any corporation operating under an approved development plan does not substantially comply with the development plan within the time limits and in the manner for the completion of each stage thereof as therein stated, or any contract entered into pursuant thereto, reasonable delays caused by unforeseen circumstances beyond its control alone excepted, or shall do, permit to be done, or fail, or omit or do anything contrary to or required of it by this Article, or shall be about so to do, permit to be done, or fail or omit to have done, then any such fact shall immediately be certified by the

Mayor to the City Council. The Council may authorize any one (1) or more of the following:

1. A proceeding in the Circuit Court in the name of the City to have such action, failure, omission, or threatened action or omission stopped, prevented or rectified by injunction or otherwise;
2. An action for damages against the corporation or its successors or assigns for breach of any of the provisions of the redevelopment plan;
3. Forfeiture of any escrow being held to insure completion of the project and execution of the provisions of the plan and the agreement;
4. An action to enforce any bond which insures completion of the project or execution of the provisions of the plan and the agreement;
5. Any other action deemed appropriate by the Council.

B. *Exception.* If any person or corporation shall propose more than one (1) plan and such plans are approved as provided in this Article, the failure to comply with one (1) or more of such plans within the time limits and in the manner for the completion of each stage thereof is therein stated, shall not give the City any right of action with respect to the plans which have been fully complied with within the time limits and in the manner for the completion of each stage thereof as therein stated; and the real property included in such plans which have been fully complied with shall be entitled to the tax relief provided for in this Chapter. (R.O. 2009 §155.41; CC 1981 §26.5-27; Ord. No. 89-170, 8-15-89; Ord. No. 07-162, 6-11-07)

SECTION 515.300: FORFEITURE OF TAX EXEMPTIONS

In the event the certification states that tax exempt status cannot be granted to the urban redevelopment corporation, then the Assessor shall assess all property of the urban redevelopment corporation at its true value as provided by law. (R.O. 2009 §155.42; CC 1981 §26.5-28; Ord. No. 89-170, 8-15-89)

SECTION 515.310: BUILDING PERMITS

In the event an ordinance approves a development plan for an area, then the Building Inspector shall not issue a building permit for construction in the area on land obtained in compliance with the development plan unless the building plans are in substantial compliance with the approved development plan as amended, modified or changed by ordinance for the period during which the plan is in effect. (R.O. 2009 §155.43; CC 1981 §26.5-29; Ord. No. 89-170, 8-15-89)

SECTION 515.320: CERTIFICATIONS REQUIRED BY CORPORATIONS

A. *Certification To Be Made With Application And Prior To Approval.* At the time of filing a development plan which provides for the acquisition of property by eminent domain, the corporation shall certify that the corporation, as a consideration of or approval of the plan, after approval of the plan, shall comply with the negotiation provisions of Chapter 523, RSMo. The certification shall be filed with the City Clerk.

B. *Certifications To Be Filed After Approval.* After approval of a development plan by the Council, the corporation shall file an annual report providing the following information:

1. Availability of equity financing as provided for in this Article or some other acceptable alternative financing.
2. Financial statement indicating compliance with provisions of this Article.
3. Names and addresses of occupants and businesses displaced by the corporation and specific relocation benefits provided to each occupant and business as well as a sample notice provided each occupant and business within the past year.
4. Legal description of property acquired and name in which property was acquired.
5. Addresses of all occupied residential buildings and structures within the project area owned or under the control of the corporation and the status of compliance of such buildings and structures with the provisions of the Property Maintenance Code set forth in Sections 500.110 et seq. and the nuisance provisions set forth in Sections 220.020 et seq.
6. Status of the redevelopment project as to permits applied for, permits issued, certificates of occupancy issued and any other appropriate documentation.

C. *Filing.* The certifications required by Subsection (B) herein shall be filed with the Director of Finance and the Director of Community Development. (R.O. 2009 §155.44; CC 1981 §26.5-30; Ord. No. 89-170, 8-15-89)

SECTION 515.330: DISPOSAL OF PROPERTY

An urban redevelopment corporation may sell or otherwise dispose of any or all of the real property acquired by it for the purpose of a redevelopment project. The ordinance approving any development plan and any contract entered into pursuant thereto may provide that in the event of the sale or other disposition of real property of any urban redevelopment corporation by reason of the foreclosure of any mortgage or other lien through insolvency or bankruptcy proceedings, or by order of any court of competent jurisdiction, or by voluntary transfer or otherwise, the partial tax relief provided under Section 515.170 of this Chapter shall inure to any purchaser of such real property so long as such purchaser shall continue to use, operate and maintain such real property in accordance with the provisions of the development plan. If such ordinance and contract do not so provide and the purchaser of such real property shall continue to use, operate and maintain such real property in accordance with the provisions of the redevelopment plan, the Council may grant the partial tax relief provided in Section 515.170. If such real property shall be used for a purpose different than that described in the redevelopment plan, or if the purchaser does not desire the property to continue under the redevelopment plan, or if the ordinance approving the plan does not provide for continuing tax relief and the City Council shall refuse to grant the purchaser continuing tax relief, the real property shall be assessed for ad valorem taxes upon the full true value of the real property and may be owned and operated free from any of the conditions, restrictions or provisions of this Article. (R.O. 2009 §155.45; CC 1981 §26.5-31; Ord. No. 89-170, 8-15-89)

Cross References--As to financing public improvements, §§140.090 et seq.

SECTION 515.340: PLAN APPROVAL NOT SUBSTITUTE FOR ZONING ACTION

Approval of a development plan does not constitute rezoning, subdividing, or any other

act requiring action under the provisions of Chapter 89, RSMo., or under the provisions of any ordinance enacted pursuant to Chapter 89, RSMo. (R.O. 2009 §155.46; CC 1981 §26.5-32; Ord. No. 89-170, 8-15-89)

SECTION 515.350: AMENDMENT OF THE FINAL PLAN

The Community Development Department shall review any proposed amendment to a final development plan previously approved by ordinance and make its recommendation to the City Council. No amendment shall be reviewed by the department unless and until an application for amendment has been filed with the department by the corporation or its assignee containing those portions of the statements and information required by Section 515.100 relevant to the proposed amendment and unless and until the department shall make the determinations required by Section 515.140 relevant to the proposed amendment. The notice and hearing requirements of Sections 515.030 and 515.180 shall also apply. (R.O. 2009 §155.47; CC 1981 §26.5-33; Ord. No. 89-170, 8-15-89)

Cross Reference--As to penalty, §100.150.

SECTION 515.360: ACCEPTANCE OF STATE ENABLING ACT

The provisions of the "Urban Redevelopment Corporations Law" found at Chapter 353, RSMo., are hereby accepted and shall apply to all persons and corporations operating under this Article, insofar as the same may be applicable thereto. (R.O. 2009 §155.48; CC 1981 §26.5-34; Ord. No. 89-170, 8-15-89)

TITLE VI. BUSINESS AND OCCUPATION

CHAPTER 600: ALCOHOLIC BEVERAGES

Cross References--As to alcohol prohibited in parks, §255.170; as to consumption or possession of alcoholic beverages, §215.450; as to lewd dancing, loss of license, §215.730.

ARTICLE I. GENERAL PROVISIONS

SECTION 600.010: DEFINITIONS

When used in this Chapter, the following words shall have the following meanings unless the context clearly indicates or requires a different meaning.

ALCOHOLIC BEVERAGE: Alcohol for beverage purposes including intoxicating liquor and malt liquor.

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 two thousand 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.

BUSINESS: Any lawful vocation, profession, establishment or enterprise conducted, either directly or indirectly, for private profit or benefit on any premises within the corporate limits of the City; and which is an occupation and use of the premises which is permanent and continuous in its character as distinguished from a single act or business transaction or an occasional use of the premises for a business purpose; provided that any package store, bar, tavern, cocktail lounge or other establishment wherein intoxicating liquor is sold, either wholesale or retail, shall not be counted as a business for the purpose of determining the number of businesses required for the granting of a liquor license.

CLUB: Any duly organized branch or local unit of a fraternal society which shall have a national organization and an affiliated State organization and which branch or local unit shall have a permanent meeting place within the City and the purposes of which are purely religious, charitable, benevolent or philanthropic.

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.

LICENSED PREMISES OR PREMISES: The location where alcoholic beverages may be sold or consumed pursuant to a license granted by this Chapter and it may be one (1) room, a building comprising several rooms or a building with adjacent or surrounding land such as a lot or garden.

LICENSEE: A person issued a license pursuant to this Chapter.

LIQUOR LICENSE: A license granted for the sale at retail of all kinds of intoxicating liquor, except those permits issued under Section 600.210(B) for picnics, bazaars, fairs and festivals.

MALT LIQUOR: An intoxicating liquor manufactured from pure hops or barley malt or wholesome grains or cereals and wholesome yeast and pure water, containing alcohol in excess of three and two-tenths percent (3.2%) by weight and not in excess of five percent (5%) alcohol by weight.

ORIGINAL PACKAGE: Any package containing fifty (50) milliliters or more of intoxicating liquor, excepting malt liquor, or any package containing one (1) or more standard bottles of malt liquor or any package containing three (3), six (6), twelve (12), fifteen (15) or twenty-four (24) small standard beer bottles.

PERSON: Any individual, association, joint stock company, syndicate, general partnership, limited partnership, limited liability company, co-partnership, corporation, receiver, trust, trustee, conservator or other officer appointed by any State or Federal court. Clubs are also included within the meaning of this term.

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.

WINE: 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. (R.O. 2009 §115.01; CC 1981 §3-1; Ord. No. 87-116, 6-5-87; Ord. No. 08-21, 1-24-08; Ord. No. 11-097 §1, 5-20-11)

SECTION 600.020: DISPOSAL DURING CERTAIN HOURS PROHIBITED

A. No person shall purchase, sell, give away or otherwise dispose of any intoxicating liquor or allow the same to be done upon the premises in any quantity at any time when such disposal is prohibited by the law of the State.

B. A manufacturer licensed under this Chapter may offer samples of its wine, may sell its wine in its original package directly to consumers at the winery and may open wine so purchased by consumers so it may be consumed on the winery premises on Monday through Saturday between the hours of 10:00 A.M. and Midnight and on Sunday from 11:00 A.M. to 10:00 P.M. Manufacturers licensed under this Chapter may also sell to duly licensed wholesalers and retail dealers in lots of five (5) gallons or more on any day except Sunday. (R.O. 2009 §115.02; CC 1981 §3-2; Ord. No. 87-116, 6-5-87; Ord. No. 94-179, 7-21-94; Ord. No. 94-243, 9-15-94; Ord. No. 08-21, 1-24-08; Ord. No. 11-097 §1, 5-20-11)

SECTION 600.030: SALE OF INTOXICATING LIQUOR BY THE DRINK WHEN CERTAIN HOLIDAYS FALL ON SUNDAY

Notwithstanding any other provision of this Chapter to the contrary, any licensee whose license to sell intoxicating liquor by the drink except sales on Sundays shall be allowed to sell intoxicating liquor by the drink, from the time and until the time which would be lawful on any other day of the week under the license, on any Sunday for which the State of Missouri has, by Statute, allowed such licensees to engage in Sunday sales. (R.O. 2009 §115.03; Ord. No. 08-21, 1-24-08)

SECTION 600.040: PREMISES TO BE KEPT CLEAN AND ORDERLY-- WINDOWS TO BE UNOBSTRUCTED

Licensees shall at all times keep and maintain the premises, both interior and exterior, in a clean, orderly and sanitary condition and shall meet the minimum standards of the City's sanitation ordinance. During business hours, the licensee shall keep the premises lighted sufficiently so that both the interior and the exterior may be inspected easily. Windows of the premises shall not be obstructed so as to prevent reasonable viewing the interior from the exterior thereof. (R.O. 2009 §115.04; Ord. No. 08-21, 1-24-08)

SECTION 600.050: RESPONSIBILITY OF SELLER FOR SALES TO CERTAIN PERSONS

Any licensee under this Chapter, or his/her employee, who shall 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, or to any person intoxicated or appearing to be in a state of intoxication, or to a habitual drunkard, and any person whomsoever except his/her parent or guardian who shall procure for, sell, give away or otherwise supply intoxicating liquor to any person under the age of twenty-one (21) years, or to any intoxicated person or any person appearing to be in a state of intoxication, or to a habitual drunkard, shall be deemed guilty of a misdemeanor, except that this Section shall not apply to the supplying of intoxicating liquor to a person under the age of twenty-one (21) years for medical purposes only, or to the administering of such intoxicating liquor to any 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 when serving in the capacity as an employee of a licensed establishment.

SECTION 600.060: PRESENCE OF MINORS ON PREMISES

A. 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 or her parent or guardian, is guilty of a Class B misdemeanor. Any second (2nd) or subsequent violation of this Subsection is a Class A misdemeanor.

B. It shall be a defense to prosecution under this Section if:
    1. The defendant is a licensed retailer, club, drinking establishment, or caterer or holds a temporary permit, or an employee thereof;
    2. 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
    3. 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. It shall be unlawful for any licensee or employee of a licensee which has not been issued a restaurant bar license pursuant to Section 600.200(A) or an amusement place Sunday liquor license pursuant to Section 600.200(B) to permit a person under twenty-one (21) years of age to enter or remain on the premises unless accompanied by a parent or legal guardian. (R.O. 2009 §115.06; Ord. No. 08-21, 1-24-08)

SECTION 600.070: POSSESSION OR PURCHASES BY PERSONS UNDER TWENTY-ONE

A. Any person under the age of twenty-one (21) years who purchases or attempts to purchase or has in his/her possession, any intoxicating liquor, as such is defined in Section 600.010 (or who is visibly in an intoxicated condition, or has a detectable blood alcohol content of more than two-hundredths of one percent (0.02%) or more by weight

of alcohol in such person's blood), shall be deemed guilty of a violation; provided that this Section shall not apply to the supplying of intoxicating liquor for medicinal purposes to a person under such age or by the parent or guardian of such person.

B. For purposes of prosecution under this Section or any other provision of this Chapter involving an alleged illegal sale or transfer of intoxicating liquor to a person under twenty-one (21) years of age, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was not intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.

C. After a period of not less than one (1) year or upon reaching the age of twenty-one (21), whichever occurs first, a person who has pleaded guilty to or has been found guilty of violating this Section for the first (1st) time and who since such conviction has not been convicted of any other alcohol-related offense and who is not on probation for the violation of this Section at the time application is made may apply for an order to expunge all official records of the arrest, plea, trial and conviction except the municipal prosecutor's records. It the court determines, upon review, that such person has not been convicted of any other alcohol-related offense at the time of the application for expungement and the person has had no other alcohol-related enforcement contacts as defined in Section 302.525, RSMo., the court shall enter an order of expungement. The effect of such an order shall be to restore such person to the status the person occupies prior to such arrest, plea or conviction, as if such event had never happened. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of the person's failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in response to any inquiry made of the person for any purpose whatsoever. A person shall be entitled to only one (1) expungement pursuant to this Section. Nothing contained in this Section shall prevent the Municipal Court or other City Officials from maintaining such records as are necessary to ensure that an individual receives only one (1) expungement pursuant to this Section. (R.O. 2009 §115.07; CC 1981 §3-4; Ord. No. 87-116, 6-5-87; Ord. No. 08-21, 1-24-08; Ord. No. 09-50, 4-8-09; Ord. No. 11-75 §1, 4-19-11; Ord. No. 11-097 §1, 5-20-11)

SECTION 600.080: 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.

SECTION 600.090: CONSUMPTION ON PREMISES WHERE SOLD

Intoxicating liquor sold at retail in original packages only shall not be consumed upon the premises where sold, nor shall the original packages be open on the premises of the vendor. (R.O. 2009 §115.09; CC 1981 §3-6; Ord. No. 87-116, 6-5-87; Ord. No. 08-21, 1-24-08; Ord. No. 11-097 §1, 5-20-11)

SECTION 600.100: DRINKING IN PUBLIC PLACES

A. It shall be unlawful for any person to drink or possess an open container of alcoholic beverage in or upon the public streets, avenues, alleys or other public places in the City; except that the provisions of this Section shall not apply to:
    1. Intoxicating liquor sold at the City concessions in the public parks when such is consumed in the City parks in accordance with Section 255.170.
    2. Authorized social activities being conducted within public buildings where alcoholic beverages are not being offered for sale.
    3. Any public place designated by the City for such purpose, except that possession of alcoholic beverages in glass containers is prohibited.
    4. A motor vehicle being used primarily for the transportation of persons for compensation or to the living quarters of a house coach, house trailer or recreational vehicle or a vehicle operated by a chauffeur in his/her for-hire capacity.
B. In prosecutions under this Section, there is a rebuttable presumption that a container

marked or labeled as containing an alcoholic beverage actually contained the described alcoholic beverage. This rebuttable presumption applies only in cases where a sample of the contents of the container has been preserved and is available to the defendant for testing.

C. The City Council authorizes the Mayor or Mayor's designee to suspend the prohibition against drinking alcoholic beverages in public places pursuant to this Section in the event the Missouri River level or ground water saturation make it unsafe to hold the City sponsored or recognized event or festival in Frontier Park as scheduled. (R.O. 2009 §115.10; CC 1981 §3-7; Ord. No. 87-116, 6-5-87; Ord. No. 08-21, 1-24-08; Ord. No. 11-70 §4, 4-9-11; Ord. No. 11-097 §1, 5-20-11; Ord. No. 11-124 §1, 6-22-11)

SECTION 600.110: DRUGGISTS MAY SELL AND PHYSICIANS PRESCRIBE

Any druggist may possess intoxicating liquor purchased from a licensed vendor under a license pursuant to this Chapter or intoxicating liquor lawfully acquired at the place of acquisition and legally transported into this State and lawfully inspected, gauged and labeled as provided for by State law; such intoxicating liquor to be used in connection with the business of a druggist, in compounding medicines or as a solvent or preservative; provided that nothing in this law shall prevent a regularly licensed druggist, after procuring a license therefor in compliance with this law, from selling intoxicating liquor in the original packages, but not to be drunk or the packages opened on the premises where sold; and provided further, that nothing in this Chapter shall be construed as limiting the right of a physician to prescribe intoxicating liquor in accordance with his/her professional judgment for any patient at any time or prevent a druggist from selling intoxicating liquor to a person on prescription from a regularly licensed physician as above provided. (R.O. 2009 §115.11; CC 1981 §3-8; Ord. No. 87-116, 6-5-87; Ord. No. 08-21, 1-24-08)

SECTION 600.120: PROHIBITED ACTS WHERE ALCOHOLIC BEVERAGES OFFERED FOR SALE

A. It shall be unlawful for any person maintaining, owning or operating an establishment at which alcoholic beverages are offered for consumption on the premises:
   1. To suffer or permit any female person, while on the premises of said establishment, to expose to the public view that area of the human breast below the top of the areola thereof.
   2. To suffer or permit any person, while on the premises of the establishment, to expose to public view his/her genitals, pubic area, buttocks, anus or anal cleft or cleavage.
   3. To suffer or permit any person, while on the premises of the establishment, to touch, caress or fondle the breasts, buttocks, genitals, whether clothed or unclothed, of any person for the purpose of sexual arousal or gratification.
   4. To suffer or permit any person, while on the premises of the establishment, to perform acts or representations of acts of human masturbation, sexual intercourse or sodomy, bestiality, cunnilingus, fellatio of flagellation.

B. It shall be unlawful for any female person, while on the premises of an establishment located within the City at which alcoholic beverages are offered for consumption on the

premises, to expose to public view that area of the human female breast below the top of the areola thereof.

C. It shall be unlawful for any person, while on the premises of an establishment located within the City at which alcoholic beverages are offered for sale for consumption on the premises, to expose to public view his/her genitals, pubic area, buttocks, anus or anal cleft or cleavage.

D. It shall be unlawful for any person, while on the premises of an establishment located within the City at which alcoholic beverages are offered for sale for consumption on the premises, to touch, caress or fondle the breasts, buttocks, genitals, whether clothed or unclothed, of any person for the purpose of sexual arousal or gratification.

E. It shall be unlawful for any person, while on the premises of an establishment located within the City at which alcoholic beverages are offered for sale for consumption on the premises, to perform acts or representations of acts of human masturbation, sexual intercourse or sodomy, bestiality, cunnilingus, fellatio or flagellation.

F. At no time, under any circumstances, shall any licensee or his/her employees permit any person to dance, sit or stand upon a bar, tables or any other raised surface that is used for preparing or serving food or beverages.

G. At no time, under any circumstances, shall any licensee or his/her employees immediately fail to prevent or suppress any violent quarrel, disorder, brawl, fight or other improper or unlawful conduct of any person upon the premises. In the event that a licensee or his/her employee knows or should have known that an illegal or violent act has been committed on or about the premises, they shall immediately report the occurrence to law enforcement authorities and shall cooperate with law enforcement authorities during the course of any investigation into an occurrence.

H. Any person who shall violate any provision of this Section shall be guilty of a violation of this Code of Ordinances punishable as provided in Section 100.150 of this Code. (R.O. 2009 §115.12; CC 1981 §3-39; Ord. No. 89-5, 1-4-89; Ord. No. 08-21, 1-24-08)

SECTION 600.130: MISREPRESENTATION OF AGE USING FALSE IDENTIFICATION

A. It shall be unlawful for a person less than twenty-one (21) years of age to represent that he/she has attained the age of twenty-one (21) years for the purpose of purchasing, attempting to purchase, possessing, attempting to possess, receiving or attempting to receive an alcoholic beverage, except as authorized by law.

B. It shall be unlawful for a person less than twenty-one (21) years of age to produce, display, exhibit, offer or tender a reproduced, modified or altered motor vehicle operator's license, identification card issued by a uniformed service of the United States, passport or State issued identification card for the purpose of purchasing, attempting to purchase, possessing, attempting to possess, receiving or attempting to receive an alcoholic beverage or to enter or attempt to enter the premises of a licensee. (R.O. 2009 §115.13; Ord. No. 08-21, 1-24-08)

SECTION 600.140: BELOW COST DRINKS AND OTHER DRINK SPECIALS PROHIBITED

It shall be unlawful for a licensee to:

1. Offer for sale alcoholic beverages of any type at less than the cost of the alcoholic beverage to the licensee; or
2. Allow on the premises any game or contest which involves drinking alcoholic beverages or awarding alcoholic beverages for consumption on the premises. (R.O. 2009 §115.14; Ord. No. 08-21, 1-24-08)

ARTICLE II. LICENSES

SECTION 600.150: LICENSE REQUIRED

It shall be unlawful for any person to manufacture, brew, sell or expose for sale any intoxicating liquor in any quantity in the City without first having obtained a license. A separate license shall be required for each place of business. (R.O. 2009 §115.20; CC 1981 §3-21; Ord. No. 87-116, 6-5-87; Ord. No. 08-21, 1-24-08; Ord. No. 11-097 §1, 5-20-11)

SECTION 600.160: APPLICATION--FORM AND CONTENTS

A. *Prerequisite To Grant Of License.* No license shall be granted unless an application has been made as required in this Chapter.

B. *Form And Contents.* Each application for an original or renewal license shall be made in writing to the Director of Finance on an application form provided by the City, completed in its entirety and signed under penalty of perjury by the applicant. The applicant shall provide the following information on the form:
   1. Designation of the kind of license desired;
   2. Description of the premises to which such license is to apply, including the address thereof, the floor or floors for which a license is desired and a description of the room or rooms by square footage;
   3. Name and mailing address of applicant. In addition, if the applicant is:
      a. An individual, the applicant's residential address;
      b. A non-publicly traded corporation, the name and residential address of each officer, director and shareholder, the registered agent and registered address;
      c. A limited liability company, the name and residential address of each member and manager; or
      d. A partnership, the name and residential address of each partner.
   4. Dates and places of all suspensions or revocations of liquor licenses and all convictions of any law applicable to the manufacture or sale of intoxicating liquor since the ratification of the 21st Amendment to the Constitution of the United States, if any;
   5. Term of the license;
   6. Signature of the applicant certifying the applicant has read Chapter 600 of the Code of Ordinances and the State of Missouri Liquor Control Law, Chapter 311, RSMo., and the Code of State Regulations promulgated thereunder.
   7. In the event a license is sought for the sale of intoxicating liquor in the original package, the form shall provide for and contain spaces for the business engaged in

by the applicant and the kind of stock of goods and invoice value thereof, exclusive of fixtures and intoxicating liquors kept in the business store of applicant; provided however, that there shall be attached to new applications, other than renewals, a photograph of the applicant and of the place of business.

8. In the event a license is sought for the sale at retail by the drink for consumption on the premises where sold of all kinds of intoxicating liquor, including the sale of intoxicating liquor in the original package, the form shall provide for and contain spaces for information relating to the applicant's compliance with any criteria and requirements concerning the granting of such licenses, as the same are set forth and defined in this Chapter.

C. On receipt of an application, the Director of Finance shall identify for the applicant the Council member for the ward where the premises are located and shall inform the Council member of the ward that an application for a liquor license has been filed for premises within the ward. (R.O. 2009 §115.21; CC 1981 §§3-22--3-23; Ord. No. 87-116, 6-5-87; Ord. No. 00-328, 12-1-00; Ord. No. 06-62, 3-10-06; Ord. No. 08-21, 1-24-08; Ord. No. 11-097 §1, 5-20-11)

SECTION 600.170: FILING DEPOSIT OF LICENSE FEE

A. *Filing And Presentation To Director Of Finance.* Applications for original and renewal licenses shall be filed with the Director of Finance and the date of filing being noted thereon.

B. *Deposit Of License Fee--Disposition Of Such Deposit.*

1. Except as set forth in Subsection (B)(2), at the time of filing the license application, the applicant shall submit to the Director of Finance the amount of the license fee for the license applied for, either in cash, bank draft, money order, certified check or cashier's check, made payable to the City. No license shall be granted unless such deposit of the license fee has been made. If the license is not granted, the amount of license fee shall be refunded to the applicant. If the license is granted, such amount deposited with the application shall be deposited in the City Treasury.
2. Political subdivisions of the State of Missouri are exempt from the license fee requirement and shall not be required to pay a license fee as a condition of being granted a license.
3. No license application, whether for an original or renewal license, shall be granted for at least ten (10) days after the filing of such license application. (R.O. 2009 §115.22; CC 1981 §§3-24--3-25; Ord. No. 87-116, 6-5-87; Ord. No. 08-21, 1-24-08; Ord. No. 09-164, 9-3-09)

SECTION 600.180: GRANT AND ISSUANCE

A. Original licenses shall be granted by the City Council. The license shall describe the type of license, the license fee, the premises on which sale is to be made, the name of the license holder, the date of issuance and period of time for which such license is granted. The grant of the license may be conditioned upon the completion of construction of the premises within a time period prescribed and upon compliance with all zoning, fire and building codes.

B. Licensees at all times are responsible for the conduct of their businesses and at all times are directly responsible for any act or conduct of any employee on the premises which is in violation of this Chapter.
C. Licensees shall allow the licensed premises and all portions of the buildings of the premises, including all rooms, cellars, outbuildings, passageways, closets, vaults, yards, attics and all buildings used in connection with the operation carried on under the license and which are under their possession and control and all places where they keep and have alcoholic beverages stored, to be inspected by the Director of Community Development, Fire Chief, Police Chief or their designees. Licensees shall cooperate fully with City personnel during the inspections. (R.O. 2009 §115.24; CC 1981 §3-27; Ord. No. 87-116, 6-5-87; Ord. No. 08-21, 1-24-08)

SECTION 600.190: CLASSIFICATION--SCHEDULE OF FEES

The categories of licenses and the annual license fees therefor shall be as follows. A separate license shall be required for each category of business activity the licensee desires to engage as set forth herein.

1. For the manufacture, brewing and sale by the manufacturer or brewer of malt liquor containing not in excess of five percent (5%) of alcohol by weight, the sum of three hundred dollars ($300.00).
2. For the manufacture and sale by the manufacturer of intoxicating liquor containing not in excess of twenty-two percent (22%) of alcohol by weight, the sum of one hundred fifty dollars ($150.00).
3. For the manufacturing, distilling or blending and for sale by the manufacturer, distiller or blender of intoxicating liquor of all kinds, the sum of three hundred dollars ($300.00).
4. For the sale of intoxicating liquor containing not in excess of five percent (5%) of alcohol by weight by a wholesaler to a person duly licensed to sell such malt liquor at retail, the sum of seventy-five dollars ($75.00).
5. For the sale of intoxicating liquor containing not in excess of twenty-two percent (22%) of alcohol by weight by a wholesaler to a person duly licensed to sell such intoxicating liquor at retail, the sum of one hundred fifty dollars ($150.00).
6. For the privilege of selling intoxicating liquor of all kinds by a wholesaler to a person duly licensed to sell such intoxicating liquor at retail, the sum of three hundred seventy-five dollars ($375.00); provided however, that a license authorizing the holder to sell to duly licensed wholesalers and to solicit orders for sale of intoxicating liquor to, by or through a duly licensed wholesaler shall not entitle the holder thereof to sell within the State, direct to retailers; provided further, a wholesaler's license shall not authorize or entitle the holder thereof to sell to other wholesalers or to solicit orders for the sale of intoxicating liquors to, by or through a duly licensed wholesaler within this State.
7. For the manufacturing in quantities not to exceed seventy-five thousand (75,000) gallons, light wines containing not in excess of fourteen percent (14%) of alcohol by weight from grapes, berries and other fruits and vegetables grown in the State, in lieu of the charges herein otherwise provided, the sum of seven dollars fifty cents ($7.50) for each five hundred (500) gallons or fraction thereof. A manufacturer licensed under this provision shall be privileged to sell to consumers

at the winery in lots not to exceed five (5) gallons and to sell to duly licensed wholesalers or duly licensed retail dealers in lots of five (5) gallons or more.

8. For sale of intoxicating liquor at retail in the original package, where such liquor shall not be consumed upon or such original package not be opened upon the premises where sold, the sum of one hundred fifty dollars ($150.00).
9. For sale in the original package to consumers, but not for resale, of malt liquor containing alcohol in excess of three and two-tenths percent (3.2%) by weight and not in excess of five percent (5%) by weight, the sum of twenty-two dollars fifty cents ($22.50).
10. For sale at retail by the drink, for consumption on premises where sold, of malt liquor, including between the hours of 9:00 A.M. and Midnight on Sunday, the sum of fifty-two dollars fifty cents ($52.50).
11. For sale at retail by the drink, for consumption on the premises where sold, of malt liquor and light wines containing not in excess of fourteen percent (14%) of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables, including the sale of malt liquor between the hours of 9:00 A.M. and Midnight on Sunday, the sum of fifty-two dollars fifty cents ($52.50).
12. For sale at retail by the drink, for consumption on premises where sold, of all kinds of intoxicating liquor, including the sale, except on Sunday, of intoxicating liquor in the original package, the sum of four hundred fifty dollars ($450.00).
13. This Section shall not apply to a license granted to a political subdivision of the State of Missouri which shall be exempt from the payment of license fees. (R.O. 2009 §115.25; CC 1981 §3-28; Ord. No. 87-116, 6-5-87; Ord. No. 08-21, 1-24-08; Ord. No. 09-164, 9-3-09; Ord. No. 11-097 §1, 5-20-11)

SECTION 600.200: RESTAURANT BAR LICENSE--SUNDAY LIQUOR LICENSE

A. *Restaurant Bar License.*

1. Notwithstanding any other provisions of this Chapter to the contrary, any person who possesses the qualifications required by this Chapter and who now or hereafter meets the requirements of and complies with the provisions of this Chapter may apply for a license to sell intoxicating liquor, as defined in this Chapter, between the hours of 11:00 A.M. and Midnight on Sunday by the drink at retail for consumption on the premises of any such restaurant bar as described in the application.
2. All other laws and regulations of the City relating to the sale of liquor by the drink for consumption on the premises where sold shall apply to a restaurant bar in the same manner they apply to other establishments licensed under the provisions of this Chapter.
3. In addition to all other fees required by law, a restaurant bar shall pay an additional fee of three hundred dollars ($300.00) a year for a Sunday liquor license, payable at the same time and in the same manner as its other license fees.
4. Any restaurant bar may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 11:00 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 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. If the applicant fails to show at least fifty percent (50%) of business has been derived from food sales at the end of the period for which the temporary license is issued, a second (2nd) temporary license not to exceed ninety (90) days may be issued and after the expiration of this ninety (90) day period, the applicant fails to show at least fifty percent (50%) of business has been derived from food sales at the end of the period for which the temporary license is issued, a license to thereafter sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 11:00 A.M. and Midnight on Sunday shall not be issued to the applicant. Compliance may be shown by presenting the Missouri Department of Public Safety, Division of Alcohol and Tobacco Control Verification of Food and Alcohol Sales/Schedule of Gross Receipts, Mo. Form 812-1154N or any subsequent revision thereof showing the amount of food sales and the amount of liquor sales and the City tourism tax return. Compliance may also be shown by an independent audit of the financial records of the applicant. It shall be the responsibility of the Finance Department to verify compliance with this Subsection.

B. *Amusement Place Sunday Liquor License.*

1. Notwithstanding any other provisions of this Chapter to the contrary, any person who possesses the qualifications required by this Chapter and who now or hereafter meets the requirements of and complies with the provisions of this Chapter may apply for a license to sell intoxicating liquor, as defined in this Chapter, between the hours of 1:00 P.M. and Midnight on Sunday by the drink at retail for consumption on the premises of any amusement place as described in the application.
2. All other laws and regulations of the City relating to the sale of liquor by the drink for consumption on the premises where sold shall apply to an amusement place in the same manner as they apply to establishments licensed under the provisions of this Chapter and in addition to all other fees required by law, an amusement place shall pay an additional fee of three hundred dollars ($300.00) a year for such amusement place Sunday liquor license, payable at the same time and in the same manner as its other license fees.
3. Nothing in this Section shall be construed to permit an amusement place licensee to sell intoxicating liquor, malt liquor or beer for off-premises consumption.

C. *Special Sunday Retail Original Package License.*

1. Notwithstanding the provisions of this Chapter, any person possessing the qualifications and meeting the requirements of this Chapter, who is licensed to sell intoxicating liquor in the original package at retail under Section 600.190(8) and (9), may apply for a special license to sell intoxicating liquor in the original package at retail between the hours of 9:00 A.M. and Midnight on Sundays.
2. In addition to all other fees required by law, anyone licensed to sell intoxicating liquor in the original package at retail under Section 600.190(8) and (9) shall pay

an additional fee of three hundred dollars ($300.00) a year for a special license to sell intoxicating liquor in the original package at retail between the hours of 9:00 A.M. and Midnight on Sundays.

D. *Wine, Malt Beverage And Distilled Spirits Tasting Permit.* Notwithstanding any other provisions of this Chapter to the contrary, any person possessing the qualifications and meeting the requirements of this Chapter, who is licensed to sell intoxicating liquor in the original package at retail under Sections 600.190(8) and 600.200(C), may apply for a special permit to conduct wine, malt beverage and distilled spirit tastings on the licensed premises. In addition to all other fees required by law, a permittee under this Subsection shall pay an additional fee of thirty-seven dollars fifty cents ($37.50) for a wine, malt beverage and distilled spirits tasting permit, payable at the same time and in the same manner as its other license fees. Nothing in this Subsection shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premise consumption. (R.O. 2009 §115.26; CC 1981 §3-29; Ord. No. 87-116, 6-2-87; Ord. No. 93-155, 7-7-93; Ord. No. 93-170, 7-21-93; Ord. No. 93-174, 8-15-93; Ord. No. 94-127, 6-8-94; Ord. No. 94-179, 7-21-94; Ord. No. 94-243, 9-15-94; Ord. No. 94-309, 11-16-94; Ord. No. 94-324, 12-7-94; Ord. No. 96-47, 2-21-96; Ord. No. 96-100, 3-21-96; Ord. No. 03-229, 9-18-03; Ord. No. 08-21, 1-24-08)

SECTION 600.210: LIMITED LICENSES

A. *Malt Liquor License--Anytime.* The Chief of Police may issue a license for the sale of malt liquor for consumption on the premises where sold to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for the sale of malt liquor at a picnic, bazaar, fair or similar gathering. Such license shall be issued only for the days named therein; and it shall not authorize the sale of malt liquor for more than seven (7) days by any such organization in any fiscal year.

B. *Intoxicating Liquor License--Anytime.* The Chief of Police may issue a license for the sale of intoxicating liquor, in lieu of a permit issued pursuant to Subsection (A) of this Section, for consumption on the premises where sold to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for the sale of intoxicating liquor at a picnic, bazaar, fair or similar gathering. Such license shall be issued only for the days named therein; and it shall not authorize the sale of intoxicating liquor for more than seven (7) days by any such organization in any fiscal year.

C. *Wine And Malt Liquor, June 15 to July 15.* Notwithstanding any other provision of this Chapter to the contrary and in addition to the preceding paragraphs, a permit for the sale of wine and malt liquor containing alcohol in excess of three and two-tenths percent (3.2%) by weight for consumption on the premises where sold may be issued to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for sale of such wine and malt liquor at any picnic, bazaar, fair, festival or similar gathering or event held to commemorate the annual anniversary of the signing of the Declaration of Independence of the United States. Such permit shall be issued only during the period from June fifteenth (15th) to July fifteenth (15th) annually and only for the day or days named therein and it shall not authorize the sale of wine and malt liquor except between the hours of 10:00 A.M. and Midnight and for not more than seven (7) days by any such organization. The permit may be issued to cover more than one (1) place of sale within the general confines of the place where the gathering or event is held;

provided however, no permit shall be issued to any organization which selects or restricts the membership thereof on the basis of race, religion, color, creed or place of national origin. (R.O. 2009 §115.27; CC 1981 §3-30; Ord. No. 87-116, 6-5-87; Ord. No. 88-155, 8-8-88; Ord. No. 08-21, 1-24-08)

SECTION 600.220: CONSUMPTION OF LIQUOR WHERE FOOD, BEVERAGES OR ENTERTAINMENT SOLD

A. It shall be unlawful for any person operating any premises where food, beverages or entertainment are sold or provided for compensation, who does not possess a license for the sale of intoxicating liquor, to permit the drinking or consumption of intoxicating liquor in, on or about such premises between 10:00 P.M. and 6:00 A.M. the following day without having a license as provided for by this Section.
B. The drinking or consumption of intoxicating liquor by any person under twenty-one (21) years of age shall not be permitted in, upon or about the licensed premises; or by any other person at any time when the disposal of alcoholic beverages is prohibited by the law of the State.
C. All other laws and regulations of the City relating to the sale of liquor by the drink for consumption on the premises where sold shall apply to persons who operate any premises where food, beverages or entertainment are sold or provided for compensation and who hold a license for consumption of liquor as provided for in this Section.
D. In addition to all other fees required by law, a fee of three hundred dollars ($300.00) per year shall be paid by any person operating any premises where food, beverages or entertainment are sold or provided for compensation, for a license for consumption of liquor as contemplated by this Section. (R.O. 2009 §115.28; CC 1981 §3-32; Ord. No. 87-116, 6-5-87; Ord. No. 08-21, 1-24-08)

SECTION 600.230: QUALIFICATION OF LICENSEE

A. *Individuals.* No license provided for by this Chapter shall be issued to any individual except in conformity with the following:
    1. The individual shall be in fact actively engaged in the actual control and management of the particular alcoholic beverage establishment for which a license is sought.
    2. The individual shall be least twenty-one (21) years of age and a United States citizen.
    3. The individual shall be of good moral character. In determining whether a person possesses a good moral character, any and all factors which reflect upon the character, competency and ability of the applicant to operate and maintain an orderly place of business which will not endanger or adversely affect the health, safety, welfare, peace and dignity of the citizens of the City shall be considered.
    4. The individual shall not have been, since the ratification of the 21st Amendment to the Constitution of the United States, convicted of, nor have entered a plea of guilty, no contest or nolo contendere to a charge of violating the provisions of any law applicable to the manufacture, sale or disposal of alcoholic beverages as confirmed by a Police Department record check.
    5. The individual shall not have been the holder of an alcoholic beverage license

which has been revoked by any City, County or State.

6. The individual shall not owe any delinquent taxes or fees to the City and shall provide a no tax due letter from the Department of Revenue which has been issued in the preceding ninety (90) days. Delinquent taxes which have been challenged or contested in a court proceeding or in a manner prescribed by law shall not preclude the issuance of a license.
7. The individual shall provide proof of the right to possession of the premises sought to be licensed upon the date of the issuance of the license by presenting with the license application a deed, bona fide sale contract or option duly executed or a bona fide lease duly executed by the lessor or an option for a lease duly executed.

B. *General Partnership, Limited Partnership, Limited Liability Company, Associations, Syndicates Or Co-Partnership.* No license shall be issued to any general partnership, limited partnership, limited liability company, association, syndicate or co-partnership unless all members of the general partnership, limited partnership, limited liability company, association, syndicate or co-partnership are persons who would be eligible for licenses as individuals under the provisions of this Chapter and no such license shall be issued to any general partnership, limited partnership, limited liability company, association, syndicate or co-partnership, any partner or member of which has been the holder of a license which has been revoked by any City, County or State.

C. *Corporations.* No license provided for in this Chapter shall be issued to any corporation except in conformity with the following:

1. All the officers and directors of such corporation shall be persons of good moral character.
2. The managing officer of the corporation is an individual who is eligible for a license as an individual under the provisions of the Chapter.
3. Such corporation has not been the holder of a license which has been revoked by any City, County or State.

D. *Non-Residents--Foreign Corporations.* Nothing in this Section shall prevent the issuance of a license to a non-resident of the State or to a foreign corporation for the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquors to, by and or through a duly licensed wholesaler. (R.O. 2009 §115.29; CC 1981 §3-33; Ord. No. 87-116, 6-5-87; Ord. No. 99-239, 7-9-99; Ord. No. 06-216, 8-9-06; Ord. No. 08-21, 1-24-08)

SECTION 600.240: ASSIGNMENT AND TRANSFER

A. No license shall be transferable or assignable except as herein provided. In the event of the death of the licensee, the widow or widower or the next of kin of such deceased licensee, who shall meet the other requirements of this law, may make application and the Director of Finance, Director of City Development and Chief of Police may transfer such license to the widow, widower or next of kin 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. No executor, administrator, receiver, assignee, trustee or guardian may sell any alcoholic beverage belonging to the estate over which he/she has control except to a licensed wholesaler or retailer.

B. Whenever one (1) or more members of a general partnership, limited partnership, limited

liability company, association, syndicate or co-partnership withdraw from the general partnership, limited partnership, limited liability company, association, syndicate or co-partnership, the Director of Finance, Director of City Development and Chief of Police, upon request, shall permit the remaining one (1) or more partners or members 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. (R.O. 2009 §115.30; CC 1981 §3-34; Ord. No. 87-116, 6-5-87; Ord. No. 95-203, 8-8-95; Ord. No. 08-21, 1-24-08)

SECTION 600.250: TERM--RENEWAL

A. Each license issued in compliance with this Chapter shall expire on June thirtieth (30th) next succeeding the beginning date of such license. Of the annual license tax to be paid for any such license, the applicant shall pay as many twelfths (12ths) as there are months, part of a month to be counted as one (1) month, remaining from the date of the application for the license through each succeeding July first (1st).
B. All licenses granted in renewal of a license expiring on June thirtieth (30th) of any year shall be granted and issued for a period of one (1) year beginning on July first (1st) of the year in which granted and issued and shall expire on June thirtieth (30th) of the next succeeding year. No license shall be given a beginning date prior to the day of granting of such license. (R.O. 2009 §115.31; CC 1981 §3-35; Ord. No. 87-116, 6-5-87; Ord. No. 95-203, 8-8-95; Ord. No. 06-90, 4-26-06; Ord. No. 08-21, 1-24-08)

SECTION 600.260: SUSPENSION OR REVOCATION OF LICENSE

A. *Scope Of Authority.* Whenever the Fire Chief, Director of Finance, Director of Community Development or Chief of Police has information or knowledge that:
    1. The licensee has not at all times maintained an orderly place. An orderly place shall be maintained by the licensee through the prevention of immorality, violations of law, affrays and breaches of the peace on the premises, including parking lots and the area around the premises which is used as part of the business;
    2. The licensee has maintained a disorderly place. In any proceeding to grant, renew, suspend or revoke a license, the following shall be prima facie evidence of maintaining a disorderly place:
        a. Acts of immorality;
        b. Acts of lewd conduct;
        c. Breaches of the peace;
        d. Exceeding occupancy limit of premises;
        e. Suffering or permitting any acts prohibited by Section 600.120;
        f. Violation of any provision of this Chapter;
        g. Violations of other City ordinances or State law or State regulations applicable to the premises.
    3. The licensee suffered or permitted any acts prohibited by Section 600.120;
    4. The licensee has violated any of the provisions of this Chapter;
    5. The license was obtained through materially false statements in the application for such license or renewal thereof;
    6. The licensee failed to make a complete disclosure of all pertinent information in

the application for such license or renewal thereof;

7. The licensee, since the issuance of such license, has ceased to be the person actually engaged in the active control and management of the particular establishment for which the license was issued;
8. The licensed premises are no longer used for the purposes permitted by the license and after five (5) days' written notice, the licensee has failed to respond or satisfactorily explain the change; or
9. Anything has occurred which would render the licensed premises ineligible or unsuitable for a license under the provisions of this Chapter;

then the Fire Chief, Director of Finance, Director of Community Development and Chief of Police may suspend for a period not to exceed ninety (90) days or revoke the license. No licensee whose license has been suspended or revoked may sell any alcoholic beverage during the period of the suspension or revocation.

B. *Notice Of Violation And Directive To Appear Before City Council.* As a discretionary alternative to the procedure stated in Section 600.260(A), the Chief of Police may give written notice to a licensee of the existence of any condition described in Section 600.260(A)(1--9) inclusive, and direct the licensee to appear before the City Council at a date and time certain to show cause why the Council should not enact a resolution requesting the Fire Chief, Director of Finance, Director of Community Development and Chief of Police to proceed with the suspension or revocation of the liquor license. The resolution of the City Council may contain a recommendation to hold in abeyance action to suspend or revoke the liquor license in order to provide the licensee an opportunity to demonstrate compliance with the requirements of this Chapter. Prior to the appearance of the licensee before the City Council, the Chief of Police shall prepare and deliver a report to the City Council that describes the conduct stated in Section 600.260(A)(1--9), inclusive.

C. *Right Of Appeal.* A licensee whose license has been suspended or revoked shall have a right to appeal the decision of the Fire Chief, Director of Finance, Director of Community Development and Chief of Police. The appeal shall be made to the Mayor within ten (10) days of the decision of the Fire Chief, Director of Finance, Director of Community Development and Chief of Police.

D. *Hearing Required.* The Mayor, after not less than ten (10) days' notice, shall hold a hearing to ascertain all facts in the matter. The City Attorney shall provide counsel at the hearing to the Mayor. The notice shall be served upon the person to whom the license is issued by leaving a copy at the premises covered by the license or by mailing the notice by certified or registered mail to the person to whom the license was issued at the last known business or residence address.

E. *Hearing Procedure.*

1. The applicant or licensee shall have a right to appear in person or by counsel, to present evidence, to produce witnesses and cross-examine witnesses. All proceedings in such hearings shall be taken down stenographically or recorded mechanically or electronically or a combination thereof and shall be transcribed whenever required by law. The cost of transcription shall be borne by the party requesting the transcription. Subpoena may be issued by the Mayor for any witness whose presence is desired at any hearing or proceeding before the Mayor to suspend or revoke a license or to refuse a license or renewal thereof and such

subpoena may be served by any member of the Police Department of the City to the extent permitted by law. Such subpoenas shall be served and return thereon shall be made in the same manner as is provided by law in civil suits in the Circuit Courts of this State. The cost of enforcement of a subpoena shall be borne by the party requesting the subpoena.

2. Witnesses may also appear voluntarily at such hearing and testify. Before any witness shall testify in any such hearing or proceeding, the witness shall be sworn to testify under oath by the Mayor or any other person authorized by law to administer oaths. The Mayor shall make findings of fact and conclusions of law. No suspension or revocation shall become effective until ten (10) days after the findings of fact and conclusions of law have been issued.

F. *Refusal To Obey Subpoena.* The failure or refusal of any person to obey all the terms and conditions of the subpoena issued by the Mayor is declared to be an ordinance violation. (R.O. 2009 §115.32; CC 1981 §3-36; Ord. No. 87-116, 6-5-87; Ord. No. 89-4, 1-4-89; Ord. No. 93-89, 4-21-93; Ord. No. 95-203, 8-8-95; Ord. No. 03-330, 12-23-03; Ord. No. 06-90, 4-26-06; Ord. No. 07-162, 6-11-07; Ord. No. 08-21, 1-24-08)

SECTION 600.270: REFUND OF LICENSE FEE PROHIBITED

In case any license issued under the provisions of this Chapter is revoked, surrendered or forfeited by the licensee, not used or used for only part of the license period, after the effective beginning date of such license, no refund of any license fee or part thereof shall be made. (R.O. 2009 §115.33; CC 1981 §3-37; Ord. No. 87-116, 6-5-87; Ord. No. 08-21, 1-24-08)

SECTION 600.280: LIMITATIONS ON GRANTING LICENSES

Criteria And Limitations. The granting of liquor licenses shall be determined according to the following criteria and limitations and are to be interpreted and applied independently of one another and of the conditional use permit requirements of Chapter 400 of this Code.

1. No liquor license shall be granted to any person in relation to any premises located within zoning districts "R-1C", "R-1E", "R-2", "R-3A", "R-M" or "C-O".
2. Within each separate and distinct geographical area bearing a district "C-1", "SMPD" or "HCD" zoning classification, no more than one (1) liquor license shall be granted in proportion to each twenty-five (25) businesses located within such area.
3. Within each separate and distinct geographical area bearing a district "CBD", "C-2" or "C-3" zoning classification, no more than one (1) liquor license shall be granted in proportion to each fifteen (15) businesses located within such area. This restriction shall not apply to a license application for a business containing at least thirty thousand (30,000) square feet.
4. Within each separate and distinct geographical area bearing a district "I-1" zoning classification, no more than one (1) liquor license shall be granted in proportion to each twenty (20) businesses located within such area.
5. Within each separate and distinct geographical area bearing a district "I-2" zoning classification, no more than one (1) liquor license shall be granted in proportion to

each twenty-five (25) businesses located within such area.

6. No liquor license shall be granted to any person for any premises if the property line of the premises sought to be licensed is less than three hundred (300) feet from the property line of any property used as a hospital, school or church or from the property line of any property in a residential zoning district or a zoning district bearing an "HCD" or "O-I" classification, unless the applicant for the license shall first obtain the consent of the City Council. Such consent shall not be granted until at least ten (10) days' written notice has been provided to all owners of property within three hundred (300) feet of the proposed licensed premises. The three hundred (300) foot restriction contained herein shall only apply to license applications filed on or after January 1, 2001 for premises for which no license has previously been issued under Chapter 600 of the Code of Ordinances.
7. *Applicability of criteria.*
    a. The criteria and limitations enumerated in Subparagraphs (1) through (6) above shall not apply to an application for a liquor license for a restaurant or for any existing private, non-profit, fraternal or veteran organization at its location, as of the effective date of this Section.
    b. The criteria and limitations contained in Subparagraphs (2) through (6) above shall not apply to licenses for the sale of intoxicating liquor or malt liquor, when the license is for the sale at retail in the original package and not for consumption upon the premises, by those types of businesses listed and subject to the conditions in Section 600.290.
    c. The term *"one liquor license"* as used in Subparagraphs (2) through (5) above shall not include licenses for the sale of intoxicating liquor or malt liquor, when the license is for the sale at retail, in the original package and not for consumption upon the premises.
    d. The criteria and limitations in Subparagraph (6) above shall not apply to an application for a liquor license in that area of the City within zoning district "PD-MU" and consisting of approximately a six hundred thirty-seven and nine-tenths (637.9) acre tract of land located between New Town Boulevard and Boschertown Road south of Highway B and commonly known as The New Town at St. Charles.
8. Notwithstanding the provisions of this Section to the contrary, liquor licenses in effect on the date of passage of this Chapter may be renewed or transferred and new applications may be made for such locations if no license has been revoked or has otherwise lapsed for thirty (30) days.
9. Notwithstanding the provisions of this Section to the contrary, one (1) license for wine making or one (1) license for the brewing of beer may be issued within each separate and distinct geographical area bearing one (1) of the zoning classifications listed in Subparagraphs (1) through (5) above, if there are fewer than the minimum number of businesses required by the applicable Subsection. This Subparagraph (9) shall apply only to buildings which are historically significant as previously being used for brewery or winery purposes and only when the City Council finds that the issuance of the license will not be detrimental to the neighborhood.
10. After January 4, 1995, only the following licenses shall be granted or renewed in any "HDD" District:

a. Those establishments which (1) obtain a license to sell at retail by the drink, for consumption on premises where sold, of all kinds of intoxicating liquor, including the sale, except Sunday, of intoxicating liquor in the original package and (2) qualify for a license to sell intoxicating liquor between the hours of 11:00 A.M. and Midnight on Sunday by the drink at retail for consumption on the premises. Continued operation of such an establishment within any "HDD" District, licensed pursuant to and in accordance with this Subsection, shall be contingent upon:
   (1) Possession of a license to sell at retail by the drink, for consumption on premises where sold, of all kinds of intoxicating liquor, including the sale, except Sunday, of intoxicating liquor in the original package; and
   (2) Qualification for a license to sell intoxicating liquor between the hours of 11:00 A.M. and Midnight on Sunday by the drink at retail for consumption on the premises; and

b. Licenses to sell at retail by the drink, for consumption on premises where sold, of all kinds of intoxicating liquor, including the sale, except on Sunday, of intoxicating liquor in the original package at the following locations: 130 South Main Street and 212, 218 and 305 North Main Street, provided the license is applied for before the expiration of the then current license or within thirty (30) days of the expiration of the then current license. (R.O. 2009 §115.34; CC 1981 §3-38; Ord. No. 87-116, 6-5-87; Ord. No. 88-59, 4-13-88; Ord. No. 88-130, 7-7-88; Ord. No. 89-138, 7-12-89; Ord. No. 93-169, 7-21-93; Ord. No. 94-185, 7-27-94; Ord. No. 94-324, 12-7-94; Ord. No. 95-3, 1-4-95; Ord. No. 95-309, 11-8-95; Ord. No. 96-5, 1-16-96; Ord. No. 96-42, 2-21-96; Ord. No. 98-208, 5-14-98; Ord. No. 00-246, 9-21-00; Ord. No. 00-328, 12-1-00; Ord. No. 01-42, 2-26-01; Ord. No. 01-167, 7-19-01; Ord. No. 04-1, 1-7-04; Ord. No. 04-44, 2-23-04; Ord. No. 08-21, 1-24-08; Ord. No. 08-139, 7-16-08; Ord. No. 08-208, 10-8-08; Ord. No. 09-39, 2-23-09; Ord. No. 10-132 §1, 6-16-10; Ord. No. 11-097 §1, 5-20-11)

SECTION 600.290: RESTRICTIONS ON PACKAGE SALES LICENSE

No license applied for pursuant to this Chapter 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 which license shall 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 general merchandise store, a grocery store, a liquor store, a gas or automobile products or service 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, intoxicating liquors, gasoline, petroleum products and automotive parts and supplies and have a display area containing no less than one thousand two hundred (1,200) square feet, exclusive of storage rooms and walk-in refrigeration coolers. (R.O. 2009 §115.35; CC 1981 §§3-40--3-41; Ord. No. 87-116, 6-5-87; Ord. No. 08-21, 1-24-08; Ord. No. 11-097 §1, 5-20-11)

SECTION 600.300: BOATS AND VESSELS

A. Notwithstanding any other provisions of this Chapter to the contrary, any person who possesses the qualifications required by this Chapter and who meets the requirements of and complies with the provisions of this Chapter may apply for and the City may issue a license to sell intoxicating liquor, as defined in this Chapter, by the drink at retail for consumption on the premises of any boat or other vessel licensed by the United States Coast Guard to carry one hundred (100) or more passengers for hire on navigable waters in or adjacent to the City, which has a regular place of mooring in a location in this City or within two hundred (200) yards of a location which would otherwise be licensable under this Chapter. The license shall be valid even though the boat or other vessel leaves its regular place of mooring during the course of its operation.
B. For every license for sale of liquor by the drink at retail for consumption on the premises of any boat or other vessel issued under the provisions of this Section, the licensee shall pay to the Director of Finance the sum of four hundred fifty dollars ($450.00) per year. (R.O. 2009 §115.36; CC 1981 §3-42; Ord. No. 87-116, 6-5-87; Ord. No. 08-21, 1-24-08)

CHAPTER 605: GENERAL LICENSING AND TAXATION PROVISIONS

Cross References--As to fireworks, sale of--licensing, §215.1100; as to mobile home park license, §§415.020--415.030; as to solid waste collection contracts, §§245.190 et seq.; as to street, sidewalk and curb construction permits, §§505.240 et seq.; as to taxation generally, ch. 140; as to wastewater discharge permit, §§710.150 et seq.

Charter References--As to financial procedures--taxation, charter art. VIII; as to objects of licensing, taxation and regulation, charter art. XIII.

ARTICLE I. GENERAL PROVISIONS

SECTION 605.010: ENUMERATION OF OCCUPATIONS, BUSINESSES AND THE LIKE

A. The following occupations, trades, businesses, subjects, callings, vocations and professions shall be required to procure a license to do business in the City:
Abstract agencies,
Accountants,
Addressing agencies,
Advertising agencies,
Advertising (radio and television),
Alarm service and installation,
Ambulance and hearse services,
Amusement parks,
Animal groomers,
Appliance repair,

Appraisers,
Architects,
Artists,
Associations,
Auctioneers,
Audio-visual producers,
Auto accessory dealers,
Auto dealers,
Bakeries,
Bakers,
Banks,
Barbers,
Barbershops,
Bathhouses,
Billiard halls,
Billing services,
Billposters,
Boarding houses,
Bookbinders,
Bookkeepers,
Bottling works,
Bowling alleys,
Boxing exhibitions,
Brokers,
Building contractors,
Buses,
Business offices,
Butchers,
Canvassers,
Carnivals,
Cigar and tobacco stands,
Circuses,
Cleaning establishments,
Clubs,
Coal dealers,
Collection agencies,
Commercial artists,
Computer sales and repair,
Concerts,
Confectioners,
Consultants,
Contractors,
Counselors,
Crating services,
Dance halls,
Data processing services,

Delivery companies,
Delivery trucks,
Demolition experts,
Designers,
Detectives,
Drug stores,
Dye workers,
Electric companies,
Electrical motor repair,
Embalmers,
Employment offices,
Engineers,
Equestrian performers,
Exhibitions,
Express companies,
Fairs,
Ferry services,
Fire extinguisher rechargers,
Florists,
Foundries,
Gas companies,
Glass board-up,
Grocers,
Guard and patrol services,
Health schools,
Health spas,
Hearse services,
Hotels,
Hucksters,
Ice cream parlors,
Ice cream stands,
Ice plants,
Insurance agent who maintains the office,
Insurance companies,
Intelligence agencies,
Inventory services,
Job printing plants,
Junk dealers,
Laboratories,
Landscapers,
Laundries,
Lawn maintenance,
Loan companies,
Lumberyards,
Lunch stands,
Lunch wagons,

Machine shops,
Manufacturers,
Masseurs,
Medical examiners,
Mercantile agents,
Meteorologists,
Miniature golf courses,
Modeling agencies,
Monument dealers,
Motor repair (airplane, electrical, small engines, marine),
Movies,
Museums,
Newspaper offices,
Nursery stock agents,
Office buildings,
Oil and gas stations,
Outdoor advertising,
Packaging services,
Packing services,
Painting contractors,
Parades,
Paving contractors,
Pawnbrokers,
Peanut and popcorn stands,
Peddlers,
Photographers,
Plasterers,
Plumbers,
Pollution contractors,
Polygraph services,
Poultry dealers,
Produce,
Public buildings,
Halls and grounds,
Public lecturers and meetings,
Public stenographers,
Radio advertising,
Radio stations,
Real estate agents and brokers,
Recording studios,
Research laboratories,
Retail merchants,
Restaurants,
Sand plants,
Sanitation services,
Septic tank services,

Shoe cobblers,
Shoe shine parlors,
Shooting galleries,
Shows,
Sidewalk contractors,
Sign painters,
Small appliance repair,
Small motor repair,
Snow removal,
Soft drink establishments,
Storage and warehousing,
Street contractors,
Street exhibitions,
Subcontractors,
Swimming pool installation,
Repair and cleaning,
Tailors,
Taverns,
Taxicabs,
Taxi companies,
Taxidermists,
Telephone answering,
Telephone companies,
Theatrical exhibitions,
Tree trimmers and cutters,
Transfer trucks,
Translators,
Undertakers,
Vendors,
Wall paper contractors,
Warehouses,
Wholesale houses and merchants,
Wood dealers.

B. 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.

C. 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 St. Charles. (R.O. 2009 §110.001; CC 1981 §16-1; Ord. No. 80-37, 3-25-80; Ord. No. 83-115, 12-21-83)

SECTION 605.020: LICENSE REQUIRED

No person shall engage in any occupation, trade, business, subject, calling, vocation or profession expressly named in Section 605.010 or impliedly encompassed within Section 605.010 by reason of engaging in a trade, business, subject, calling, vocation, profession or like occupation as those expressed in Section 605.010 without first obtaining from the Director of Finance a license upon the payment of a license fee as provided in this Title. (R.O. 2009 §110.002; CC 1981 §16-2; Ord. No. 80-37, 3-25-80; Ord. No. 83-115, 12-21-83; Ord. No. 96-54, 2-21-96)

Cross Reference--As to penalty, §100.150.

SECTION 605.030: LICENSE AND LICENSE FEE PREREQUISITE TO DOING BUSINESS

No person, either as principal or agent, shall pursue, conduct, carry on or operate within the City any calling, trade, business, vocation, occupation or profession mentioned in Section 605.160 without paying the license fee fixed in this Chapter and obtaining the license as required and prescribed by this Chapter, subject to regulations hereinafter provided. (R.O. 2009 §110.003; CC 1981 §16-12; Ord. No. 83-115, 12-21-83)

Cross Reference--As to penalty, §100.150.

SECTION 605.040: PAYMENT OF LICENSE FEE PREREQUISITE TO ISSUANCE OF LICENSE

No license provided for in this Chapter shall be issued until the amount prescribed as fee therefor shall have been paid to the Director of Finance as provided in this Chapter. (R.O. 2009 §110.004; CC 1981 §16-13; Ord. No. 83-115, 12-21-83)

Cross Reference--As to penalty, §100.150.

SECTION 605.050: PAYMENT OF PERSONAL TAX AND MERCHANTS' AD VALOREM TAX PREREQUISITE TO ISSUANCE

A. No license provided for or required under the provisions of this Code of Ordinances or any other ordinance of the City shall be issued by the City to any person until the personal tax and merchants ad valorem tax for the year next preceding the year for which such license is issued shall first have been paid.
B. It shall be the duty of the Director of Finance to establish and promulgate rules and regulations relative to an orderly method of checking unpaid City personal taxes and merchants' ad valorem taxes in order to determine the amounts thereof due and owing to the City by such applicant. (R.O. 2009 §110.005; CC 1981 §16-14; Ord. No. 83-115, 12-21-83)

Cross Reference--As to penalty, §100.150.

SECTION 605.060: APPLICATION

All licenses issued under the provision of this Chapter shall be issued only upon an application form supplied by the Director of Finance and prepared by the applicant or his/her duly authorized agent. (R.O. 2009 §110.006; CC 1981 §16-15; Ord. No. 78-24, 4-5-78; Ord. No. 83-115, 12-21-83)

Cross Reference--As to penalty, §100.150.

SECTION 605.070: LICENSE PERIOD

The license required by this Chapter shall be effective from January first (1st) through December thirty-first (31st) in a given calendar year. Renewal applications and fees shall be filed on or before January first (1st). (R.O. 2009 §110.007; CC 1981 §16-16; Ord. No. 80-37, 3-25-80; Ord. No. 83-115, 12-21-83; Ord. No. 92-40, 3-18-92)

SECTION 605.080: TRANSFER AND ASSIGNMENT--DOING BUSINESS AT MORE THAN ONE PLACE

No license provided for in this Chapter shall be assigned or transferred, except by permission of the Finance Director in case the licensee sells his/her stock of goods to a person continuing the business at the same place, nor shall any such license authorize the holder thereof to do business thereunder at more than one (1) place at the same time. (R.O. 2009 §110.008; CC 1981 §16-17; Ord. No. 83-115, 12-20-83; Ord. No. 99-380, 11-4-99)

Cross Reference--As to penalty, §100.150.

SECTION 605.090: STICKER LICENSE EMBLEM

Upon payment of the license fee, the Director of Finance shall issue a sticker license emblem designating the year for which the license is issued and a number identical with the number of the application and such other information as may be required. One (1) side of such emblem shall be of adhesive material of such strength and composition that the emblem cannot be removed from the surface to which it is applied without being mutilated or destroyed. It shall be the duty of the licensee to affix such emblem in a conspicuous place in the place of business or upon the vehicle or machine for which the same was issued and the emblem shall not be used for any other place of business, vehicle or machine. (R.O. 2009 §110.009; CC 1981 §16-18; Ord. No. 83-115, 12-21-83)

SECTION 605.100: TWO OR MORE BUSINESSES AT ONE LOCATION

Except as otherwise specially provided in this Chapter, when two (2) or more businesses are operated together at the same place or stand by the same person, such person shall pay but one (1) license fee under the provisions of this Chapter, which shall be the license fee that is paid upon the branch of the business for which the highest license fee is imposed. (R.O. 2009 §110.010; CC 1981 §16-19; Ord. No. 83-115, 12-21-83)

Cross Reference--As to penalty, §100.150.

SECTION 605.110: AGENTS AND LIKE, CARRYING ON UNLICENSED BUSINESS AND THE LIKE

Where any person is prohibited from carrying on any business, trade, calling, vocation or profession without paying for and obtaining a license therefor as provided in this Chapter, it shall be unlawful for any servant, agent, officer or employee of such person to conduct or carry on or aid in conducting or carrying on such business, trade, calling, vocation or profession or any part thereof for which the required license has not first been obtained as required. (R.O. 2009 §110.011; CC 1981 §16-20; Ord. No. 83-115, 12-21-83)

Cross Reference--As to penalty, §100.150.

SECTION 605.120: FREE LICENSES

A. No free licenses shall be granted or rebates allowed for any cause or any sum accepted less than the amount specified in this Chapter or any license issued for a shorter period of time than provided in this Chapter. Upon petition to and action by the City Council, the City may allow exceptions to this Section and authorize free licenses or rebates hereunder by applicants upon satisfactory evidence of unavoidable misfortune or poverty on the part of the applicant.
B. No license fee under this Chapter shall be charged to schools or to fraternal, civic, service, veteran, religious or charitable organizations. (R.O. 2009 §110.012; CC 1981 §16-21; Ord. No. 80-37, 3-25-80; Ord. No. 83-115, 12-21-83; Ord. No. 92-58, 4-14-92; Ord. No. 93-166, 7-21-93)

SECTION 605.130: PRORATION OF LICENSE FOR NEW BUSINESSES

License fees will be reduced by one-half (½) after one-half (½) of license period is past. This does not apply to retail merchants whose fees are based on gross sales. (R.O. 2009 §110.013; CC 1981 §16-22; Ord. No. 83-115, 12-21-83)

SECTION 605.140: INSPECTIONS--ENFORCEMENT AUTHORITY--REGISTERS

A. It shall be the duty of the Director of Finance to collect all monies for licenses issued under the provisions of this Chapter and to keep an accurate register of all such licenses issued by him/her in such form as will clearly show what licenses are in force, to whom issued, the occupation, business, object or subject for which issued, the term for which issued and the amount paid.
B. The Director of Finance and/or the Chief of Police may enter every place of business subject to license under this Chapter within the City, during normal business hours, to ascertain whether such place of business is operating in conformity with the terms specified in this Chapter.
C. The Director of Finance and/or the Chief of Police may inspect the operations of any person found pursuing, carrying on or operating any calling, trade, business, vocation, occupation or profession mentioned in this Chapter.
D. Whenever, in accordance with Section 144.083(1), RSMo., the State retail sales license of a business has been revoked by the Missouri Director of Revenue and pursuant to Section 144.083(2), RSMo., the business license issued by authority of this Chapter is

rendered null and void, the Director of Finance may order the business to cease further sales in the City. It shall be a violation of this Chapter for a business to continue retail sales after an order to cease further sales in the City has been issued by the Director of Finance. If a business continues retail sales after an order to cease has been issued by the Director of Finance, the City Attorney is authorized to seek an injunction, in addition to other remedies, from the Circuit Court of the County to prohibit the business from making further retail sales. (R.O. 2009 §110.014; CC 1981 §16-23; Ord. No. 83-115, 12-21-83; Ord. No. 90-253, 9-21-90; Ord. No. 95-46, 2-16-95)

SECTION 605.150: LATE PAYMENT PENALTIES

Any person delinquent in the payment of the required business license shall pay a late payment penalty as follows:

1. A flat charge of ten dollars ($10.00), plus;
2. Five percent (5%) of the license fee for the first (1st) month delinquent and one percent (1%) of the license fee for each month thereafter. A maximum of ten percent (10%) of the license fee may be charged. (R.O. 2009 §110.015; CC 1981 §16-24; Ord. No. 83-115, 12-21-83; Ord. No. 96-252, 9-11-96)

Cross Reference--As to penalty, §100.150.

SECTION 605.160: LICENSE FEES FOR CERTAIN OCCUPATIONS

Every person engaged in an occupation, trade, business, subject, calling, vocation or profession provided herein below within the City shall pay the license fee set out herein, which shall be an annual fee unless otherwise specifically stated and, further, be subject to any regulation stated therein:

Accountant, bookkeepers, inventory services
$50.00
Addressing, billing, telephone answering, data processing and public stenographer services
50.00
Agencies:
Advertising agencies, designers, taxidermists
50.00
Commercial artists
50.00
Employment, personnel placement, entertainment bureaus, modeling agencies 50.00
Radio or television advertising, audio-visual producers and recording studios 50.00
Ticket or travel
50.00
Agents:
Agricultural and farm machinery
50.00
Canvassing agent
50.00

Collecting agent
50.00
Clothing agent,
50.00
Directory
50.00
Insurance agent who maintains an office within the City limits
50.00
Mercantile agent
50.00
Nursery stock agent
50.00
Oil agent, seller of oil, gasoline, coal oil or other fuel oil
50.00
Photography
50.00
Real estate agent who maintains an office within the City limits
50.00
Sewing machine agent
50.00
Ambulance or hearse services
50.00
Appliance repair
50.00
Architects
200.00
Artists
50.00
Associations and clubs
50.00
Auction houses
500.00
Auctioneer:
Every auctioneer who shall maintain a business office within the City limits,
per year, plus $25.00 per day for each auction
100.00
Banks, banking corporations and trust companies
1,000.00
Barbers, per shop
50.00
Barge lines
100.00
Beauty parlors, per shop
50.00
Billiard or pool halls

100.00

Bill poster:

Any person who furnishes billboards or other structures for posting, painting, pasting or fastening thereon for hire or compensation, any bill, lithograph, print, painting or sign used in whole or in part for advertising purposes:

Per square foot for each billboard located in the City

0.50

Minimum fee

25.00

Maximum fee

2,000.00

But such fee shall not exceed an amount equal to $100.00 per outdoor advertising structure of the bill poster.

Blacksmith

25.00

Bowling alleys

200.00

Plus, per alley, for each additional alley in excess of ten (10).

10.00

Broker:

Bond, stocks, merchandise, produce

100.00

Real estate, who maintains an office in the City limits

50.00

All others who maintain an office in the City limits

50.00

Building contractors:

Commercial:

General contractor

300.00

Subcontractor

200.00

Remodeling and improvement contractors

100.00

Residential:

General contractor

300.00

Subcontractor

200.00

Remodeling and improvement contractors

100.00

Building specialists, blasting services, sanitation engineers, septic tank installation, removal and cleaning, landscaping, lawn maintenance, tree cutting, paving, well drilling, window cleaning, sign painting, snow removal,

swimming pool repair and cleaning, demolition
50.00
Business offices
50.00
Carnivals, circuses, menageries and the like:
Wild west show, carnival shows, street fairs, per week
250.00
Transient shows of every kind, given or held in a tent or in the open air, per week 250.00
Circuses, per day
250.00
Cleaning establishments:
Carpet, floor, window, wall and furniture
50.00
Clothing, dry cleaning and pressing
50.00
All others not already licensed
50.00
Commercial vehicles:
Laundry trucks, each
50.00
Express trucks and other delivery trucks, each
50.00
Moving vans and trucks, each
50.00
Consultant, counselor, appraiser
50.00
Dance halls
50.00
Engineers
200.00
Express companies
50.00
Exterminators
50.00
Flour mills
100.00
Freestanding surgical centers
100.00
Furniture repair and stripping
50.00
Garages:
Any person engaged in the business of storage, washing, servicing or repairing motor vehicles
75.00
Guard and patrol services

50.00
Horse-drawn carriage, per year, plus 50% of special business district license fees
35.00
Hotels, motels and rooming houses:
Any house or building where persons are offered or furnished either rooms or
room and board for compensation paid or to be paid therefore and having more
than 6 rooms for the use of paying guests, per room
8.00
Job printing plants
50.00
Laundries
50.00
Loan companies:
Any person engaged in the business of making loans, not provided for else-
where in this Section, shall be deemed to be operating a loan company, irrespective of whether such business is formed as a corporation, partnership,
association, stock company or otherwise and shall pay a license fee
100.00
Mail order business
50.00
Miniature golf links
50.00
Monument dealers
50.00
Motor repair
50.00
Newspaper offices
200.00
Novelties
50.00
Oil and gasoline stations
100.00
Packing and crating services
50.00
Peddlers
50.00
Photographers
50.00
Pollution controllers research labs, meteorologists, medical examiners, embalmers
50.00
Produce dealers
50.00

Radio or television stations
200.00
Shoe cobbling shops
35.00
Skating rinks
50.00
Soft drink vendors
50.00
Stands in public places
50.00
Storage, per year, base fee, plus $2.00 per storage unit
100.00
Theaters, halls and the like:
A place of public amusement where admission is charged:
500 seats or less
250.00
Over 500 seats
500.00
Tinners
50.00
Translators and interpreters
50.00
Undertakers
300.00
Vending machines, per year, per machine
10.00
Warehouses
100.00
Warehouses maintained as ancillary use to a retail business
50.00
Waste haulers
50.00
Wholesale houses and/or merchants
100.00
(R.O. 2009 §110.016; CC 1981 §16-25; Ord. No. 76-65, 8-18-76; Ord. No. 80-37, 3-25-80; Ord. No. 81-17, 3-4-81; Ord. No. 82-34, 5-19-82; Ord. No. 82-43, 6-4-82; Ord. No. 83-9, 2-2-83; Ord. No. 83-115, 12-21-83; Ord. No. 85-41, 4-17-85; Ord. No. 85-176, 10-16-85; Ord. No. 87-32, 2-7-87; Ord. No. 87-104, 5-20-87; Ord. No. 88-117, 6-23-88; Ord. No. 89-73, 5-4-89; Ord. No. 90-175, 7-5-90; Ord. No. 93-166, 7-21-93; Ord. No. 96-58, 2-21-96; Ord. No. 97-241, 8-5-97; Ord. No. 99-418, 12-22-99)

Cross Reference--As to penalty, §100.150.

SECTION 605.170: MANUFACTURING AND OTHER CORPORATIONS OR INSTITUTIONS

A. Every manufacturing and other corporation or institution shall pay an annual license fee based upon the amount of square footage of business premises occupied by said

manufacturing business.

B. For purposes of computation of the license fee provided for herein, the term *"square footage"* shall include the actual square footage as determined by the Mayor and City Council or their designee from building permits, plans and the like on record or other credible evidence of each building, structure establishment or facility used for the manufacturing, selling, showing or storage of merchandise or the transaction or conduct of any business or commercial pursuit whatsoever. However, the term "square footage" shall not include any area used exclusively for customer or employee parking of vehicles. Further, any area not under roof that is used for business purposes shall be included within the meaning of the term "square footage" as defined herein; but for purposes of computation of aggregate square footage for application of the license fee promoted herein, such area shall be taxed at one-half (½) the normal rate provided below, based upon the reduced amount of inspection, regulation and protection required for such areas.

C. The license fee provided for herein shall be computed as follows:

Square Feet	Flat Fee
0--1,000	$ 35.00
1,001--5,000	75.00
5,001--10,000	150.00
10,001 and over	200.00

D. Nothing in this Section shall be construed to require any manufacturing corporation or institution paying the license fee required in this Section to pay any additional business license fee under this Chapter, except such vehicle license fee as may be prescribed by this Chapter or any other ordinance of the City and excepting such ad valorem tax as may be assessed and levied by ordinance. (R.O. 2009 §110.017; CC 1981 §16-26; Ord. No. 80-37, 3-25-80; Ord. No. 83-9, 2-2-83; Ord. No. 83-115, 12-21-83; Ord. No. 96-252, 9-11-96)

Cross Reference--As to penalty, §100.150.

SECTION 605.180: BILLBOARD DEFINED

As used in this Chapter, the word *"billboard"* shall mean any structure at least sixty (60) square feet in area or portion thereof upon which an advertisement is placed, painted or printed, advertising a person, thing or product not located or sold on the lot upon which the billboard is located. (R.O. 2009 §110.018; CC 1981 §16-3)

Cross Reference--As to billboard defined for zoning purposes, §400.1390.

SECTION 605.190: BED AND BREAKFAST ESTABLISHMENTS

A. *Definition.* For the purposes of this Section, the following word shall have the following meaning:

BED AND BREAKFAST ESTABLISHMENT: A building having not more than six (6) guest rooms where travelers for compensation are lodged for sleeping purposes and are provided a morning meal.

B. *License.* Any person engaging in the business of a bed and breakfast establishment shall obtain a license. The fee for the business license for two (2) rooms or less shall be seventy-five dollars ($75.00) per year and for more than two (2) rooms shall be one hundred dollars ($100.00) per year.

C. *Qualifications.*
   1. The applicant for the license shall be, and shall remain through the term of the license, in fact actively engaged in the actual control and management of the particular bed and breakfast establishment for which the license is sought.
   2. No license shall be granted to any individual who owes any delinquent taxes or fees to the City, unless the taxes or fees have been challenged or contested in a court proceeding or in a manner prescribed by law.

D. *Licensing Procedure.*
   1. License application shall be filed with the Director of Finance.
   2. The licensee shall file with the Director of Finance the name, address and telephone number of one (1) or more persons authorized to act for the licensee in emergencies. Failure to file and to maintain throughout the term of the license accurate information as required by this Section may result in suspension or termination of the license.
   3. A guest register shall be maintained.
   4. The grant of the license may be conditioned upon the completion of construction of the premises upon which sale is to be made within a time period prescribed and upon compliance with all fire and building codes and regulations.
   5. The grant of the license shall be conditioned upon the provision of a telephone for emergency use in each guest room or in a common area. Emergency telephone numbers shall be available at all times next to each such telephone. The list of emergency telephone numbers shall include at least the contact number of the licensee or representative and the emergency numbers for the Police and Fire Department.

E. *Safety Inspections.* The bed and breakfast establishment shall be inspected annually by the Fire Department and may be inspected annually by the Department of City Development to determine compliance with the safety requirements of the City Code. Failure to comply with the safety requirements within thirty (30) days of written notification may result in termination of the license. (R.O. 2009 §110.019; Ord. No. 96-119, 4-22-96)

ARTICLE II. COLLECTION PROCEDURES AND REVOCATION OF BUSINESS LICENSES

SECTION 605.200: PURPOSE

It is the intention of this Article to establish administrative procedures for the collection of City license fees or taxes provided for under this Chapter and to provide for appeal of administrative decisions in accordance with Chapter 536, RSMo. (R.O. 2009 §110.030; CC 1981 §16-501; Ord. No. 90-267, 10-17-90)

SECTION 605.210: DETERMINATION OF FAILURE TO PAY--NOTICE

Whenever the Director of Finance determines that a person has failed to pay a required license fee or tax under this Chapter, the Director shall notify such person of this

determination, which determination shall be an assessment of the license fee or tax which is due and owing, plus any penalties including interest. The notice of the Director shall provide that the assessment shall become final ten (10) days after the date that the notice of assessment is mailed by registered or certified mail or delivered to the person or his/her registered agent, unless such person files a request in writing with the Director requesting a hearing on the assessment within ten (10) days after the notice is mailed or delivered to the person or his/her registered agent. (R.O. 2009 §110.031; CC 1981 §16-502; Ord. No. 90-267, 10-17-90)

SECTION 605.220: MAILING OF NOTICES

All licensees and applicants for licenses shall be required to designate on their application or license a person and address for such person where notices are to be mailed and the mailing of a registered or certified letter to such location shall constitute notice under this Chapter. (R.O. 2009 §110.032; CC 1981 §16-503; Ord. No. 90-267, 10-17-90)

Cross Reference--As to penalty, §100.150.

SECTION 605.230: ESTIMATE OF DELINQUENT TAX--PENALTY

If a person neglects to pay, refuses to pay or pays an incorrect amount for a City license fee or tax as required by this Chapter, the Director shall make an estimate based upon any information in his/her possession or that may come into his/her possession of the amount of the delinquent license fees or taxes for the period in respect to which such person failed to make a proper return and payment and upon the basis of the estimated amount, assess the license fee or tax payable by the delinquent, adding to such sum a penalty as may be established by ordinance. (R.O. 2009 §110.033; CC 1981 §16-504; Ord. No. 90-267, 10-17-90)

Cross Reference--As to penalty, §100.150.

SECTION 605.240: HEARINGS

If a person requests a hearing under the provisions of Section 605.210, the Director shall set a date for such hearing, giving the person at least seven (7) days' written notice of the hearing. The Mayor shall hear the case and make a determination in accordance with the provisions of Chapter 536, RSMo. The City Attorney, on behalf of the City, or any party to the proceeding may request that the Mayor issue subpoenas for witnesses or subpoenas duces tecum to be issued for any book, paper, record or memorandum related to the subject business, which records shall be produced at such hearing. The Mayor shall cause a record of the case to be kept and copies shall be made available to any interested person upon the payment of a fee. Decisions of the Mayor shall be final for purposes of appeal under Chapter 536, RSMo. Decisions of the Mayor shall be in writing and subject to appeal by either party, including the City. (R.O. 2009 §110.034; CC 1981 §16-505; Ord. No. 90-267, 10-17-90; Ord. No. 07-162, 6-11-07)

SECTION 605.250: REVOCATION OF LICENSE UPON FAILURE TO PAY AFTER FINAL DECISION--REINSTATEMENT

If a person fails to pay an assessment after a decision becomes final or after a decision by the Mayor, whichever occurs first, then the license of such person shall be revoked without further hearing five (5) days after the Director mails such person a notice that the license has been revoked, unless the person pays the City the delinquent assessment, including penalties and interest to date, which money shall be held for possible refund by the Director while the decision is on appeal. Revocation of such license pursuant to provisions of this Section is not appealable to any administrative body of the City and such license may only be reinstated by the person paying to the Director the money due on the assessment, including all penalties and interest to date. (R.O. 2009 §110.035; CC 1981 §16-506; Ord. No. 90-267, 10-17-90; Ord. No. 07-162, 6-11-07)

Cross Reference--As to penalty, §100.150.

SECTION 605.260: LICENSE SUSPENSION--PROSTITUTION

A. *Conviction As Grounds For Suspension Or Revocation Of License.* Any person licensed pursuant to this Chapter, who is convicted of an activity proscribed by Section 215.740(B) and who uses a City license in any way whatsoever as a means to assist the person to engage in that proscribed activity shall be subject to revocation or suspension of the City license. Any licensee who is licensed pursuant to this Chapter, who knowingly permits an employee, agent or other person associated with the licensed activity to engage in an activity proscribed by Section 215.740(B) shall be subject to revocation or suspension of the City license, if the proscribed activity is associated with the licensed activity in any way whatsoever.

B. *Conviction As Grounds For Denial Of License--Hearing.* Any person shall be prohibited from securing a business license if the City licensing official determines that such person was convicted of an activity prescribed by Section 215.740(B) and did use the activity required to be licensed to assist the person to engage in the proscribed activity.

C. *Hearing.*

1. *Notice.* Any person who has been denied a license by the Director under this Section, who is licensed and who has received a notice of intent to suspend or revoke the license under this Section or who has been denied a license under this Section may request a hearing by the Mayor. Upon receipt of a timely written request for a hearing, the Mayor, or a hearing examiner designated by the Mayor, shall call a hearing and shall set forth in writing and send to the applicant, licensee or permittee, by means of registered mail, certified mail or hand delivery, notice that within a period of not less than five (5) days nor more than fourteen (14) days from the date of the posting of the notice, a hearing shall be conducted to determine the existence of any facts which constitute grounds for the denial, suspension or revocation of a license or permit. The notification shall include the date, time and place of the hearing.
2. *Conduct.* The hearing shall be conducted by the Mayor or by a hearing officer appointed by the Mayor. The applicant, licensee or permittee may have the assistance of counsel or may appear by counsel and shall have the right to present evidence. In the event that the applicant, licensee or permittee, or counsel representing the applicant, licensee or permittee, fails to appear at the hearing, the evidence of the existence of facts which constitute grounds for the denial, suspension or revocation of the license or permit shall be considered unrebutted.

3. *Findings--appeal to City Council.* A copy of the decision specifying findings of fact and the reasons for the decision shall be furnished to the applicant or licensee. Any person aggrieved by the decision may, by filing a written notice with the City Clerk within ten (10) days after the decision is rendered, appeal the decision to the City Council. The City Council shall hear the appeal upon the record and no new evidence shall be heard. The City Council may reverse, affirm or alter the decision based upon a review of the evidence submitted to the hearing officer. An appeal to the City Council shall be required in order to exhaust administrative remedies and the time for appeal under the Administrative Procedure Act shall begin to run only after a decision of the City Council. Upon a final decision being rendered, the parties shall be informed of the right of appeal under the provisions of the Administrative Procedure Act. Any decision not appealed within thirty (30) days from the date of a decision is final. (R.O. 2009 §110.036; CC 1981 §16-507; Ord. No. 94-5, 1-4-94; Ord. No. 07-162, 6-11-07)

Cross Reference--As to penalty, §100.150.

ARTICLE III. GROSS RECEIPTS TAX ON RETAIL MERCHANTS

SECTION 605.270: LICENSE FEE BASED ON ANNUAL GROSS RECEIPTS OR SALES

Every person engaged within the City in an occupation, trade, business, subject, calling, vocation or profession provided for in Section 605.010, except those specifically provided for in Sections 605.160 and 605.170, shall pay an annual business license fee based upon the annual gross receipts or sales of the occupation, trade, business, subject, calling, vocation or profession as provided for in Section 605.280. (R.O. 2009 §110.050; CC 1981 §16-36; Ord. No. 80-37, 3-25-80; Ord. No. 83-115, 12-21-83; Ord. No. 96-252, 9-11-96)

Cross Reference--As to penalty, §100.150.

SECTION 605.280: COMPUTATION OF LICENSE FEE

A. The business license fee provided for in Section 605.270 shall be based upon the gross sales or receipts of the business and shall be computed as follows:

Gross Receipts	Fee Per Year
Less than $20,000.00	$25.00
$20,000.00 to $100,000.00	50.00
Over $100,000.00	.75 per $1,000.00 with $2,000.00 maximum fee

B. The license fee provided herein shall be computed upon the annual statement of sales provided for in Section 605.290; provided that no license shall be issued to a person provided for in Section 605.270 for a sum less than twenty-five dollars ($25.00), which sum shall be paid by each person whose aggregate sales, as verified by affidavit, are twenty thousand dollars ($20,000.00) or less per annum. The license fee referred to herein shall be computed in accordance with the following provisions:

1. *New businesses.* Persons commencing a new business or occupation or a business or occupation which has been in business less than twelve (12) months for which the license fee is based upon gross sales or receipts shall estimate the anticipated gross sales or receipts for the license year or part thereof remaining and the license fee shall be computed thereon. For purposes of estimating gross sales or annual gross receipts if the business has been in operation for less than a twelve (12) month period, the gross sales or annual gross receipts shall mean twelve (12) times the average monthly gross receipts or sales for which any business was conducted.
2. *Old businesses.* A business which has been in operation for the previous twelve (12) months shall pay a license fee based upon the gross sales or receipts for the twelve (12) months of the license year and shall use the previous year's gross sales or receipts as a basis for computing the fee for the license at the beginning of the business year, which fee shall be adjusted at the end of the business year in accordance with the following procedure in order to reflect actual gross sales or receipts incurred during the license year.
3. *Adjustments and corrections in gross sales and receipts.* In the license application for the next license year thereafter, if the licensee shall show an underpayment for the preceding license year based upon actual gross sales or receipts for the license year, the licensee shall pay such underpayment together with the current license fee. If actual gross receipts or sales for such preceding year would entitle the licensee to a refund, the licensee shall show his/her computations upon his/her application and the Director of Finance, upon verification thereof, shall first credit such refund against any license fee due or owing and shall pay the balance of the refund, if any, to the licensee.
4. *Part-time occupations.* Any person engaged in an occupation described in Section 605.010, taxable under this Article and having no employee so engaged and whose return or statement is timely filed and shows gross receipts or sales in the preceding twelve (12) months of less than ten thousand dollars ($10,000.00) shall pay a license fee of twenty-five dollars ($25.00) for the year of application. Should such person be sixty (60) years of age or older and be otherwise entitled to the within described license, the fee is reduced to ten dollars ($10.00) for the year of application. (R.O. 2009 §110.051; CC 1981 §16-37; Ord. No. 80-37, 3-25-80; Ord. No. 81-17, 3-4-81; Ord. No. 83-9, 2-2-83; Ord. No. 83-115, 12-21-83; Ord. No. 88-117, 6-23-88; Ord. No. 96-252, 9-11-96)

Cross Reference--As to penalty, §100.150.

SECTION 605.290: ANNUAL STATEMENT OF GROSS SALES OR GROSS RECEIPTS

A. It shall be the duty of every person, whether notified or not, engaged in an occupation, trade, business, subject, calling, vocation or profession, provided for in Section 605.270 which constitutes an "old business" under Section 605.280(B)(2) to provide to the Director of Finance, between January first (1st) and April first (1st) of each year, a statement verified by affidavit of the true amount of gross sales or gross receipts of such person during the year next preceding the first (1st) day of January, which statement and affidavit shall be a part of the person's application for license required by Section

605.060.

B. Persons qualifying as a "new business" under Section 605.280(B)(1) shall provide the Director of Finance with a statement, verified by affidavit, of the estimated or anticipated gross sales or gross receipts for the license year. This statement and affidavit shall be provided at the time of application for a license and become a part of the application form required by Section 605.060. (R.O. 2009 §110.052; CC 1981 §16-38; Ord. No. 80-37, 3-25-80; Ord. No. 83-115, 12-21-83)

Cross Reference--As to penalty, §100.150.

SECTION 605.300: RECORD OF SALES OR RECEIPTS

It shall be the duty of each person provided for in Section 605.270 to keep a proper book and enter in ink or by typing an account of all sales made or receipts of the person, which account shall always be open to the inspection of the Director of Finance to verify the statement made by the licensee pursuant to Section 605.290. (R.O. 2009 §110.053; CC 1981 §16-39; Ord. No. 80-37, 3-25-80; Ord. No. 83-115, 12-21-83)

Cross Reference--As to penalty, §100.150.

SECTION 605.310: INSPECTION OF STATEMENTS AND RECORDS

The statements or returns made to the Director of Finance under the requirements of this Article shall not be made public nor shall they be subject to the inspection of any person except the Mayor, Director of Finance, members of the City Council and such accountant or auditor as the Council may from time to time employ to audit the accounts of the City. (R.O. 2009 §110.054; CC 1981 §16-40; Ord. No. 80-37, 3-25-80; Ord. No. 83-115, 12-21-83)

SECTION 605.320: CERTAIN SALES EXEMPT

The sale of gasoline, lubricating or fuel oil, cigarettes, and intoxicating liquor is exempt from the provisions of this Article and the amount of sales thereof shall not be included in the verified statement of gross sales required in this Article. (R.O. 2009 §110.055; CC 1981 §16-41; Ord. No. 80-37, 3-25-80; Ord. No. 83-115, 12-21-83)

SECTION 605.330: FALSE STATEMENTS AND FAILURE TO FILE STATEMENT

Whoever shall fail to file a statement required by this Article or make or file with the Director of Finance, under the provisions of this Article, a false statement under oath shall forfeit his/her license and be deemed guilty of a misdemeanor punishable as provided in Section 100.150. It shall be the duty of the Director of Finance to examine carefully all statements filed with the Finance Department and to see that all violations of this Article pertaining to business licenses are prosecuted according to law; provided that before instituting any such prosecution the Director of Finance shall give the person the opportunity of explaining the statement and correcting it if an error was inadvertently made. (R.O. 2009 §110.056; CC 1981 §16-42; Ord. No. 80-37, 3-25-80; Ord. No. 81-17, 3-4-81; Ord. No. 83-115, 12-20-83; Ord. No. 96-252, 9-11-96)

Cross Reference--As to penalty, §100.150.

SECTION 605.340: COLLECTION
Collection of license fees, including collection costs from persons required to obtain licenses as provided in this Article, shall be provided by law for the collection of taxes. (R.O. 2009 §110.057; CC 1981 §16-43; Ord. No. 81-17, 3-4-81; Ord. No. 83-115, 12-20-83)

ARTICLE IV. CIGARETTE DEALERS SALES TAX

SECTION 605.350: DEFINITIONS
For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
CIGARETTE: An item manufactured of tobacco or any substitute therefor wrapped in paper or any substitute therefor weighing not to exceed three (3) pounds per one thousand (1,000) cigarettes and which is commonly classified, labeled or advertised as a cigarette.
PACKAGE OF CIGARETTES: A container of any type composition in which is normally contained twenty (20) individual cigarettes, except as in special instances when the number may be more or less than twenty (20).
PERSON: Any individual, corporation, firm, partnership, incorporated or unincorporated association or any other legal or commercial entity.
RETAILER: Any person who sells to a consumer or to any person for any purpose other than resale.
SALE: Includes sales, barters, exchanges and every other manner, method and form of transferring the ownership of personal property from one person to another. *"Sale"* also means the possession of cigarettes or tobacco products by any person other than a manufacturer, wholesaler or retailer and shall be prima facie evidence of possession for consumption.
WHOLESALER: Any person, firm or corporation organized and existing, or doing business, primarily to sell cigarettes or tobacco products to, and render service to, retailers in the territory the person, firm or corporation chooses to serve; that purchases cigarettes or tobacco products directly from the manufacturer; that carries at all times at his/her or its principal place of business a representative stock of cigarettes or tobacco products for sale; and that comes into the possession of cigarettes or tobacco products for the purpose of selling them to retailers or to persons outside or within the State who might resell or retail the cigarettes or tobacco products to consumers. This shall include any manufacturer, jobber, broker, agent or other person, whether or not enumerated in this Chapter, who so sells or so distributes cigarettes or tobacco products. (R.O. 2009 §110.090; CC 1981 §26-58; Ord. No. 84-83, 7-23-84)

SECTION 605.360: PAYMENT OF TAX REQUIRED--RATE
Each person engaged in the retail business of selling cigarettes or offering or displaying

the same for sale within the City shall pay a tax at the rate of one-half cent ($.005) per one (1) cigarette for all cigarettes so sold, offered or displayed for sale. (R.O. 2009 §110.091; CC 1981 §26-59; Ord. No. 3425, 9-21-66; Ord. No. 76-26, 3-10-76; Ord. No. 77-44, 9-13-77; Ord. No. 79-61, 6-13-79; Ord. No. 80-74, 7-18-80; Ord. No. 84-83, 7-23-84)

SECTION 605.370: PAYMENT OF TAX--MONTHLY PAYMENT

It shall be the duty of every dealer or wholesaler selling, offering or displaying for sale any package of cigarettes to remit the monthly cigarette tax reporting form and full payment by the fifteenth (15th) day of each following month. The canceled check, accompanied by the monthly cigarette tax reporting form, shall be proof of payment. The tax provided by Section 605.360 shall be paid to the office of collections. The Director of Finance shall allow a discount of ten percent (10%) of the denomination or face value thereof. (R.O. 2009 §110.093; CC 1981 §26-61; Ord. No. 84-43, 7-17-84; Ord. No. 97-29, 1-14-97)

SECTION 605.380: INVOICES

A. *Wholesalers' Requirements.* At the time of delivering cigarettes to any retail dealer in the City, each wholesale dealer shall make a true duplicate invoice showing the date of delivery, the amount and value of each shipment of cigarettes delivered and the name of the retail dealer to whom delivery is made and shall retain the same for a period of three (3) years, subject to the use and inspection of the Director of Finance.

B. *Retailers' Requirements.* Each retail dealer in the City and any wholesale dealer who shall deliver cigarettes in the City shall procure and retain invoices showing the amount and value of each shipment of cigarettes received by him/her, the date thereof and the name of the shipper and shall retain the same for a period of three (3) years, subject to the use and inspection of the Director of Finance. (R.O. 2009 §110.096; CC 1981 §26-64; Ord. No. 83-88, 10-5-83; Ord. No. 84-83, 7-23-84; Ord. No. 97-29, 1-14-97)

SECTION 605.390: FILING FREIGHT BILLS WITH DIRECTOR OF FINANCE

The Director of Finance by regulation may provide that whenever cigarettes are shipped into the City, the railroad company, express company, trucking company or other public carrier transporting any shipment thereof shall file with the Director of Finance a copy of the freight bill within ten (10) days after delivery in the City of each shipment. (R.O. 2009 §110.097; CC 1981 §26-65; Ord. No. 84-83, 7-23-84)

SECTION 605.400: RECORDS OTHER THAN INVOICES AND FREIGHT BILLS

All wholesale and retail dealers within the City shall maintain and keep for a period of three (3) years such records of cigarettes received, sold or delivered within the City, other than invoices and freight bills mentioned in Sections 605.380 and 605.390, as may be required by the Director of Finance. (R.O. 2009 §110.098; CC 1981 §26-66; Ord. No. 84-83, 7-23-84)

SECTION 605.410: EXAMINATION OF RECORDS BY DIRECTOR OF FINANCE

The Director of Finance or his/her duly authorized representatives are authorized to examine the books, papers, invoices and other records and stock of cigarettes in and upon any premises where the same are placed, stored and sold and equipment of any such wholesale or retail dealer pertaining to the sale and delivery of cigarettes taxable under this Article. To verify the accuracy of the tax imposed and assessed by this Article, each such person is hereby directed and required to give to the Director of Finance or his/her duly authorized representatives, the means, facilities and opportunity for such examinations as are herein provided for and required. (R.O. 2009 §110.099; CC 1981 §26-67; Ord. No. 84-83, 7-23-84)

SECTION 605.420: REFUNDS FOR STAMPS PURCHASED

Whenever any cigarettes have been sold and shipped by a retail dealer into another City or State for sale or use there or have become unfit for use and consumption or unsalable or have been destroyed, the retail dealer shall be entitled to a refund of the actual amount of tax paid by him/her with respect to such cigarettes. If the Director of Finance is satisfied that any retail dealer is entitled to a refund, he/she shall issue to such retail dealer stamps of sufficient value to cover the refund. The Director of Finance is hereby authorized to adopt, prescribe and promulgate such rules and regulations with regard to the presentation and proof of claim for refunds as he/she may deem advisable. (R.O. 2009 §110.100; CC 1981 §26-68; Ord. No. 84-83, 7-23-84; Ord. No. 97-29, 1-14-97)

SECTION 605.430: SEIZURE AND SALE OF UNAUTHORIZED CIGARETTES--PENALTY

Whenever the Director of Finance or his/her duly authorized representative shall discover any cigarettes subject to tax provided by this Article upon which the tax has not been paid or the monthly report filed as required in this Article, the Director of Finance or his/her representative is hereby authorized and empowered forthwith to seize and take possession of such cigarettes, together with any vending machine or receptacle in which they are held for sale, and the same shall thereupon be deemed to be forfeited to the City. The Director of Finance may, within a reasonable time thereafter, by a public notice at least five (5) days before the day of sale, sell such forfeited cigarettes at a place designated by him/her and from the proceeds of such sale shall collect the tax due thereon, together with a penalty of fifty percent (50%) thereof and the costs incurred in such proceedings. The Director of Finance shall pay the balance, if any, to the person in whose possession such forfeited cigarettes were found; provided however, that such seizure and sale shall not be deemed to relieve any person from fine or imprisonment provided for in Section 100.150 of this Code of Ordinances. (R.O. 2009 §110.101; CC 1981 §26-69; Ord. No. 84-83, 7-23-84; Ord. No. 97-29, 1-14-97)

SECTION 605.440: RULES AND REGULATIONS AS TO DELEGATION OF POWERS

The Director of Finance is hereby authorized and empowered to prescribe, adopt,

promulgate and enforce rules and regulations relating to the delegation of his/her powers to a deputy or other employee of his/her office or, with the consent of the City Council, to the Chief of Police.

1. The sale of stamps required by this Article; and
2. The delegation of his/her powers to a deputy or other employee of his/her office or, with the consent of the City Council, to the Chief of Police. (R.O. 2009 §110.103; CC 1981 §26-71; Ord. No. 84-83, 7-23-84; Ord. No. 97-29, 1-14-97)

SECTION 605.450: OATHS AND AFFIDAVITS

The Director of Finance, or his/her employees or agents duly designated and authorized by him/her, shall have power to administer oaths and take affidavits in relation to any matter or proceedings in the exercise of their powers and duties under this Article. (R.O. 2009 §110.104; CC 1981 §26-72; Ord. No. 84-83, 7-23-84)

SECTION 605.460: CREDIT OF REVENUE TO GENERAL FUND

All the revenue accruing to the City under the provisions of this Article shall be credited to the General Fund. (R.O. 2009 §110.105; CC 1981 §26-73; Ord. No. 84-83, 7-23-84)

ARTICLE V. SALES TAX

SECTION 605.470: TAX LEVIED

Pursuant to the authority granted by and subject to the provisions of Sections 94.500 through 94.570, RSMo., a tax for general revenue purposes is imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in Sections 144.010 through 144.510, RSMo., and the rules and regulations of the Director of Revenue issued pursuant thereto. The rate of the tax shall be one percent (1%) on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the City, if such property and services are subject to taxation by the State under the provisions of Sections 144.010 through 144.510, RSMo. The tax shall become effective as provided in Subsection (4) of Section 94.510, RSMo., and shall be collected as provided in such Sections 94.500 through 94.570, RSMo. (R.O. 2009 §110.115; CC 1981 §26-85; Ord. No. 3855, 8-24-71)

SECTION 605.480: REIMPOSED ON SALES UTILITY SERVICE AND CERTAIN FUELS

A. The municipal sales tax on all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil used for non-business, non-commercial or non-industrial purposes heretofore imposed within the corporate limits of this municipality is hereby reimposed.
B. The rate of taxation shall be, as heretofore, one percent (1%). (R.O. 2009 §110.116; CC

1981 §26-86; Ord. No. 79-93, 10-3-79)

SECTION 605.490: CAPITAL IMPROVEMENTS SALES TAX

Pursuant to the authority granted by and subject to the provisions of Section 94.577, RSMo., a sales tax for the purpose of funding of capital improvements, including the operation and maintenance of capital improvements and which may include the retirement of debt under previously authorized bonded indebtedness, is hereby imposed upon all persons in the City who are engaged in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in Chapter 144, RSMo., and the rules and regulations of the Director of Revenue issued pursuant thereto. The rate of the tax shall be one-half of one percent (0.5%). (R.O. 2009 §110.117; CC 1981 §26-87; Ord. No. 92-25, 4-2-92)

CHAPTER 610: SPECIAL BUSINESS DISTRICT

SECTION 610.010: ESTABLISHED--BOUNDARIES

A special business district is hereby established, the boundaries of which are as follows: Being all within the City and beginning at the intersection of the centerlines of Main Street and Clark Street; thence westwardly along the centerline of Clark Street to its intersection with the centerline of Third Street; thence southwardly along the centerline of Third Street to its intersection with the centerline of Madison Street; thence eastwardly to a point being the intersection of the centerline of Madison Street with the centerline of Second Street; thence southwardly along the centerline of Second Street to its intersection with the centerline of Jackson Street; thence eastwardly along the centerline of Jackson Street to the intersection with the centerline of the alley between Jackson Street and Tompkins Street; thence southwardly along the centerline of the alley between Jackson Street and Tompkins Street to the intersection with Tompkins Street; thence southwardly along the centerline of the alley between Tompkins Street and Pike Street to the intersection with Pike Street; then southwardly along the centerline of the alley between Pike Street and Perry Street to the intersection with the centerline of Perry Street; thence southwardly along the centerline of the alley between Perry Street and Water Street to the intersection with the centerline of Water Street; thence southwardly along the alley between Water Street and McDonough Street to the intersection of the south right-of-way line of McDonough Street; thence eastwardly along the south right-of-way line of McDonough Street to the north property line of a lot, the address being 119 McDonough Street; thence westwardly along such property line to the west property line of said lot; thence southwardly along said property line to the south property line of such lot; thence eastwardly along the such property line to the intersection with the north property line of a lot, the address being 915 South Main Street; thence westwardly along the such property line to a point being common to the west property line of such lot and the north right-of-way line of Boone's Lick Road; thence to a point being common to the south right-of-way line of Boone's Lick Road and the west property line to the west property line of a lot, the address being 1001 South Main Street; thence southwardly along such

west property line to the west property line of a lot, the address being 1017 South Main Street; thence southwardly along such property line to the west property line of a lot, the address being 1019 South Main Street; thence southwardly along such property line to the west property line of a lot, the address being 1025 South Main Street; thence southwardly along such property line to the west property line of a lot, the address being 1039 South Main Street; thence southwardly along such property line to the west property line of a lot, the address being 1041 South Main Street; thence southwardly along such property line to the intersection with the north right-of-way line of Barbour Street; thence southwardly to a point being in common to the south right-of-way line of Barbour Street and the southward extension of the west property line of a lot, the address being 1101 South Main Street; thence southwardly along such property line to the west property line of a lot, the address being 1115 South Main Street; thence southwardly along such property line to the west property line of a lot, the address being 1117 South Main Street; thence southwardly along such property line to the west property line of a lot, the address being 1119 South Main Street; thence southwardly along such property line to the west property line of a lot, the address being 1121 South Main Street; thence southwardly along such property line to the west property line of a lot, the address being 1123 South Main Street; thence southwardly along such property line to the west property line of a lot, the address being 1125 South Main Street; thence southwardly along such property line to the west property line of a lot, the address being 1127 South Main Street; thence southwardly along such property line to the west property line of a lot, the address being 1129 South Main Street; thence southwardly along such property line to the west property line of a lot, the address being 1131 South Main Street; thence southwardly along such property line to the intersection with the north right-of-way line of Reservoir Avenue; thence southwardly to a point being in common to the south right-of-way line of Reservoir Avenue and the east property line of a lot, the address being 205 Reservoir Avenue; thence southwardly along such property line the east property line of a lot, the address being 207 Reservoir Avenue; thence southwardly along such property line to the intersection with the north property line of a lot, the address being 1219 South Main Street; thence westwardly along such property line to the west property line of such property; thence southward along such property line to the east property line of a lot, the address being 238 Reservoir Avenue; then southward along such property line to the east property line of a lot, the address being 236 Reservoir Avenue; thence southwardly to the north property line of a lot described as Crestview Condo Lot C; thence eastwardly along such property line to the intersection with the west right-of-way line of South Main Street; thence southwardly along such right-of-way line to the intersection with the north right-of-way line of Interstate 70; thence eastwardly to a point being the intersection of the north right-of-way line of Interstate 70 with the east right-of-way line of South Main Street; thence northwardly along the east right-of-way line of South Main Street to the south property line of a property described as Water Works Lot 1 recorded in Deed Book 1976, Page 993 in the St. Charles County Recorder's Office; thence eastwardly along such property line its intersection with the west property line of the Katy Trail State Park; thence continuing along the bearing of the southern property line of the aforementioned Water Works Lot 1 to the intersection with the east property line of the aforementioned Katy Trail State Park; thence northwardly along such property line its intersection with the centerline of Blanchette Creek, said centerline also being the south property line of

Frontier Park; thence eastwardly along such property line to its intersection with the present existing City limits line; thence northwardly along the City limits line to a point, being the intersection of the City limits line and the eastward extension of the centerline of Adams Street; thence westwardly along such extension and centerline of Adams Street to its intersection with the centerline of Main Street; thence northwardly along the centerline of Main Street to the point of beginning. (R.O. 2009 §112.01; CC 1981 §16-159; Ord. No. 74-8, 2-27-74; Ord. No. 03-280, 10-23-03)

SECTION 610.020: BUSINESS PROPERTY AND LICENSE TAX ESTABLISHED

A. *Business Property Tax.* There may be imposed annually a tax upon the owner of real property, excluding all properties used exclusively for residential purposes as hereinafter defined, within the special business district up to the amount of forty-four cents ($0.44) on the one hundred dollars ($100.00) assessed valuation. The amount of annual tax generated from this special business property tax for any one (1) property or business so taxed shall not exceed three hundred dollars ($300.00) annually. The amount to be imposed shall be determined by the City Council prior to September tenth (10th) of each year and shall be collected for and paid into a special fund hereby established.

B. *Use Of Funds.* The funds produced by the business property tax shall be used for the following purposes:

1. To close existing streets or alleys or to open new streets and alleys or to widen or narrow existing streets and alleys in whole or in part;
2. To construct or install pedestrian or shopping malls, plazas, sidewalks or moving sidewalks, parks, meeting and display facilities, convention centers, arenas, bus stop shelters, lighting, benches or other seating furniture, sculptures, telephone booths, traffic signs, fire hydrants, kiosks, trash receptacles, marquees, awnings, canopies, walls and barriers, paintings, murals, alleys, shelters, display cases, fountains, restrooms, information booths, aquariums, aviaries, tunnels and ramps, pedestrian and vehicular overpasses and underpasses and each and every other useful or necessary or desired improvement;
3. To landscape and plant trees, bushes and shrubbery, flowers and each and every other kind of decorative planting;
4. To install and operate public music and news facilities;
5. To purchase and operate buses, minibuses, mobile benches and other modes of transportation;
6. To construct and operate child care facilities;
7. To construct lakes, dams and waterways of whatever size;
8. To provide special police or cleaning facilities and personnel for the protection and enjoyment of the property owners and the general public using the facilities of such business district;
9. To maintain, as hereinafter provided, all City-owned streets, alleys, malls, bridges, ramps, tunnels, lawns, trees and decorative plantings of each and every nature and every structure or object of any nature whatsoever constructed or operated by the City;
10. To acquire, construct, reconstruct, extend, maintain or repair parking lots, both above and below ground, or other facilities for the parking of vehicles, including

the power to install such facilities in public areas, whether such areas are owned in fee or by easement;

11. To promote business activity in the district by, but not limited to, advertising, decoration of any public place in the area, promotion of public events which are to take place on or in public places, furnishing of music in any public place and the general promotion of trade activities in the district; and
12. To retire parking lot revenue bonds for lots in the district.

For the purpose of this Section, a *"RESIDENTIAL PROPERTY"* is defined as follows: A building or structure, including necessary residential accessory buildings, which is used solely for residential purposes as a dwelling including, but not limited to, a single-family, row or town house and multiple-family dwellings. A dwelling shall not include any home occupation, business room or rooms or any portion of the building or accessory building to be used for business purposes.

C. *Business License Tax.* Further, there is imposed a business license tax on the businesses and individuals licensed to do business within the business district. The business license taxes shall be used for the purpose of operating parking facilities, promoting business activities, providing special service for the district and promoting the general improvement and well-being of the district. (R.O. 2009 §112.02; CC 1981 §16-160; Ord. No. 74-8, 2-27-74; Ord. No. 80-110, 10-8-80; Ord. No. 86-94, 4-18-86; Ord. No. 87-65, 4-18-87; Ord. No. 88-201, 10-19-88)

State Law Reference--Authorized, §71.800(2), RSMo.

SECTION 610.030: AMOUNT OF LICENSE TAX--WHEN DUE

The license tax imposed by Section 610.020 shall be fifty percent (50%) of the license tax levied yearly on the businesses and individuals under Chapters 605, 615, 640, 655 and any other applicable provision of this Title and shall be due at the time and place provided in these Chapters. (R.O. 2009 §112.03; CC 1981 §16-161; Ord. No. 74-8, 2-27-74)

SECTION 610.040: ESTABLISHED--COMPOSITION--APPOINTMENT--TERMS

There is established a Special Business District Advisory Board which shall be composed of a member of the City Council and eight (8) persons. There shall be four (4) persons appointed from the special business district north of First Capitol Drive and four (4) persons from the special business district south of First Capitol Drive. All eight (8) persons shall be appointed by the Mayor with consent of a majority of the members of the City Council. The members of the Board appointed by the Mayor shall be appointed for terms of three (3) years. (R.O. 2009 §112.04; CC 1981 §16-173; Ord. No. 76-19, 2-25-76; Ord. No. 80-110, 10-8-80; Ord. No. 81-56, 6-17-81; Ord. No. 89-78, 5-4-89; Ord. No. 03-323, 12-23-03; Ord. No. 08-32, 2-6-08)

SECTION 610.050: QUALIFICATIONS

Members of the Board, except for the Council member, shall be a property owner in the district who shall pay the special business district property tax or a person who owns a

business in the district who shall pay the special business district business license tax. The members may directly or through a corporation, partnership, trust or limited liability company pay the special business district property tax or business license tax. (R.O. 2009 §112.05; CC 1981 §16-174; Ord. No. 76-19, 2-25-74; Ord. No. 80-110, 10-8-80; Ord. No. 81-56, 6-17-81; Ord. No. 89-78, 5-4-89; Ord. No. 08-32, 2-6-08)

SECTION 610.060: DUTIES AND RESPONSIBILITIES

A. The City Council shall have sole discretion on the use of the revenues derived from any tax imposed on the district; however, the Special Business District Advisory Board shall make recommendations to the City Council as to the use of these revenues on any matter that concerns the special business district or that may be referred to the Board by the Mayor and City Council.
B. All revenues that the City Council may direct to be used by the special business district and any other funds derived, granted or donated shall be used by the special business district for the purposes of the district as previously outlined with the approval of the City Council.
C. All bills of the Board and all salaries of its employees shall be allowed and paid in the same manner that bills and salaries of other officers and employees of the City are allowed and paid. The Board shall follow the procedures by the City's Director of Finance for payment of bills and salaries.
D. It shall be the duty of the Board to keep books of accounts showing with entire accuracy contemporaneous current entries of receipts and expenditures of the Board. This shall be done in such a manner as to enable the same to be understood and investigated and also to preserve on file in its offices, duplicate vouchers for all expenditures. Books and duplicates shall, at all times, be open to examination for the City Council or the Director of Finance of the City.
E. It shall be the responsibility of the Board to prepare an annual statement and budget for each fiscal year operations. This shall be presented to the Mayor and the City Council at the first (1st) Council meeting in April of each year.
F. It shall be the duty of the Board to designate special events upon the mall area of South Main Street and, when so designated, all vehicular traffic or parking is prohibited during such special events. Any such designation shall be secured from the office of the Mayor. (R.O. 2009 §112.06; CC 1981 §16-175; Ord. No. 76-19, 2-25-76; Ord. No. 80-110, 10-8-80; Ord. No. 81-56, 6-17-81; Ord. No. 89-78, 5-4-89)

SECTION 610.070: OFFICERS--COMPENSATION--QUORUM--EMPLOYEES--CONTRACTS

A. The Board shall elect a Chairperson, Vice Chairperson and Secretary-Treasurer. The Board shall meet at the call of the Chairperson or upon the call of two (2) members of the Board. Members of the Board shall not receive compensation for serving on the Board. Five (5) members of the Board shall constitute a quorum.
B. The Board shall have the power to appoint an executive director and clerical staff for the Board with approval of the Mayor and City Council.
C. The Board may contract with persons and firms for services and work which may be required by the Board which is necessary for the accomplishment of its work. All

contracts, services or expenditures for same shall be approved by the Mayor and City Council. (R.O. 2009 §112.07; CC 1981 §16-176; Ord. No. 76-19, 2-25-76; Ord. No. 80-110, 10-8-80)

CHAPTER 615: PUBLIC UTILITIES

Cross References--As to poles and wires, §§505.650 et seq.

ARTICLE I. GENERAL PROVISIONS

SECTION 615.010: DISTRIBUTION OF RECEIPTS

One hundred percent (100%) of the money collected under this Chapter shall be deposited in the General Fund of the City for such uses as may be provided for in the budget. (R.O. 2009 §113.01; CC 1981 §16-100; Ord. No. 3794, 10-9-70; Ord. No. 72-35, 6-6-72; Ord. No. 77-36, 8-2-77; Ord. No. 84-73, 6-21-84)

SECTION 615.020: REFUND OF TAX

A. *Definition.* For the purposes of this Section, an *"exempt consumer"* shall mean any consumer who owns or leases residential property located within the City, who occupies the same as his/her customary place of residence and who is sixty-two (62) years of age or older or is sixty (60) years of age or older and receiving Social Security disability and who is retired and living on income substantially equal to old age and survivors insurance and to whom the payment of such utility tax is a hardship. When any such residential property is owned or leased by two (2) or more persons jointly, the requirement for exemption shall be deemed satisfied if any one (1) of such owners or lessees is sixty-two (62) years of age or older or is sixty (60) years of age or older and receiving Social Security disability and is retired and living on income substantially equal to old age and survivors insurance and the payment of such utility tax is a hardship to that person.

B. *Refund Authorized.* The amount of any license fee paid to the City by a person engaged in the business of selling, supplying or distributing electric service, gas service or telephone service on account of sales of such persons to an exempt consumer as herein defined for utility services rendered to such consumer's residence shall be refunded by the City directly to such exempt consumer. The refund shall include such fees paid since the beginning of the fiscal year during which the exempt consumer attained the required age.

C. *When Authorized.* An exempt consumer may be granted a refund of the utility taxes they pay upon a showing of undue hardship.

D. *Investigation Of Application.* Upon application for refund of such utility taxes, the Mayor shall cause an investigation to be made to determine if such undue hardship exists.

E. *Grant Of Exemption.* Upon affirmative recommendation of the Mayor, an exempt consumer may be granted a refund of all or part of utility taxes he/she shall have paid.

F. *Revocation.* Any such refund granted by the Mayor pursuant to Subsections (A) through (E) above may be of a continuing nature and may be revoked upon a finding that such

undue hardship no longer exists.

G. *Benefit.* Nothing contained herein shall in any way alter or diminish the obligation of any persons, firm or corporation licensed pursuant to this Code and any other ordinance of the City to pay a license tax computed on the full amount of his/her gross sales to consumers within the City or otherwise to comply with the provisions of this Code or any other ordinance of the City. The exemption herein provided shall inure to the benefit of exempt consumers only and shall be administered by the City for their benefit.

H. *Funding.* Refunds herein required shall be paid from the general funds of the City. (R.O. 2009 §113.02; CC 1981 §16-101; Ord. No. 91-14, 1-31-91)

SECTION 615.030: LIMITATION ON ANNUAL REFUND OF LICENSE FEES

The total refund available to an exempt consumer pursuant to Sections 615.080 and 615.140 combined shall not exceed one hundred twenty-five dollars ($125.00) in a calendar year. (R.O. 2009 §113.03; Ord. No. 07-04, 1-3-07; Ord. No. 08-10, 1-14-08)

ARTICLE II. ELECTRICITY

SECTION 615.040: LICENSE TAX--PAYMENT REQUIRED

A. Every person now or hereafter engaged in furnishing, distributing and supplying electricity for any purpose within the City shall pay to the City as a license tax a sum equal to:
   1. Eight percent (8%) of the gross receipts from such business;
   2. Effective July 1, 2004, seven and eight-tenths percent (7.8%) of the gross receipts from such business;
   3. Effective July 1, 2005, seven and six-tenths percent (7.6%) of the gross receipts from such business;
   4. Effective July 1, 2006, seven and four-tenths percent (7.4%) of the gross receipts from such business;
   5. Effective July 1, 2007, seven and two-tenths percent (7.2%) of the gross receipts from such business;
   6. Effective July 1, 2008, seven percent (7.0%) of the gross receipts from such business.

B. *"Gross receipts"* means the aggregate amount of all sales and charges of the commodities or services herein described from the business of supplying electricity for compensation in City during any period, less discounts, credits, refunds, sales taxes and uncollectible accounts actually charged off during the period. Gross receipts derived from the furnishing of such service to the City shall not be included in gross receipts, nor shall any tax be due on such gross receipts. (R.O. 2009 §113.15; CC 1981 §16-112; Ord. No. 3458, 1-25-67; Ord. No. 3492, 7-6-67 ; Ord. No. 3765, 7-14-70; Ord. No. 75-54, 9-17-75; Ord. No. 77-45, 9-21-77; Ord. No. 80-75, 7-16-80; Ord. No. 81-34, 4-15-81; Ord. No. 84-11, 2-1-84; Ord. No. 84-31, 4-5-84; Ord. No. 91-127, 7-1-91; Ord. No. 04-7, 1-7-04)

SECTION 615.050: WHEN PAYABLE

A. Every person now or hereafter engaged in the business of supplying electricity described in Section 615.040 shall pay to the Director of Finance on or before the last day of each month an amount equal to the applicable percentage listed in Section 615.040(A) of such person's gross receipts from such business for the preceding calendar month.

B. The percentage of license tax in Subsection (A) above shall be reduced on January 1, 1993 and each January first (1st) thereafter to yield an amount equal to the prior year's gross revenue adjusted for changes in the St. Louis area cost of living, increased costs for electrical energy usage by the City, increased population and increased City area. (R.O. 2009 §113.16; CC 1981 §16-113; Ord. No. 3458, 1-25-67; Ord. No. 3765, 7-14-70; Ord. No. 75-54, 9-17-75; Ord. No. 77-45, 9-21-77; Ord. No. 80-75, 7-16-80; Ord. No. 81-34, 4-15-81; Ord. No. 84-11, 2-1-84; Ord. No. 84-31, 4-5-84; Ord. No. 91-127, 7-1-91; Ord. No. 04-7, 1-7-04)

SECTION 615.060: STATEMENT OF GROSS RECEIPTS REQUIRED TO BE FILED-- INVESTIGATION

It is made the duty of every person engaged in furnishing, distributing and supplying electricity as described in Section 615.040 to file with the City Clerk on or before the last day of each month a sworn statement of the gross receipts from such business for the calendar month preceding the filing of such statements. The City Clerk or his/her duly authorized deputy shall be and is hereby authorized to investigate the correctness and accuracy of the statement required and for that purpose shall have access to, at all reasonable times, the books, documents, papers and records of such person or persons to ascertain the accuracy thereof. (R.O. 2009 §113.17; CC 1981 §16-114; Ord. No. 3458, 1-25-67; Ord. No. 75-54, 9-17-75; Ord. No. 77-45, 9-21-77; Ord. No. 80-75, 7-16-80; Ord. No. 84-31, 4-5-84)

SECTION 615.070: CONSTRUCTION OF TAX

The tax herein required to be paid shall be in lieu of any other occupation tax required of any person engaged in any of the businesses described in Section 615.040, but nothing herein contained shall be so construed as to exempt any such person from the payment to the City of the tax which the City levies upon the real or personal property belonging to any such person, nor the tax required of merchants or manufacturers for the sale of anything other than electricity, nor shall the tax herein required exempt any such person from the payment of any other tax which may be lawfully required other than an occupation tax on any of the businesses described in Section 615.040. (R.O. 2009 §113.18; CC 1981 §16-115; Ord. No. 3458, 1-25-67; Ord. No. 3492, 7-6-67; Ord. No. 84-31, 4-5-84)

SECTION 615.080: REFUND OF ELECTRICITY LICENSE FEES INVOKED BY SECTION 615.040 TO ELDERLY AND TOTALLY DISABLED RESIDENTS--REFUND PROCEDURE--REFUND COMPUTATION--BENEFIT AND FUNDING

A. *Refund Authorized.* The amount of any license fee paid to the City pursuant to Section

615.040 by a person engaged in the business of furnishing, distributing and supplying electricity for light, heat, power and other purposes within the City on account of sales of such person to an exempt consumer as herein defined for utility services rendered to such consumer's residence shall be refunded by the City directly to such exempt consumer.

B. *Definition.* For the purpose of this Section *"exempt consumer"* shall mean any consumer who owns or leases residential property within the City, who occupies the same as his/her customary place of residence and who, on the first (1st) day of any calendar month, is sixty-two (62) years of age or older or certified as totally disabled by the Social Security Administration on said date. When any such residential property is owned or leased by two (2) or more persons jointly, requirements for exemption shall be deemed satisfied if any one (1) such owner or lessee is sixty-two (62) years of age or older on the first (1st) day of such calendar month or certified as totally disabled under Social Security.

C. *Procedure.* From April first (1st) to May thirty-first (31st) of each year, any person claiming to be entitled to a refund pursuant to this Section for taxes paid during the prior calendar year commencing April first (1st) and ending March thirty-first (31st) shall submit a request for such refund to the office of the Mayor, together with such proof of claim as may be required by the Department of Finance. Such proof of claim may, at the discretion of the Department of Finance, include proof of age, copies of utility bills and proof of payment of such bills.

D. *Computation.* The amount of refund owing to each exempt consumer shall be the amount of the license tax imposed by the City's Code of Ordinances as a result of such consumer's payments during the preceding calendar year calculated from April first (1st) to March thirty-first (31st) for utility services rendered to his/her residence.

E. *Benefit.* Nothing contained herein shall in any way alter or diminish the obligations of any person licensed pursuant to Section 615.040 to pay a license tax computed on the full amount of their gross sales to consumers within the City or to otherwise to comply with the provisions of this Code. The exemption herein provided shall inure to the benefit of exempt consumer only and shall be administered by the City for their benefit.

F. *Funds.* Refunds herein required to be made shall be paid from budgeted general revenue monies. Payment of this refund is subject to availability of funds being budgeted in the current year for this purpose. (R.O. 2009 §113.19; Ord. No. 07-04, 1-3-07; Ord. No. 08-10, 1-14-08)

ARTICLE III. GAS

SECTION 615.090: LICENSE TAX--PAYMENT REQUIRED

A. Every person now or hereafter engaged in furnishing, distributing and supplying natural or manufactured gas or any combination thereof for light, heat, power and other purposes within the City shall pay the City as a license tax a sum equal to:

1. Eight percent (8%) of the gross receipts from such business;
2. Effective July 1, 2004, seven and eight-tenths percent (7.8%) of the gross receipts from such business;
3. Effective July 1, 2005, seven and six-tenths percent (7.6%) of the gross receipts from such business;

4. Effective July 1, 2006, seven and four-tenths percent (7.4%) of the gross receipts from such business;
5. Effective July 1, 2007, seven and two-tenths percent (7.2%) of the gross receipts from such business;
6. Effective July 1, 2008, seven percent (7.0%) of the gross receipts from such business.

B. *"Gross receipts"* means the aggregate amount of all sales and charges of the commodities or services as herein described from the business of supplying gas or gas service for compensation in the City during any period, less discounts, credits, refunds, sales taxes and uncollectible accounts actually charged off during the period. Gross receipts derived from the furnishing of such service to the City shall not be included in gross receipts, nor shall any tax be due on such gross receipts. (R.O. 2009 §113.30; CC 1981 §16-127; Ord. No. 3457, 1-25-67; Ord. No. 3765, 7-14-70; Ord. No. 75-54, 9-17-75; Ord. No. 77-45, 9-21-77; Ord. No. 81-34, 4-15-81; Ord. No. 84-11, 2-1-84; Ord. No. 91-127, 7-1-91; Ord. No. 04-7, 1-7-04)

SECTION 615.100: LICENSE TAX--WHEN PAYABLE

Every person now or hereafter engaged in the business as described in Section 615.090 shall pay to the Director of Finance on or before the last day of each month an amount equal to the applicable percentage listed in Section 615.090(A) of such person's gross receipts from such business for the preceding calendar month. (R.O. 2009 §113.31; CC 1981 §16-128; Ord. No. 3457, 1-25-67; Ord. No. 3765, 7-14-70; Ord. No. 75-54, 9-17-75; Ord. No. 77-45, 9-21-77; Ord. No. 84-11, 2-1-84; Ord. No. 91-127, 7-1-91; Ord. No. 04-7, 1-7-04)

SECTION 615.110: STATEMENT OF GROSS RECEIPTS REQUIRED TO BE FILED-- INVESTIGATION

It is made the duty of every person engaged in furnishing, distributing and supplying natural or manufactured gas as described in Section 615.090 to file with the City Clerk on or before the last day of each month a sworn statement of the gross receipts from such business for the calendar month preceding the filing of such statements. The City Clerk or his/her duly authorized deputy shall be and is hereby authorized to investigate the correctness and accuracy of the statement required and for that purpose shall have access to, at all reasonable times, the books, documents, papers and records of such person or persons to ascertain the accuracy thereof. (R.O. 2009 §113.32; CC 1981 §16-129; Ord. No. 3457, 1-25-67; Ord. No. 75-54, 9-17-75; Ord. No. 77-45, 9-21-77)

SECTION 615.120: CONSTRUCTION OF TAX

The tax herein required to be paid shall be in lieu of any other occupation tax required of persons engaged in the business described in Section 615.090, but nothing herein contained shall be so construed as to exempt any such person from the payment to the City of the tax which the City levied upon the real or personal property belonging to any such person, nor the tax required of merchants or manufacturers for the sale of anything other than gas service, nor shall the tax herein required exempt any such person from the

payment of any other tax which may be lawfully required other than an occupation tax on the business described in Section 615.090. (R.O. 2009 §113.33; CC 1981 §16-130; Ord. No. 3457, 1-25-67)

SECTION 615.130: MAXIMUM GROSS RECEIPTS TAX

The percentage of license tax in Section 615.100 shall be reduced annually on January 1, 1993 and each January first (1st) thereafter to yield an amount equal to the prior year's gross revenue adjusted for changes in the St. Louis area cost of living, increased costs for gas usage by the City, increased population and increased City area. (R.O. 2009 §113.34; CC 1981 §16-131; Ord. No. 84-11, 2-1-84; Ord. No. 91-127, 7-1-91)

SECTION 615.140: REFUND OF GAS LICENSE FEES INVOKED BY SECTION 615.090 TO ELDERLY AND TOTALLY DISABLED RESIDENTS--REFUND PROCEDURE--REFUND COMPUTATION--BENEFIT AND FUNDING

A. *Refund Authorized.* The amount of any license fee paid to the City pursuant to Section 615.090 by a person engaged in the business of furnishing, distributing and supplying natural or manufactured gas or any combination thereof for light, heat, power and other purposes within the City on account of sales of such person to an exempt consumer as herein defined for utility services rendered to such consumer's residence shall be refunded by the City directly to such exempt consumer.

B. *Definition.* For the purpose of this Section, *"exempt consumer"* shall mean any consumer who owns or leases residential property located within the City, who occupies the same as his/her customary place of residence and who, on the first (1st) day of any calendar month, is sixty-two (62) years of age or older or certified as totally disabled by the Social Security Administration on said date. When any such residential property is owned or leased by two (2) or more persons jointly, requirements for exemption shall be deemed satisfied if any one (1) such owner or lessee is sixty-two (62) years of age or older on the first (1st) day of such calendar month or certified as totally disabled under Social Security.

C. *Procedure.* From April first (1st) to May thirty-first (31st) of each year, any person claiming to be entitled to a refund pursuant to this Section for taxes paid during the prior year commencing April first (1st) and ending March thirty-first (31st) shall submit a request for such refund to the office of the Mayor, together with such proof of claim as may be required by the Department of Finance. Such proof of claim may, at the discretion of the Department of Finance, include proof of age, copies of utility bills and proof of payment of such bills.

D. *Computation.* The amount of refund owing to each exempt consumer shall be the amount of the license tax imposed by the City's Code of Ordinances as a result of such consumer's payments during the preceding year calculated from April first (1st) to March thirty-first (31st) for utility services rendered to his/her residence.

E. *Benefit.* Nothing contained herein shall in any way alter or diminish the obligations of any person licensed pursuant to Section 615.090, to pay a license tax computed on the full amount of their gross sales to consumers within the City or otherwise to comply with the provisions of this Code. The exemption herein provided shall inure to the benefit of

exempt consumer only and shall be administered by the City for their benefit.

F. *Funds.* Refunds herein required to be made shall be paid from budgeted general revenue monies. Payment of this refund is subject to availability of funds being budgeted in the current year for this purpose. (R.O. 2009 §113.35; Ord. No. 06-38, 2-17-06; Ord. No. 06-164, 6-30-06; Ord. No. 08-10, 1-14-08)

ARTICLE IV. EXCHANGE TELEPHONE SERVICE

SECTION 615.150: LICENSE TAX--PAYMENT REQUIRED

A. Every person, firm, company or corporation now or hereafter engaged in the business of furnishing exchange telephone service in the City shall pay the City as a license tax a sum equal to:
   1. Eight percent (8%) of the gross receipts from such business;
   2. Effective July 1, 2004, seven and eight-tenths percent (7.8%) of the gross receipts from such business;
   3. Effective July 1, 2005, seven and six-tenths percent (7.6%) of the gross receipts from such business;
   4. Effective July 1, 2006, seven and four-tenths percent (7.4%) of the gross receipts from such business;
   5. Effective July 1, 2007, seven and two-tenths percent (7.2%) of the gross receipts from such business;
   6. Effective July 1, 2008, seven percent (7.0%) of the gross receipts from such business.

B. *"Gross receipts"* shall mean the aggregate amount of all sales and charges of the commodities or services as herein described from the business of furnishing exchange telephone service in the City during any period less discounts, credits, refunds, sales taxes and uncollectible accounts actually charged off during the period. Gross receipts derived from the furnishing of such service to the City shall not be included in gross receipts, nor shall any tax be due on such gross receipts. (R.O. 2009 §113.40; CC 1981 §16-142; Ord. No. 3493, 7-6-67; Ord. No. 3765, 7-14-70; Ord. No. 75-54, 9-17-75; Ord. No. 77-45, 9-21-77; Ord. No. 84-11, 2-1-84; Ord. No. 91-127, 7-1-91; Ord. No. 04-7, 1-7-04)

SECTION 615.160: LICENSE TAX--WHEN PAYABLE

Every person now or hereafter engaged in the business as described in Section 615.150 shall pay to the Director of Finance on or before the last day of each month an amount equal to the applicable percentage listed in Section 615.150(A) of such person's gross receipts from such business for the preceding month. (R.O. 2009 §113.41; CC 1981 §16-143; Ord. No. 3493, 7-6-67; Ord. No. 75-54, 9-17-75; Ord. No. 77-45, 9-21-77; Ord. No. 84-11, 2-1-84; Ord. No. 91-127, 7-1-91; Ord. No. 04-7, 1-7-04)

SECTION 615.170: STATEMENT OF GROSS RECEIPTS REQUIRED TO BE FILED-- INVESTIGATION

It is made the duty of every person engaged in furnishing exchange telephone service as described in Section 615.150 to file with the City Clerk on or before the last day of each month a sworn statement of the gross receipts from such business for the calendar month preceding the filing of such statements. The City Clerk or his/her duly authorized deputy shall be and is hereby authorized to investigate the correctness and accuracy of the statement required and for that purpose shall have access to, at all reasonable times, the books, documents, papers and records of such person or persons to ascertain the accuracy thereof. (R.O. 2009 §113.42; CC 1981 §16-144; Ord. No. 3493, 7-6-67; Ord. No. 3765, 7-14-70; Ord. No. 75-54, 9-17-75; Ord. No. 77-45, 9-21-77)

SECTION 615.180: TEMPORARY WIRE CHANGES

All such persons, firms, companies or corporations mentioned in Section 615.150 on the request of any person shall remove or raise or lower their wires temporarily to permit the moving of houses or other 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' notice shall be given to arrange for such temporary wire changes. (R.O. 2009 §113.43; CC 1981 §16-145; Ord. No. 3493, 7-6-67)

SECTION 615.190: TRIMMING TREES AND THE LIKE AUTHORIZED

The right is hereby granted to all such persons, firms, companies or corporations mentioned in Section 615.150 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 such trimming to be done under the supervision and direction of the Governing Body of the City or any City Official to whom such duties have been or may be delegated. (R.O. 2009 §113.44; CC 1981 §16-146; Ord. No. 3493, 7-6-67)

SECTION 615.200: CONSTRUCTION OF TAX

The payments required by the provisions of this Chapter 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 615.150, 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 the City. (R.O. 2009 §113.45; CC 1981 §16-147; Ord. No. 3493, 7-6-67)

SECTION 615.210: MAXIMUM GROSS RECEIPTS TAX

The percentage of license tax in Section 615.160 shall be reduced annually on January 1, 1993 and each January first (1st) thereafter to yield an amount equal to the prior year's gross revenue adjusted for changes in the St. Louis area cost of living, increased costs for telephone usage, increased population and increased City area. (R.O. 2009 §113.46; CC 1981 §16-148; Ord. No. 84-11, 2-1-84; Ord. No. 91-127, 7-1-91)

CHAPTER 620: HOTELS AND MOTELS

ARTICLE I. LICENSE TAXES

SECTION 620.010: DEFINITIONS

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GROSS RECEIPTS: Shall not be merely the basic charge made to the customer by the licensee, but shall instead include the entire amount of the applicable revenue, including all sales taxes.

HOTEL, MOTEL OR TOURIST COURT: Any structure or building, under one (1) management, which contains rooms furnished for the accommodation or lodging of guests, with or without meals being so provided, and kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests or permanent guests and having more than eight (8) bedrooms furnished for the accommodations of such guests.

RESTAURANT: An establishment offering prepared meals, with or without alcoholic beverages by the drink, which are intended for immediate consumption whether or not to be consumed upon said premises. This provision shall not be construed to include retail groceries.

TRANSIENT GUESTS: The persons who occupy a room in a hotel, motel or tourist court for thirty-one (31) days or less. (R.O. 2009 §114.01; CC 1981 §§16-260(c), 16-260.1(c), 16-261; Ord. No. 84-13, 4-3-84; Ord. No. 85-151, 11-12-85; Ord. No. 91-92, 5-8-91)

SECTION 620.020: LICENSE TAX--TOURISM

A. *Amount Of Tax.* Every person engaged in the business of renting, leasing or letting living quarters, sleeping accommodations, rooms or a part thereof, in connection with any hotel, motel or tourist court, shall pay to the City a license tax equal to one percent (1%) of the gross rental receipts derived from or paid by transient guests for sleeping accommodations. Every person engaged in the business of a restaurant and selling prepared food or meals shall pay to the City a license tax of one percent (1%) of the gross receipts from sales of all goods and services transacted at retail upon the premises. This license tax shall be in addition to all other license taxes which are applicable to hotels, motels, tourist courts and restaurants.

B. *Use Of Funds.* All funds collected pursuant to the provisions of this Section shall be used exclusively to promote tourism, conventions and other related activities in the City. The funds shall be administered by the Saint Charles Convention and Visitors Commission. (R.O. 2009 §114.02; CC 1981 §16-260(a),(b); Ord. No. 84-13, 4-3-84; Ord. No. 85-151, 11-12-85; Ord. No. 91-92, 5-8-91)

SECTION 620.030: CONVENTION CENTER

A. *Amount Of Tax.* Every person engaged in the business of renting, leasing or letting living

quarters, sleeping accommodations, rooms or a part thereof, in connection with any hotel or motel, shall pay to the City a license tax equal to five and one-half percent (5½%) of the gross rental receipts derived from or paid by transient guests for sleeping accommodations. This license tax shall be in addition to all other license taxes which are applicable to hotels and motels.

B. *Use Of Funds.* All funds collected pursuant to the provisions of this Section shall be used exclusively for the purpose of acquisition of buildings and land for a convention center and for the purpose of planning, designing, constructing, furnishing, equipping and operating a convention center.

C. The license tax described in Subsection (A) of this Section shall not apply to the gross rental receipts derived from or paid by transient guests for sleeping accommodations from July 1, 2002 through April 30, 2003 and only three-fourths percent (0.75%) shall apply on and after May 1, 2003. (R.O. 2009 §114.03; CC 1981 §16-260.1(a),(b),(d); Ord. No. 91-93, 5-8-91; Ord. No. 92-319, 12-23-92; Ord. No. 93-52, 3-17-93; Ord. No. 93-109, 6-2-93; Ord. No. 94-24, 2-2-94; Ord. No. 96-364, 12-4-96; Ord. No. 97-331, 9-18-97; Ord. No. 99-29, 1-22-99; Ord. No. 99-246, 7-9-99; Ord. No. 00-153, 6-9-00; Ord. No. 01-121, 6-8-01; Ord. No. 02-179, 7-19-02; Ord. No. 02-242, 10-7-02; Ord. No. 02-286, 12-13-02; Ord. No. 03-77, 4-7-03)

SECTION 620.040: PAYMENT--DUE DATE

The license taxes under this Article shall be paid to the Director of Finance monthly and shall be due and payable on or before the twentieth (20th) day of the month based on the total daily receipts collected during the preceding month. (R.O. 2009 §114.04; CC 1981 §16-262; Ord. No. 84-13, 4-3-84; Ord. No. 85-151, 11-12-85; Ord. No. 91-94, 5-8-91)

SECTION 620.050: REPORTS REQUIRED

The licensee shall make true reports to the Director of Finance on forms prescribed by the Director, giving such information as may be necessary to determine the amounts to which the license tax shall apply for all gross daily receipts for the monthly period, to be submitted with the monthly payment. A licensee may separately state the amount of such license tax on all room accounts and restaurant rates. (R.O. 2009 §114.05; CC 1981 §16-263; Ord. No. 84-13, 4-3-84; Ord. No. 85-151, 11-12-85)

SECTION 620.060: EXAMINATION OF BOOKS AND RECORDS

The Director of Finance and the Director's authorized representative shall have the right at all reasonable times during business hours to make such examination and inspection of the books and records of the licensee as may be necessary to determine the correctness of such reports. (R.O. 2009 §114.06; CC 1981 §16-264)

SECTION 620.070: PENALTIES FOR NON-PAYMENT

For each and every month or part thereof any such license tax provided for under this Chapter remains unpaid after the same becomes due and payable, there shall be added to such license tax, as a penalty, ten percent (10%) of the amount of the license tax for the

first (1st) month or part thereof the same is unpaid and for each and every month thereafter the same is unpaid, two percent (2%) of the amount of such license tax shall be added until the same is fully paid. In no case shall the total penalty exceed thirty percent (30%) of the tax. In addition to the penalties provided herein, any person required to pay to the City the license tax defined herein shall be subject to all other provisions of this Title not specifically provided for herein or in conflict herewith. (R.O. 2009 §114.07; CC 1981 §16-265; Ord. No. 84-13, 4-3-84; Ord. No. 85-151, 11-12-85)

CHAPTER 625: JUNK DEALERS, PAWNBROKERS AND SHORT-TERM LOAN ESTABLISHMENTS

ARTICLE I. JUNK DEALERS

SECTION 625.010: DEFINITION

For the purpose of this Article, the following definition shall apply unless the context clearly indicates or requires a different meaning.

JUNK DEALER: Any person engaged in the business of dealing in any old iron, lead, zinc, brass, steel, copper or other metals whatsoever, tags, bottles or other things of like nature or other used or old articles no longer useful for the purpose for which they were made or manufactured. (R.O. 2009 §116.01; CC 1981 §16-56)

SECTION 625.020: LICENSE REQUIRED--FEE

Every person who shall keep or carry on the business or trade of a junk dealer in this City shall, before engaging in such business, obtain from the City a license therefor, the charge for which license shall be twenty-five dollars ($25.00) a year. (R.O. 2009 §116.02; CC 1981 §16-57)

Cross Reference--As to penalty, §100.150.

SECTION 625.030: REGISTER

Every person who shall be engaged in keeping or carrying on the business of a junk dealer within the City shall keep a register written in ink in which he/she shall, at the time of the purchase or receipt of junk, enter the names and places of residence of persons from whom he/she shall have purchased or received the same, together with the date of such purchase or receipt and a description of the articles so purchased or received, which register shall be kept open at all times for the examination or inspection of any officer interested therein and requesting or demanding to see the same. (R.O. 2009 §116.03; CC 1981 §16-58)

Cross Reference--As to penalty, §100.150.

SECTION 625.040: EXAMINATION AND INSPECTION OF JUNK

Every junk dealer shall permit, at all reasonable hours, any person asking or demanding to do so to examine and inspect any junk of any kind by him/her or being in or around such junk shop or place of business. (R.O. 2009 §116.04; CC 1981 §16-59)

Cross Reference--As to penalty, §100.150.

SECTION 625.050: DEALING WITH MINORS

Any junk dealer who shall buy, receive or take any personal property, goods, wares or merchandise, other than agricultural products, of any value from any unemancipated minor or have in his/her possession any personal property, goods, wares or merchandise so had and obtained without the consent of such minor's parent or guardians, had in writing, shall be subject to the penalty set forth in Section 100.150. (R.O. 2009 §116.05; CC 1981 §16-60)

Cross Reference--As to penalty, §100.150.

ARTICLE II. PAWNBROKERS

SECTION 625.060: DEFINITION

For the purpose of this Article, the following definition shall apply unless the context clearly indicates or requires a different meaning.

PAWNBROKER: Any person who loans money on deposit of personal property or who deals in the purchase of personal property on condition of selling the same back again at a stipulated price or who makes a public display at his/her place of business of the sign generally used by pawnbrokers to denote their business:

1. Three (3) gilt or yellow balls; or
2. Who publicly exhibits a sign of "money to loan on personal property or deposit". (R.O. 2009 §116.15; CC 1981 §16-207; Ord. No. 79-104, 12-19-79)

SECTION 625.070: REGISTER TO BE KEPT--PHOTOGRAPHING OF PERSONS PAWNING OR SELLING ARTICLES REQUIRED

A. Every pawnbroker shall keep a register of all loans and purchases of all articles effected or made by him/her, which register shall show the date of loans or purchases and the names of all persons who have left any description of property on deposit as a collateral security or as a delivery on sale thereof. Opposite such name and date shall be written in plain hand the person's age and motor vehicle operator's or chauffeur's license number or Social Security number or other identification of public record designated in a list of such items established by the License Collector. A full description of all such property purchased or received on deposit as collateral security, the manufacturer's identifying insignia or serial number, if applicable, the time when the loan falls due, the amount of purchase money or the amount loaned and the interest charged and the picture number. In addition to this, he/she shall give the party negotiating or selling a plain written or

printed ticket for the loan and a plain written or printed receipt of the articles purchased, having on each a copy of the entries required by this Article to be kept in his/her register. For the ticket or receipt, he/she shall not be entitled to make any charge. A third (3rd) copy of such register shall be forwarded on a weekly basis to the City Police Department to become part of their record.

B. No pawnbroker shall accept any article or property as collateral security or purchase any article or property unless he/she makes a photograph of the person from whom such article or property is being received, along with the receipt or pawn ticket given to such person; nor shall any pawnbroker refuse to deliver such photograph to any Law Enforcement Officer upon request in connection with a specific item of stolen property within one (1) year following the date such photograph is taken. Every pawnbroker shall display a notice to his/her customers in a prominent place to the effect that he/she is required, by City this Section or any other applicable ordinance of the City, to photograph every person pawning or selling an item to him/her. (R.O. 2009 §116.16; CC 1981 §§16-208--16-209; Ord. No. 79-104, 12-18-79)

Cross Reference--As to penalty, §100.150.

SECTION 625.080: STOLEN GOODS

It shall be the duty of every pawnbroker to report to the Police any article pledged with him/her or which is sought to be pledged with him/her, if he/she shall have reason to believe that the article was stolen or lost and found by the person attempting to pledge it, in the case of a lost article. (R.O. 2009 §116.17; CC 1981 §16-210; Ord. No. 79-104, 12-18-79)

Cross Reference--As to penalty, §100.150.

SECTION 625.090: WEAPONS

No pawnbroker shall receive as a pledge or purchase any black jack or sawed-off shotgun and no pawnbroker shall display in his/her window or shop any such weapons for sale. (R.O. 2009 §116.18; CC 1981 §16-211; Ord. No. 79-104, 12-18-79)

Cross Reference--As to penalty, §100.150.

SECTION 625.100: MINORS

No pawnbroker shall have any business dealings as a pawnbroker with any unemancipated minor under the age of eighteen (18) years, except with the written consent of the parent or guardian of the minor to each particular transaction. No pawnbroker's license shall be issued to any person who is not eighteen (18) years of age or over. No person under eighteen (18) years of age shall be an agent for any pawnbroker. (R.O. 2009 §116.19; CC 1981 §16-212; Ord. No. 79-104, 12-18-79)

Cross Reference--As to penalty, §100.150.

SECTION 625.110: COMPLIANCE REQUIRED

No person or corporation shall conduct or operate a business of pawnbroker in violation of any of the provisions of this Article. (R.O. 2009 §116.20; CC 1981 §16-213; Ord.

No. 79-104, 12-18-79)

Cross Reference--As to penalty, §100.150.

SECTION 625.120: LICENSE REQUIRED

No person or corporation shall conduct or operate the business of pawnbroker without having first obtained a license therefor as provided in this Article. (R.O. 2009 §116.21; CC 1981 §16-224; Ord. No. 79-104, 12-18-79)

Cross Reference--As to penalty, §100.150.

SECTION 625.130: LICENSE APPLICATION--INVESTIGATION

Application for a pawnbroker's license shall be made to the City and shall state thereon the name of the applicant; the place of business; and the number of employees intended to be engaged. The Chief of Police or any other officer of the City designated by the City Council shall investigate each applicant for such license and shall report back to the City Council whether or not such applicant is a person of good character. No license shall be issued to a person who has been convicted of the offense of receiving stolen property or of burglary or robbery. (R.O. 2009 §116.22; CC 1981 §16-225; Ord. No. 79-104, 12-18-79)

SECTION 625.140: PREREQUISITE AGREEMENT FOR LICENSE

The applicant for a pawnbroker's license shall have agreed not to accept as collateral security or to purchase any camera, radio, television set, lawnmower, typewriter, adding machine, calculating machine, copying machine, duplicating machine, tape recorder, tape player, cash register, still or moving picture projector or offset projector, dictating machine, record player, electric buffer, electric polisher or electric floor waxer or any appliances or devices which would normally have a manufacturer's serial number or other identifying insignia unless such item shall have plainly visible thereon the manufacturer's serial number or other identifying insignia. (R.O. 2009 §116.23; CC 1981 §16-226; Ord. No. 79-104, 12-18-79)

Cross Reference--As to penalty, §100.150.

SECTION 625.150: LICENSE FEE--TERM

The annual fee for a pawnbroker's license shall be five hundred dollars ($500.00) per annum; provided that no license shall be issued for less than six (6) months and no license shall be issued until the fee is paid. (R.O. 2009 §116.24; CC 1981 §16-227; Ord. No. 79-104, 12-18-79)

SECTION 625.160: SEPARATE LICENSE FOR EACH LOCATION

A. No pawnbroker shall be allowed to have more than one (1) place for transacting the business of a pawnbroker without having first obtained a license for such place of business.
B. No person shall act as agent for a pawnbroker at any other place than the place of

business stated in the application for a license. (R.O. 2009 §116.25; CC 1981 §16-228; Ord. No. 79-104, 12-18-79)

Cross Reference--As to penalty, §100.150.

SECTION 625.170: CHANGE OF ADDRESS

In the event a licensee under this Article shall change any of the address stated in the application during the term for which the license is issued, such licensee shall notify the License Collector of such change not later than one (1) day after such change. (R.O. 2009 §116.26; CC 1981 §16-229; Ord. No. 79-104, 12-18-79)

Cross Reference--As to penalty, §100.150.

SECTION 625.180: REVOCATION OF LICENSE

Any license issued under this Article may be revoked by the Mayor and Council for any violation of any provision of this Article. (R.O. 2009 §116.27; CC 1981 §16-230; Ord. No. 79-104, 12-18-79)

SECTION 625.190: LIMITS ON NUMBER OF LICENSES ISSUED

No license for operating the business of pawnbroker shall be issued when the issuance thereof would increase the number of such licenses outstanding and in force at that time to more than one (1) for each fifteen thousand (15,000) inhabitants residing within the City according to the last decennial census of the United States. The renewal of an unexpired existing license shall have priority over the issuance of a new license. (R.O. 2009 §116.28; Ord. No. 97-31, 1-22-97)

ARTICLE III. SHORT-TERM LOAN ESTABLISHMENTS

SECTION 625.200: DEFINITION

For the purpose of this Article, the following definition shall apply unless the context clearly indicates or requires a different meaning.

SHORT-TERM LOAN ESTABLISHMENT: Any business which loans money on a short-term basis to members of the general public as an element of its operation, including: businesses offering title loans, payday loans, signature loans and small loans under Chapter 367 or Section 408.500, RSMo.; and other similar businesses. Short-term loan establishment shall not include: a bank, savings and loan association or credit union which is licensed by the appropriate State or Federal agency; or a retail credit financing institution which is licensed under Chapters 364 or 365, RSMo.; or pawnbrokers or retail merchants. (R.O. 2009 §116.35; Ord. No. 99-433, 12-22-99)

SECTION 625.210: LICENSE REQUIRED--APPLICATION

No person shall conduct or operate the business of short-term loan establishment without having first obtained from the Director of Finance a license upon the payment of a license

fee as provided in this Article. All licenses under the provisions of this Article shall be issued only upon an application form supplied by the Director of Finance and prepared by the applicant or a duly authorized agent. (R.O. 2009 §116.36; Ord. No. 99-433, 12-22-99)

SECTION 625.220: LICENSE FEE--TERM

The license required by this Article shall be effective from January first (1st) through December thirty-first (31st) in a given calendar year. The annual fee for a short-term loan establishment license shall be one hundred dollars ($100.00). The license fee will be reduced by one-half (½) after one-half (½) of the license period is past. No license shall be issued until the fee is paid. (R.O. 2009 §116.37; Ord. No. 99-433, 12-22-99)

SECTION 625.230: SEPARATE LICENSE FOR EACH LOCATION

A. No short-term loan establishment shall be allowed to have more than one (1) place for transacting the business of short-term loan establishment without having first obtained a license for such place of business.
B. No person shall act as agent for a short-term loan establishment at any other place than the place of business stated in the application for a license. (R.O. 2009 §116.38; Ord. No. 99-433, 12-22-99)

SECTION 625.240: LIMITS ON NUMBER OF LICENSES ISSUED

No license for operating the business of short-term loan establishment shall be issued when the issuance thereof would increase the number of such licenses outstanding and in force at that time to more than one (1) for each fifteen thousand (15,000) inhabitants residing within the City according to the last decennial census of the United States; provided that all persons conducting or operating the business of short-term loan establishment within the City of St. Charles on the effective date of this Article may be issued a license if they meet all other requirements for licensure. The renewal of an unexpired existing license shall have priority over the issuance of a new license. (R.O. 2009 §116.39; Ord. No. 99-433, 12-22-99)

CHAPTER 630: PRECIOUS METALS AND GEMS

SECTION 630.010: DEFINITIONS

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DEALER: Any person, firm, proprietorship, partnership, corporation or other entity who shall engage at any location in the City in the business of the purchase of precious metals and gems. As used herein, "dealer" includes employers and principals on whose behalf the purchase was made and all employees and agents who personally make such purchases.

DEALER, ESTABLISHED: Any dealer who has been continuous in conducting his/her business at the same permanent business address for a period of not less than sixty (60) calendar days and for not less than five (5) days in any calendar week prior to applying for a license required by this Chapter.
DEALER, ITINERANT: Any dealer who is not an established dealer. Any employee or agent who conducts any activities regulated herein on behalf of his/her employer or principal and any partner or principal of any entity engaged in activities regulated herein shall also be considered an itinerant dealer.
GEMS: Any item containing or having as part of its composition any precious or semi-precious stones customarily used in jewelry or ornamentation.
PRECIOUS METALS: Silver, gold or platinum, in either coin, bullion or other form, and such other precious metals as the commissioner may specify by rule or order.
PURCHASES: The obtaining by payment of money or its equivalent. It shall not mean or include purchases made directly from manufacturers or wholesalers of precious metals or gems. (R.O. 2009 §117.01; CC 1981 §16-241; Ord. No. 81-21, 3-25-81)

SECTION 630.020: OBTAINING A LICENSE

A. No dealer shall purchase precious metals or gems without first making application for and obtaining a business license. Possession of a permit/business license issued in another locality shall not relieve a dealer of the obligation to obtain a license from the City.
B. A business license shall be issued to any established dealer as defined or to any person seeking to become an established dealer:
    1. By paying the fee.
    2. Furnishing a legible glossy photo of the licensee.
    3. Posting the bond required in Section 630.100.
    4. Designation of the premises on which the dealer shall conduct business.
    5. Specification of the date or dates on which the business shall be conducted.
C. A license shall be issued to itinerant dealers:
    1. Paying the fee.
    2. Upon proof of good character.
    3. Designation of the premises on which the dealer shall conduct business.
    4. Specification of the date or dates on which the business shall be conducted.
    5. Furnishing a photograph of licensee.
D. Good character shall be considered proven, if neither the dealer nor any of its principals, agents or employees have been convicted of any crime involving moral turpitude within the last ten (10) years if the crime was a felony and within the last five (5) years if the crime was a misdemeanor. The burden shall be upon the dealer to prove good character. An applicant shall submit a Request for Record Check with the Missouri State Highway Patrol.
E. Licenses shall be issued to established dealers for a fee of ten dollars ($10.00) for the first (1st) year. Licenses issued to established dealers shall be valid for the year, nature of business and location designated in the application. Established dealers who change their address or the nature of their business shall apply for such license location change and pay a fee of ten dollars ($10.00).
F. Persons who are established dealers shall pay a fee of ten dollars ($10.00) per year for

each year after the first (1st) year.

G. Licenses shall be issued to itinerant dealers only for the period specified in the application. Such period is not to exceed sixty (60) days. Itinerant dealers must obtain a separate license for each period or operation and each location in the City. A fee of five hundred dollars ($500.00) per license shall be assessed. Each itinerant dealer must specify on the application the identity of all corporations, firms or businesses with which they are affiliated and their authorized agents.

H. Any license issued hereunder shall at all times be kept exposed by the licensee at his/her business premises and shall, at all times, be readily visible and displayed in such a manner as to be easily inspected by any person desiring to do so.

I. Licenses are not transferable or portable. (R.O. 2009 §117.02; CC 1981 §16-242; Ord. No. 81-21, 3-25-81; Ord. No. 84-2, 1-18-84; Ord. No. 10-108 §1, 5-20-10)

Cross Reference--As to penalty, §630.110.

SECTION 630.030: FALSE STATEMENTS

Any false statement made on the business license application form, as required by Section 630.020, invalidates the license in total and shall be punished as a violation of Section 100.150. (R.O. 2009 §117.03; CC 1981 §16-243; Ord. No. 81-21, 3-25-81)

Cross Reference--As to penalty, §630.110.

SECTION 630.040: INFORMATION FROM SELLER

Licensees shall record, on forms provided by the Finance Director, the name, address, Social Security number and date of birth of sellers by requiring an identifying credential of the person selling or exchanging an article. If required by the dealer, the seller shall produce proof of ownership of any article. (R.O. 2009 §117.04; CC 1981 §16-244; Ord. No. 81-21, 3-25-81; Ord. No. 95-121, 5-4-95)

Cross Reference--As to penalty, §630.110.

SECTION 630.050: RECORDS TO BE KEPT BY DEALERS

A. All dealers purchasing precious metals and gems shall keep daily records, on forms prescribed and furnished by the Finance Director, of every article purchased. The records shall contain a full description of such articles and shall show all distinguishing marks, numbers, brands, letters or monograms of any kind on such articles.

B. The records described in this Section shall be available for inspection at any reasonable time by the Chief of Police or his/her designated agent. (R.O. 2009 §117.05; CC 1981 §16-245; Ord. No. 81-21, 3-25-81; Ord. No. 84-2, 1-18-84; Ord. No. 95-121, 5-4-95)

Cross Reference--As to penalty, §630.110.

SECTION 630.060: LISTS OF PURCHASES TO BE FURNISHED TO CHIEF OF POLICE

All itinerant dealers shall furnish daily to the Chief of Police, upon forms to be prescribed and furnished by the Finance Director, full and complete lists of all articles purchased by such itinerant dealers within the twenty-four (24) hour period following the time of

transaction. Such lists shall contain all data required by Section 630.050. (R.O. 2009 §117.06; CC 1981 §16-246; Ord. No. 81-21, 3-25-81; Ord. No. 84-2, 1-18-84; Ord. No. 95-121, 5-4-95)

Cross Reference--As to penalty, §630.110.

SECTION 630.070: DEALER TO RETAIN PURCHASES

Itinerant dealers shall retain all precious metals or gems purchased for a minimum of ten (10) days from the date of purchase. During the period of time, no change, modification or disfigurement of any nature shall be made to any item containing precious metals or gems, nor shall any such item be concealed, removed from the corporate limits of the City or changed without the consent of the Chief of Police or his/her designated agent. (R.O. 2009 §117.07; CC 1981 §16-247; Ord. No. 81-21, 3-25-81; Ord. No. 84-2, 1-18-84)

Cross Reference--As to penalty, §630.110.

SECTION 630.080: PROHIBITED PURCHASES

No purchases shall be made from anyone under age eighteen (18). No dealer shall make a purchase from anyone when doubt of ownership exists. If doubt of ownership exists, the dealer shall have the responsibility to require proof of ownership. (R.O. 2009 §117.08; CC 1981 §16-248; Ord. No. 81-21, 3-25-81)

Cross Reference--As to penalty, §630.110.

SECTION 630.090: INSPECTION OF PREMISES

Every dealer shall admit to his/her place of business at any time the Chief of Police or his/her agent for the purpose of searching for and taking into possession any article known or believed to have been missing or stolen or for the purpose of inspection of those records required to be maintained under Section 630.050. (R.O. 2009 §117.09; CC 1981 §16-249; Ord. No. 81-21, 3-25-81)

Cross Reference--As to penalty, §630.110.

SECTION 630.100: BOND REQUIREMENT

In addition to all other requirements, all itinerant dealers shall be required to post a cash bond or bond with surety in a form acceptable to the City Attorney in the amount of five thousand dollars ($5,000.00) before a permit is issued. In lieu of a bond with surety, an irrevocable letter of credit in a form acceptable to the City Attorney may be provided. The letter of credit shall be from a bank authorized to do business in the City. The period of the bond or letter of credit shall extend for a period of sixty (60) days beyond the last day on which the dealer transacts any business regulated by this Chapter. The bond or letter of credit shall indemnify all persons who suffer any loss resulting from the failure of the dealer to abide by the provisions of this Chapter. (R.O. 2009 §117.10; CC 1981 §16-250; Ord. No. 81-21, 3-25-81)

Cross Reference--As to penalty, §630.110.

SECTION 630.110: PENALTY
Any person violating the provisions of this Chapter shall, upon conviction, in addition to having his/her license revoked, be punished as provided in Section 100.150. Each separate transaction and/or item shall be considered as a separate offense. (R.O. 2009 §117.99; CC 1981 §16-251; Ord. No. 81-21, 3-25-81)

CHAPTER 635: SECURITY SYSTEMS AND SERVICES

ARTICLE I. ALARM SYSTEMS

SECTION 635.010: DEFINITIONS
For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
ALARM AGENT: Any person who is employed by an alarm business, either directly or indirectly, whose duties include any of the following: selling, maintaining, leasing, servicing, repairing, altering, replacing, moving or installing on or in any building, structure or facility any alarm system.
ALARM BUSINESS: Any business engaged in any of the activities of selling, installing, servicing, altering, leasing, repairing, maintaining, replacing, moving, monitoring or responding to an alarm system or causing any of these activities to take place.
ALARM IDENTIFICATION NUMBER: A number issued to an alarm subscriber by the Police Department for the purpose of identifying that alarm system for dispatching and record keeping purposes.
ALARM SUBSCRIBER: Any person who leases, contracts for, buys or otherwise obtains and operates an alarm system for the purpose of obtaining a response to the alarm from the Police Department or the Fire Department and on whose premises an alarm system is maintained, excluding audible alarms on motor vehicles. The owner of any building, structure or facility containing alarm systems installed in or on leased or rented individual apartments or residences contained therein shall be deemed the alarm subscriber.
ALARM SYSTEM: Any device which is designed or used for the detection of burglary or attempted burglary or for alerting others of the commission of a robbery or attempted robbery within a building, structure or facility, or both, and which emits a sound or transmits a signal or message when activated for the purpose of deterring the intruder or notifying another person of the happening, or both; or a device for detecting fire or alerting medical personnel.
AUTOMATIC DIALING DEVICE: Refers to an alarm system which automatically sends over the telephone switching network a prerecorded voice message or coded signal indicating existence of an unlawful act to which a Police response is requested.
CHIEF OF POLICE: The Chief of the St. Charles Police Department or his/her designated representative.
FALSE ALARM: The activation of an alarm system whereby police, fire or medical personnel are summoned to a location and no criminal, fire or medical emergency in fact

occurred or was attempted. The following shall not be considered false alarms under Section 635.050:

1. An alarm caused by severe weather conditions or electric power failure;
2. An alarm caused by or resulting from damage, testing or repair of telephone equipment or lines by the telephone company, provided that such incidents are promptly reported to the telephone company;
3. An alarm caused by an attempted and unauthorized or illegal entry, of which there is visible evidence;
4. An alarm caused by vandalism or destruction of property, of which there is visible evidence;
5. An alarm intentionally caused by the resident or occupant acting under a reasonable belief that a need exists to call in reference to an emergency.

PERSONS: An individual, firm, partnership, association, corporation, company or organization of any kind.

TELEPHONE COMPANY: The utility that furnishes telephone service to the City area. (R.O. 2009 §118.01; CC 1981 §16-61; Ord. No. 84-80, 7-23-84; Ord. No. 86-55, 3-21-86; Ord. No. 91-109, 6-5-91)

SECTION 635.020: ALARM REPORTING

All alarm sounding reported, either directly or by relay from an alarm business, shall be done in a manner prescribed by the Chief of Police. (R.O. 2009 §118.02; CC 1981 §16-63; Ord. No. 84-80, 7-17-84)

SECTION 635.030: FALSE ALARMS

A. Upon receipt of the first (1st) and second (2nd) false alarms within any calendar year, a warning notice shall be issued by the Police Department to the subscriber.
B. Upon receipt of the third (3rd) false alarm and any subsequent false alarms within any calendar year, a civil penalty of fifty dollars ($50.00) shall be levied upon the alarm subscriber for each false alarm made. Failure to pay the civil penalty within thirty (30) days of demand by the Police Department shall constitute a violation of this Article and can result in the service rendered by the Police Department being suspended.
C. Each and every false alarm upon which a response is made shall be considered a separate false alarm regardless of the frequency of such alarms.
D. Response to any alarm system can be terminated upon authority of the Police Chief.
E. The making of any false alarm by the alarm subscriber is declared to be unlawful if the alarm subscriber has had two (2) previous false alarms within that same calendar year. This offense shall be one of strict liability. (R.O. 2009 §118.03; CC 1981 §16-64; Ord. No. 84-80, 7-17-84; Ord. No. 86-55, 3-18-86; Ord. No. 91-109, 6-5-91; Ord. No. 97-215, 6-18-97)

Cross Reference--As to penalty, §635.150.

SECTION 635.040: CANCELLATION OF NOTICE OR FINE

The Police Department shall cancel any notice or fine upon satisfactory proof by the alarm subscriber that a particular alarm falls within the exceptions enumerated under

"FALSE ALARM" in Section 635.010. (R.O. 2009 §118.04; CC 1981 §16-65; Ord. No. 84-80, 7-23-84; Ord. No. 85-3, 1-10-85; Ord. No. 91-109, 6-5-91)

SECTION 635.050: LIMITATIONS

A. *Automatic Dialing Devices.* No person shall use, operate or install any device that will, upon activation, automatically initiate a telephone call and deliver a recorded alarm message to any telephone of a customer of the public telephone company, without the prior written consent of such customer.

B. *Noise.* All bells, sirens or other noise sources that sound in the event of an alarm are to cut off automatically within fifteen (15) minutes after the alarm has been activated. (R.O. 2009 §118.05; CC 1981 §16-66; Ord. No. 84-80, 7-23-84; Ord. No. 91-109, 6-5-91)

SECTION 635.060: IDENTIFICATION CARDS

A. As of July 17, 1984, any person engaging in the alarm business and each alarm agent shall have upon their person an identification card as hereinafter set forth and each alarm agent is required to maintain on his/her person and shall produce such identification card upon request by any customer, prospective customer or lawful authority.

B. The identification card must contain as a minimum the following information:
   1. Full face photograph, head size not less than one (1) inch vertical;
   2. Name, height, weight, date of birth;
   3. Name of employing company;
   4. Capacity with the company (sales representative, repair technician, installer and the like);
   5. Signature of authorizing individual of company; and
   6. Signature of holder.

C. The identification card shall be issued annually by an alarm business to its agents and employees. (R.O. 2009 §118.06; CC 1981 §16-67; Ord. No. 84-80, 7-23-84; Ord. No. 91-109, 6-5-91)

SECTION 635.070: ALARM ALTERATION DISCLOSURE

It shall be unlawful for any person engaging in the alarm business or alarm agent to adjust, alter, fix or change any alarm system or part thereof without written disclosure to the alarm subscriber. (R.O. 2009 §118.07; CC 1981 §16-68; Ord. No. 84-80, 7-23-84)

Cross Reference--As to penalty, §635.150.

SECTION 635.080: CONTRACTS FOR SALE

No alarm agent or alarm business shall sell, lease or install any alarm system without first furnishing the alarm subscriber or prospective alarm subscriber with a written offer in which each opening, item or area to be protected is identified and the device to be used is described in generic terms. Upon the installation of an alarm system, the alarm agent or business shall furnish the alarm subscriber with instruction on the operation of the system. (R.O. 2009 §118.08; CC 1981 §16-69; Ord. No. 84-80, 7-23-84)

Cross Reference--As to penalty, §635.150.

SECTION 635.090: LICENSE

A. As of July 17, 1984, any person engaging in the alarm business shall obtain a license as hereinafter set forth. The fee for such business license shall be thirty-five dollars ($35.00) per year for each such business.
B. The applicant for such alarm business license shall supply all information requested on forms supplied by the Director of Finance. (R.O. 2009 §118.09; CC 1981 §16-70; Ord. No. 84-82, 7-24-84)

SECTION 635.100: EXEMPTIONS

The provisions of Sections 635.060 through 635.090 do not apply to:

1. Persons engaged solely in the manufacture or sale of alarm systems or components from a fixed location and who do not install, maintain, service or plan the alarm system for any location.
2. Persons engaged in the repair of alarm systems or components from a fixed location and who do not either personally or through an agent visit the building, structure or facility in which the alarm system is installed. (R.O. 2009 §118.10; CC 1981 §16-71; Ord. No. 84-80, 7-23-84)

ARTICLE II. PRIVATE SECURITY GUARDS

SECTION 635.110: PRIVATE SECURITY GUARD

No person shall engage in the activities of a private security guard without having a valid license to do so from St. Charles County. A *"private security guard"* is a person who conducts or carries on or engages in the activity of watching or guarding over any person or property, either real or personal, so as to act in the function of guard and not primarily engaged in the performance of investigative work. (R.O. 2009 §118.20; Ord. No. 95-358, 12-27-95)

ARTICLE III. CONVENIENCE BUSINESS

SECTION 635.120: DEFINITION

For purposes of this Article, the term *"convenience business"* means any place of business that is primarily engaged in the retail sale of groceries or both groceries and gasoline and is open for business at any time between the hours of 11:00 P.M. and 5:00 A.M. The term "convenience business" does not include:

1. A business that is solely or primarily a restaurant;
2. A business that always has at least two (2) employees on the premises after 11:00 P.M. and before 5:00 A.M.;
3. A business that has at least ten thousand (10,000) square feet of retail floor space;
4. A business in which the owner or a member of the owner's family works between 11:00 P.M. and 5:00 A.M.; or
5. A business which is owned by a person who owns a business at no other location. (R.O. 2009 §118.40; Ord. No. 95-256, 9-20-95)

SECTION 635.130: SAFETY REQUIREMENTS

A. Prior to January 1, 1997, for the protection of employees and the consumer public at late-night convenience businesses, every owner of a convenience business shall ensure that such owner's convenience business is equipped with the following:
   1. A bullet-resistant glass enclosure or security camera system capable of recording and retrieving an image to assist law enforcement officials in the identification and apprehension of a criminal offender;
   2. A drop safe or cash management device for restricted access to cash receipts;
   3. Lighting for parking areas and entrances at an intensity to provide clear visibility under normal conditions;
   4. A conspicuous notice at the entrance which states that the cash register contains limited funds;
   5. Height markers at the entrance of the convenience business which display height measures; and
   6. A cash management policy to limit the cash on hand at all times after 11:00 P.M. and before 5:00 A.M.

B. After January 1, 1997, for the protection of employees and the consumer public at late-night convenience business, every owner of a convenience business shall ensure that:
   1. No window signs shall be located so as to obstruct the view from outside the building to the cash register and sales transaction area; and
   2. No window tinting that significantly reduces exterior or interior view in a normal line of sight. (R.O. 2009 §118.41; Ord. No. 95-256, 9-20-95)

SECTION 635.140: CRIME DETERRENCE TRAINING

The owner or principal operator of a convenience business shall provide each employee with training in proper robbery deterrence and safety within sixty (60) days of an employee's date of employment or if a person is an employee on January 1, 1997, then by July 1, 1997. (R.O. 2009 §118.42; Ord. No. 95-256, 9-20-95)

SECTION 635.150: PENALTY

A. Any person who violates any provision of this Chapter for which no other penalty is set forth shall be subject to the penalty provisions set forth in Section 100.150.
B. Any subscriber convicted of violating Section 635.030 shall be punished by a fine of not less than fifty dollars ($50.00) and not more than five hundred dollars ($500.00) for each violation. Prosecution under this Section shall be available in addition to any civil penalty which may be imposed for the making of any false alarm and in addition to any administrative action which may be taken. (R.O. 2009 §118.99; CC 1981 §16-64; Ord. No. 84-80, 7-23-84; Ord. No. 86-55, 3-21-86; Ord. No. 91-109, 6-5-91)

CHAPTER 640: ITINERANT MERCHANTS, GARAGE SALES AND SOLICITORS

ARTICLE I. VENDORS IN MAIN STREET MALL AND OTHER LOCATIONS

SECTION 640.005: VENDING WITHIN JEFFERSON STREET, MISSOURI RIVER, RESERVOIR STREET AND SECOND STREET

A. Except as permitted by Subsections (B) and (C), it shall be unlawful to sell, offer for sale, vend, operate, maintain or serve any goods, merchandise, food, products or services upon any street, sidewalk or public property located within the area bounded by Jefferson Street on the north, the Missouri River on the east, Reservoir Street on the south and Second Street on the west, except that the City Council may, by conditional use approval as described in Chapter 400, allow the serving of food and drinks at tables, by an existing restaurant, upon a designated portion of the public right-of-way immediately adjacent to such establishment; provided that the right-of-way remain clear for pedestrian traffic as set forth in Section 400.490(C)(3) of this Municipal Code.
B. During special events approved by the City, the activities prohibited by Subsection (A) may be allowed at such locations and under such conditions as may be approved by the City.
C. Nothing contained in this Section shall be interpreted to prohibit the operation of vehicles for hire properly licensed under and operated in compliance with Chapter 645 to prohibit the operation of City vehicles or to prohibit newsracks.
D. Nothing contained in this Section shall be interpreted to prohibit the City from allowing activities prohibited by Subsection (A) above to occur within a building, boat or train. (R.O. 2009 §119.09; CC 1981 §16-420; Ord. No. 90-187, 7-19-90; Ord. No. 04-228, 9-10-04; Ord. No. 08-77, 4-16-08)

Cross Reference--As to penalty, §640.150.

ARTICLE II. ITINERANT MERCHANTS--PROMOTERS

SECTION 640.010: ITINERANT MERCHANTS AND PROMOTERS

A. *Definition.* For the purpose of this Section, an *"itinerant merchant"* is defined as any person, firm or corporation, whether as owner, agent, consignee or employee, whether a resident of the City or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the City and who, in furtherance of that purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, public room, hotel room, lodging house, apartment, shop, lot or any other place within the City for the exhibition and sale of such goods, wares and merchandise.

B. *Regular Itinerant Merchant License.* Except as otherwise provided in this Section, every itinerant merchant shall pay a license fee of one hundred fifty dollars ($150.00). The license shall be valid for three (3) consecutive calendar weeks. An itinerant merchant shall not be issued more than three (3) licenses in any calendar year.

C. *Promoter-Related Itinerant Merchant License.* No itinerant merchant's license shall be required of any itinerant merchant participating in an event for which a promoter's license has been issued.

D. *Promoters.*

1. The person responsible for the development, coordination, advertising and implementation of a group event involving itinerant merchants shall pay a license fee based upon the following rates. The license shall be valid for any combination of seven (7) days within one (1) year from the date of issuance and which shall be valid only for a single location which shall be specified in the license.

Number of Itinerant Merchants	License Fee
1--25	$125.00
26--50	225.00
51--100	300.00
101--150	375.00
151 or more	450.00

2. Organizations exempted from license fees under Section 605.120 are exempt from this promoter's license fee, but shall obtain and display the license when functioning as a promoter.
3. Promoters shall provide to the Director of Finance a list of itinerant merchants participating in the event, including sales tax numbers. In the event that an itinerant merchant does not have a sales tax number, then the promoter shall certify that the promoter has given the itinerant merchant a State concession report form and the promoter shall provide the City with the name and address of that itinerant merchant. This information shall be provided to the Director of Finance five (5) days prior to the first (1st) day of the event, along with any other appropriate information.

E. Licenses issued under this Section are not transferable.

F. Itinerant merchants and promoters shall not be relieved from complying with the provisions of this Section merely by reason of associating temporarily with any person possessing a business license or by conducting the transient business in connection with, as a part of or in the name of any person possessing a business license.

G. *Open-Air Produce Market And Food Vendor Itinerant Merchant.* Every itinerant merchant operating an open-air produce market or operating as a food vendor shall pay a license fee of four hundred fifty dollars ($450.00). The license shall be valid for one (1)

year. (R.O. 2009 §119.20; CC 1981 §16-27; Ord. No. 93-166, 7-21-93; Ord. No. 93-223, 10-6-93; Ord. No. 94-326, 12-14-94; Ord. No. 95-15, 1-29-95; Ord. No. 95-103, 4-13-95; Ord. No. 95-129, 5-4-95; Ord. No. 97-238, 7-16-97)

Cross Reference--As to penalty, §640.150.

ARTICLE III. GARAGE SALES

SECTION 640.020: DEFINITIONS

For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GARAGE SALE: All general sales, open to the public, conducted from or on a residential premise in any residential zone, as defined by Chapter 400 of this Code of Ordinances, for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage", "lawn", "yard", "attic", "porch", "room", "back yard", "patio", "flea market" or "rummage" sale. This definition shall not include situations where no more than five (5) specific items are held out for sale and all advertisements of such sale specifically name those items to be sold.

PERSONAL PROPERTY: Property which is owned, utilized and maintained by an individual or members of his/her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment. (R.O. 2009 §119.30; CC 1981 §16-401; Ord. No. 87-136, 6-19-87)

SECTION 640.030: PROPERTY PERMITTED TO BE SOLD

It shall be unlawful for any individual to sell or offer for sale, under authority granted by this Article, property other than personal property. (R.O. 2009 §119.31; CC 1981 §16-402; Ord. No. 87-136, 6-19-87)

SECTION 640.040: MAXIMUM SALES

No more than four (4) garage sales may be held at any one (1) residence during any calendar year. (R.O. 2009 §119.32; CC 1981 §16-403; Ord. No. 87-136, 6-19-87)

SECTION 640.050: HOURS OF OPERATION

Each garage sale shall be limited to no more than the daylight hours of three (3) consecutive days or two (2) consecutive weekends (Saturday and Sunday). (R.O. 2009 §119.33; CC 1981 §16-404; Ord. No. 87-136, 6-19-87)

SECTION 640.060: ADVERTISING

A. *Signs Permitted.* Only the following specified signs may be displayed in relation to a garage sale:
   1. *Two (2) signs permitted.* Two (2) signs of not more than four (4) square feet shall

be permitted to be displayed on the property of the residence where the garage sale is being conducted.

2. *Directional signs.* Two (2) signs of not more than two (2) square feet each are permitted, provided permission to erect such signs is received from the property owners upon whose property such signs are to be placed.

B. *Time Limitation.* No sign shall be exhibited for more than two (2) days prior to the day such sale is to commence.

C. *Removal Of Signs.* Signs must be removed each day at the close of the garage sale activities or by the end of daylight, whichever first occurs. (R.O. 2009 §119.34; CC 1981 §16-405; Ord. No. 87-136, 6-19-87)

SECTION 640.070: EVIDENCE OF SALE

The display of more than five (5) items for sale upon any residential premises in any residential zone or the advertising of such sale upon the premises or in other locations within the City shall create a rebuttable presumption that such person is conducting a garage sale. (R.O. 2009 §119.35; CC 1981 §16-406; Ord. No. 87-136, 6-19-87)

SECTION 640.080: PERSONS EXEMPTED

The provisions of this Article shall not apply to or affect the following:

1. Persons selling goods pursuant to an order or process of a court of competent jurisdiction.
2. Persons acting in accordance with their powers or duties as public officials.
3. Any sale conducted by any merchant or mercantile or other business establishment from or at a place of business wherein such sale would be permitted by the zoning regulations of the City or under the protection of the non-conforming use section thereof or any other sale conducted by a manufacturer, dealer or vendor wherein such sale would be conducted from properly zoned premises and not otherwise prohibited in other ordinances.
4. Any bona fide charitable, eleemosynary, educational, cultural or governmental institution or organization when the proceeds for the sale are used directly for the institution or organization's charitable purpose and the goods or articles are not sold on a consignment basis. (R.O. 2009 §119.36; CC 1981 §16-407; Ord. No. 87-136, 6-19-87)

ARTICLE IV. SOLICITORS

SECTION 640.090: DEFINITIONS

For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

SOLICIT: The act of any person, except minors, seeking to collect from the general public money, donations, property or financial assistance of any kind or gifting, selling or offering to sell any article, service, publication, advertisement, ticket or subscription of

any kind for any purpose.
SOLICITOR: Any person, except minors, who engages in the act of soliciting. (R.O. 2009 §119.50; CC 1981 §20-95.1(a); Ord. No. 3434, 10-18-66; Ord. No. 73-38, 6-20-73; Ord. No. 86-277, 10-16-86; Ord. No. 05-50, 2-4-05; Ord. No. 07-168, 6-13-07)

SECTION 640.100: REGISTRATION

A. It shall be unlawful for any person to solicit by going door to door in areas designated as residential districts by the Zoning Code set forth in Chapter 400 without first having registered and obtained a permit from the City.
B. Any person required to register and obtain a permit under Subsection (A) above shall make application to the Chief of Police upon a form approved by the Chief of Police. The application shall include only the following information:
    1. Name of applicant.
    2. All residential addresses of applicant for previous two (2) years. Post office boxes are not acceptable.
    3. Name, address and telephone number of the business, organization or entity sponsoring or supported by the solicitation. This includes the name, address and telephone number of any business whom the applicant is employed by or contracts with to solicit on behalf of an organization sponsoring or supported by the solicitation.
    4. Specific dates, times and general locations where soliciting activities will be conducted.
    5. A statement made under penalty of perjury whether the applicant has pleaded guilty to, found guilty of or convicted of a Federal or State felony.
    6. A written statement from the entity described in paragraph (3) certifying the applicant is authorized to act as a representative of the entity.
    7. A copy of the sales tax license required by Chapter 144, RSMo., for the entity described in paragraph (3), if applicable.
    8. The application shall be signed by the applicant and an authorized representative of the entity described in paragraph (3).
C. The applicant shall pay a fifty dollar ($50.00) fee at the time of making application.
D. The applicant shall pay the applicable occupational license tax, if any, under Chapter 605 prior to the issuance of the permit. (R.O. 2009 §119.51; CC 1981 §20-95.1(b); Ord. No. 3434, 10-18-66; Ord. No. 73-38, 6-20-73; Ord. No. 86-277, 10-16-86; Ord. No. 05-50, 2-4-05)

Cross Reference--As to penalty, §640.150.

SECTION 640.110: PERMITS

A. The Chief of Police shall conduct a criminal background check on the applicant for a permit.
B. Upon receipt of a completed application as described in Section 640.100, the Chief of Police shall within five (5) business days issue a permit to the applicant, provided that the applicant has complied with Section 640.100(D).
C. Permits shall contain all of the information given in the application, shall contain a photograph of the licensee and shall expire automatically thirty (30) days after their

issuance. (R.O. 2009 §119.52; CC 1981 §20-95.1(c); Ord. No. 3434, 10-18-66; Ord. No. 73-38, 6-20-73; Ord. No. 86-277, 10-16-86; Ord. No. 98-436, 10-22-98; Ord. No. 05-50, 2-4-05; Ord. No. 10-57 §1, 4-13-10)

Cross Reference--As to penalty, §640.150.

SECTION 640.120: DISPLAY OF PERMITS

A. A solicitor shall display the permit to any person requesting to inspect such permit at all times while the solicitor is actively engaged in solicitation activities.
B. The City-issued picture identification badge with expiration date shall be worn by the solicitor between the waist and the neck and shall be visible at all times.
C. It shall be unlawful for any solicitor to engage in any soliciting activities described in Section 640.090 at any time or location not listed in the permit issued to such solicitor. (R.O. 2009 §119.53; CC 1981 §20-95.1(d); Ord. No. 3434, 10-18-66; Ord. No. 73-38, 6-20-73; Ord. No. 86-277, 10-16-86; Ord. No. 98-436, 10-22-98; Ord. No. 99-62, 2-17-99; Ord. No. 05-50, 2-4-05)

Cross Reference--As to penalty, §640.150.

SECTION 640.130: PERMISSIBLE HOURS OF SOLICITATION

It shall be unlawful for any solicitor to engage in any soliciting activities described in Section 640.090 between the hours of 7:00 P.M. or one-half (½) hour before dusk, whichever is later, and 8:00 A.M. of any day of the week or on Sundays or legal holidays. (R.O. 2009 §119.54; CC 1981 §20-95.1(e); Ord. No. 3434, 10-18-66; Ord. No. 73-38, 6-20-73; Ord. No. 86-277, 10-16-86; Ord. No. 98-436, 10-22-98; Ord. No. 05-50, 2-4-05)

Cross Reference--As to penalty, §640.150.

SECTION 640.140: SIGNS PROHIBITING SOLICITATION

It shall be unlawful for any solicitor to solicit at any residence where a sign is displayed in a manner reasonably likely to come to the attention of solicitors and which contain the words: "No Soliciting", "No Solicitors" or similar words indicating that soliciting is prohibited on the premises. (R.O. 2009 §119.55; Ord. No. 98-436, 10-22-98; Ord. No. 05-50, 2-4-05)

ARTICLE V. PENALTY

SECTION 640.150: PENALTY

A. Any person who violates any provision of this Chapter for which no other penalty is set forth shall be subject to the penalty set forth in Section 100.150 of this Code of Ordinances.
B. Any person found guilty of violating the terms of Article III "Garage Sales", Sections 640.020 et seq. shall be fined not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00) for each offense.

C. Any person found guilty of violating the terms of Article IV "Solicitors", Sections 640.090 through 640.140 shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) for each offense and shall be prohibited from obtaining a permit for a period of two (2) years from the date of being found guilty. (R.O. 2009 §119.99; CC 1981 §16-408; Ord. No. 87-136, 6-19-87; Ord. No. 05-50, 2-4-05)

CHAPTER 645: VEHICLES FOR HIRE

Cross References--As to authorized emergency vehicles (ambulances), §305.030; as to equipment, loads, ch. 355; as to parking of commercial vehicles, §§350.210 et seq.; as to traffic code, Title III.

ARTICLE I. LIMOUSINES

SECTION 645.010: LICENSE REQUIREMENTS

Any person offering a vehicle for hire for a specified time or date, wherein the origin-to-destination rates defined in Section 645.060 would not be appropriate upon fulfillment of the following requirements, may be licensed as a limousine:

1. Payment of the vehicle license fee provided in Section 645.040.
2. Proof of liability insurance as described in Section 645.050.
3. Maintaining a taxicab operator's license and taxicab driver's license described in Sections 645.100 through 645.150.
4. Within ten (10) days after issuance of a license and during the balance of the term of the license, cause to be operated not less than three (3) limousines regularly and daily. (R.O. 2009 §120.01; CC 1981 §28-1; Ord. No. 81-66, 8-5-81; Ord. No. 84-39, 4-18-84; Ord. No. 05-300, 11-9-05)

SECTION 645.020: RESERVED

ARTICLE II. TAXICABS

SECTION 645.030: DEFINITIONS

For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DRIVER: Any person driving a taxicab.

PASSENGER: Any person or child after the fifth (5th) birthday in a self-mobile condition.

TAXICAB: Any motor vehicle performing a bona fide for hire taxicab service, having a capacity of not more than five (5) passengers, exclusive of the driver, and not operated on

a regular route or between fixed termini.
TAXICAB OPERATOR'S LICENSE: The license issued by the City permitting the holder to engage in the business of operating taxicabs in the City. (R.O. 2009 §120.15; CC 1981 §28-12; Ord. No. 3489, 6-21-67)

SECTION 645.040: VEHICLE LICENSE FEE

In addition to the operating license fee required in Section 645.130, there shall be paid a vehicle license fee of fifteen dollars ($15.00) for each motor vehicle to be regularly used as a taxicab by the holder of a taxicab operator's license before any such vehicle is so used as a taxicab. Such vehicle license fee shall be paid annually for each fiscal year beginning on April first (1st) and ending on March thirty-first (31st) of the following year. Such vehicle license fee shall be paid to the City Collector and the holder of the taxicab operator's license shall designate the make, type and motor number of the motor vehicle for which such vehicle license fee is being paid. The City Collector shall issue his/her receipt therefor in duplicate, containing the description of such vehicle, one (1) of which duplicate receipts shall be covered by the insurance required in this Article. (R.O. 2009 §120.16; CC 1981 §28-13)

Cross Reference--As to penalty, §645.450.

SECTION 645.050: LIABILITY INSURANCE

A. No person shall operate a taxicab upon any street of the City unless and until the owner thereof or person in whose name the taxicab operator's license is issued shall have procured and deposited with the City Clerk an insurance policy issued by a solvent insurance company of the State or licensed to do business in the State insuring the owner or licensee of any such taxicabs against liability imposed by law for damage on account of personal injuries sustained by any person and on account of property damage sustained by any person in the operation of any such taxicab in the amounts required by Section 303.020(10), RSMo., as the definition of proof of financial responsibility.
B. In the event such policy of insurance shall, for any reason, be canceled or shall expire or no longer be in force in such amounts, it shall be unlawful to operate any taxicab otherwise licensed to be operated until such insurance in such amounts shall have been procured and deposited with the City Clerk. Before any such policy of insurance shall be filed, it shall first be presented to and approved by the Mayor. (R.O. 2009 §120.17; CC 1981 §28-14; Ord. No. 03-128, 6-4-03)

Cross Reference--As to penalty, §645.450.

SECTION 645.060: MAXIMUM FARES INSIDE CITY LIMITS--POSTING

A. *Maximum Fares Inside City Limits.*
   1. The following are the maximum fares permitted to be charged for taxicab service inside the City limits:
      a. One (1) or two (2) passengers, (same origin, same destination), one (1) mile:
         $ 2.35
      b. For each additional one-half (½) mile or fractional part

thereof traveled, an additional:
$ .60

c. For each passenger over two (2), same origin, same destination, an additional:
$ .50

d. Waiting time at the rate of twenty-five cents ($.25) per minute; provided however, that the minimum charge per hour for the mileage and waiting time shall be twelve dollars ($12.00).

2. When large gasoline price increases have occurred within the City, the City Council, by resolution, may grant temporary increases in the maximum fares. The temporary maximum fare increases shall be valid for a period to be specified in the resolution, but shall not exceed sixty (60) days.

B. *Posting.* A chart of the maximum rates of fare as set out in Subsection (A) of this Section shall be posted in plain view in each taxicab. (R.O. 2009 §120.18; CC 1981 §§28-15--28-16; Ord. No. 90-323, 12-19-90)

Cross Reference--As to penalty, §645.450.

SECTION 645.070: DESIGNATION AND IDENTIFICATION OF TAXICABS

Each taxicab operating under this Article shall bear on the outside of one (1) door, on each side, in painted letters in a contrasting color to the background, not less than one (1) inch in width nor less than four (4) inches in height, the name of the company, owner or firm name of the operator of the same and, in addition, shall bear such identifying letters on the rear of such taxicab together with the identifying number of such cab at the same places and, in addition, may bear an identifying design approved by the City. No vehicle covered by the terms of this Article shall be licensed to use any color scheme, identifying design, monogram or insignia to be used thereon which shall be found by the City to conflict with or imitate any color scheme, identifying design, monogram or insignia used on a vehicle already operating under this Article in such a manner as to be misleading or to tend to deceive or defraud the public; provided that if, after a license has been issued for a taxicab hereunder, the color scheme, identifying design, monogram or insignia thereof is changed so as to be, as found by the City, in conflict with or imitate any color scheme, identifying design, monogram or insignia of any other person, owner or operator in such a manner as to be misleading or tend to deceive the public, the license covering such taxicab shall be suspended or revoked. (R.O. 2009 §120.19; CC 1981 §28-17)

Cross Reference--As to penalty, §645.450.

SECTION 645.080: NUMBER OF TAXICABS OPERATED--EXTRA

A. *Number Of Taxicabs To Be Operated.* Every person to whom a taxicab operator's license is issued shall, within ten (10) days after such issuance and during the balance of the term of such license, cause to be operated not less than five (5) nor more than twenty (20) taxicabs regularly and daily at least five (5) hours each day and at least one (1) taxicab subject to call from 5:00 A.M. until Midnight each day, unless prevented from doing so by strikes or other causes beyond his/her control.

B. *Extra And Additional Taxicabs.* For each five (5) taxicabs in regular operation, the holder of a taxicab operator's license may employ and operate one (1) additional taxicab

as an "extra" in order to afford service during peak or rush periods and on special occasions or to replace or substitute for a taxicab regularly used, without paying the vehicle license fee required of regularly operated taxicabs; provided that any such extra taxicab shall be covered by insurance as required by this Article. The City Council may grant the privilege of operating additional taxicabs for periods of not exceeding four (4) months; provided that vehicle license fees be paid thereon and that such additional taxicabs be covered by the insurance required by this Article. (R.O. 2009 §120.20; CC 1981 §§28-18--28-19; Ord. No. 3489, 6-21-67; Ord. No. 82-51, 7-6-82)

Cross Reference--As to penalty, §645.450.

SECTION 645.090: APPLICATION OF OTHER REGULATIONS

The operation of a taxicab under a taxicab operator's license issued by the City shall be subject to all the provisions of this Title and any other provisions of this Code or any other ordinance of the City regulating traffic and travel on the streets of the City. (R.O. 2009 §120.21; CC 1981 §28-20)

Cross Reference--As to penalty, §645.450.

SECTION 645.100: OPERATOR LICENSE REQUIRED

No person shall engage in the business of operating taxicabs over the streets of the City unless a license has first been issued therefor by the City. (R.O. 2009 §120.22; CC 1981 §28-32)

Cross Reference--As to penalty, §645.450.

SECTION 645.110: APPLICATION--FILING AND CONTENTS

A. *Application And Filing.* No taxicab operator's license shall be issued until and unless the owner or person desiring to engage in the business of operating taxicabs shall file with the City Clerk an application for a taxicab operator's license. The City Clerk shall refer such application to the Mayor and City Council at the next regular meeting.

B. *Contents.* The application for a taxicab operator's license shall state:

1. The name and the address of the applicant and, if a corporation, the names and addresses of the president, secretary and business manager and, if a partnership, firm or association, the name thereof and the names and addresses of the persons composing the same.
2. The location or address from which the business is to be conducted.
3. The number of taxicabs desired to be operated.
4. The type of each taxicab to be operated, including the number of persons each such taxicab is designed or constructed to carry. (R.O. 2009 §120.23; CC 1981 §§28-33--28-34)

Cross Reference--As to penalty, §645.450.

SECTION 645.120: NOTICE TO LICENSE HOLDERS--GRANTING

A. *Notice To Holders Of Licenses.* The Council shall cause all holders of taxicab operators' licenses of the City to be notified, by mail or by notice served by the Chief of Police, of

any application for a license under this Subsection and the date on which such application will be considered by the Council, at least five (5) days prior to acting upon any such application.

B. *Consideration And Grant.* The Council shall give reasonable consideration to the passenger transportation service being furnished and the effect which additional transportation service may have upon the existing licensed taxicab and motorbus service in the City. If the Council shall decide that public convenience and necessity will be promoted, the application shall be granted. (R.O. 2009 §120.24; CC 1981 §§28-35--28-36)

SECTION 645.130: FEE

A. An operating license fee shall be payable to the City Collector annually on April first (1st) of each year in the sum of one hundred dollars ($100.00). This fee shall be paid on or before the first (1st) day of April prior to the issuance of a taxicab operator's license.

B. If a taxicab operator's license is issued within six (6) months prior to March thirty-first (31st) of any year, the operating license fee shall be only one-half (½) of the amount provided in this Section. (R.O. 2009 §120.25; CC 1981 §28-37)

SECTION 645.140: ISSUANCE--TRANSFER--RENEWAL

A. *Issuance--Form--Term.* Upon the granting of an application for a taxicab operator's license, the payment of the required operating license fee to the City Collector and the filing of the insurance policy provided for in Section 645.050, a taxicab operator's license shall be issued to the applicant by the City Clerk. All licenses shall be signed by the Mayor and the City Clerk, shall bear the date of issuance and shall name the licensee and state the purpose for which such license is issued and shall expire on March thirty-first (31st) following the date of issuance.

B. *Transfer.* No taxicab operator's license shall be transferred except with the prior approval of the City Council.

C. *Renewal.* Taxicab operators' licenses in continuation and renewal of original taxicab operators' licenses shall be issued by the City Clerk upon payment by the holder of the original taxicab operator's license of the required operating license fee to the City Collector, there being on file the required insurance policy, without application to the Council or any notice thereof. The operating license fee for a renewal or continued license shall be paid before April first (1st) of any year. Such renewal or continued license shall be dated April first (1st) of the year in which issued and shall expire on March thirty-first (31st) of the next succeeding year. (R.O. 2009 §120.26; CC 1981 §§28-38--28-40)

Cross Reference--As to penalty, §645.450.

SECTION 645.150: SUSPENSION AND REVOCATION

A. *Suspension.* The City Council may suspend any taxicab operator's license for failure on the part of the holder to comply with:

1. Section 645.050 relating to insurance.
2. Section 645.080(A), relating to the number of taxicabs to be operated, unless

prevented by strikes or causes beyond his/her control.

3. The provisions of Section 645.060 relating to the rates of fares and posting thereof if such failure is willfully and knowingly permitted by the holder of the license.
4. The provisions of Section 645.160(F) relating to the registration of names and identification of drivers.

B. *Revocation.* The City Council may revoke any taxicab operator's license if, after five (5) days' notice, the holder shall fail to correct any of the failures specified in Section 645.150(A) as cause for suspension. (R.O. 2009 §120.27; CC 1981 §§28-41--28-42)

Cross Reference--As to penalty, §645.450.

SECTION 645.160: DRIVERS' REQUIREMENTS

A. *Minors Not To Drive.* No person under eighteen (18) years of age shall drive any taxicab operated under a taxicab operator's license issued pursuant to the provisions of this Article.

B. *State Driver's License Required.* No person shall drive a taxicab operated under a taxicab operator's license issued pursuant to the provisions of this Chapter unless he/she has a valid State chauffeur's license or other proper license required of a motor vehicle driver by the State.

C. *Criminal Convictions, Illegal Aliens, And The Like.* No person that:

1. Has been convicted of any felony involving:
   a. A crime against another person;
   b. Violence;
   c. Use of a weapon; or
   d. A crime against property within five (5) years next preceding:
2. Has been convicted of any felony or misdemeanor involving the operation of a taxicab while under the influence or in an intoxicated condition from alcohol or drugs;
3. Has been convicted of any offense involving the operation of a motor vehicle while under the influence or in an intoxicated condition from alcohol or drugs within five (5) years next preceding;
4. Has been convicted of any second offense involving the operation of a motor vehicle while under the influence or in an intoxicated condition from alcohol or drugs;
5. Is required to register as a sex offender;
6. Is not able to speak and understand directions, oral and written, in the English language;
7. Is not able to read and understand maps of the St. Louis metropolitan area;
8. Is not able to provide proof of citizenship of the United States of America or, if not a citizen of the United States of America then a valid visa and work permit;
9. Is not able to provide a statement from a physician licensed to practice medicine in the United States of America that the person has taken a physical examination the results of which show that the person is physically capable of safely operating a taxicab and providing reasonable assistance to disabled, elderly, or frail passengers, in that, the person shall be satisfactorily ambulatory that he or she is able to assist carrying typical packages and luggage passengers may have with them; or

10. Is not able to furnish evidence that the person has completed a comprehensive driver training program, of which, the curriculum shall include, at a minimum, applicable governmental rules and regulations, geography and map reading of the St. Louis metropolitan area, major points of interest in the St. Louis metropolitan area, general familiarity with the St. Louis metropolitan area, driver safety and defensive driving, passenger safety, vehicle safety and maintenance/inspection checks, and customer service and relations, including guidelines for assisting disabled, frail and elderly passengers; shall drive a taxicab operated under a taxicab operator's license issued by the City. Applicants shall provide proof of clearance as to items (1)--(5) of this Subsection as set forth in Subsection (D).

D. *St. Charles Police Department Review And Clearance Of Record Required.* Every applicant shall obtain from the St. Charles Police Department proof that the applicant's record is clear from the convictions specified in Subsection (C)(1)--(5) of this Section. The St. Charles Police Department is authorized to obtain from the State or Federal Government any record of information which might provide the conviction history of any applicant. Any costs or expenses associated with obtaining or reviewing of the applicant's record shall be born by the applicant.

E. *Badge.* No person shall drive a taxicab operated under a taxicab operator's license issued by the City unless he/she shall wear a badge bearing the operator's name, photograph, company name and telephone number.

F. *Registration.* Every holder of a taxicab operator's license shall file with the Chief of Police and the City Clerk annually on April first (1st) or within five (5) days thereafter and at such other times as may be requested by the Chief of Police or Mayor, the name of each driver employed by him/her, together with the number assigned by the licensee to such driver. Such licensee shall also report the name and number of each driver who shall cease to be employed by such licensee and any new driver commencing such employment within three (3) days after such employment has begun or ended.

G. No taxicab driver shall smoke or permit smoking in the taxicab while transporting a passenger. (R.O. 2009 §120.28; CC 1981 §§28-54--28-58; Ord. No. 10-19 §1, 2-4-10)

Cross Reference--As to penalty, §645.450.

ARTICLE III. TOW TRUCKS

SECTION 645.170: TITLE
This Article shall be known and cited as the "Tow Truck Code". (R.O. 2009 §120.40; CC 1981 §28-61; Ord. No. 81-99, 12-10-81; Ord. No. 84-130, 11-6-84)

SECTION 645.180: DEFINITIONS
For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
CRUISING: Operating a tow truck on a public highway at a slow rate of speed or in any other fashion for the purpose of soliciting business along the highway.
DIRECTOR OF FINANCE: The Director of Finance for the City.
HIGHWAY: Any highway, road, street or alley open to the use of the public for the purpose of vehicular traffic.
OPERATING, OPERATION OF OR TO OPERATE A TOW TRUCK: All acts and functions incident to the movement of a tow truck from place to place; as well as all acts involved in the undertaking of a tow, whether for hire or for personal or business use by the owner of the tow truck; and the conducting of a business engaged in the operation of a tow truck.
OWNER: Any person who holds legal title to a vehicle or one who has the legal right to possession thereof.
PERSON: Any individual, co-partnership, firm, association, company or combination of individuals of whatever form or character.
SHORT WAVE RECEIVER: A radio receiver which is capable of operating on a frequency assigned by the Federal Communications Commission for fire, police, municipal or other governmental uses.
SOLICITING: Requesting or attempting to sway an owner, his/her lawful agent or representative to give permission to a tow truck to remove, repair or store a vehicle for monetary consideration without a previous request from the owner, his/her lawful agent or representative.
TOW TRUCK: A mechanically propelled vehicle equipped with a device used to hoist and tow, transport, convey or move other vehicles from place to place upon authorization of the owner, his/her lawful agent or representative.
VEHICLE: Every device, whether mechanically propelled or drawn, in or by which any person or property is or may be moved upon a public highway, except devices moved only by human or animal power or a device which works exclusively upon stationary rails or tracks and shall include trailers and semi-trailers. (R.O. 2009 §120.41; CC 1981 §28-62; Ord. No. 81-99, 12-10-81; Ord. No. 82-40, 5-19-82; Ord. No. 84-130, 11-7-84)
Cross Reference--As to penalty, §645.450.

SECTION 645.190: LICENSE REQUIRED--RECIPROCAL LICENSING

A. It shall be unlawful for any person to operate a tow truck within the City unless that person shall first obtain a license from the Director of Finance for the tow truck or unless the person shall be exempt by reason of one (1) or more of the exemptions enumerated herein. Application for a license shall be made on a form furnished by the Chief of Police and any license issued shall be affixed to the lower left corner of the windshield of the tow truck for which the license is obtained.

B. No license shall be required of any person operating a tow truck in the City from a location or place of business not in the City, when such tow truck has affixed to its windshield a license obtained from any County or City pursuant to an ordinance of the County or City, which ordinance is similar in context to this Article. The aforementioned license must be valid for the current year and the licensee must comply with all requirements of such ordinance. (R.O. 2009 §120.42; CC 1981 §28-63; Ord. No. 81-99, 12-10-81; Ord. No. 84-130, 11-6-84)

Cross Reference--As to penalty, §645.450.

SECTION 645.200: LICENSE REQUIREMENTS

The application for the license shall contain the following:

1. Name and address of the applicant; if a natural person, the date and place of birth and Missouri State operator's license number;
2. If a corporation, the State under which incorporated, the date of incorporation, the address of the principal office and the names and addresses of its officers;
3. If any other type of organization, the name thereof, the location of its office and the names and addresses of the principal officers, directors, trustees or managing officials or partners;
4. The place from which the tow truck will operate and the number of the vehicles to be operated;
5. A description of each tow truck giving also the serial and motor number;
6. There shall be annexed to the application an affidavit to be sworn to by the applicant;
7. The names and addresses of all persons who will be directly involved in the operation of a tow truck under the license. (R.O. 2009 §120.43; CC 1981 §28-64; Ord. No. 81-99, 12-10-81; Ord. No. 82-40, 5-19-82; Ord. No. 84-130, 11-7-84)

Cross Reference--As to penalty, §645.450.

SECTION 645.210: INVESTIGATION--ISSUANCE

A. Each application for tow truck license shall be referred by the Director of Finance to the Chief of Police who shall investigate the character and fitness of the proposed applicant as well as any other persons listed as having an interest in the proposed license. The Chief of Police shall within sixty (60) days file written reports concerning the applicant with the Director of Finance and further containing the Chief's recommendation for issuance or denial of the license.

B. Such license shall be issued by the Director of Finance unless he/she finds one (1) or more of the following:

1. Intentional misstatements or misleading statements of fact in the application.

2. Any parties interested in the proposed operation of a tow truck in the City, having been convicted of any violation of any Statute, law or ordinance involving theft, possession of stolen property or interstate transportation of stolen vehicles or who have previously had a business license suspended or revoked, provided that if the Director shall find the conduct of such party or parties subsequent to the aforesaid convictions, suspension or revocation has been such as to indicate fitness to operate a tow truck and that permitting such applicant to conduct such an operation would not be contrary to the public interest, he/she may issue the license.
3. Failure to pay the required application fee.

C. Each applicant shall be notified by mail or hand delivery of the issuance or non-issuance of a license by the Director of Finance.
D. If the Director of Finance 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.
E. The Director of Finance's determination of non-issuance may be appealed under the provisions of Section 536.150, RSMo. (R.O. 2009 §120.44; CC 1981 §28-65; Ord. No. 81-99, 12-10-81; Ord. No. 84-130, 11-7-84)

SECTION 645.220: FEE--TERM

A. The fee for the issuance of a license under this Article shall be twenty-five dollars ($25.00) for each tow truck, the fee to accompany the license application. No part of the fee shall be returnable.
B. The term of the license shall be for the calendar year and may be renewed as provided herein for succeeding calendar years. If license is obtained for a period other than a calendar year, the license fee shall be prorated to the beginning of the next year. (R.O. 2009 §120.45; CC 1981 §28-66; Ord. No. 81-99, 12-10-81; Ord. No. 84-130, 11-7-84)

SECTION 645.230: RENEWAL PROCEDURE

A. Within thirty (30) days of the expiration of the license, a licensee may apply to the Director of Finance for a renewal thereof.
B. The licensee shall indicate any changes from the information furnished to the Director of Finance at the time of the original application.
C. An application for renewal shall be accompanied by a renewal application fee of twenty-five dollars ($25.00), no part of which shall be returnable.
D. The Director of Finance shall renew the license if he/she shall find that the operation shall have been conducted in accordance with all applicable laws and ordinances.
E. If the Director of Finance does not renew the license, the procedures set forth in Section 645.240(B) shall be followed. (R.O. 2009 §120.46; CC 1981 §28-67; Ord. No. 81-99, 12-10-81; Ord. No. 84-130, 11-7-84)

Cross Reference--As to penalty, §645.450.

SECTION 645.240: SUSPENSION--REVOCATION

A. The Chief of Police 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 the license.
2. Violation of any Statutes or ordinances pertaining to theft, possession of stolen property or interstate transportation of stolen vehicles.

B. In the event that the Chief of Police revokes the license, the licensee shall be entitled to a hearing before the Mayor upon notice duly given ten (10) days prior to the date of such hearing. The decision of the Mayor and the reasons therefor shall be sent by certified mail or hand delivered to licensee. (R.O. 2009 §120.47; CC 1981 §28-68; Ord. No. 81-99, 12-10-81; Ord. No. 84-130, 11-7-84)

SECTION 645.250: TRANSFER OF LICENSE

No license shall be transferred from one owner to another, but an owner may transfer the license of one tow truck to another tow truck. Such transfer shall only be made on approval of the Chief of Police after written request was made to him/her on forms provided by him/her for that purpose. (R.O. 2009 §120.48; CC 1981 §28-69; Ord. No. 81-99, 12-10-81; Ord. No. 84-130, 11-7-84)

Cross Reference--As to penalty, §645.450.

SECTION 645.260: VEHICLE LABELING

On each side of a tow truck, there shall be legibly printed in letters not less than two (2) inches in height the following:

1. Name and address of the licensee and the license number assigned to him/her by the Director of Finance.
2. The phrase "licensed tow vehicle of the City of St. Charles".
3. The phrase "request schedule of prices before engaging this vehicle". (R.O. 2009 §120.49; CC 1981 §28-70; Ord. No. 81-99, 12-10-81; Ord. No. 84-130, 11-7-84)

Cross Reference--As to penalty, §645.450.

SECTION 645.270: OPERATIONAL REQUIREMENTS--STATEMENT

A. The owner of a tow truck shall prepare and file in triplicate with the Chief of Police a schedule of prices to be charged for the towing and storage of vehicles. Such schedule may be based on time, mileage or a combination of both. In addition, the schedule may include the minimum charge for any undertaking involving towing and storage. One (1) copy of the schedule shall be retained by the Chief of Police, one (1) copy shall be returned to the applicant upon the issuance of a license and one (1) copy shall be forwarded to the Director of Finance.

B. Prior to the undertaking of a tow, the licensee or his/her agent shall present the schedule to the customer for his/her examination. The schedule shall be on a special printed form approved by the Chief of Police which shall serve not only to advise a customer of the basis of charges under which the towing is to be done, but also as an authority for the commencement of the tow as a work order. This printed form shall be in duplicate and the customer shall sign in a space provided below a bold face printed statement declaring "I have examined the schedule of prices and I hereby authorize the towing of my vehicle." A licensee or his/her agent or employee shall give one (1) copy to the customer

and shall retain the original for his/her files.

C. This original statement shall be retained by the licensee for a period of one (1) year and shall be exhibited by him/her upon demand to the Chief of Police or his/her authorized representative.

D. It shall be unlawful to charge a sum in excess of that authorized by the schedule filed with the Chief of Police.

E. The form used by the licensee as hereinbefore mentioned shall, in addition to the information contained in Subsection (B) of this Section, contain the following:

1. The full name and address of the licensee.
2. The full name and address of the driver of the tow truck.
3. The full name and address of the person engaging the tow truck.
4. The State license plate number or the State vehicle identification number of the vehicle to be towed.
5. The State license plate number of the tow truck.
6. The number of the license issued by the City to the tow truck pursuant to this Article.
7. Any other information required by the Chief of Police. (R.O. 2009 §120.50; CC 1981 §28-71; Ord. No. 81-99, 12-10-81; Ord. No. 84-130, 11-7-84)

Cross Reference--As to penalty, §645.450.

SECTION 645.280: STATEMENT REQUIRED

A. All persons operating a tow truck or their agents, when operating the tow truck, shall keep in their possession a pad of printed statements containing his/her name and the address of his/her place of business and after towing a vehicle shall prepare one (1) of the printed statements in duplicate and furnish the original to the owner of the vehicle or to his/her authorized representative.

B. The statement shall contain the following information:

1. The full name and address of the licensee and the number of the license issued to the tow truck pursuant to this Article.
2. The full name and address of the person driving the tow truck.
3. The full name and address of the person engaging the tow truck.
4. The State license number or the State vehicle identification number of the vehicle.
5. The total amount to be charged for towing to include the number of miles towed and the storage rate per day or price thereof.
6. A duplicate of each statement shall be retained by the licensee for a period of one (1) year and shall be exhibited by him/her upon demand by the Chief of Police or his/her authorized representative. (R.O. 2009 §120.51; CC 1981 §28-72; Ord. No. 81-99, 12-10-81; Ord. No. 84-130, 11-7-84)

Cross Reference--As to penalty, §645.450.

SECTION 645.290: EXEMPTIONS

The provision of Sections 645.270 and 645.280 of this Article shall not be applicable to any licensee operating a tow truck under the terms of this Article when such licensee is under a written contract for a specific period of time with any person, firm or corporation to tow, transport, convey or move a vehicle owned or controlled by such person, firm or

corporation to a specific location so designated for consideration set forth in such contract, provided that the licensee under this Article has in his/her possession at all times while towing, transporting, conveying or moving such vehicle such contract or verified copy thereof and shall display such contract or copy when required to do so by any Law Enforcement Officer. This provision shall not be so construed or interpreted so as to render or to relieve the licensee from complying with the other provisions of this Article. (R.O. 2009 §120.52; CC 1981 §28-73; Ord. No. 81-99, 12-10-81; Ord. No. 84-130, 11-7-84)

SECTION 645.300: INSURANCE REQUIRED

No license to operate a tow truck shall be issued until and unless the applicant shall first obtain a policy of insurance from a company authorized to do business in the State or a bond of indemnity, acceptable to the Director of Finance, with limits for bodily injury liability of at least twenty-five thousand dollars ($25,000.00) for each person, fifty thousand dollars ($50,000.00) for each accident and property damage liability of ten thousand dollars ($10,000.00) for each accident. No person shall operate a tow truck in the City unless the operator shall be covered by an insurance policy with the foregoing minimum limits of liability. (R.O. 2009 §120.53; CC 1981 §28-74; Ord. No. 81-99, 12-10-81; Ord. No. 82-40, 5-19-82; Ord. No. 84-130, 11-7-84)

Cross Reference--As to penalty, §645.450.

SECTION 645.310: OPERATIONAL REGULATIONS

A. No driver of a tow truck shall engage in cruising.
B. No driver of a tow truck shall invite or permit loitering within or near his/her tow truck.
C. No driver of a tow truck shall seek employment by repeatedly driving his/her vehicle to and from in a short space on any highway or otherwise interfering with the proper and orderly progress of traffic along a public highway.
D. No driver of a tow truck shall solicit or attempt to divert prospective patrons of another tow truck.
E. No driver of a tow truck shall solicit or divert prospective patrons at a given garage in the City to any other garage.
F. No driver of a tow truck shall solicit, demand or receive from any person any pay or commission or emolument whatever except the proper fare for transporting the vehicle in accordance with the schedule of charges defined in Section 645.270.
G. All licensees shall promptly report all changes of address to the Chief of Police.
H. A driver of a tow truck shall not remove a vehicle involved in an accident in which a person has been killed or seriously injured unless such vehicle has been released by a duly authorized member of the Police Department.
I. No person or agent of the person holding a license pursuant to this Article shall use or have in his/her possession a short wave receiver as defined herein while engaged in the business of towing, except those persons under written contract with the City or other municipal Police agency for towing services. (R.O. 2009 §120.54; CC 1981 §28-75; Ord. No. 81-99, 12-10-81; Ord. No. 84-130, 11-7-84)

Cross Reference--As to penalty, §645.450.

ARTICLE IV. HORSE-DRAWN CARRIAGES

SECTION 645.320: DEFINITIONS

For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CARRIAGE: Any device in, upon or by which any person is or may be transported or drawn upon a public way, designed to be or capable of being drawn by a horse.

CARRIAGE STAND: The portion of the curb lane designated by the Department of Public Works for loading and unloading of passengers for horse-drawn vehicles.

HORSE: An animal of the genus equis.

VETERINARIAN: A practicing veterinarian licensed by the State. (R.O. 2009 §120.65; CC 1981 §28-77; Ord. No. 85-17, 3-6-85)

SECTION 645.330: LICENSE REQUIREMENTS

Any horse used for the purpose of drawing a carriage licensed under this Article must first be licensed as follows:

1. The annual license for each horse licensed under this Article shall be issued at no charge. Each horse license issued under this Article shall expire on March thirty-first (31st) following the date of issuance.
2. Each horse licensed shall be photographed or otherwise clearly identified by an identification number tattooed in a conspicuous place.
3. Any Animal Control Officer or other person designated by the City has the power to demand proof of the issuance of a license any time that the horse is being used to draw a carriage licensed under this Article any place within the City.
4. Every licensee and the licensee's agents shall at all times allow complete access to any horse licensed hereunder for the purpose of inspection.
5. Any horse upon a public street which shall be drawing a carriage shall be driven at all times by a person licensed as a "driver".
6. To be licensed as a driver of a horse-drawn carriage, a person must be eighteen (18) years of age, of good moral character and not have been convicted of any crime or misdemeanor involving violence, physical abuse or moral turpitude. An applicant must have knowledge of the handling and driving of horses. (R.O. 2009 §120.66; CC 1981 §28-78; Ord. No. 85-17, 3-6-85)

SECTION 645.340: CARRIAGE LICENSE REQUIRED

A. Application for horse-drawn carriage licenses shall be made in writing, signed and sworn to by the applicant or if applicant is a corporation, by its duly authorized agent upon forms provided by the Finance Director. The application shall contain the full name and residence address of the applicant; place of business; the business telephone number of the applicant; and the manufacturer's name, model, length of time in use, seating capacity and type of brake system of the carriage which applicant will use.

B. Horse-drawn carriage licenses shall be renewable at the same time as the horse license herein described. For each carriage licensed under this Article, the applicant shall pay

thirty-five dollars ($35.00) plus fifty percent (50%) of the amount paid as a special business district license fee.

C. If the application and all other statements and documents required to be filed with the application have been properly executed, the applicant is qualified to pursue this occupation, the carriage or carriages are in safe and proper condition and the horse has been properly licensed, a license will be issued for each horse-drawn carriage applied for to terminate on March thirty-first (31st)

following the date of issuance. A horse-drawn carriage license may not be applied for by, nor may a license be issued to, any person other than the owner of a carriage or horse.

D. Every horse-drawn carriage licensee shall carry public liability and property damage insurance and Workmen's Compensation insurance for his/her employees with solvent and responsible insurers authorized to transact such insurance in the State and qualified to assume the risk or the amounts hereinafter set forth under the laws of the State, to secure payment of any loss or damage resulting from any occurrence arising out of or caused by the operation or use of any of the licensee's horse-drawn carriages. The public liability insurance policy or contract may cover one (1) or more horse-drawn carriages, but each horse-drawn carriage shall be insured for property damage and for injuries or death for the sum of at least one hundred thousand dollars ($100,000.00) per individual and eight hundred thousand dollars ($800,000.00) per occurrence. (R.O. 2009 §120.67; CC 1981 §28-79; Ord. No. 85-17, 3-6-85)

Cross Reference--As to penalty, §645.450.

SECTION 645.350: HORSE AND DRIVER REQUIREMENTS

No horse licensed shall be used to draw a carriage unless the following requirements are met:

1. The horse shall be fit for such work.
2. The hooves of the horse must be properly shod and trimmed, utilizing rubber coated, rubber heal pads or open steel borium tip shoes to aid in the prevention of slipping.
3. The horse must be groomed daily.
4. The horse must be examined by a veterinarian every six (6) months. The horse must be immunized against equine infectious anemia and immunized annually against rabies. The driver of a horse-drawn carriage must have in his/her possession, at all times the carriage is in operation, a license for the carriage being driven and a license for the horse drawing the carriage.
5. All harnesses and bits shall be used and maintained in accordance with the manufacturing design.
6. No horse shall be utilized to pull a carriage carrying more passengers than the carriage is designed to carry by the manufacturer, nor shall a carriage be pulled by fewer animals than provided for by the design.
7. No horse drawing a carriage shall be worked at a speed faster than a slow trot.
8. All horses shall be equipped with a waste-catching device, approved by the City, while on any public way. Any waste or debris resulting from the horse or carriage shall be immediately removed by the driver. (R.O. 2009 §120.68; CC 1981 §28-80; Ord. No. 85-17, 3-6-85)

Cross Reference--As to penalty, §645.450.

SECTION 645.360: CARRIAGE REQUIREMENTS

A. A horse-drawn carriage licensee and the licensee's agents shall at all times allow complete access to any carriages, horses and any facilities used by the licensee in the course of operating horse-drawn carriages within the City for purposes of inspection.

B. All horses drawing horse-drawn carriages shall be kept in compliance with the applicable provisions of this Code of Ordinances, the laws of the State and Federal law.
C. All horse-drawn carriages must be equipped with lights visible from the front and side, an approved brake system and rubber tires. All carriages and drivers shall comply with any applicable requirements of the State and this Code of Ordinances including, but not limited to, traffic laws and ordinances.
D. The driver of a horse-drawn carriage shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers other than at a designated horse-drawn carriage stand other than in the case of an emergency. However, the driver of a horse-drawn carriage may pick up and discharge passengers along South Main Street as long as traffic is not obstructed.
E. All horse-drawn carriage stands shall be maintained clean and free of litter by the driver. (R.O. 2009 §120.69; CC 1981 §28-81; Ord. No. 85-17, 3-6-85)

Cross Reference--As to penalty, §645.450.

SECTION 645.370: TIME OF OPERATION--APPLICATION OF REGULATIONS

A. *Time Of Operation.* No horse-drawn carriage may be driven on any City street before 9:30 A.M. nor after 10:00 P.M., unless the times are extended by the Mayor.
B. *Application Of Regulations.* No person may operate a horse-drawn carriage for compensation, nor may the owner thereof permit such operation upon the public streets in the City except in the area and at the times described in Subsection (A) of this Section, nor may a carriage be so operated unless the carriage is licensed as a horse-drawn carriage and the horse drawing the carriage is licensed under the provisions of this Article; except that re-enactment groups utilizing horses are excluded from the provisions of this Chapter. (R.O. 2009 §120.70; CC 1981 §§28-82--28-83; Ord. No. 85-17, 3-6-85)

Cross Reference--As to penalty, §645.450.

SECTION 645.380: REMOVAL OF HORSE

Any horse licensed under this Article for the purposes of drawing a carriage which must be removed from a public way for any reason shall be under the custody and control of the Animal Control Officer, except that if no Animal Control Officer is available, then any Police Officer is authorized to remove the horse from the public way. (R.O. 2009 §120.71; CC 1981 §28-84; Ord. No. 85-17, 3-6-85)

SECTION 645.390: DESIGNATION OF HORSE-DRAWN CARRIAGE STANDS

The City Traffic Engineer is authorized to determine the location of designated horse-drawn carriage stands and shall place and maintain appropriate signs indicating the same. (R.O. 2009 §120.72; Ord. No. 95-289, 10-18-95)

ARTICLE V. PEDAL CAB OR BICYCLE TAXIS AND RICKSHAWS

SECTION 645.400: DEFINITIONS

For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BICYCLE TAXI: Any multi-wheeled, hooded or unhooded vehicle that is propelled by human power through the use of a belt, chain or gears and is used to transport one (1) or more passengers on City streets.

LICENSEE: Any person, partnership, corporation, association or other organization licensed by the City to make themselves available for hire to transport passengers by means of one (1) or more than one (1) pedal cab, bicycle taxi or rickshaw.

OPERATOR: Any person who transports one (1) or more passengers in a pedal cab, bicycle taxi or rickshaw for hire on City streets.

PEDAL CAB: Any multi-wheeled, hooded or unhooded vehicle that is propelled by human power through the use of a belt, chain or gears and is used to transport one (1) or more passengers on City streets.

PEDAL CAB, BICYCLE TAXI OR RICKSHAW STAND: The portion of the curb designated by the Department of Public Works for loading and unloading of passengers for pedal cabs, bicycle taxis or rickshaws.

RICKSHAW: Any two-wheeled vehicle that is propelled by human power only and is used to transport one (1) or more passengers on City streets. (R.O. 2009 §120.80; Ord. No. 08-172, 8-21-08)

SECTION 645.410: LICENSE REQUIRED

A. Application for pedal cab/bicycle taxi/rickshaw licenses shall be made in writing, signed and sworn to by the applicant or if applicant is a corporation, by its duly authorized agent, upon forms provided by the Department of Finance. The application shall contain the full name and residence address of the applicant; place of business; the business telephone number of the applicant; and the manufacturer's name, model, length of time in use, seating capacity and type of brake system of the vehicle which applicant will use.

B. Pedal cab/bicycle taxi/rickshaw licenses shall be renewable annually. For each pedal cab, bicycle taxi or rickshaw licensed under this Article, the applicant shall pay thirty-five dollars ($35.00)

C. If the application and all other statements and documents required to be filed with the application have been properly executed, the applicant is qualified to pursue this occupation and the pedal cabs, bicycle taxis or rickshaws are in safe and proper condition, a license will be issued for each pedal cab, bicycle taxi or rickshaw applied for to terminate on December thirty-first (31st) following the date of issuance. A pedal cab, bicycle taxi or rickshaw license may not be applied for by, nor may a license be issued to, any person other than the owner of the pedal cab, bicycle taxi or rickshaw.

D. Every pedal cab, bicycle taxi or rickshaw licensee shall carry liability and property damage insurance and, if required, Workmen's Compensation insurance with an insurer authorized to transact business in the State and qualified to assume the risk or the amounts hereinafter set forth under the laws of the State, to secure payment of any loss or damage resulting from any occurrence arising out of or caused by the operation or use of any of the licensee's pedal cab, bicycle taxi or rickshaw. The liability insurance policy or contract may cover one (1) or more pedal cab, bicycle taxi or rickshaw but each pedal cab, bicycle taxi or rickshaw shall be insured for property damage and for injuries or

death for the sum of at least three hundred thousand dollars ($300,000.00) per individual and one million dollars ($1,000,000.00) per occurrence. (R.O. 2009 §120.81; Ord. No. 08-172, 8-21-08)

SECTION 645.420: PEDAL CAB, BICYCLE TAXI AND RICKSHAW REQUIREMENTS

A. A licensee shall at all times permit inspection of any pedal cab, bicycle taxi or rickshaw and any facilities used by the licensee in the course of operating the pedal cab, bicycle taxi or rickshaw.
B. All pedal cabs, bicycle taxis and rickshaws must be equipped with lights visible from the front, side and rear, an approved brake system and rubber tires. All pedal cabs, bicycle taxis and rickshaws shall comply with applicable State law and this Code of Ordinances, including traffic laws.
C. All pedal cab, bicycle taxi or rickshaw stands shall be maintained clean and free of litter by the operator. (R.O. 2009 §120.82; Ord. No. 08-172, 8-21-08)

SECTION 645.430: AREAS WHERE OPERATION OF PEDAL CABS, BICYCLE TAXIS OR RICKSHAWS PERMITTED

Pedal cabs, bicycle taxis or rickshaws shall be operated only in areas where the posted speed limit does not exceed forty-five (45) miles per hour. (R.O. 2009 §120.83; Ord. No. 08-172, 8-21-08)

SECTION 645.440: DESIGNATION OF PEDAL CAB, BICYCLE TAXI OR RICKSHAW STANDS

The Director of Public Works is authorized to determine the location of designated pedal cab, bicycle taxi or rickshaw stands and shall place and maintain appropriate signs indicating the same. (R.O. 2009 §120.84; Ord. No. 08-172, 8-21-08)

SECTION 645.450: PENALTY

A. Any person who violates any provision of this Chapter for which no other penalty is set forth shall be subject to the penalty set forth in Section 100.150.
B. Any person who shall be convicted of a violation of any provision of Sections 645.170 through 645.310 may be punished by a fine not exceeding five hundred dollars ($500.00) or by imprisonment for not more than ninety (90) days, or both such fine and imprisonment. (R.O. 2009 §120.99; CC 1981 §28-76; Ord. No. 81-99, 12-10-81; Ord. No. 84-130, 11-7-84)

CHAPTER 650: MEDICAL AND HEALTH CARE

FACILITIES

ARTICLE I. FREESTANDING SURGICAL CENTERS

SECTION 650.010: PURPOSE

A. The citizens of the City are supportive of the highest standards of medical and health care.
B. The City finds and determines the public health, safety and welfare of our community requires the City exercise control over certain surgical centers and procedures, which surgical procedures can result in complications and adequate disclosure of equipment and personnel should be required for knowledgeable decision making and in order to ensure the highest standards of care for the protection of the life and health of the patient and the public health and welfare.
C. After due investigation and consideration the City Council concludes that enactment of this Article is a reasonable and prudent action which will significantly contribute to the preservation of the public life, health, safety and welfare and the health and welfare of the City and its trade and commerce. (R.O. 2009 §121.01; CC 1981 §16-300; Ord. No. 84-116, 10-4-84)

SECTION 650.020: DEFINITIONS

For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FREESTANDING SURGICAL TREATMENT CENTER: Any institution, place or building devoted primarily to the maintenance or operation of a facility for the performance of surgical procedures. Such facilities shall not provide services or other accommodations for the overnight stay of patients. Individual patients shall be discharged in an ambulatory condition without danger to the continued well-being of the patients or shall be transferred to a hospital. Excluded from this definition are any facilities licensed as part of a hospital or operated as routine dental care facility.

SURGICAL PROCEDURES: By way general description and not by way of limitation, shall include tonsillectomy, plastic surgery, arthroscopy, abortion, reduction of fracture, eye surgery, opthalmosurgery and surgical procedure shall be defined as medical treatment by instrumental operations. (R.O. 2009 §121.02; CC 1981 §16-301; Ord. No. 84-116, 10-2-84)

SECTION 650.030: LICENSE REQUIRED

A. In addition to all other licenses and permits required to lawfully operate a business in the City, no person, either as owner, agent or manager, shall operate, conduct or maintain a freestanding surgical center without first obtaining a freestanding surgical center license from the City.
B. The fee for the license is ten dollars ($10.00) per year.
C. In order to obtain a freestanding surgical center license, the applicant shall file an

application with the Director of Finance of the City, which contains the following:

1. The full and correct name of the applicant, his/her business address and his/her current residence. If the applicant is a firm, partnership or association, the full business address of such organization shall be given. If the applicant is a corporation, the full and correct name of such corporation and the name of the State under the laws of which it is incorporated shall be stated in the application. If the applicant is a corporation, the names and addresses of the current board of directors and the names and resident addresses of all current officers.
2. A description of the medical facilities and major equipment which shall be available and used at the premises of the center.
3. Applicant shall submit a copy of a working agreement with a duly licensed general hospital located in or near the City to provide for transfer of patients for emergency treatment whenever necessary. Alternatively, applicant shall demonstrate that every physician performing surgical procedures at applicant's facility is a member of the staff of a hospital located in or near the City, thus providing assurance to the public that patients treated in the center shall receive continuity of care should the services of a hospital be required.
4. A statement assuring that there shall be at least one (1) professional registered nurse licensed in Missouri on duty in the freestanding surgical center at all times a patient is in the facility.
5. A statement assuring that emergency equipment shall be provided to handle emergencies resulting from the services rendered in the facility. The following shall be provided as a minimum:
    a. Cardiac monitor and resuscitation equipment;
    b. Immediate access to a blood bank where blood or blood products are readily obtainable; and
    c. Immediate access to an ambulance service.
6. Applicant shall propose to the City how it intends to dispose of all human tissue (including fetal remains). All human tissue shall be disposed of by incineration, burial or other sanitary method of disposal. If the method chosen is other than incineration or burial, the City Council shall, within thirty (30) days, hold a public hearing to determine whether the method of disposal is detrimental to public health, safety and welfare and shall approve or disapprove of the proposed method of disposal within fourteen (14) days after the hearing. Approval of the method of disposal shall not be arbitrarily withheld. In the event that applicant desires to change its method of disposal, it shall comply with the procedure set forth in this Subdivision.
7. The applicant shall make an oath before a notary public, affirming the truth of statements made in the application or if the applicant is a corporation, the oath or affirmation shall be made by the president and the secretary of the corporation.

D. The application shall be approved or denied by the City Council and the license issued by the City Clerk in accordance with this Chapter and the license shall be conspicuously displayed in the place of business of the licensee.

E. The license issued pursuant to this Chapter shall be renewed by the licensee filing an updated application to be received by the Director of Finance of the City prior to June thirtieth (30th) of each

year and approved or denied by the City Council within thirty (30) days thereafter. No license granted hereunder shall be transferable.

F. No person shall assist in, procure or perform surgery on the premises of an outpatient surgical treatment center which is not in possession of a duly issued license.

G. Any freestanding surgical treatment center which is performing surgical procedures or which has been duly licensed and authorized to operate a business and perform surgical procedures as of the date of enactment of this Article shall have three (3) months from the date of enactment of this Chapter within which to comply with the provisions hereof. The City Council, in its discretion, may extend this period for individual cases. (R.O. 2009 §121.03; CC 1981 §16-302; Ord. No. 84-116, 10-4-84)

Cross Reference--As to penalty, §650.070.

SECTION 650.040: COMPLIANCE WITH LAW

The freestanding surgical treatment center shall comply with all laws and local ordinances relating to health, sanitation and safety and this Chapter shall not relieve it of such duty to comply. (R.O. 2009 §121.04; CC 1981 §16-303; Ord. No. 84-116, 10-4-84)

Cross Reference--As to penalty, §650.070.

SECTION 650.050: REVOCATION PROCEDURE

The Mayor may revoke or suspend any permit issued under this Chapter for any willful violation by a licensee of any of the provisions, conditions, restrictions and requirements contained herein, provided such license shall be revoked only after the licensee shall have been notified in writing at his/her place of business of the violations complained of and shall be afforded an opportunity to be heard in answer to any alleged violation. The notice shall fix a time and place at which the Freestanding Surgical Center Review Board shall hear and determine the alleged violations. The service of such notice shall not be less than ten (10) days prior to the time fixed therein for hearing. (R.O. 2009 §121.05; CC 1981 §16-304; Ord. No. 84-116, 10-4-84; Ord. No. 07-162, 6-11-07)

SECTION 650.060: FREESTANDING SURGICAL CENTER REVIEW BOARD

A. There is created the Freestanding Surgical Center Review Board to ensure compliance with this Chapter. The duties and objectives of the Board shall be to:
   1. Act as a communication channel between the applicant and the City Council.
   2. Review and determine efficiency and effectiveness of equipment, personnel and procedures which are subject to the provisions of this Chapter.
   3. Review and determine compliance by applicant for granting of license under this Chapter.
   4. Recommend acceptance or rejection of applicant for licensing.
   5. Hear appeals on any suspension or revocation of license.

B. The Review Board shall consist of six (6) members, with a tenure of one-third (€) rotation each year. Initial terms shall be two (2) members for three (3) years, two (2) members for two (2) years and two (2) members for one (1) year. Standards for membership shall include:

1. Persons employed by the City will be ineligible.
2. Those having family members or relatives working for the City will be ineligible for membership.
3. Must be a resident of the County for a continuous period of one (1) year.
4. Must be a registered voter.

C. The Mayor shall serve as ex officio member of the Review Board. A Council member shall be selected to serve as a member of the Review Board.

D. The Review Board shall select its own officers, to include: Chairperson, Vice Chairperson and Secretary. The Review Board shall meet as may be required, with a quorum of three (3) members other than the Council member. Such meeting date may be established by the Chairperson and the Mayor. The meeting place shall be the City Hall. (R.O. 2009 §121.06; CC 1981 §16-305; Ord. No. 84-116, 10-4-84; Ord. No. 07-162, 6-11-07)

SECTION 650.070: PENALTY

A. Any person who violates any provision of this Chapter for which no other penalty is set forth shall be subject to the penalty set forth in Section 100.150.

B. *Violation.* Upon conviction of any violation of the provisions of the Article set forth in Sections 650.010 through 650.060, there shall be assessed a civil penalty of one hundred dollars ($100.00).

C. No freestanding surgical treatment center shall conduct business or operate in any manner without the license provided for herein or in any way in violation of this Article. The City is hereby authorized to seek injunctive or other appropriate relief to prevent or redress a violation of this Article. (R.O. 2009 §121.99; CC 1981 §16-306; Ord. No. 84-116, 10-4-84)

CHAPTER 655: INSURANCE COMPANIES

Cross Reference--As to withholding insurance proceeds as to damage or loss of building, §500.450.

SECTION 655.010: CLASSIFICATION AND SCHEDULE OF FEES

For the privilege of doing business within the City, insurance companies shall be classified in the following manner and shall pay the following occupational license fees:

1. Insurance companies writing fire insurance policies along with any other type of insurance, exclusive of automobile fire insurance, shall pay thirty-five dollars ($35.00) per annum plus three and six-tenths percent (3.6%) on all premiums on fire insurance policies, exclusive of automobile fire insurance.
2. Insurance companies writing fire insurance only, exclusive of automobile fire insurance, shall pay three and six-tenths percent (3.6%) on premiums for such policies, exclusive of automobile fire insurance.
3. Insurance companies writing insurance policies other than fire insurance, exclusive of automobile fire insurance, shall pay thirty-five dollars ($35.00) per annum. (R.O. 2009 §122.01; CC 1981 §16-72)

SECTION 655.020: EXPIRATION DATE

All licenses issued pursuant to the provisions of this Chapter shall expire on the following March thirty-first (31st), it being the intention of this Section to fix March thirty-first (31st) of each calendar year as the expiration date of all licenses issued pursuant to the provisions of this Chapter. (R.O. 2009 §122.02; CC 1981 §16-84)

SECTION 655.030: MANNER OF COMPUTING FEE--DEPOSIT

A. Every insurance company writing policies of fire insurance on any or all classes of property located within the City, excepting only automobile fire insurance risks written under fire and transportation policies, shall pay an occupational fee as required by Section 655.010 on the percentage of the net gross premium or premium collected less all returned premiums actually paid to policy holders. Such license fee shall be computed on the business done from January first (1st) to December thirty-first (31st), inclusive, of the year preceding the year first for which the license is issued.
B. Any such company commencing business shall deposit with the City Collector the sum of thirty-five dollars ($35.00) until the time for renewal of the license on or before April first (1st) the following year, at which time any excess beyond three and six-tenths percent (3.6%) of the net gross premiums collected less all returned premiums actually paid to policy holders from the time of commencing until January first (1st) shall be returned to such company or applied as credit on the succeeding year's license.
C. Any such company having been in business less than twelve (12) months at the time for making the

annual report required by this Article shall, upon application for renewal of license, pay to the City Collector three and six-tenths percent (3.6%) of the sum calculated by prorating or proportioning the gross net premium reported in the annual report to a twelve (12) month basis. Any excess of the sum paid on this calculation over three and six-tenths percent (3.6%) of the gross net premiums reported in the next annual report shall be returned to such company or applied as a credit on the succeeding year's license. The intent of this Section is that no such company shall pay more than three and six-tenths percent (3.6%) of the gross net premiums collected less all returned premiums actually paid to policy holders for the privilege and right to do business in the City. (R.O. 2009 §122.03; CC 1981 §16-85)

SECTION 655.040: ANNUAL REPORT GENERALLY
The annual reports of insurance business done during the preceding year and net premiums collected and retained by insurance companies doing business and licensed to do business under the terms and provisions of this Chapter shall be in writing and compiled on a form to be furnished by the City Collector. Such reports shall be made by an authorized representative of such insurance company under oath to be administered by an officer possessing a seal. (R.O. 2009 §122.04; CC 1981 §16-86)

SECTION 655.050: WHEN REPORT FILED AND FEE PAID
Every annual report, as referred to in Section 655.040, together with remittance for the total amount of fees due for the particular year, shall be made and filed and the fee paid on or before March thirty-first (31st) of each year. (R.O. 2009 §122.05; CC 1981 §16-87)

SECTION 655.060: RESPONSIBILITY OF COMPANY
The insurance company or corporation, against which an occupational license fee is levied pursuant to this Chapter, shall be solely and primarily liable and responsible to the City for the accounting for such fee and its payment and shall be punishable under the laws of this State or other competent jurisdiction for any false statements or representations made or set forth in any written report hereinabove called for, for the purpose of calculating the amount of the fee due to the City. (R.O. 2009 §122.06; CC 1981 §16-88)

CHAPTER 660: MASSAGE TECHNICIANS

SECTION 660.010: DEFINITIONS
For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
CHIEF OF POLICE: The Chief of Police of the Saint Charles City Police Department.

DIRECTOR: The Director of the Finance Department.
MASSAGE BUSINESS: Any place of business in which massage therapy is practiced.
MASSAGE THERAPY: A health care profession which involves the treatment of the body's tonus system through the scientific or skillful touching, rubbing, pressing or other movements of the soft tissues of the body with the hands, forearms, elbows, or feet, or with the aid of mechanical apparatus, for relaxation, therapeutic, remedial or health maintenance purposes to enhance the mental and physical well-being of the client, but does not include the prescription of medication, spinal or joint manipulation, the diagnosis of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law, or to those occupations defined in Chapter 329, RSMo.
PRACTICE OF MASSAGE: The administration of a massage to another person for any form of consideration. (R.O. 2009 §123.01; Ord. No. 94-109, 5-18-94; Ord. No. 95-75, 3-22-95)

SECTION 660.020: APPLICATION OF CHAPTER
This Chapter shall not apply to:

1. Physicians, surgeons, nurses, chiropractors, physical therapists and osteopaths who are licensed to practice their respective profession in the State.
2. A trainer of any duly constituted athletic team who administers a massage in the normal course of training duties.
3. Any cosmetologist, barber or manicurist who is duly licensed under the law of the State and who administers massages pursuant to such laws in the course of his/her duties. (R.O. 2009 §123.02; Ord. No. 94-109, 5-18-94; Ord. No. 95-75, 3-22-95)

SECTION 660.030: MASSAGE TECHNICIAN LICENSE REQUIRED
No person shall engage in the practice of massage within the City unless such person has first been issued a massage technician license by the Director of Finance and unless such license remains in effect in conformity with this Chapter. (R.O. 2009 §123.03; Ord. No. 94-109, 5-18-94; Ord. No. 95-75, 3-22-95; Ord. No. 98-413, 10-22-98)

Cross Reference--As to penalty, §100.150.

SECTION 660.040: APPLICATION--REQUIRED INFORMATION
Each application for a massage technician license shall be submitted to the Director of Finance and shall contain the following information:

1. The applicant's full name, residential address and telephone number;
2. The name, address and telephone number of the massage establishment;
3. A copy of the license to practice massage therapy from the State of Missouri;
4. Three (3) portrait photographs, at least two (2) inches by two (2) inches. (R.O. 2009 §123.04; Ord. No. 94-109, 5-18-94; Ord. No. 95-75, 3-22-95; Ord. No. 98-413, 10-22-98)

SECTION 660.050: LICENSE FEE

Any person obtaining a license to act as a massage technician shall pay to the Chief of Police an annual license fee of twenty-five dollars ($25.00). (R.O. 2009 §123.08; Ord. No. 94-109, 5-18-94; Ord. No. 95-75, 3-22-95; Ord. No. 95-187, 7-20-95)

SECTION 660.060: TRANSFER OF LICENSE

No massage technician license shall be transferable. (R.O. 2009 §123.09; Ord. No. 94-109, 5-18-94; Ord. No. 95-75, 3-22-95)

Cross Reference--As to penalty, §100.150.

CHAPTER 665: SEXUALLY ORIENTED BUSINESS REGULATIONS

ARTICLE I. GENERAL PROVISIONS

SECTION 665.010: TITLE

This Chapter shall be known as "The Sexually Oriented Business Ordinance for the City of St. Charles, Missouri". (R.O. 2009 §158.001; Ord. No. 06-330, 12-14-06)

SECTION 665.020: SCOPE

The provisions of this Chapter shall apply to the corporate limits of the City of St. Charles, Missouri. (R.O. 2009 §158.002; Ord. No. 06-330, 12-14-06)

SECTION 665.030: PURPOSE

It is the purpose of this Chapter to regulate sexually oriented businesses and related activities to promote the health, safety, morals and general welfare of the citizens of the City of St. Charles, Missouri, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the City of St. Charles, Missouri. The provisions of this Chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this Chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment of the United States Constitution or Article I, Section 8 of the Missouri Constitution or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. It is neither the intent nor effect of this Chapter to condone or legitimize the distribution of obscene material. (R.O. 2009 §158.003; Ord. No. 06-330, 12-14-06)

SECTION 665.040: LEGISLATIVE FINDINGS OF FACT

Based upon evidence concerning the adverse secondary effects of adult uses on the community from factual findings incorporated in the cases of City of Littleton v. Z.J. Gifts D-4, L.L.C., 541 U.S. 774 (2004); City of Los Angeles v. Alameda Books, Inc., 535 U.S. 424 (2002); City of Erie v. Pap's A.M, 529 U.S. 277, 146 L. Ed. 2d 265, 120 S. Ct. 1382 (2000); Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991); FW/PBS, Inc. v. City of Dallas, 493 U.S. 215 (1990); City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986); Arcara v. Cloud Books, Inc., 478 U.S. 697 (1986); Iacobucci v. City of Newport, Ky., 479 U.S. 92 (1986); Young v. American Mini Theatres, 427 U.S. 50 (1976); California v. LaRue, 409 U.S. 109 (1972); United States v. O'Brien, 391 U.S. 367 (1968); World Wide Video of Washington, Inc. v. City of Spokane, 368 F.3d 1186 (9th Cir. 2004); Ben's Bar, Inc v. Village of Somerset, 316 F.3d 702 (7th Cir. 2003); SOB, Inc. v. City of Benton, 317 F.3d 856 (8th Cir. 2003); Center for Fair Public Policy v. Maricopa County, 336 F.3d 1153 (9th Cir. 2003); DLS, Inc. v. City of Chattanooga, 107 F.3d 403 (6th Cir.1997); Kev, Inc. v. Kitsap County, 793 F.2d 1053 (9th Cir.1986); Hang On, Inc. v. City of Arlington, 65 F.3d 1248 (5th Cir.1995); South Florida Free Beaches, Inc. v. City of Miami, 734 F.2d 608 (11th Cir.1984);

N.W. Enterprises v. City of Houston, 27 F. Supp. 2d 754 (S.D. Tex.1998); St. Louis County v. B.A.P., 18 S.W.3d 397 (Mo. Ct. App. ED 2000); studies conducted in other Cities and Counties including, but not limited to, Kansas City, Missouri; Rochester, New York; Denver, Colorado; Newport News, Virginia; St. Croix County, Wisconsin; Virginia Beach, Virginia; New York, New York; Manatee County, Florida; Phoenix, Arizona; St. Paul, Minnesota; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; Beaumont, Texas; St. Cloud, Minnesota; Greensboro, North Carolina; Spokane, Washington Legislative Record; Kennedale, Texas; Tucson, Arizona; Rome City, Georgia; St. Marys, Georgia; Centralia, Illinois; Effingham County, Illinois; and Cleburne, Texas; findings reported in the Final Report of the Attorney General's Commission on Pornography (1986), the Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota) and the report to the American Center for Law and Justice on the Secondary Impacts of Sexually Oriented Businesses dated March 31, 1996, the City Council finds that:

1. The outright prohibition of sexually oriented businesses improperly infringes upon protected forms of expression; but that reasonable regulation of such businesses so as to curtail and prevent pernicious secondary effects is both permissible and desirable.
2. Sexually oriented businesses, if unregulated, are likely to lead to an increase in illegal sexual activities, drug and alcohol offenses, disorderly conduct and other criminal activity.
3. Crime statistics show that all types of crimes, especially sex-related crimes, occur with more frequency in neighborhoods where sexually oriented businesses are located. See, e.g., studies of the Cities of Phoenix, Arizona; Indianapolis, Indiana; and Austin, Texas.
4. When more than one (1) sexually oriented business use occupies the same location or business address, the secondary effects caused by such businesses are increased. Secondary effects are reduced or controlled to a greater degree when only a single sexually oriented business use is allowed to occupy the same location.
5. Law enforcement resources available for responding to problems associated with or created by sexually oriented businesses are limited due to the growth of the City and such resources are best conserved by regulating sexually oriented businesses.
6. The public health, safety, welfare and convenience of the residents of the City require that sexually oriented businesses and their locations be regulated in order to reduce the potential for harm and in order to preserve and protect the quality of life in the residential and business environs of the City.
7. The location of sexually oriented businesses in close proximity to each other adversely affects the property values, causes an increase in crime and encourages residents and other businesses in proximity to such sexually oriented businesses to move and locate elsewhere.

8. It is the duty and responsibility of the Mayor and Council for the City to protect and preserve the public health, safety and welfare of the City and its residents, the stability of the value and use of property within the City and the character of its neighborhoods and developments.
9. In order to preserve the public peace and good order and to safeguard and promote the health,

safety and welfare of the City and its citizens, therefore, it is necessary and advisable to regulate and restrict the location of sexually oriented business establishments.

10. The general welfare, health, morals and safety of the citizens of this City will be promoted by enactment of this Chapter.
11. The requirements of this Chapter advance the public health, safety and welfare by providing neutral regulations governing the conduct of sexually oriented businesses within the corporate limits of the City of St. Charles, Missouri. (R.O. 2009 §158.004; Ord. No. 06-330, 12-14-06)

SECTION 665.050: DEFINITIONS

For the purposes of this Chapter, the following definitions shall apply unless the context clearly indicates of requires a different meaning.

ADULT ARCADE: Any place to which the public is permitted or invited wherein paper token-operated, coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, videos, digital video disc, video over Internet protocol, computer-operated or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

ADULT BOOKSTORE OR ADULT VIDEO/DVD STORE: Any business, commercial establishment or premises that has as a substantial or significant portion of its stock in trade or has as one (1) of its primary or principal business purposes, offers for sale or rental for any form of consideration any one (1) or more of the following:

1. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides, digital video disc, computer disc or other visual representations that depict or describe specified sexual activities or specified anatomical areas; or
2. Instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities.

A principal business purpose exists if materials offered for sale or rental depicting or describing specified sexual activities or specified anatomical areas generate twenty percent (20%) or more of the business's income or account for twenty percent (20%) or more of inventory or occupy twenty percent (20%) or more of gross total floor area. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore or adult video store so long as one (1) of its principal business purposes is the offering for sale or rental for consideration the specified materials that depict or describe specified sexual activities or specified anatomical areas.

ADULT CABARET: An adult live entertainment facility or that part of a live adult entertainment facility which may include a nightclub, bar, restaurant, cafe or similar establishment that regularly,

commonly, habitually or consistently features or otherwise offers to the public, customers or members in a viewing area, any live exhibition, performance or dance by persons whose exhibition, performance or dance includes any of the following:

1. Persons who appear in a state of nudity or semi-nudity;
2. Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities;
3. Films, motion pictures, video cassettes, slides, digital video discs, photographic reproductions, video over Internet protocol or other image-producing devices that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
4. Persons who engage in erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

ADULT LIVE ENTERTAINMENT FACILITY: Any building, structure or facility which contains or is used for commercial entertainment, including theaters used in presenting live presentations, predominately distinguished or characterized by their principal emphasis on matter displaying, depicting, describing or relating to specified sexual activities or specified anatomical areas and including adult cabaret facilities providing a live presentation, where customers observe any live presentation of any person wholly or partially nude with their genitals or pubic region exposed or covered only with transparent covering and additionally, in the case of a female person, with the areola and nipple of the breast exposed or covered only with transparent covering or observe specified sexual activities.

ADULT MOTEL: A hotel, motel, building or portion of a building, structure, facility or similar commercial establishment that:

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, digital video discs, video over Internet protocol or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way that advertises the availability of this adult type of photographic reproductions; or
2. Offers a sleeping room for rent for a period of time that is less than eighteen (18) hours; or
3. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than eighteen (18) hours.

ADULT MOTION PICTURE THEATER: A building or portion of a building (including any portion of a building which contains more than one hundred fifty (150) square feet) where films, motion pictures, movies, video cassettes, slides, digital video discs or similar photographic reproductions, video over Internet protocol or other projected images are regularly, commonly, habitually or consistently shown that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT THEATER: A theater, concert hall, auditorium or similar commercial establishment that regularly, commonly, habitually or consistently features persons who appear in person in a state of

nudity or semi-nudity or live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities.
DIRECTOR: The Director of Community Development.
EMPLOYEE: A person who performs any service on the premises of a sexually oriented business on a full-time, part-time, contract basis or independent basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not the said person is paid a salary, wage or other compensation by the operator of said business. "Employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises or for the delivery of goods to the premises, nor does "employee" include a person exclusively on the premises as a patron or customer. The term "employee" includes any manager.
ESTABLISHMENT: Includes any of the following:

1. The opening or commencement of any sexually oriented business as a new business;
2. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
3. The additions of any sexually oriented business to any other existing sexually oriented business; or
4. The relocation of any sexually oriented business; or
5. A sexually oriented business or premises on which the sexually oriented business is located.

GROSS TOTAL FLOOR AREA: The total area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind-counter areas, storage areas visible from such other areas, restrooms (whether or not labeled "public"), areas used for cabaret or similar shows (including stage areas) plus aisles, hallways and entryways serving such areas.
LICENSED DAY CARE CENTER: A facility licensed by the State of Missouri, whether situated within the County or not, that provides care, training, education, custody, treatment or supervision for more than twelve (12) children under fourteen (14) years of age, where such children are not related by blood, marriage or adoption to the owner or operator of the facility.
LIVE THEATRICAL PERFORMANCE: A play, skit, opera, ballet, concert, comedy or musical drama.
MATERIAL: Anything printed or written or any picture, drawing, photograph, motion picture film, videotape or videotape production or pictorial representation or any statue or other figure or any recording or transcription or any mechanical, chemical or electrical reproduction or anything that is or may be used as a means of communication. "Material" includes undeveloped photographs, molds, printing plates and other latent representational objects.
MEDIA: Anything printed or written or any picture, drawing, photograph, motion picture film, videotape or videotape production or pictorial representation or any electrical or electronic

reproduction of anything that is or may be used as a means of communication. "Media" includes, but shall not be limited to, books, newspapers, magazines, movies, videos, sound recordings, cd-roms, digital video discs, laser discs, other magnetic media and undeveloped photographs.

NUDITY OR A STATE OF NUDITY: The appearance of a human bare buttock, anus, anal cleft or cleavage, pubic area, male genitals, female genitals or vulva, with less than a fully opaque covering; or a female breast with less than a fully opaque covering of any part of the areola; or human male genitals in a discernibly turgid state even if completely and opaquely covered.

OPERATOR: Any person operating, conducting or maintaining a sexually oriented business.

OWNER: The proprietor, if a sole proprietorship; all partners (general and limited), if a partnership; all officers, directors and persons holding five percent (5%) or more of the outstanding shares if a corporation; or all officers, directors, members and persons holding five percent (5%) or more of any ownership interest, if a limited liability company; or any beneficiary or trustee of a trust.

PERSON: An individual, proprietorship, partnership, corporation, trust, incorporated or unincorporated association, limited liability company, joint venture, governmental entity or other entity or group of persons however organized.

PREMISES: The real property upon which the sexually oriented business is located and all appurtenances thereto and buildings thereon including, but not limited to, the sexually oriented business, the grounds, private walkways and parking lots or parking garages adjacent thereto under the ownership, control or supervision of the owner or operator.

SEMI-NUDE OR SEMI-NUDITY: The appearance of the female breast below a horizontal line across the top of the areola at its highest point. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed in whole or in part.

SEXUALLY ORIENTED BUSINESS: An adult arcade, adult bookstore or adult video store, adult cabaret, adult live entertainment facility, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center.

SPECIFIED ANATOMICAL AREAS:

1. The human male genitals in a discernibly turgid state, even if fully and opaquely covered;
2. Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

SPECIFIED SEXUAL ACTIVITIES: Includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts, whether covered or uncovered;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any of the activities set forth in Subsections (1) through (3) above. (R.O. 2009 §158.005; Ord. No. 06-330, 12-

14-06)

ARTICLE II. LOCATION--BUILDING AND SIGNAGE RESTRICTIONS

SECTION 665.060: LOCATION AND BUILDING RESTRICTIONS

A. Sexually oriented businesses shall be permitted in any "I-2" Heavy Industrial District provided that the sexually oriented business may not be operated within:
   1. One thousand (1,000) feet of a church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
   2. One thousand (1,000) feet of a public or private educational facility including, but not limited to, licensed day care center, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges and universities; school includes the school ground, but does not include the facilities used primarily for another purpose and only incidentally as a school;
   3. One thousand (1,000) feet of a public park or recreational area which has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, skating rink, pedestrian/bicycle paths, wilderness areas or other similar public land;
   4. One thousand (1,000) feet of the property line of a lot zoned for residential use as defined in Chapter 400 as "R-1C", "R-1D", "R-1E", "R-2", "R-3" or "R-M" and being devoted to residential use;
   5. One thousand (1,000) feet of another sexually oriented business;
   6. One thousand (1,000) feet of any establishment that offers for sale alcoholic beverages for on- premise consumption or provides for on-premise consumption of alcoholic beverages; or
   7. One thousand (1,000) feet of the property line of any lot designated for residential use on a development plan approved under a "PD-R" Planned Development--Residential, "PD-MU" Planned Development--Mixed Use or "PD-RF" Planned Development--Riverfront Zoning District.

B. A sexually oriented business may not be operated in the same building, structure or portion thereof containing another sexually oriented business.

C. For the purpose of this Chapter, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted to the nearest property boundary of

the premises described in Subsections (A)(1) and (2); or to the nearest property boundary described in Subsections (A)(3), (4) and (7).

D. For purposes of Subsection (C) of this Section, the distance between any two (2) sexually oriented business uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located. (R.O. 2009 §158.010; Ord. No. 06-330, 12-14-06)

SECTION 665.070: SIGN RESTRICTIONS

A. Notwithstanding any other ordinance, code or regulation to the contrary, it shall be unlawful for the operator of any sexually oriented business or any other person to erect, construct or maintain any sign for the sexually oriented business other than the one (1) primary sign and one (1) secondary sign as provided herein.

B. Primary signs shall have no more than two (2) display surfaces. Each such display surface shall:
   1. Not contain any flashing lights;
   2. Be a flat plane, rectangular in shape;
   3. Not exceed seventy-five (75) square feet in area; and
   4. Not exceed ten (10) feet in height or ten (10) feet in length.

C. Primary signs shall contain no photographs, silhouettes, drawings or pictorial representations in any manner and may contain only the name of the establishment.

D. Each letter forming a word on a primary sign shall be of solid color and each such letter shall be the same print-type, size and color. The background behind such lettering on the display surface of a primary sign shall be of a uniform and solid color.

E. Secondary signs shall have only one (1) display surface. Such display surface shall:
   1. Be a flat plane, rectangular in shape;
   2. Not exceed twenty (20) square feet in area;
   3. Not exceed five (5) feet in height and four (4) feet in width; and
   4. Be affixed or attached to any wall or door of the enterprise.

F. The provisions of Subsection (B)(1) and Subsections (C) and (D) shall also apply to secondary signs.

G. Any sign erected prior to the enactment of this Chapter shall be considered a lawful non-conforming sign. (R.O. 2009 §158.015; Ord. No. 06-330, 12-14-06)

SECTION 665.080: EXTERIOR PORTIONS OF SEXUALLY ORIENTED BUSINESSES

A. It shall be unlawful for an owner or operator of a sexually oriented business to allow the merchandise or activities of the establishment to be visible from a point outside the establishment.

B. It shall be unlawful for the owner or operator of a sexually oriented business to allow the exterior portion of the sexually oriented business to have flashing lights or any words, lettering, photographs, silhouettes, drawings or pictorial representations of any manner except to the extent permitted by the provisions of this Chapter.

C. It shall be unlawful for the owner or operator of a sexually oriented business to allow exterior portions of the establishment to be painted any color other than a single

achromatic color. This provision shall not apply to a sexually oriented business if the following conditions are met:

1. The establishment is a part of a commercial multi-unit center; and
2. The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the business, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.

D. Nothing in this Section shall be construed to require the painting of an otherwise unpainted exterior portion of a sexually oriented business. (R.O. 2009 §158.020; Ord. No. 06-330, 12-14-06)

ARTICLE III. HOURS OF OPERATION

SECTION 665.090: HOURS OF OPERATION

No sexually oriented business, except for an adult motel, may remain open at any time between the hours of 11:00 P.M. and 9:00 A.M. (R.O. 2009 §158.025; Ord. No. 07-102, 4-24-07)

ARTICLE IV. AGE RESTRICTIONS

SECTION 665.100: AGE RESTRICTIONS

A. It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of a sexually oriented business at any time the sexually oriented business is open for business.

B. It shall be the duty of each owner, operator and employee of each sexually oriented business to ensure that an attendant is stationed at each public entrance to the sexually oriented business at all times during such sexually oriented business's regular business hours. It shall be the duty of the attendant to prohibit any person under the age of eighteen (18) years from entering the sexually oriented business. It shall be presumed that an attendant knew a person was under the age of eighteen (18) unless such attendant asked for and was furnished:

1. A valid motor vehicle driver's license; or
2. A valid personal identification certificate issued by any State reflecting that such person is eighteen (18) years of age or older. (R.O. 2009 §158.030; Ord. No. 06-330, 12-14-06)

ARTICLE V. NON-CONFORMING USES

SECTION 665.110: NON-CONFORMING USES

A. Any business lawfully operating on the effective date of this Chapter that is in violation

of the locational or hours of operation requirements of this Chapter shall be deemed a non-conforming use. The non-conforming use will be permitted to continue, unless terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such non-conforming use shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use.

B. A sexually oriented business lawfully operating as a conforming use is not rendered a non-conforming use by the location of a church, synagogue or regular place of religious worship, public or private elementary or secondary school, licensed day care center, public park, residential district or use described in Section 665.060(A) within one thousand (1,000) feet of the sexually oriented business. (R.O. 2009 §158.040; Ord. No. 06-330, 12-14-06; Ord. No. 07-102, 4-24-07)

ARTICLE VI. ADMINISTRATION, ENFORCEMENT, VIOLATIONS AND PENALTIES

SECTION 665.120: ADMINISTRATION

The Director of Community Development shall be responsible for administering, maintaining, interpreting, revising and updating this Chapter. The Director is authorized to inspect sexually oriented businesses to determine compliance with this Chapter. (R.O. 2009 §158.050; Ord. No. 06-330, 12-14-06)

SECTION 665.130: ENFORCEMENT

It shall be the duty of the Department of Community Development to enforce the provisions of this Chapter. (R.O. 2009 §158.051; Ord. No. 06-330, 12-14-06)

SECTION 665.140: PENALTY

It shall be unlawful for any person to violate any of the provisions of this Chapter. Upon conviction thereof, such person shall be fined up to five hundred dollars ($500.00) or be punished by imprisonment not to exceed ten (10) days or be punished by both such fine and imprisonment. Each day's violation of or failure, refusal or neglect to comply with any provision of this Chapter shall constitute a separate and distinct offense. The penalties provided in this Section are cumulative and in addition to and are separate from any civil action to enforce this Chapter. (R.O. 2009 §158.052; Ord. No. 06-330, 12-14-06)

SECTION 665.150: INJUNCTION

With or without the initiation of criminal prosecution or any other legal proceedings, the City may apply to the appropriate court for injunctive relief, which would require the correction or abatement of any violation of this Chapter. The initiation or exhaustion of one (1) of these enforcement proceedings shall not be a prerequisite to the initiation of any other of these enforcement proceedings. Different types of enforcement proceedings

may be pursued concurrently. (R.O. 2009 §158.053; Ord. No. 06-330, 12-14-06)

SECTION 665.160: CONFLICTING LAW

All ordinances, codes, regulations and orders or parts thereof in conflict with the provisions of this Chapter shall not apply. (R.O. 2009 §158.054; Ord. No. 06-330, 12-14-06)

CHAPTER 670: CABLE TELEVISION REGULATIONS

Charter Reference--As to franchises, charter art. XI.

ARTICLE I. STATEMENT OF INTENT AND PURPOSE--SHORT TITLE--DEFINITIONS

SECTION 670.010: STATEMENT OF INTENT AND PURPOSE

A. The City, pursuant to applicable Federal and State law, is authorized to grant one (1) or more non-exclusive franchises to construct, operate, maintain and reconstruct cable systems within the City.

B. The City Council finds that cable service has become an integral part of its citizens' lives and that evolving cable systems have the potential to play an even more dramatic role in the future, providing great benefits and advanced capabilities to residents of the City. At the same time, the rapidly emerging role of the cable modem as an integrated broadband communications platform, coupled with the relative lack of competition faced by the incumbent cable operator within the City limits, necessitates a finding that the local government has a legitimate and vital role to play in regulating cable services in a manner that ensures high quality customer service while at the same time fostering competition to the extent permitted by law. The Council further finds that the public convenience, safety and general welfare can best be served by establishing regulatory powers that are vested in the City or such persons as the City designates.

C. In order to ensure that the City and its residents receive state of the art cable services and capabilities as this technology further evolves, all franchises granted pursuant to this Chapter will be subject to periodic review and modifications to keep current with changing law, technology and services. It is the intent of this Chapter to provide for and specify the means to attain the best possible cable service to residents of the City and any franchises issued pursuant to this Chapter shall be deemed to include this finding as an integral part thereof.

D. The Council further finds that ongoing industry consolidation has resulted in less local accountability and that therefore flexible franchise lengths and stringent customer service standards, including liquidated damage provisions, may be the only practical means of ensuring compliance and approximating the costs of franchise agreement non-compliance to the City and its residents. (R.O. 2009 §111.001; Ord. No. 01-125, 6-20-01)

SECTION 670.020: SHORT TITLE
This Chapter shall be known and may be cited as "The City of Saint Charles Master Cable Services Regulatory Ordinance". (R.O. 2009 §111.002; Ord. No. 01-125, 6-20-01)

SECTION 670.030: DEFINITIONS
For the purpose of this Chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number and words in the

singular number include the plural number. The words *"shall"* and *"will"* are mandatory and *"may"* is permissive. Words not defined shall be given their common and ordinary meaning.

APPLICATION FEE: a reasonable, non-refundable fee established by the City that shall be required to accompany an initial cable franchise application or renewal application.

BASIC CABLE SERVICE: Any cable service tier that includes the lawful retransmission of local television broadcast signals and any public, educational and governmental access programming required by this Chapter or a franchise agreement to be carried on the basic tier. Basic cable service as defined herein shall be consistent with 47 U.S.C. Section 543(b)(7) (1997).

CABLE ACT: The Cable Communications Policy Act of 1984, Pub. L. No. 98-549 (codified at 47 U.S.C. Sections 521--611) (1982 and Supp. V. 1987) as amended by the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385 and the Telecommunications Act of 1996, Pub. L. No. 104-104 (1996) as may, from time to time, be amended.

CABLE INTERNET SERVICE: As used in the definition of gross revenues, this means any cable service offered by a grantee whereby persons receive access to the Internet in combination with or high-speed information services through the cable system. At the time of adoption of this Chapter, the regulatory status of Internet service was subject to various interpretations. For this reason, this definition may be amended to conform to applicable Federal law.

CABLE SERVICE OR SERVICE:

1. The one-way transmission to subscribers of:
    a. Video programming, including the broad categories of programs and services agreed to in a franchise granted pursuant to this Chapter, or
    b. Other programming service; and
2. Subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

CABLE TELEVISION SYSTEM, CABLE SYSTEM OR SYSTEM: A facility, consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide cable service to multiple subscribers within the franchise area, but such term does not include:

1. A facility that serves only to retransmit the television signals of one (1) or more television broadcast stations;
2. A facility that serves subscribers without using any public right-of-way; or
3. A facility of a common carrier which is subject, in whole or in part, to the provisions of 47 U.S.C. Sections 201--226, except that such facility shall be considered a cable system to the extent such facility, whether on a common carrier basis or otherwise, is used in the transmission of video programming directly to subscribers.

CAPITAL COSTS: Costs associated with the purchase of assets, products or other resources that will provide service for more than one (1) year, but shall not have any meaning inconsistent with generally accepted accounting principles.

CHANNEL: A portion of the electromagnetic spectrum that is capable of carrying one (1) industry standard video signal, in either analog or digital form. At the time of the

adoption of this Chapter, analog standard video channel is defined as six (6) MHZ.
CITY: The City of Saint Charles, Missouri.
COMMUNITY ACCESS CORPORATION OR CAC: A non-profit access corporation serving the City, its assignees or delegees or any other entity designated by the grantor whose duties shall include the financing, management and programming of public, educational access and whatever other duties with respect to the public and educational access channels that the grantor from time to time may delegate.
COMPLAINT: Any oral, written or electronic inquiry, allegation or assertion made by a person regarding service or system operations that is not resolved at the time of initial contact.
CONVERTER: An electronic device that converts signals to a frequency not susceptible to interference within the television receiver of a subscriber and, through the use of an appropriate channel selector, permits a subscriber to view all authorized subscriber signals delivered at designated converter dial locations.
COUNCIL: The City Council of Saint Charles, Missouri.
DIGITALLY COMPRESSED CHANNELS: Programs or services that are provided to subscribers through signals that have been digitally compressed and which may constitute at the grantee's option a separate tier or category of program offering. Consistent with applicable law this definition is purely intended to be descriptive and does not in any way provide the City with authority to regulate the use of digitally compressed channels.
DIRECT INCREMENTAL COSTS: The costs actually incurred by grantee in meeting an obligation under its franchise which grantee would not otherwise have incurred in order to either operate and conduct the business of its cable system or meet another obligation of the franchise.
DROP: The cable or cables that connect the users of the system to the distribution system in order to receive service.
EDUCATIONAL ACCESS CHANNELS:

1. Channels specially designated for non-commercial educational access programming use, including the cablecasting of events and activities of the school systems authorized to use such channels; and
2. The facilities and equipment necessary for the activation of such channels as specified in the applicable franchise agreement.

EFFECTIVE DATE: The date a franchise becomes effective in accordance with the franchise and the rules and procedures of the City.
FCC: The Federal Communications Commission or a designated representative.
FRANCHISE: The rights and obligations extended by the City to a person to own, lease, construct, maintain or operate a cable system in the right-of-way within the franchise area for the purpose of providing cable services. Any such authorization, in whatever form granted, shall not mean or include:

1. Any other permit or authorization required for the privilege of transacting and carrying on a business within the City required by the ordinances and laws of the City, including the provision of telecommunications services;
2. Any permit, agreement or authorization required in connection with operations in the right-of-way including, without limitation, permits and agreements for placing devices on or in poles, conduits or other structures, whether owned by the City or a private entity, or for excavating or performing other work in or along the right-

of-way.

FRANCHISE AGREEMENT: A franchise granted pursuant to this Chapter.

FRANCHISE AREA: The entire geographic area within the City as it is now constituted or may in the future be constituted or any other area in the City for which a franchise is granted in a franchise agreement.

FRANCHISE FEE: Any fee or assessment of any kind imposed by the City or other governmental entity on a grantee solely because of its status and activities as such. Franchise Fee does not include:

1. Any tax, fee or assessment of general applicability (including any such tax, fee or assessment imposed on both utilities and cable operators or their services but not including a tax, fee or assessment that is unduly discriminatory against cable operators or cable subscribers);
2. Capital costs that are required by a franchise agreement to be incurred by a grantee for PEG access equipment and facilities;
3. Requirements or charges incidental to the award or enforcement of a franchise, including payments for bonds, security funds, letters of credit, insurance, indemnification, compliance audits, penalties or liquidated damages; or
4. Any fee imposed under Title 17 of the United States Code.

GOVERNMENT ACCESS CHANNELS:

1. Channels specially designated for non-commercial governmental access programming use; and
2. The facilities and equipment necessary for the activation of such channels as specified in the applicable franchise agreement.

GRANTEE: A person who is granted a franchise and that person's agents, employees, lawful successors, transferees or assignees.

GRANTOR: The City and its successors or delegates.

GROSS REVENUES: Any revenue received by the grantee or by any other entity that is a cable operator of the cable system, including grantee's affiliates, from the operation of the grantee's cable system to provide cable services. By way of illustration and not limitation, this definition would include revenue derived from pay cable fees, installation and reconnection fees, franchise fees collected from subscribers, leased channel access fees; converter rentals; revenue from cable Internet service (unless it is determined by applicable law that it is not a cable service); revenue from home shopping to the extent conducted through a cable service; all cable service lease payments from the cable system; payments or other consideration received by the grantee from programmers for carriage of programming on the cable system and accounted for as revenue under generally accepted accounting practices ("GAAP"); advertising revenues; revenues from data transmissions to the extent these transmissions are considered cable services under Federal law; payments or other consideration received by the grantee for the use of the cable system to provide cable service and accounted for as revenue under GAAP. Gross revenues shall include revenue received by any entity other than the grantee where necessary to prevent evasion or avoidance of the obligations under this Chapter or a franchise to pay the applicable franchise fees. Gross revenues shall not include:

1. To the extent consistent with GAAP, bad debt; provided however, that all or part of any such bad debt that is written off but subsequently collected shall be included in gross revenues in the period collected;

2. Amounts collected from subscribers for public, educational and governmental access;
3. Any taxes on services furnished by a grantee which are imposed directly upon any subscriber or user by the State, City or other governmental unit and which are collected by grantee on behalf of said governmental unit; or
4. Institutional network charges for educational or governmental use.

INSTITUTIONAL NETWORK OR I-NET: Capacity, fibers, or both, from both within the primary cable network and/or separately constructed networks that may be dedicated to governmental, educational and other publicly funded users for two-way, broadband communications. The I-Net includes all equipment and maintenance of equipment required to make the capacity available including, but not limited to, fiber and coaxial cable, cable modems, switching, routing, transmitting and receiving necessary for the use of the network as determined in the individual franchise agreement.

INSTITUTIONAL NETWORK SERVICES: The provision of an I-Net by a grantee to governmental, educational and other publicly funded users, as determined by the City, pursuant to the terms of the franchise agreement for non-commercial applications including, but not limited to, two-way dedicated voice, video, data and telephony channels connecting and interconnecting user facilities.

LOCAL ORIGINATION PROGRAMMING: Channel capacity designated for local interest video programming produced by the grantee, such programming may not be required as a broad programming category and is not considered franchise related.

LOCKOUT DEVICE: A mechanical or electrical accessory to a subscriber's terminal that inhibits the video or audio portions of a certain program or certain channel(s) provided by way of a cable system.

NON-COMMERCIAL: Channels or programming that are operated on a non-commercial or not-for-

profit basis in a manner consistent with the rules and regulations of the national Public Broadcasting System.

NORMAL BUSINESS HOURS: Those hours during which most similar businesses in the community are open to serve customers. In all cases, "normal business hours" must include some evening hours, at least one (1) night per week and some weekend hours.

NORMAL OPERATING CONDITIONS: Any and all situations or conditions that are ordinarily within the control of a grantee including, but not limited to, management or corporate decisions; employee conduct; staffing levels; special promotions; pay-per-view events; rate increases; regular peak or seasonal demand periods; electronic and video equipment; maintenance, repair or upgrade of the cable system. Those conditions that are not within the control of a grantee include, but are not limited to, natural disasters; civil disturbances; power outages; telephone network outages; vandalism; public works projects for which no advanced notice is given; and severe or unusual weather conditions.

OTHER PROGRAMMING SERVICE: Information that a cable operator makes available to all subscribers generally.

PERSON: Any corporation, partnership, proprietorship, individual, organization, governmental entity or any natural person.

PUBLIC ACCESS CHANNELS:

1. Channels specially designated for non-commercial public access programming by persons from the community; and
2. The facilities and equipment necessary for the activation of such channels as specified in the applicable franchise agreement.

RENEWAL: A new franchise granted to an existing cable operator.

REPORTS: Any and all non-trade secret documents and information required to be completed and/or kept or filed by the grantee on order of the Federal Communications Commission, State or City. In accordance with applicable law, the City shall maintain such information as confidential to the extent that grantee identifies specific information as such.

RESPONSE TIME: The period between when a problem is reported and/or a request for action is made by a subscriber or the grantor and when the action is completed by the grantee.

RIGHT-OF-WAY: The surface and space above and below any real property in which the City has an interest in law or equity, whether held in fee or other estate or interest or as a trustee for the public including, but not limited to, any public street, boulevard, road, highway, freeway, lane, alley, court, sidewalk, parkway, swale, river, tunnel, viaduct, bridge, park or any other place, area or real property owned by or under the control of the City.

SERVICE INTERRUPTION: The loss of picture or sound on one (1) or more channels on the system or the degradation of the picture and/or sound quality on such channels to the extent that the subscriber is unable to use the signals, regardless of the cause, for any reason whatsoever.

STANDARD INSTALLATION: Any service installation that can be completed using a drop of one hundred fifty (150) feet or less, unless otherwise specified in the franchise agreement.

SUBSCRIBER: Any person who or which elects to subscribe for any purpose to cable

service provided by a grantee by means of, or in connection with, the cable system and whose premises or facilities are physically wired and lawfully activated to receive cable service from grantee's cable system, including persons who receive cable service without charge according to the terms of the franchise agreement.
TRAINED REPRESENTATIVE: Employees of the grantee who have the authority and capability while speaking with a subscriber to, among other things, answer billing questions, adjust bills and schedule service and installation calls. (R.O. 2009 §111.003; Ord. No. 01-125, 6-20-01)

ARTICLE II. FRANCHISE REQUIREMENTS

SECTION 670.040: UNLAWFUL TO OPERATE WITHOUT A FRANCHISE
It shall be unlawful for any person to construct, operate or maintain a cable system or to provide cable service or other competing multi-channel video services in the City without a franchise, unless otherwise specifically authorized under applicable Federal or State law. (R.O. 2009 §111.011; Ord. No. 01-125, 6-20-01)

Cross Reference--As to penalty, §670.850.

SECTION 670.050: FRANCHISES NON-EXCLUSIVE
Any franchise granted pursuant to this Chapter shall be non-exclusive. The grantor specifically reserves the right to grant, at any time, such additional franchises for a cable television system or any component thereof to any other person including itself, as it deems appropriate, subject to applicable Federal and State law. (R.O. 2009 §111.012; Ord. No. 01-125, 6-20-01)

SECTION 670.060: FRANCHISES NON-DISCRIMINATORY
In the event the City grants more than one (1) franchise or similar authorization for the construction, operation or maintenance of any cable system to a qualified person in a franchise area, the City's policy shall be to grant the franchises on terms that are non-discriminatory and competitively neutral, provided that nothing herein shall be construed as requiring the use of identical terms or conditions or limit the enforceability of conditions that are freely negotiated. (R.O. 2009 §111.013; Ord. No. 01-125, 6-20-01)

SECTION 670.070: FRANCHISE TERRITORY
Any franchise shall be valid within the entire franchise area. Unless a franchise agreement specifically states otherwise, every franchise shall apply to the entire territorial area of the City. (R.O. 2009 §111.014; Ord. No. 01-125, 6-20-01)

SECTION 670.080: TERM OF FRANCHISE
No franchise agreement shall have a term in excess of fifteen (15) years. (R.O. 2009

§111.015; Ord. No. 01-125, 6-20-01)

SECTION 670.090: FEDERAL, STATE AND CITY JURISDICTION

A. This Chapter shall be construed in a manner consistent with all applicable Federal and State laws.
B. In the event that the Federal or State Government discontinues pre-emption in any area of cable communications over which it currently exercises jurisdiction in such manner as to expand rather than limit municipal regulatory authority, grantor may, if it so elects, adopt rules and regulations in these areas, after conducting a public hearing process comparable to that which is provided for in Section 670.720 of this Chapter and to the extent permitted by law.
C. Grantee's rights are subject to the police powers of the City to adopt and enforce ordinances necessary to the health, safety and welfare of the public. Grantee shall comply with all applicable general laws and ordinances enacted by the City pursuant to that power.
D. The provisions of this Chapter shall apply to all franchises granted or renewed after or simultaneously with the effective date of this Chapter. This Chapter shall also apply to all existing franchises, to the extent not inconsistent with the terms of any such franchise or applicable law. A franchise agreement (including all of grantee's particular rights, powers, protections, privileges, immunities and obligations associated therewith as the same exist on the date hereof) shall constitute a legally binding contract between the grantor and grantee and, as such, cannot be amended, modified or changed by the grantor without the consent of grantee in any manner whatsoever, whether by ordinance, rule, regulation or otherwise, to impose on grantee more stringent or burdensome requirements or conditions. In the event of any conflict between the terms and conditions of a franchise agreement and the provisions of this Chapter and other generally applicable regulatory ordinances of the City, the specific terms of the franchise agreement shall control; provided however, that nothing herein contained shall preclude the City from the proper exercise of its police powers or its powers of eminent domain.
E. In the event of a change in State or Federal law which by its terms would require the City to amend this Chapter, the parties may modify the existing franchise in a mutually agreed upon manner.
F. Grantee shall not be relieved of its obligation to comply with any of the provisions of this Chapter or a franchise agreement by reason of any failure of the City to enforce prompt compliance.
G. This Chapter and all franchise agreements shall be construed and enforced in accordance with the substantive laws of the State of Missouri. (R.O. 2009 §111.016; Ord. No. 01-125, 6-20-01)

SECTION 670.100: RIGHTS RESERVED TO GRANTOR

A. In addition to any rights specifically reserved to grantor by this Chapter or a franchise agreement, grantor reserves to itself every right and power that is required to be reserved by a provision of any other ordinance or under any other franchise.
B. Grantor shall have the right to waive any provision of this Chapter or a franchise agreement, except those required by Federal or State regulation, if the grantor determines:

1. It is in the public interest to do so, and
2. The enforcement of such provision will impose an undue hardship on a grantee or the subscribers.

To be effective, such waiver shall be evidenced by a statement in writing signed by a duly authorized representative of grantor. Waiver of any provision in one (1) instance shall not be deemed a waiver of such provision subsequent to such instance, nor be deemed a waiver of any other provision of this Chapter or a franchise agreement unless the statement in its final form approved by the City Council so recites. (R.O. 2009 §111.017; Ord. No. 01-125, 6-20-01)

SECTION 670.110: FRANCHISE AGREEMENT

A. Every grantee shall agree to the terms and provisions of a franchise agreement as negotiated between the grantee and the grantor.
B. In addition to those matters required elsewhere in this Chapter to be included in the franchise agreement, each franchise agreement must contain the following express representations by each grantee:
    1. Grantee accepts and agrees to all of the provisions of this Chapter and any supplementary specifications as to construction, operation or maintenance of the system which may be included in the franchise agreement.
    2. Grantee has examined all of the provisions of this Chapter and agrees that the Chapter is valid as of the effective date of grantee's franchise.
    3. Grantee recognizes the right of the City to adopt such additional regulations of general applicability as it shall find necessary in the exercise of its police power.
C. Every franchise agreement shall contain such further conditions or provisions as may be negotiated between the City and a grantee, except that no such conditions or provisions shall be such as to conflict with any provisions of State or Federal law. In case of conflict or of any ambiguity between any terms or provisions of a franchise agreement and this Chapter, the words of the agreement shall control. (R.O. 2009 §111.018; Ord. No. 01-125, 6-20-01)

SECTION 670.120: INITIAL FRANCHISE APPLICATIONS

Any person desiring an initial franchise for a cable system shall file an application with the City. A reasonable non-refundable application fee established by the City shall accompany the application, which shall not be considered or credited against the collection of applicable franchise fees. An application for an initial franchise for a cable television system shall contain, where applicable:

1. A statement as to the proposed franchise area;
2. Resume of prior history of applicant, including the legal, technical and financial expertise of applicant in the cable television field;
3. List of the partners, general and limited, of the applicant, if a partnership or the percentage of stock owned or controlled by each shareholder, if a corporation;
4. List of officers, directors and managing employees of applicant, together with a description of the background of each such person;
5. The names and addresses of any parent or subsidiary of applicant or any other business entity owning or controlling applicant in whole or in part or owned or

controlled in whole or in part by applicant;
6. A current financial statement of applicant verified by a CPA audit or otherwise certified to be true, complete and correct to the reasonable satisfaction of the City;
7. Proposed construction and service schedule; and
8. Any additional information that the City may require for the administration of the franchise. (R.O. 2009 §111.019; Ord. No. 01-125, 6-20-01)

SECTION 670.130: CONSIDERATION OF INITIAL APPLICATIONS

A. Upon receipt of any application for an initial franchise, the Mayor shall prepare a report and make his/her recommendations respecting such application to the City Council.
B. A public hearing shall be held prior to any initial franchise grant, at a time and date approved by the Council. Within thirty (30) days after the close of the hearing, the Council shall make a decision based upon the evidence received at the hearing as to whether or not the franchise(s) should be granted and, if granted, subject to what conditions.
C. All applicants for an initial franchise that are awarded a franchise shall pay the grantor's reasonable costs in reviewing and negotiating a franchise agreement. The Section 670.120 application fee shall be credited towards these costs. Such payment shall not constitute a franchise fee or be credited as such. (R.O. 2009 §111.020; Ord. No. 01-125, 6-20-01; Ord. No. 07-162, 6-11-07)

SECTION 670.140: FRANCHISE RENEWAL

Franchise renewals shall be in accordance with applicable law including, but not necessarily limited to, the Cable Communications Policy Act of 1984, as amended. Grantor and a grantee, by mutual consent, may enter into renewal negotiations at any time during the term of the franchise. (R.O. 2009 §111.021; Ord. No. 01-125, 6-20-01)

SECTION 670.150: GRANT OF ADDITIONAL FRANCHISE AND COMPETING SERVICE

Since competing or overlapping franchises may have an adverse impact on the public rights-of-way, on the quality and availability of services to the public and may adversely affect an existing

operator's ability to continue to provide the services and facilities it is presently providing under a franchise, the City may issue a franchise in an area where another grantee is operating only following a public hearing to consider the potential impact which the grant of an additional franchise may have on the community. In considering whether to grant one (1) or more additional franchises, the City shall specifically consider and address in a written report the following issues:

1. The positive and/or negative impact of an additional franchise on the community.
2. The ability and willingness of the specific applicant in question to provide cable services to the entire franchise area which is served by the existing cable operator. The purpose of this Subsection is to ensure that any competition which may occur among grantees will be on terms which when taken as a whole do not give a competitive advantage to one (1) grantee over another.
3. The amount of time it will take the applicant to complete construction of the proposed system and activate service in the entire franchise area; and whether the applicant can complete construction and activation of its system in a timely manner.
4. The financial capabilities of the applicant and its guaranteed commitment to make the necessary investment to erect, maintain and operate the proposed cable system for the duration of the franchise term. In order to ensure that any prospective grantee does have the requisite current financial capabilities, the City may request equity and debt financing commitment letters, current financial statements, bonds, letters of credit or other documentation to demonstrate to the City's satisfaction that the requisite funds to construct and operate the proposed system are available.
5. The quality and technical reliability of the proposed system, based upon the applicant's plan of construction and the method of distribution of signals and the applicant's technical qualifications to construct and operate such system.
6. The experience of the applicant in the erection, maintenance and operation of a cable television system.
7. The capacity of the public rights-of-way to accommodate one (1) or more additional cable systems and the potential disruption of those public rights-of-way and private property that may occur if one (1) or more additional franchises are granted.
8. The disruption of existing cable television service and the potential that the proposed franchise would adversely affect the residents of the City.
9. The likelihood and ability of the applicant to continue to provide competing cable television service to subscribers within the entire franchise area for the duration of the franchise.
10. Such other information as the City may deem appropriate to be considered prior to granting any competing or overlapping franchise. (R.O. 2009 §111.022; Ord. No. 01-125, 6-20-01)

SECTION 670.160: PERMITS FOR NON-FRANCHISED ENTITIES

A. The City may issue a license, easement or other permit to a person other than the grantee to permit

that person to traverse any portion of the grantee's franchise area within the City in order to provide cable service outside, but not within the City. Such license or easement, absent a grant of a franchise in accordance with this Chapter, shall not authorize nor permit said person to provide cable service of any type to any home or place of business within the City nor render any other service within the City.

B. Such license, easement or permit shall require the payment of fee for occupancy of the public right-of-way to the extent permitted by applicable law. (R.O. 2009 §111.023; Ord. No. 01-125, 6-20-01)

ARTICLE III. DESIGN, SERVICES AND CAPABILITIES

SECTION 670.170: SYSTEM DESIGN

Every grantee shall offer service that meets the current and future needs of the City. In order to ensure compliance with this requirement, grantee shall, at a minimum, provide that its system and systems facilities as well as services shall be comparable to other systems of the grantee or its affiliates in other municipalities throughout St. Charles County. The franchise agreement shall incorporate a description of the grantee's system including the general design and capabilities of the system to identify for the City how the system will meet the current and future cable needs of the City. (R.O. 2009 §111.030; Ord. No. 01-125, 6-20-01)

SECTION 670.180: THE SYSTEM

Every system shall pass by every single-family dwelling unit and multiple-family dwelling unit within the franchise area in accordance with line extension policies set forth in the applicable franchise agreement. Service shall be provided to subscribers in accordance with the schedules and line extension policies specified in the applicable franchise agreement. (R.O. 2009 §111.031; Ord. No. 01-125, 6-20-01)

SECTION 670.190: DROPS TO PUBLIC BUILDINGS

A. Any site receiving a public building drop as of May 1, 2000, pursuant to Section 17.A of a previous cable franchise or otherwise receiving a public building drop and service at no cost, shall continue to receive service under the same terms throughout the period of any franchise renewal or extension.

B. Every grantee shall provide installation of at least one (1) cable drop and one (1) outlet, provide monthly basic cable service and the most widely subscribed to cable programming service tier, without charge, to public buildings in accordance with the line extension policies specified in the applicable franchise agreement or otherwise specified in the applicable franchise agreement. Accredited schools shall also receive one (1) cable drop and one (1) outlet. Accredited schools shall include all schools with grades kindergarten through grade 12 that are accredited by the State, as well as any additional schools (such as universities) identified in a franchise agreement. The location of such

cable drops and outlets shall be determined in cooperation with the management of the building to which the connection is to be made. Following the City's designation of additional building(s) to receive cable service, a grantee shall complete construction of the drop and outlet within sixty (60) days if the City requests construction. Drops and outlets for other public buildings

that are in addition to the one (1) free drop and outlet required by this Section shall be provided by every grantee at the cost of each grantee's time and material. Alternatively, at an institution's request, the institution may add outlets at its own expense, as long as such installation meets the grantee's standards which shall be made readily available to any public entity upon request.

C. All such cable service outlets shall not be utilized for commercial purposes. The City shall take reasonable precautions to prevent any use of the grantee's cable system in any inappropriate manner or that may result in loss or damage to the system. Users of such outlets shall hold the grantee harmless from any and all liability or claims arising out of their use of such outlets, other than for those claims arising out of improper installation or faulty equipment.
D. In instances where the drop line from the feeder cable to the public building exceeds two hundred (200) feet, unless otherwise specified in the franchise agreement, the grantee may charge for the cost of its labor and materials.
E. Every grantee that offers two-way interactive broadband services to subscribers within the City shall provide and install courtesy cable modems, as specified in the franchise agreement, at every educational school accredited by the State of Missouri (grades K through 12) and to all public libraries within the franchise area that are passed by the portions of the grantee's cable system that are capable of supporting such two-way services. (R.O. 2009 §111.032; Ord. No. 01-125, 6-20-01)

SECTION 670.200: USE OF GRANTEE FACILITIES

The City shall have the right to install and maintain, free of charge, excess space upon the poles and within the underground pipes and conduits of a grantee any wires and fixtures desired by the City to the extent that such installation and maintenance does not interfere with existing operations of a grantee. City will relinquish its use of such poles and conduits upon ninety (90) days' notice from a grantee that City's use interferes with company's actual or anticipated use of the same. (R.O. 2009 §111.033; Ord. No. 01-125, 6-20-01)

SECTION 670.210: UPGRADE OF SYSTEM

Every grantee shall upgrade its system (herein referred to as the "system upgrade"), if required, as set forth in its respective franchise agreement. (R.O. 2009 §111.034; Ord. No. 01-125, 6-20-01)

SECTION 670.220: NON-DISCRIMINATORY ACCESS TO CABLE MODEM PLATFORM

A. The City and its residents have an increasing need and desire for broadband access to the Internet and other on-line services.
B. Grantee may be required to implement "open access" to its cable system to non-affiliated Internet access service providers if legally permissible. (R.O. 2009 §111.035; Ord. No. 01-125, 6-20-01)

SECTION 670.230: EMERGENCY ALERT CAPABILITY

Grantee shall at all times provide the system capabilities to comply with the FCC's Emergency Alert

System rules and regulations. Provided, that at a minimum these capabilities will remain in place even if the FCC at some future date eliminates the current regulations. (R.O. 2009 §111.036; Ord. No. 01-125, 6-20-01)

SECTION 670.240: PERIODIC REVIEW

The franchise agreement shall include provisions to provide for a "periodic review" between the City and a grantee to evaluate changes in law, technology or service and reasonable procedures for mutually agreed upon modifications to the franchise agreement to incorporate changes identified as desirable or necessary as a result of any such periodic review. (R.O. 2009 §111.037; Ord. No. 01-125, 6-20-01)

ARTICLE IV. INSTITUTIONAL NETWORK AND PUBLIC EDUCATIONAL AND

GOVERNMENTAL ACCESS OR "PEG" ACCESS

SECTION 670.250: INSTITUTIONAL NETWORK, ACCESS CHANNELS

A. Every grantee shall, to the extent required in its franchise agreement and subject to applicable law, provide or fund on an equal basis with other cable providers an institutional network that provides two-way broadband voice, video and data capabilities for use by governmental, educational and other publicly-funded or non-profit local community service organizations identified by the City.

B. Every grantee shall also provide a channel or channels, bandwidth capacity, service and funding for separate public, educational and government access channels as specified in their franchise agreement. All such PEG access channels shall be available to all subscribers as part of their basic cable service. Given the ongoing changes in the state of technology as of the effective date of this Chapter, absent the express written consent of the City, grantee shall transmit PEG access channels in the format or technology utilized to transmit all of the channels on the basic cable service tier. Oversight and administration of the PEG access channels shall be set forth in the franchise agreement. The City reserves the right to designate a community access corporation or similar entity to administer one (1) or more of the access channels. (R.O. 2009 §111.040; Ord. No. 01-125, 6-20-01)

SECTION 670.260: PROOF OF PERFORMANCE TESTING

To ensure high quality service on the institutional network and access channels, proof of performance testing throughout the system and on all channels will be made available to the City to the extent required in a franchise agreement. Every grantee will monitor access channels throughout the system to determine the level of technical quality of access channels is in conformance with FCC rules and to ensure that the level of technical quality on such channels is the same as on other channels. A log of such monitoring shall be maintained by the grantee for inspection by the City. In the event

that a complaint is made by a programmer of any PEG access channels, the grantee shall immediately investigate the complaint and determine whether the grantee is in compliance with the technical standards set forth in Section 670.280 of this Chapter. The procedures set forth in Section 670.290 of this Chapter shall apply with respect to technical testing of access channels. (R.O. 2009 §111.041; Ord. No. 01-125, 6-20-01)

ARTICLE V. TECHNICAL STANDARDS AND CUSTOMER SERVICE PRACTICES

SECTION 670.270: GENERAL TECHNICAL STANDARDS AND CUSTOMER SERVICE PRACTICES

This Chapter incorporates technical standards and establishes customer service practices that a grantee must satisfy. In addition, a grantee shall satisfy any additional or stricter customer service requirements established by FCC regulations or other Federal, State or local law or regulation that may be adopted or amended from time to time. A grantee shall maintain such equipment and keep such records as required to comply with all customer service and technical standards required by these regulations and other applicable laws. Grantee shall at all times assist and cooperate with grantor in explaining, interpreting and understanding such reports. (R.O. 2009 §111.050; Ord. No. 01-125, 6-20-01)

SECTION 670.280: TECHNICAL STANDARDS

The technical standards used in the operation of a system shall comply, at minimum, with the technical standards promulgated by the FCC relating to cable systems pursuant to the FCC's rules and regulations and found in Title 47, Sections 76.601 to 76.617, as may be amended or modified from time to time, which regulations are expressly incorporated herein by reference. The most recent results of any tests required by the FCC, this Chapter or a franchise agreement shall be made available to the City upon written request. (R.O. 2009 §111.051; Ord. No. 01-125, 6-20-01)

SECTION 670.290: TEST AND COMPLIANCE PROCEDURE

Tests for a system shall be performed periodically in a manner so as to conform with FCC specifications. The tests may be witnessed by representatives of the City and written test reports shall be made available to the City upon request. If any test locations fail to meet the performance standards, the grantee shall be required to indicate what corrective measures have been taken and shall have the site retested. (R.O. 2009 §111.052; Ord. No. 01-125, 6-20-01)

SECTION 670.300: EMERGENCY REQUIREMENTS

Each grantee must provide emergency alert override capabilities in a manner consistent with the FCC's emergency alert system ("EAS") rules and consistent with any State

and/or regional emergency alert system plans adopted in response to the FCC's EAS rules that are applicable to the franchise area. (R.O. 2009 §111.053; Ord. No. 01-125, 6-20-01)

SECTION 670.310: PROGRAMMING DECISIONS

Each grantee shall provide broad programming from each of the broad programming categories identified in its franchise agreement. All programming decisions remain within the sole discretion of each grantee, provided that each grantee complies with Federal law regarding notice to grantor and subscribers prior to any channel additions, deletions or realignments and further subject to the

grantee's signal carriage obligations pursuant to 47 U.S.C. Sections 531--536, as may be amended and subject to the City's rights pursuant to 47 U.S.C. Section 545, as may be amended. (R.O. 2009 §111.054; Ord. No. 01-125, 6-20-01)

SECTION 670.320: CABLE SYSTEM OFFICE HOURS AND TELEPHONE AVAILABILITY

A. Every grantee shall maintain an office within the City, which shall include a place where subscribers may pay their bills, pick up and return converter boxes and comparable items and receive information on the grantee and its services. Such service office shall be open during normal business hours or as specifically agreed in the franchise agreement. Every grantee shall also maintain a publicly listed toll-free or collect call telephone access line that is available to subscribers twenty-four (24) hours a day, seven (7) days a week. The local or toll-free numbers including any local office in the City of Saint Charles shall be listed in all widely utilized local phone directories.

B. Every grantee shall have trained representatives on hand at the office for walk-in subscriber visits and available to respond to subscriber inquiries during normal business hours or as specifically agreed in the franchise agreement. Telephone inquiries may be handled at the grantee's headend location or at any other customer service office of the grantee. Calls may also be processed through a grantee's regional call center, provided that there are no delays or other reductions in standards, either for telephone answering or in dispatch of repair technicians. A grantee's regional call center shall meet all customer service standards for City residents as provided for herein and/or in a franchise agreement.

C. All employees of the grantee shall give their first name, when answering an incoming call or inquiry and shall provide their employee ID number upon request including when working in the field. The employee shall repeat their company ID number if requested by the subscriber.

D. Supervisory personnel must use their best efforts to respond to subscriber requests to speak with a "manager or supervisor" within two (2) hours of the request under normal operating conditions, during normal business hours and supervisory personnel will respond no later than the following business day. The grantee shall keep a report log of such requests available for review by the City.

E. Subscriber reports of offensive language or conduct towards subscribers by grantee employees may be a factor in determining the ability of the grantee to meet the community needs and to evaluate the performance of the grantee under its franchise.

F. After normal business hours, the telephone access line may be answered by a service or an automated response system, including an answering machine. Inquiries received after normal business hours must be responded to by a trained representative on the next business day.

G. The grantee shall prepare and distribute to the grantor a calendar of holidays and business days on which the operator will be closed. Grantee shall also provide notice to subscribers through answering service/machine, voice mail messages, bill messages or through its cable system regarding hours or dates when its offices will not be open. Such notice shall be provided during the five (5) days prior to the date the office will be closed. In addition, during such "closed" periods, the grantee shall provide voice messages and

notice on its premises of the emergency and after hours contact numbers.

H. Under normal operating conditions, telephone answer time by a customer service representative or

automated response unit, including wait time, shall not exceed sixty (60) seconds. If a call must be placed on hold or transferred, the time for response by a human customer service representative shall not exceed an additional sixty (60) seconds.
Under normal operating conditions, these standards shall be met no less then ninety-five percent (95%) of the time measured daily, averaged monthly and reported at least semi-annually. Under normal operating conditions, subscribers shall not receive a busy signal more than three percent (3%) of the time.

I. Abandonment rates for incoming calls may not exceed five percent (5%).
J. The period of three (3) hours following major outages (more than twenty-five percent (25%) of the subscribers) or periods of natural disasters are not included in the response requirements above, provided that voice-mail information about the outage has been posted on phone answering equipment and on any system bulletin board (assuming outage is not City-wide). The City shall be notified that an outage is in progress as soon as is reasonably possible, including beginning and ending times, area of outage, location and cause of problem.
K. Actions or negligence of the grantee which lead to a high volume of calls (such as incorrect bills, rate increases, late bills or fees, changes in service, plant maintenance, missed appointments, etc.) are considered part of normal operating conditions and are therefore not exempt from compliance with this Chapter.
L. Grantee shall respond to all subscriber or user inquiries or complaints within five (5) business days of the inquiry or complaint, except to the extent a more stringent standard is set forth for specific types of activities, inquiries or complaints herein or in the franchise agreement.
    1. "Response" to the inquiry or complaint shall include correction of bills, completion of service calls or installations.
M. If a historical record of complaints demonstrates a clear failure on the part of a grantee to comply with the above requirements, the grantor may require the grantee to provide documentation of compliance with the requirements of this Section.
    1. Any grantee subject to such a documentation requirement on a semi-annual basis shall provide the grantor with reports for hold time, busy signals and abandonment rate.
    2. The grantee and the grantor will meet by the twentieth (20th) of the month following such intervals in order for the grantee to submit monthly phone statistics and to explain the report for the period. If such information is not available, a detailed written explanation as to why such information is not available and a date certain upon which such information will be available shall be provided by the grantee.

    The grantor using the remedies and enforcement procedures of Sections 670.690 through 690.760 of this Chapter may allow periods of excused non-compliance if the grantee can provide reasonable documentation that these periods of non-compliance were not within normal operating conditions. The grantee will be deemed in compliance if:
        a. During a semi-annual period each criterion has been met or exceeded; or
        b. If each criterion has been met or exceeded during four (4) consecutive months within the semi-annual period.
N. The grantee is encouraged to maintain a customer service home page on the Internet

where customers can obtain information. (R.O. 2009 §111.055; Ord. No. 01-125, 6-20-01)

SECTION 670.330: SERVICE CALLS AND INSTALLATIONS

Under normal operating conditions, each of the following standards must be met no less than ninety-five percent (95%) of the time as measured on a quarterly basis:

1. Unless requested by the subscriber, a grantee shall perform service calls, installations and requested changes in service (upgrades, downgrades, equipment changes, disconnections) during normal business hours. Disconnections for non-payment may only be performed during normal business hours. In addition, maintenance service capability enabling the prompt location and correction of substantial system malfunctions or outages shall be available twenty-four (24) hours a day, seven (7) days a week.
2. At the time an appointment is scheduled, the grantee shall inform the subscriber of service procedures, required payments and appointment and/or possible rescheduling/cancellation.
3. If a grantee cannot perform standard installations within seven (7) business days of request by a subscriber (provided that the schedule or preferences of the person requesting the standard installation has not been responsible for the delay), the subscriber may request and is entitled to receive a free standard installation. If a grantee fails to provide this free standard installation and the request was made by the subscriber within thirty (30) days of the standard installation request, the grantor may direct the grantee to issue a credit for the standard installation. Failure to comply with such a directive shall subject a grantee to appropriate enforcement actions. This Section shall not apply to the introduction of new products and services when a grantee is utilizing a phased introduction.
4. The appointment window alternatives for standard installations, service calls and other installation activities will be within a maximum four (4) hour time block during normal business hours. Grantees may schedule service calls and other installation activities outside of normal business hours for the express convenience of a subscriber, if so requested.
5. No grantee may cancel an appointment with a subscriber after the close of business on the business day prior to the scheduled appointment.
6. If a grantee's representative is running late for an appointment with a subscriber and will not be able to keep the appointment as scheduled, the subscriber must be contacted and if the appointment must be rescheduled, it shall be rescheduled to the earliest time that is convenient for the subscriber.
7. The grantee may phone the subscriber within the appointment window to verify that the appointment is still needed. If the subscriber telephone is answered by a machine or service, the grantee must leave a message with a direct or separate dispatch number the subscriber may use to call back to confirm or reschedule the appointment.
8. Appointments may not be canceled or rescheduled until field personnel of the grantee make every reasonable effort to verify that the subscriber or other authorized adult is not at the address for the appointment, including the following actions:

a. Knock and use the doorbell to alert the subscriber; and
b. Look in the front or back yard as long as such action can be accomplished without trespassing on the subscriber's property and without subjecting the grantee's representative to physical danger (e.g., dogs).

9. Upon verification that a subscriber is not at the address during the scheduled appointment window, the grantee shall leave a door tag or similar notice with the name of the person leaving the notice, the time the person determined that the subscriber was not at home, and a direct dispatch number the subscriber may call back to confirm or reschedule an appointment.
10. Any vehicle used for the installation, construction, maintenance or repair of a cable system shall bear the identification of the contractor or the applicable grantee in a conspicuous place and manner.
11. Reconnections due to erroneous disconnection based on billing or technical errors must be completed at no charge within twenty-four (24) hours of notification by the affected subscriber.
12. Reconnections after a disconnection attributed to non-payment of bills shall be completed, after satisfaction of all payment obligations, in accordance with grantee's standard installation practices under Section 670.330(C) of this Chapter.
13. Installations or reconnections may not be considered completed nor may customer be billed for services until all ordered, upgraded or reconnected services are in full working order.
14. A subscriber's preference as to the point of entry into a residence shall be observed whenever feasible.
    a. Runs in building interiors shall be as unobtrusive as possible and outlets shall be located for the convenience of the subscriber.
    b. The grantee shall use due care in the process of installation and shall repair any damage to the subscriber's property caused by installation work. Such restoration shall be undertaken as soon as possible after the damage is incurred, shall be subject to subscriber approval of the corrective action and grantee shall use its best efforts to complete the corrective action within no more than thirty (30) days after the damage is incurred.
    c. Should such restoration not be corrected within thirty (30) days, the grantee shall notify the City and the subscriber as to the cause for the delay and the date when such action shall be completed.
15. Failure of the grantee to maintain adequate budget, sufficient staff or properly trained staff shall not constitute justification for failure to comply with these provisions. (R.O. 2009 §111.056; Ord. No. 01-125, 6-20-01)

SECTION 670.340: REPAIRS AND INTERRUPTIONS

A. Under normal operating conditions every grantee will begin working on service interruptions and outages within a reasonable time frame, but in no event later than twenty-four (24) hours after the service interruption becomes known. Every grantee must begin actions to correct other service problems on the business day following notification of such service problems.
    1. Any reports of "no picture/no sound" must be responded to and repaired within twenty-four (24) hours of such report, including arrival of another service

technician qualified to repair the problem if the first dispatched technician cannot.

2. Work not requiring the operator to enter subscriber premises (or property) shall not require the subscriber to be available for an appointment and shall not be delayed on account of the grantee's inability to arrange an appointment with the subscriber.

B. Work on all other requests for service, excluding conditions beyond the control of grantee, must begin by the next business day after notification of the problem and must ordinarily be completed within seventy-two (72) hours of the initial request. If for reasons beyond the grantee's control a longer time for the completion of such repairs is necessitated, the grantee shall exercise all due diligence to complete the work in the shortest period of time possible. The lack of appropriate replacement parts on hand shall not constitute a condition beyond the grantee's control.

C. Outside repairs to cable plant which cannot be made by the initial service technician dispatched shall under normal operating conditions be rescheduled within twenty-four (24) hours of the originally scheduled service call. The subscriber does not need to be home for outside plant and line repairs.

D. A grantee may interrupt service only for good cause and for the shortest time possible, including interruption for system upgrade, maintenance and repair. Routine maintenance shall occur at times that affect the fewest number of subscribers, generally between 12:00 A.M. and 6:00 A.M., unless the grantee can justify on the basis of reasonable safety precautions that such maintenance should be performed at a different time. The grantee shall post override notices on the system's channels to advise subscribers in advance of planned service interruptions. To the extent that specific neighborhoods will be affected by a planned outage, such as during an upgrade, the grantee shall provide advance notice through telephone calls and/or door hangers.

E. A grantee shall automatically provide a credit equivalent to one-half (½) day's cable rate for each service interruption exceeding four (4) hours in any twenty-four (24) hour period, unless it is demonstrated that the subscriber caused the outage or the outage was planned as part of an upgrade or other work that occurred between the hours of 12:00 A.M. and 6:00 A.M. of which the City and the subscriber received appropriate prior notification. A subscriber is entitled to a full refund for any cable system or equipment impairment to a pay-per-view event. These credits and refunds shall be made available upon request by subscriber.

F. Technicians that are employed by a grantee and capable of performing service-related emergency repairs and maintenance must be available twenty-four (24) hours a day, including weekends and holidays.

G. No charge shall be made to a subscriber for any service call relating to grantee owned and grantee maintained equipment after the initial installation of cable service unless the problem giving rise to the service request can be demonstrated by grantee to have been:

1. Caused by the negligence or malicious destruction of cable equipment by the subscriber; or
2. Problem established as having been non-cable in origin.

H. An *"identified outage"* is construed as reports of no picture/no sound from five (5) or more subscribers in close geographic proximity or along the same trunk or feeder line within twenty (20) minutes of each other.

I. The grantee shall take timely measures to post appropriate messages to its subscribers

regarding identified outages on its automatic response unit or phone system. Such messages should also provide instructions for subscribers whose navigation devices may have become deauthorized as a result of the outage. Periods of natural disasters are not included in this requirement.

J. Within one (1) hour of an identified outage, service technicians will respond and use all available means to correct the outage in the shortest possible amount of time.

K. Cable drop lines, cable trunk lines or any other type of outside wiring that comprise part of the grantee's cable system that are located underground shall be placed in such locations pursuant to City Code and the surrounding ground shall be restored as close as is practical to its condition immediately prior to such underground construction activity within seventy-two (72) hours after connection to the cable system. Except for the grantee's maintenance facilities, no cable drop line, cable trunk line or any other type of outside wiring shall be permitted to lay upon the ground within the City, except for the express purpose of being immediately connected to the cable system of the grantee. The requirements of this Subsection shall apply to all installation, reinstallation, service or repair commenced by the grantee within the City during normal operating conditions. (R.O. 2009 §111.057; Ord. No. 01-125, 6-20-01)

SECTION 670.350: DISCONNECTIONS, DOWNGRADES AND REFUNDS

A. If any subscriber fails to pay a properly due monthly subscriber fee or any other properly due fee or charge, a grantee may disconnect the subscriber's outlet; provided however, that such disconnection shall not be effected until after the later of:
   1. Thirty (30) days after the due date of said delinquent fee or charge; or
   2. Fifteen (15) days after delivery to subscriber of written notice of the intent to disconnect.

   If a subscriber pays before expiration of the later of (1) or (2), the grantee shall not disconnect. Provided however, that this Section does not apply to subscribers disconnected as a result of insufficient funds.

B. No subscriber may be disconnected without prior notice consisting, at a minimum, of two (2) of the following types of notices given at least five (5) business days prior to disconnection.
   1. Messages in bold or large type on current bill;
   2. Postcards, other mailings or obvious bill stuffers;
   3. Phone call or message.

C. If requested, a grantee will allow a subscriber at least fifteen (15) days to resolve a disputed bill or to conduct an investigation concerning a lost payment prior to disconnection.

D. No subscriber may be disconnected for non-payment if payment of outstanding balances is made before the scheduled date for disconnection, up to and including the last business day before the scheduled disconnection.

E. No subscriber may be disconnected due to a grantee's failure to timely or correctly post payments.

F. No subscriber may be disconnected outside of normal business hours or on Sundays or holidays.

G. Prior to disconnecting service, the technician performing the disconnection must attempt to reach the subscriber on site by knocking or ringing at the front door or contacting other

residents on the premises.

H. In the situation where the subscriber is not home but the residence is in the care and control of another person, the grantee shall allow such person to contact the subscriber prior to disconnection.

I. Disconnections for non-payment which are completed in the field must be accompanied by a door tag which provides notice that the technician has been present and a telephone number for grantee's customer service office. Disconnections made remotely by computer require the grantee to mail information describing the amount of payment in arrears as of the disconnection date and applicable reconnection charges and procedures to the subscriber at least five (5) business days prior to the actual disconnection. After disconnection, upon payment by the subscriber of all proper charges in full, the grantee shall reinstate service as provided for herein.

J. Absent extenuating circumstances, a grantee is not required to reconnect a subscriber with an undisputed outstanding balance.

K. A grantee is permitted to refuse orders for premium or "pay per view" services from subscribers with chronic non-payment records.

L. A grantee may disconnect subscriber premises that are responsible for signal leakage in excess of applicable Federal limits. Grantee may effectuate such disconnection without advance notice, provided that the grantee shall immediately notify the subscriber with door tags and/or telephone calls. If the source of the signal leakage is remedied, the grantee shall reconnect the subscriber at no charge. For purposes of this Section, use of FCC-approved navigation devices does not in and of itself constitute signal leakage.

M. Subscribers may request disconnection or a downgrade of cable service at any time. The grantee may not impose any charge for service delivered after the requested date of disconnection. As provided under Federal law, subscribers may request a downgrade at no charge if made within thirty (30) days of a rate increase.

N. If a grantee fails to provide cable service requested by a subscriber who is entitled to cable service under a franchise agreement or this Chapter, the grantee shall, after adequate notification and being afforded the opportunity to provide the service, promptly refund all deposits or advance charges paid for the service in question by said subscriber.

O. All grantees must take reasonable steps to ensure that subscribers understand the terms and obligations of their subscription agreements in advance.

P. Credits for service shall be issued no later than the subscriber's next billing cycle after determination that the credit is warranted.

Q. The refund provisions provided for in this Section do not alter a grantee's responsibility to subscribers under any separate contractual agreement or relieve a grantee of any other liability.

R. Subscribers may be asked, but not required as a condition of any refund or return of subscriber deposits, to personally return such equipment to the grantee's office.

S. Refunds for known system outages shall be obtained by request of the subscriber to the grantee.

T. Nothing in this Chapter shall limit the right of a grantee to deny service to any household or individual which has a negative credit or service history with grantee, which may include non-payment of bills, theft or damage to the grantee's equipment, outstanding balances or threats or assaults on employees of grantee in the course of their employment. In the event service is denied, the grantee will give notice to the subscriber of the right to

contact the appropriate authority as designated by the City. (R.O. 2009 §111.058; Ord. No. 01-125, 6-20-01)

SECTION 670.360: COMMUNICATIONS BETWEEN GRANTEES AND SUBSCRIBERS

A. *Notifications To Subscribers.*

1. Every grantee shall provide written information to subscribers on each of the following topics at the time of installation, at least annually to all subscribers, at any time upon request and at least ten (10) days prior to making significant changes in such information:
   a. Product and services offered;
   b. Prices and options for programming services and conditions of subscription to programming and other services and facilities. To avoid confusion as to the total cost of cable service, at the time of subscription for service, upon request all subscribers must be quoted prices that include franchise fees and any other fixed costs (such as FCC regulatory fees and public access support payments). Nothing in this Section prohibits or restricts use of rates without franchise fees and/or other fixed cost elements in area-wide advertisements;
   c. Installation and maintenance policies including, when applicable, information regarding the subscriber's home wiring rights and information describing ownership of internal wiring during the period service is provided;
   d. Instructions on how to use services;
   e. Instructions on how to place a service call;
   f. Channel positions of programming offered on a system;
   g. Billing and complaint procedures, including the name, address and telephone number of the City;
   h. A copy of the service contract if any;
   i. The availability of signal control devices and universal remotes and other compatible equipment (a list of brands and models shall be provided upon request);
   j. The grantee's practices and procedures for protecting against invasions of privacy pursuant to applicable law;
   k. The address and telephone number of the grantee's office to which complaints may be reported; and
   l. The method and/or location by which notification of changes to services, rates and other alterations will be made to subscribers and the community.
2. Grantee promotional materials, announcements and advertising of service to subscribers, including pay-per-view or event programming, shall conform to applicable laws governing such advertising and clearly and accurately disclose price terms. In the case of telephone orders, the grantee shall take appropriate steps to ensure that price terms are clearly and accurately disclosed to potential customers before the order is accepted.
3. Subscribers will be given thirty (30) days' advance notice of any changes in rates, programming services or channel positions; or as soon as possible through announcements on the cable system and in writing, if such changes are within the grantees control. All such notice shall be provided in such a manner as to be

realistically effective in bringing the information to the subscriber's attention. In addition, every grantee shall notify subscribers thirty (30) days in advance of any significant changes in other information required by this Section.

B. *Billing.*
   1. The grantor shall be furnished an advance copy of any changes in the billing format.
   2. Bills must be clear, concise and understandable. Bills must be fully itemized with itemizations including, but not limited to, basic and premium service charges and equipment charges.
   3. Bills must clearly show a specific payment due date.
   4. If a grantee chooses to itemize as a separate line item on bills, franchise fees or other government imposed fees attributable to the total bill, such fees must be shown in accordance with any applicable law concerning the grantee's ability to itemize such fees. In delineating the portion of the bill attributable to franchise fees or other government imposed fees on the grantee, the nomenclature used in the bill to indicate these elements shall be correct, truthful and reflect the actual source and use of such funds.
   5. Bills must also clearly delineate all activity during the billing period, including optional charges, rebates and credits. Nothing in this Section prohibits or restricts a grantee from offering packages of programming to subscribers and to identify such packages on the subscriber bill.
   6. The billing statement must clearly and conspicuously indicate the past due date and, if applicable, the action a subscriber must take to avoid disconnection and a telephone number for the subscriber to call to make payment arrangements or otherwise resolve a billing dispute.
   7. Negative option billing is prohibited in accordance with applicable law.

C. *Late Payment For Cable Service.*
   1. Each bill shall specify on its face, if applicable, any fee(s) for late payment.
   2. All processing fees for late payment, however denominated, shall be consistent with applicable law

D. *Construction And Outages.* The grantee shall provide messages on its cable system, to the extent feasible, to advise subscribers in advance of planned construction or maintenance that will cause or is likely to cause service interruptions. To the extent that specific neighborhoods will be effected by a planned outage, such as during an upgrade, the grantee shall provide not less than two (2) nor more than seven (7) days' advance notice through telephone calls and/or door hangers. (R.O. 2009 §111.059; Ord. No. 01-125, 6-20-01)

SECTION 670.370: COMPLAINT LOG

Subject to the privacy provisions of 47 U.S.C. Sections 521 et seq., grantor and every grantee shall prepare and maintain written records of all complaints made to them and the resolution of such complaints, including the date of such resolution. Such written records shall be on file at the office of each grantee. Every grantee shall make available to grantor a written summary of such complaints and their resolution upon request. (R.O. 2009 §111.060; Ord. No. 01-125, 6-20-01)

SECTION 670.380: PARENTAL CONTROL

Every grantee shall make available to any subscriber upon request a "lockout" device for blocking both video and audio portions of any channel(s) of programming entering the subscriber's premises. Such device may be provided at a rate, if any, authorized by applicable law. The grantee may, however, require a reasonable security deposit for the use of such a device. (R.O. 2009 §111.061; Ord. No. 01-125, 6-20-01)

SECTION 670.390: PERIODIC SUBSCRIBER SURVEY

Pursuant to the terms of the individual franchise agreement, the grantor and grantee may adopt requirements related to the conducting and funding of periodic subscriber surveys. (R.O. 2009 §111.062; Ord. No. 01-125, 6-20-01)

SECTION 670.400: UNIVERSAL SERVICE AND LINE EXTENSION POLICY

A. No resident shall be refused service arbitrarily. The specific line extension policy for each grantee shall be contained within the applicable franchise agreement.
B. Each franchise agreement shall establish policies for the extension of cable service in areas where there is a lesser density of dwelling units than the proscribed minimum density under the applicable line extension policy. (R.O. 2009 §111.063; Ord. No. 01-125, 6-20-01)

SECTION 670.410: MOBILITY-LIMITED SUBSCRIBERS

Upon the request of mobility-limited subscribers, a grantee shall arrange for delivery, pickup or exchange or replacement of converters or other equipment at the subscriber's address or by the use of a satisfactory equivalent means such as provision of a pre-paid postage mailer. (R.O. 2009 §111.064; Ord. No. 01-125, 6-20-01)

SECTION 670.420: CUSTOMER SERVICE REPORTING REQUIREMENTS

In addition to the semi-annual reports on telephone service compliance detailed in Section 670.320(M) of this Chapter, the grantor may require a grantee to periodically prepare and furnish to grantor semi-annual reports and any other reasonable information relevant to the grantee's compliance with the customer service requirements of this Chapter. Such reports shall include, at minimum, the following:

1. The number of free standard installations that were issued for failure to arrive on a timely basis for standard installations.
2. Service interruptions report that tracks information on a monthly basis to include:
   a. Total number of service interruptions;
   b. Date and time of all service interruptions;
   c. Total hours that the system was out-of-service as related to planned upgrades, maintenance or channel line-up changes performed by a grantee; and
   d. Estimated number of subscribers affected by each incident.
3. Results of any FCC technical or performance testing on the system required under the terms of this Chapter or the FCC's rules. (R.O. 2009 §111.065; Ord. No. 01-125, 6-20-01)

SECTION 670.430: CITY MONITORING
In addition to free outlets, free cable service or services otherwise required by the franchise, grantee shall provide one (1) service outlet (which shall be at the Cable Administrator's office at City Hall, unless otherwise specified by City) that shall receive without charge all non-premium programming provided by grantee. Such service shall be provided in such a manner that the City may monitor the programming and use of the cable system for compliance with the franchise, this Chapter, FCC technical standards and applicable State and Federal law. The services provided pursuant to this requirement shall be in a secure office location and not in a location open to public viewing. (R.O. 2009 §111.066; Ord. No. 01-125, 6-20-01)

ARTICLE VI. CONSTRUCTION STANDARDS

SECTION 670.440: RIGHT-OF-WAY CONSTRUCTION
Prior to commencing any construction in the City, a grantee must obtain all necessary permits and licenses required by Federal, State and City laws, ordinances and rules and pay all associated fees. Further, a grantee shall comply with all applicable laws, ordinances, rules and standards relating to the construction, operation and maintenance of a cable television system. (R.O. 2009 §111.070; Ord. No. 01-125, 6-20-01)

SECTION 670.450: COMPLIANCE WITH LAWS
At a minimum and without limitation, a grantee shall adhere to all Building, Electrical and Zoning Codes currently or hereafter in force in the City. The construction, installation and maintenance of the cable system shall be effectuated by grantee in a manner that is consistent with the laws, ordinances and construction standards of the State of Missouri, the Occupational Safety and Health Administration, the National Electrical Safety Code, National Electrical Code, FCC and the Standards of Good Engineering Practices for Measurement of Cable Television Cable Systems of the National Cable Television Association to the extent applicable, as well as all other applicable laws, rules, regulations and ordinances that may be modified or amended from time to time. All open connections on splitters, couplers and other devices shall be properly terminated. (R.O. 2009 §111.071; Ord. No. 01-125, 6-20-01)

SECTION 670.460: MINIMUM INTERFERENCE
All of a grantee's construction, installation, operation, repair and maintenance and the arrangement of its lines, cables and other appurtenances, on both public and private property, shall be conducted in such a manner as to cause minimum interference with the rights and reasonable convenience of the public and any property owners that may be affected. In the event of any such interference, the City may require the removal of grantee's lines, cables and appurtenances from the rights-of-way in question, at the sole expense of the grantee. (R.O. 2009 §111.072; Ord. No. 01-125, 6-20-01)

SECTION 670.470: REPAIR OF PROPERTY

Each grantee shall promptly repair and restore any City or private property which may be damaged as a result of the construction, installation, operation, repair or maintenance of the cable system. Any such property damaged or destroyed shall be promptly repaired and restored by the responsible grantee, at the grantee's sole cost and expense and to the reasonable satisfaction of the City, to its condition prior to being damaged or shall be replaced by grantee with equivalent property. (R.O. 2009 §111.073; Ord. No. 01-125, 6-20-01)

SECTION 670.480: ERECTION OF POLES PROHIBITED

Each grantee shall endeavor to use existing utility poles along the rights-of-way to the extent possible and shall not erect any pole on or along any rights-of-way when there is an existing aerial utility

system without the City's prior approval. A grantee may obtain the lease of pole space and facilities from the existing utility pole owners. If additional poles in an existing aerial route are required, a grantee may negotiate with the utility for the installation of the needed poles to be installed by the grantee or the utility. Any such addition shall require the advance written approval of the City. (R.O. 2009 §111.074; Ord. No. 01-125, 6-20-01)

SECTION 670.490: RESERVATIONS OF STREET RIGHTS

Nothing in this Chapter shall be construed to prevent the City from constructing sewers, grading, paving, repairing or altering any rights-of-way or laying down, repairing or removing water mains or constructing or establishing any other public work. All such work shall be done, insofar as practicable, in such manner as not to obstruct, injure or prevent the free use and operation of poles, wires, conduits, conductors, pipes or appurtenances of the affected grantee(s). If any such property shall interfere with the construction or repair of any rights-of-way or public improvement, whether it be construction, repair or removal of a sewer or water main, the improvement of any rights-of-way or any other public improvement, then all such property of the affected grantee(s) shall be removed or replaced in such manner as shall be directed by the City so that the same shall not interfere with the public works of such City. Such removal or replacement shall be at the expense of the affected grantee(s), except to the extent funds are made available under applicable law. (R.O. 2009 §111.075; Ord. No. 01-125, 6-20-01)

SECTION 670.500: UNDERGROUND INSTALLATION

In those areas within the City where cable system facilities are currently placed underground, all cable system facilities shall remain or be placed underground. In areas where either telephone or electric utility facilities are above ground at the time of installation, a grantee may install its cable system facilities above ground, provided that at such time as either electric or telephone utility facilities are placed underground, the grantee shall likewise place its cable system facilities without cost to the City. Nothing contained in this Section shall require a grantee to construct, operate and maintain underground any ground-mounted appurtenances. Each grantee shall be in compliance with the Missouri One-Call Program or may make separate provision for a program ensuring the timely and accurate location of underground facilities. (R.O. 2009 §111.076; Ord. No. 01-125, 6-20-01)

SECTION 670.510: CONDUIT

All new trunk and distribution plant which is required to be buried underground pursuant to Section 670.500 of this Chapter that is required to cross under major intersections, as identified by the Director of Public Works or his/her designee, shall be encased in conduit. (R.O. 2009 §111.077; Ord. No. 01-125, 6-20-01)

SECTION 670.520: ACCESS TO OPEN TRENCHES

The grantor agrees to require as a condition of issuing a permit for open trenching to any utility or developer that the utility or developer give each grantee at least ten (10) days' advance written notice of the availability of the open trench and that the utility or developer provide the grantee with reasonable access to the open trench. (R.O. 2009 §111.078; Ord. No. 01-125, 6-20-01)

SECTION 670.530: AERIAL DROP LINES

For subscribers requesting connection requiring a drop in excess of one hundred fifty (150) feet, unless the franchise agreement specifies otherwise, a grantee shall extend cable service at a rate not to exceed the grantee's actual direct incremental cost of installation from its main distribution system. (R.O. 2009 §111.079; Ord. No. 01-125, 6-20-01)

SECTION 670.540: CLEARING POLES AND CABLES

Grantees shall have the right to remove, trim, cut and to keep clear of its poles, cables, underground conduits and related equipment the trees in and along the public streets, but, in the exercise of such right, grantees shall not cut such trees to any greater extent than is reasonably necessary for the construction, erection, installation, maintenance and use of cable system equipment. Grantees shall not remove, trim or cut such trees from any public streets without first providing reasonable notice to the City of its intention to do so, such notice to be delivered not less than fifteen (15) days in advance. The grantee shall compensate the City or any private owners of such trees for any damage caused by such trimming. (R.O. 2009 §111.080; Ord. No. 01-125, 6-20-01)

SECTION 670.550: TEMPORARY DISCONNECTIONS

Each grantee shall be required, at its expense, to protect, support, temporarily disconnect, relocate in or remove from public streets, lands or places any property of the affected grantee(s) whenever required by City upon reasonable written notice by reason of traffic conditions, public safety, street construction or any other public purpose. If public funds are available to any person using such street, easement or right-of-way for the purpose of defraying the cost of any of the foregoing, upon request the grantor shall assist the affected grantee(s) in making application for such funds. (R.O. 2009 §111.081; Ord. No. 01-125, 6-20-01)

SECTION 670.560: MOVING FACILITIES

Each grantee, on the request of the City or any person holding a building permit issued by the City or any permit issued by an appropriate State agency, shall temporarily move its wires, cables, poles or other cable system facilities to permit the moving of large objects, vehicles, buildings or other structures. The expense of such temporary moves shall be paid to the affected grantee(s) by the person requesting the same and the affected grantee(s) shall have the authority to require such payment in advance. Every grantee shall be given not less than thirty (30) days' advance notice to arrange for such temporary moves, unless emergency conditions warrant otherwise. (R.O. 2009 §111.082; Ord. No.

01-125, 6-20-01)

SECTION 670.570: WORK PERFORMED BY OTHERS

A. Each grantee shall make available to the City the names and addresses of any person, other than the grantee, which performs services pursuant to this Chapter; provided however, that all provisions of this Chapter remain the responsibility of a grantee.
B. All provisions of this Chapter shall apply to any subcontractors or others performing any work or services pursuant to the provisions of this Chapter on behalf of a grantee. (R.O. 2009 §111.083; Ord. No. 01-125, 6-20-01)

SECTION 670.580: DUTY TO GRANTEE

Nothing contained in this Chapter shall relieve any person from liability arising out of the failure to exercise reasonable care to avoid injuring a grantee's facilities while performing any work connected with grading, regrading or changing the line of any rights-of-way or with the construction or reconstruction of any sewer or water system or utility system. (R.O. 2009 §111.084; Ord. No. 01-125, 6-20-01)

ARTICLE VII. OPERATION AND MAINTENANCE

SECTION 670.590: OPEN BOOKS AND RECORDS

Each grantee shall cooperate with the grantor with respect to grantor's administration of this Chapter and its applicable franchise agreement. Grantor shall have the right to inspect, at any time during normal business hours, all books, records, maps, plans, income tax returns, financial statements, service complaint logs, performance test results and other existing like materials of a grantee that relate to the operation of a grantee's system and that are reasonably necessary to grantor's enforcement or administration of this Chapter and/or a franchise agreement. The grantee shall not be required to maintain any books or records for franchise compliance purposes longer than three (3) years, except that financial records necessary to demonstrate compliance with the required franchise fee payments shall be kept for six (6) years. Upon request, the grantor will treat designated information disclosed by a grantee as confidential to the extent permissible under State and Federal law. (R.O. 2009 §111.090; Ord. No. 01-125, 6-20-01)

SECTION 670.600: COMMUNICATIONS WITH REGULATORY AGENCIES

Copies of all petitions, applications, communications and reports submitted by each grantee to the FCC, Securities and Exchange Commission or any other Federal or State regulatory commission or agency having jurisdiction in respect to any matters affecting system operations shall be made available contemporaneously to grantor upon request. Copies of responses from the above regulatory agencies to each grantee likewise shall be made available promptly to grantor upon request. If the City is specifically named in any such pleading or response, the City shall automatically be furnished a copy. (R.O. 2009

§111.091; Ord. No. 01-125, 6-20-01)

SECTION 670.610: ANNUAL REPORTS

A. Upon request, each grantee shall make available to grantor, at the end of each of the applicable grantee's fiscal years during the term of a franchise agreement, the following:
   1. A revenue statement certified by a representative of the grantee showing, in accordance with a franchise agreement, the gross revenues of the grantee for the preceding fiscal year;
   2. A current list of names and addresses of each officer and director and other management personnel of the grantee;
   3. A copy of all documents that relate to the grantee's system that were filed with any Federal, State or local agencies during the preceding fiscal year and that were not previously filed with grantor;
   4. A statement of the grantee's current billing practices and charges;
   5. A copy of the grantee's current subscriber service contract; and
   6. A copy of annual reports to stockholders, if any, for operating company and parent company.

   All of the above information shall not be required annually unless there is a change after the first (1st) filing.

B. Grantor and its agents and representatives shall have authority to arrange for and conduct an audit of the books and records of any grantee that are reasonably necessary for the enforcement of this Chapter or a franchise agreement. A grantee shall first be given thirty (30) days' notice of the audit, the description of and purpose for the audit and a description, to the best of grantor's ability, of the books, records and documents that grantor wants to review. (R.O. 2009 §111.092; Ord. No. 01-125, 6-20-01)

SECTION 670.620: INDEX OF REPORTS

A. Each grantee shall compile and maintain an index of reports, that shall list all reports, documents and filings, that it has prepared with respect to the system over the course of the past two (2) years as a result of the requirements of the FCC or this Chapter, including technical system testing and proof of performance reports and customer service compliance measurements, and shall provide a copy of such index of reports to the grantor every six (6) months and upon request.

B. Each grantee shall make a copy of any reports or documents listed in the index of reports available to the grantor upon request. (R.O. 2009 §111.093; Ord. No. 01-125, 6-20-01)

SECTION 670.630: ADDITIONAL REPORTS AND ASSISTANCE

Upon request of the City, each grantee shall prepare additional one-time reports which are reasonably necessary to the City's proper enforcement of an agreement adopted pursuant to this Chapter. The City shall require such reports only through passage of a formal resolution of the City Council. In addition, upon request, every grantee shall cooperate and assist the grantor in interpreting and understanding any report required under this Chapter. (R.O. 2009 §111.094; Ord. No. 01-125, 6-20-01)

SECTION 670.640: SAFETY

A. Every grantee shall at all times employ the standard of care attendant to the risks involved and shall install and maintain in use commonly accepted methods and devices for preventing failures and

accidents that are likely to cause damage, injury or nuisance to the public or to employees of the grantee.

B. Each grantee shall install and maintain its wires, cables, fixtures and other equipment in accordance with the requirements of all applicable codes and in such manner that they will not interfere with any installations of the City or any public utility.

C. All lines, equipment and connections in, over, under and upon the right-of-way and private property within the City, wherever situated or located, shall at all times be kept and maintained in a safe and suitable condition and in good order and repair.

D. Upon completion of any construction, upgrade or rebuild the grantee shall provide the grantor a copy of all strand-and-trench maps. If all or a portion of such mapping is in digital form, grantee shall include a copy of the digital information along with traditional hardcopy maps. (R.O. 2009 §111.095; Ord. No. 01-125, 6-20-01)

SECTION 670.650: SERVICE CONTRACT AND SUBSCRIBER INFORMATION

A. Each grantee shall have authority to promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable the grantee to exercise its rights and perform its obligations under this Chapter and any franchise agreement and to assure uninterrupted service to all of its subscribers; provided such rules, regulations, terms and conditions shall not be in conflict with the provisions of this Chapter, a franchise agreement, Federal, State and/or local law or any applicable rules and regulations.

B. Every grantee shall submit to grantor any subscriber contract that it utilizes. If no written contract exists, a grantee shall file with the City a document completely and concisely stating the terms of the residential subscriber contract offered, specifically including the length of the subscriber contract. The length and terms of any subscriber contract shall be available for public inspection during normal business hours. (R.O. 2009 §111.096; Ord. No. 01-125, 6-20-01)

ARTICLE VIII. GENERAL FINANCIAL AND INSURANCE PROVISIONS

SECTION 670.660: FRANCHISE FEE

A. As compensation for a franchise and in consideration of permission to use the rights-of-way of the City for the construction, operation and maintenance of a cable system within the City and to defray the costs of regulation, each grantee shall pay to grantor an annual amount equal to five percent (5%) of the grantee's gross revenues, unless otherwise specified in the franchise agreement.

B. Payments due grantor under this Section shall be computed quarterly, for the preceding quarter, as of March thirty-first (31st), June thirtieth (30th), September thirtieth (30th) and December thirty-first (31st). Each quarterly payment shall be due and payable no later than forty-five (45) days after the dates listed in the previous sentence. Each

payment shall be accompanied by a brief report by a grantee showing the basis for the computation and a "franchise fee worksheet" listing all of the sources of revenues attributable to the operation of grantee's system.

C. No acceptance of any payment shall be construed as an accord that the amount paid is in fact the correct amount, nor shall such acceptance of payment be construed as a release of any claim grantor may have for further sums payable under the provisions of this Chapter or a franchise agreement. All amounts paid shall be subject to audit and recomputation by grantor.

D. All franchise fee payments received pursuant to this Article shall constitute general revenue of the City and shall be credited to the General Fund of the City for such uses as may be provided for in the budget. (R.O. 2009 §111.100; Ord. No. 01-125, 6-20-01; Ord. No. 07-278, 10-18-07)

SECTION 670.670: SECURITY FUND

Each grantee may be required to maintain a security fund with the City to ensure compliance with this Chapter and the applicable franchise agreement in an amount and in a manner as set forth in the grantee's franchise agreement. (R.O. 2009 §111.101; Ord. No. 01-125, 6-20-01)

SECTION 670.680: BONDS, INDEMNIFICATION AND INSURANCE

Each grantee shall maintain bonds and insurance with the City in amounts and in a manner as set forth in the grantee's franchise agreement. Each grantee also shall be required to indemnify the City in a manner as set forth in the grantee's franchise agreement. (R.O. 2009 §111.102; Ord. No. 01-125, 6-20-01)

ARTICLE IX. REMEDIES, PROCEDURES AND DUE PROCESS

SECTION 670.690: ADMINISTRATION OF FRANCHISE

The City shall be responsible for the continued administration of this Chapter and all franchise agreements. The City may delegate this authority from time to time in any manner consistent with applicable law. (R.O. 2009 §111.110; Ord. No. 01-125, 6-20-01)

SECTION 670.700: NON-ENFORCEMENT BY THE CITY

A grantee shall not be relieved of its obligation to comply with any of the provisions of this Chapter or a franchise agreement adopted pursuant to this Chapter by reason of any failure of the City to enforce prompt compliance. (R.O. 2009 §111.111; Ord. No. 01-125, 6-20-01)

SECTION 670.710: CUSTOMER SERVICE DISPUTE RESOLUTION

The grantee shall establish procedures for receiving, acting upon and resolving customer complaints and crediting customer accounts in accordance with "Schedule A: Credits to

Customers" and as otherwise provided herein without intervention by the grantor. Such procedures prescribe the manner in which any subscriber may submit a complaint by telephone or in writing to the grantee that it has violated any provision of these customer service standards, any terms or conditions of the customer's contract with the grantee or reasonable business practices.

1. The grantee's complaint procedure shall be filed with the grantor prior to its acceptance of the franchise.
2. The grantee's investigation of a subscriber complaint shall be concluded in no more than fifteen (15) business days after receiving the complaint, at which time the grantee shall notify the subscriber of the results of its investigation and its proposed action or credit. In the case of a billing dispute, a grantee must respond to a subscriber's telephone inquiry about their bill within three (3) business days.
3. The grantee shall also notify the subscriber of his/her rights to file a complaint with the grantor in the event the subscriber is dissatisfied with the grantee's decision and shall thoroughly explain the necessary procedures for filing such complaints with the grantor.
4. The grantee shall report all subscriber complaints that it does not find valid to the grantor. The grantor will review all complaints against grantee regarding quality of service, equipment malfunctions, billing disputes, property damage and matters included under Schedule A, at such time when a subscriber is dissatisfied with a proposed decision by the grantee or when a subscriber has not received a decision within the time allotted under Subsection (B) of this Section. The subscriber may initiate the review either by calling the grantor or by filing a written complaint together with the grantee's written decision, if any, with the grantor. The subscriber shall make such filing and notification within twenty (20) days of receipt of grantee's decision or if no decision was provided, within thirty (30) days after filing the original complaint with the grantee.
5. If the grantor decides that further evidence is warranted, the grantor shall require the grantee and the subscriber to submit, within ten (10) days of notice thereof, a written statement of facts and arguments in support of their respective positions. The grantee and subscriber shall produce any additional evidence, which the grantor may deem necessary to an understanding and determination of the complaint.
6. The grantor shall issue a determination within fifteen (15) days after examining the materials submitted, setting forth the basis for determination. The grantor may extend the time limits for reasonable cause and may intercede and attempt to negotiate an informal resolution.
7. If the grantor determines that the subscriber's complaint is valid and that the grantee did not provide the subscriber with the proper solution and/or credit, the grantor may reverse any decision by the grantee in the matter and/or require the grantee to grant a specific solution as determined by the grantor in its sole discretion and/or provide the subscriber with the amount of the credit as set forth in Schedule A. (R.O. 2009 §111.112; Ord. No. 01-125, 6-20-01)

SECTION 670.720: REMEDIES AND ENFORCEMENT PROCEDURE

A. Whenever grantor has reason to believe that a grantee has violated any provision of a

franchise agreement or this Chapter, including the customer service and telephone availability requirements, grantor shall first notify the grantee in writing of the violation and demand correction within a reasonable time, which shall not be less than thirty (30) days. If a grantee fails to demonstrate to the reasonable satisfaction of grantor that no violation exists or if grantee fails to correct the violation within the time prescribed or if a grantee is unable to correct the violation and fails to commence corrective action within the time prescribed and to diligently remedy such violation thereafter, the

grantee shall then be given written notice of not less than thirty (30) days of a public hearing to be held before the Council. Said notice shall indicate with reasonable specificity the violation alleged to have occurred. This procedure shall apply to all alleged franchise violations, including those in which grounds for revocation are considered.

B. At the public hearing, the Council shall hear and consider all relevant evidence and thereafter render findings and a decision based upon the evidence.

C. In the event the City finds that a grantee has corrected the violation or promptly commenced correction of such violation after notice thereof from grantor and is diligently proceeding to fully remedy the violation or that no violation has occurred, the proceedings shall terminate and no penalty or other sanction shall be imposed, except as provided for in Subsection (H) of this Section.

D. In the event the City finds that a violation exists and that a grantee has not corrected the same in a satisfactory manner or did not promptly commence and diligently proceed to correct the violation, the City may impose penalties and/or liquidated damages from the security fund as follows:
    1. For system construction schedule violations, including, but not limited to, provisions relating to initial construction schedules and system upgrade construction schedule, five hundred dollars ($500.00) per day of non-compliance;
    2. For all other violations, two hundred fifty dollars ($250.00) per day per violation.

E. If grantor elects to assess penalties or liquidated damages, then such election shall constitute grantor's exclusive remedy for a period of sixty (60) days. Thereafter, if a grantee remains in non-compliance, the grantor may pursue any other available remedy, including franchise revocation.

F. In the event that a franchise is canceled or terminated by reason of the default of a grantee, the security fund deposited pursuant to a franchise agreement shall remain in effect and available to the grantor until all pending claims or penalties are resolved or settled, after which point any remaining amounts in the security fund shall revert to the possession of the grantee.

G. The rights reserved to grantor with respect to the security fund are in addition to all other rights of grantor, whether reserved by a franchise agreement, this Chapter or authorized by law and no action, proceeding or exercise of a right with respect to such security fund shall affect any other right grantor may have.

H. The foregoing provisions shall not be deemed to preclude the grantor from obtaining any other available remedies for repeated violations of the same general type, whether remedied or not. (R.O. 2009 §111.113; Ord. No. 01-125, 6-20-01)

SECTION 670.730: GROUNDS FOR REVOCATION

In addition to any rights in this Chapter or a franchise agreement, grantor reserves the right to utilize the above described enforcement procedure to revoke the franchise and all rights and privileges pertaining thereto, in the event that any of the following occur and the City and grantee are not able to mutually agree upon a cure or alternate remedy:

1. A grantee substantially violates any material provision of this Chapter or a franchise agreement;
2. A grantee practices an act of fraud or deceit upon the grantor; or

3. A grantee becomes insolvent, unable or unwilling to pay its debts or is adjudged bankrupt. (R.O. 2009 §111.114; Ord. No. 01-125, 6-20-01)

SECTION 670.740: RIGHT OF APPEAL

A. Upon the imposition of a penalty or revocation decision, a grantee shall have a period of one hundred twenty (120) days subsequent to the date of the formal adoption of the decision by the City Council within which to file an appeal with a court of competent jurisdiction.
B. During any such appeal period, the franchise shall remain in full force and effect. (R.O. 2009 §111.115; Ord. No. 01-125, 6-20-01)

SECTION 670.750: GOVERNING LAW AND CHOICE OF FORUM

Any dispute arising with respect to this Chapter, or a franchise agreement granted pursuant to it, shall be subject to review by the State and Federal courts sitting in Saint Charles County, Missouri. (R.O. 2009 §111.116; Ord. No. 01-125, 6-20-01)

SECTION 670.760: SEVERABILITY

If any Section, sentence, phrase, provision, paragraph or term of this Chapter or a franchise granted hereunder is held void or otherwise rendered unenforceable by any court of competent jurisdiction, such provision shall be deemed severable from this Chapter and the franchise agreement and the remainder of this Chapter and the franchise agreement shall continue in full force and effect. Nothing in this Section, however, shall be deemed to limit the grantor or a grantee's ability to assert any claim regarding the enforceability of this Chapter or the terms of a franchise agreement on grounds other than that the provision at issue is not severable, including claims of failure of consideration. (R.O. 2009 §111.117; Ord. No. 01-125, 6-20-01)

ARTICLE X. FORECLOSURE, RECEIVERSHIP AND ABANDONMENT

SECTION 670.770: FORECLOSURE

Upon the foreclosure or other judicial sale of all or a part of a system or upon the termination of any lease covering all or part of a system, a grantee shall notify grantor of such fact and such notification shall be treated as a notification that a change in control of the grantee has taken place and the provisions of this Chapter governing the consent to transfer or change in ownership shall apply without regard to how such transfer or change in ownership occurred. (R.O. 2009 §111.120; Ord. No. 01-125, 6-20-01)

SECTION 670.780: RECEIVERSHIP

Grantor shall have the right to cancel a franchise agreement one hundred twenty (120)

days after the appointment of a receiver or trustee to take over and conduct the business of a grantee, whether in receivership, reorganization, bankruptcy or other action or proceeding, unless such receivership or trusteeship shall have been vacated prior to the expiration of said one hundred twenty (120) days or unless:

1. Within one hundred twenty (120) days after its election or appointment, the receiver or trustee has fully complied with all the provisions of grantee's franchise agreement and this Chapter and remedied all defaults thereunder; and
2. Such receiver or trustee, within said one hundred twenty (120) days, has executed an agreement, duly approved by a court having jurisdiction, whereby such receiver or trustee assumes and agrees to be bound by each and every provision of this Chapter and the applicable franchise agreement. (R.O. 2009 §111.121; Ord. No. 01-125, 6-20-01)

ARTICLE XI. PURCHASE OF SYSTEM--SALE OR TRANSFER

SECTION 670.790: PURCHASE OF SYSTEM

If a renewal or extension of the grantee's franchise is denied or the franchise is lawfully terminated and the City either lawfully acquires ownership of the cable system or by its actions lawfully effects a transfer of ownership of the cable system to another person, any such acquisition or transfer shall be in accordance with and to the extent permitted by 47 U.S.C. Section 547 as follows:

1. Upon revocation of a franchise, such valuation shall not include any sum attributable to the value of the franchise itself and plant and property shall be valued according to its book value at the time of revocation or the system's initial cost less depreciation and salvage, whichever of the two (2) is lower.
2. At the expiration of a franchise agreement, such valuation shall be at fair market value, exclusive of the value attributed to the franchise itself. (R.O. 2009 §111.130; Ord. No. 01-125, 6-20-01)

SECTION 670.800: SALE OR TRANSFER OF FRANCHISE

A. No grantee shall sell, transfer, lease, assign, sublet or dispose of, in whole or in part, an interest in or control of a franchise or cable system or any of the rights or privileges granted by a franchise agreement without the prior consent of the grantor, which consent shall not be unreasonably denied or delayed and may be denied only upon a good faith finding by the grantor that the proposed transferee lacks the legal, technical or financial qualifications to consummate the transaction and operate the system so as to perform its obligations under this Chapter and the applicable franchise agreement. This Section shall not apply to sales of property or equipment in the normal course of business. Consent from the grantor shall not be required for a transfer in trust, mortgage or other instrument of hypothecation, in whole or in part, to secure an indebtedness or for a pro forma

transfer to a corporation, partnership or other entity controlling, controlled by or under common control with a grantee.

B. The following events shall be deemed to be a sale, assignment or other transfer of an interest in or control of a franchise or cable system requiring compliance with this Section:
   1. The sale, assignment or other transfer of all or a majority of a grantee's assets;
   2. The sale, assignment or other transfer of capital stock or partnership, membership or other equity interests in a grantee by one (1) or more of its existing shareholders, partners, members or other equity owners so as to create a new controlling interest in a grantee;
   3. The issuance of additional capital stock or partnership membership or other equity interest by a grantee so as to create a new controlling interest in a grantee; and
   4. A grantee's agreement to transfer management or operation of the grantee or the system to an unaffiliated entity. The term *"controlling interest"*, as used herein, means majority equity ownership of a grantee.

C. In the case of any sale or transfer of ownership of an interest in or control of a franchise or cable system, the City shall have one hundred twenty (120) days to act upon any request for approval of such sale or transfer that contains or is accompanied by such information as is required in accordance with FCC regulations and the requirements of this Chapter and the applicable franchise agreement. If the City fails to render a final decision on the request within one hundred twenty (120) days after receipt by the City of all required information, such request shall be deemed granted unless the requesting party and the City agree to an extension of the one hundred twenty (120) day period.

D. Grantor reserves any rights it may have to require that a transferee pay all costs and expenses incurred by grantor in connection with the sale, assignment or transfer of a franchise including, but not limited, to the grantor's costs of reviewing the qualifications of any proposed transferees. Such reimbursement shall not be considered franchise fees, provided however, that a grantee/transferee may in its discretion pass through such costs to subscribers. (R.O. 2009 §111.131; Ord. No. 01-125, 6-20-01)

ARTICLE XII. RIGHTS OF INDIVIDUALS PROTECTED

SECTION 670.810: DISCRIMINATORY PRACTICES PROHIBITED

No grantee shall deny service, deny access or otherwise discriminate against subscribers, programmers or general citizens on the basis of race, color, religion, national origin, sex or age. Every grantee shall strictly adhere to the equal employment opportunity requirements of State and Federal law. Each grantee shall comply at all times with all other applicable Federal, State and local laws and all executive and administrative orders relating to non-discrimination. (R.O. 2009 §111.140; Ord. No. 01-125, 6-20-01)

ARTICLE XIII. MISCELLANEOUS PROVISIONS

SECTION 670.820: RATE REGULATION

The City reserves the right to regulate rates for basic cable service and any other services offered over the cable system to the extent permitted by Federal or State law. Grantee shall be subject to the rate regulation provisions provided for herein and those of the Federal Communications Commission (FCC) at 47 C.F.R., Part 76.900, Subpart N. The City shall follow the rules relating to cable rate regulation promulgated by the FCC at 47 C.F.R., Part 76.900, Subpart N. (R.O. 2009 §111.150; Ord. No. 01-125, 6-20-01)

SECTION 670.830: RIGHTS RESERVED TO GRANTOR

Upon either final non-appealable determination of non-renewal or revocation of a franchise, grantor shall have discretion to permit a grantee by mutual consent to continue to operate the cable system for an extended period of time agreed upon by the parties. Any such operation of the system by the grantee shall be in accordance with the terms and conditions of this Chapter and the applicable franchise agreement and shall provide the regular subscriber service and any and all of the services that may be provided at that time. (R.O. 2009 §111.151; Ord. No. 01-125, 6-20-01)

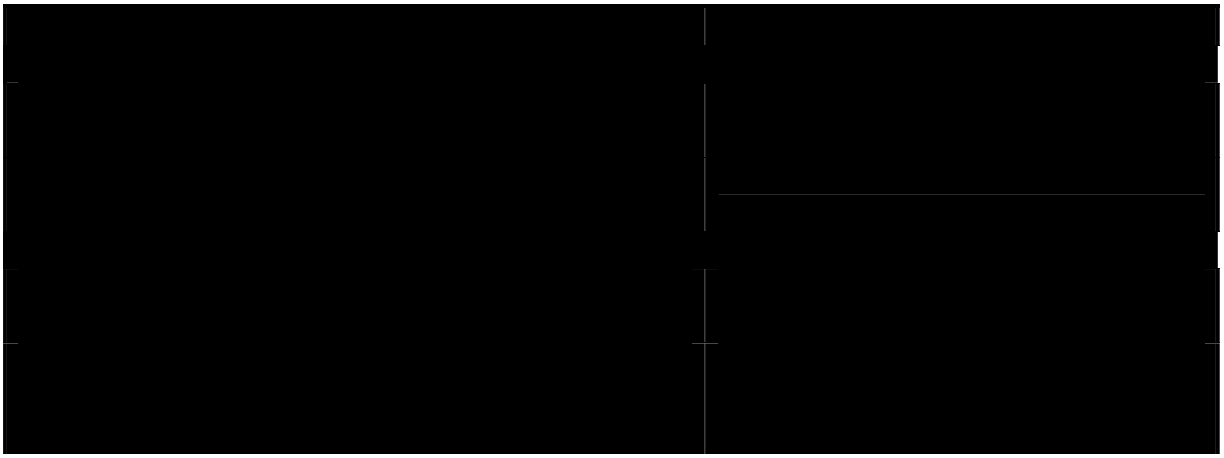
SECTION 670.840: PUBLICATION OF NOTICES

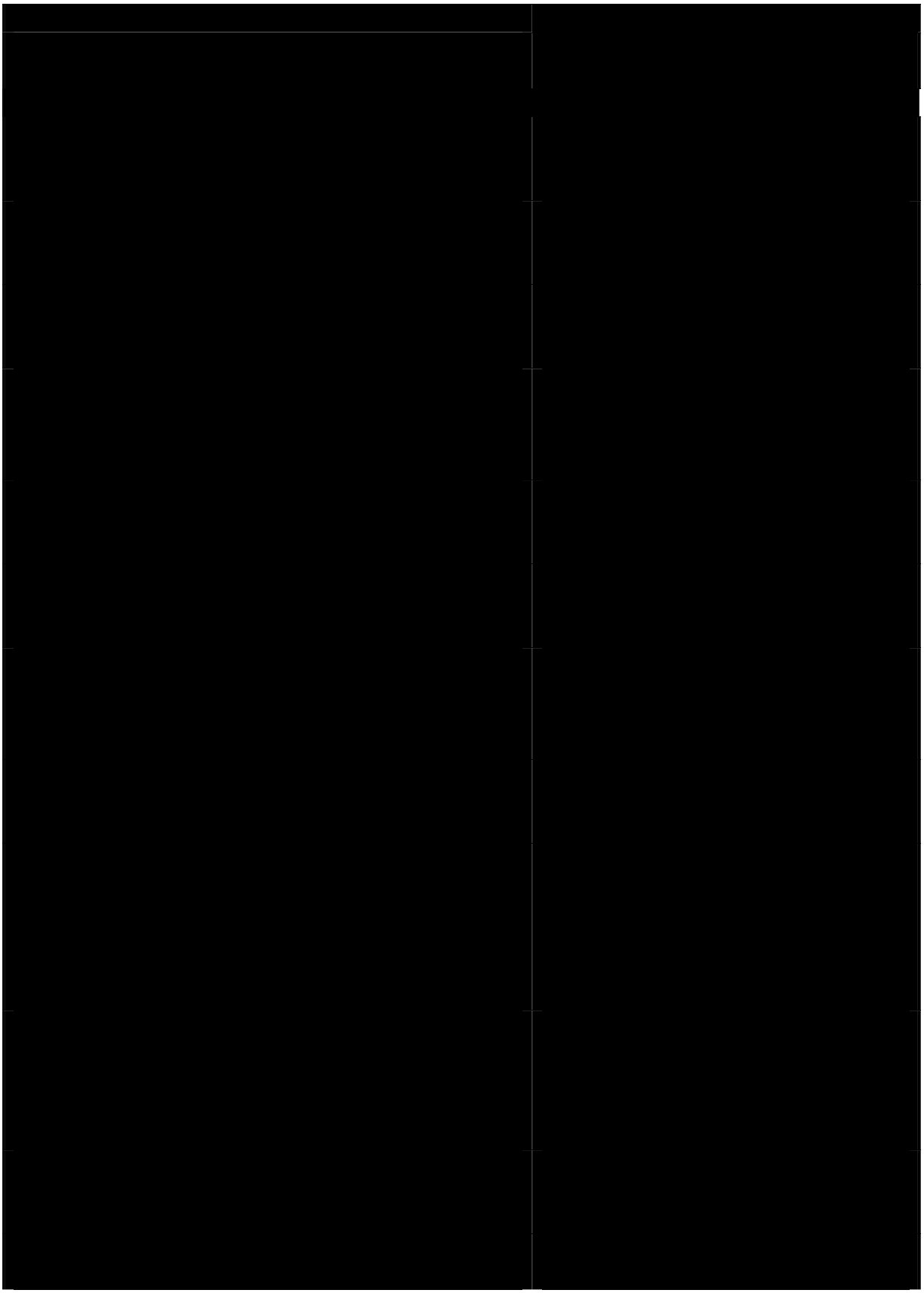
All public notices or ordinances required to be published by grantor under this Chapter or any franchise agreement shall be published in the official newspaper of the City. Each grantee shall pay the costs for publication of its franchise agreement and any amendments thereto, as such publication is required or authorized by law. (R.O. 2009 §111.152; Ord. No. 01-125, 6-20-01)

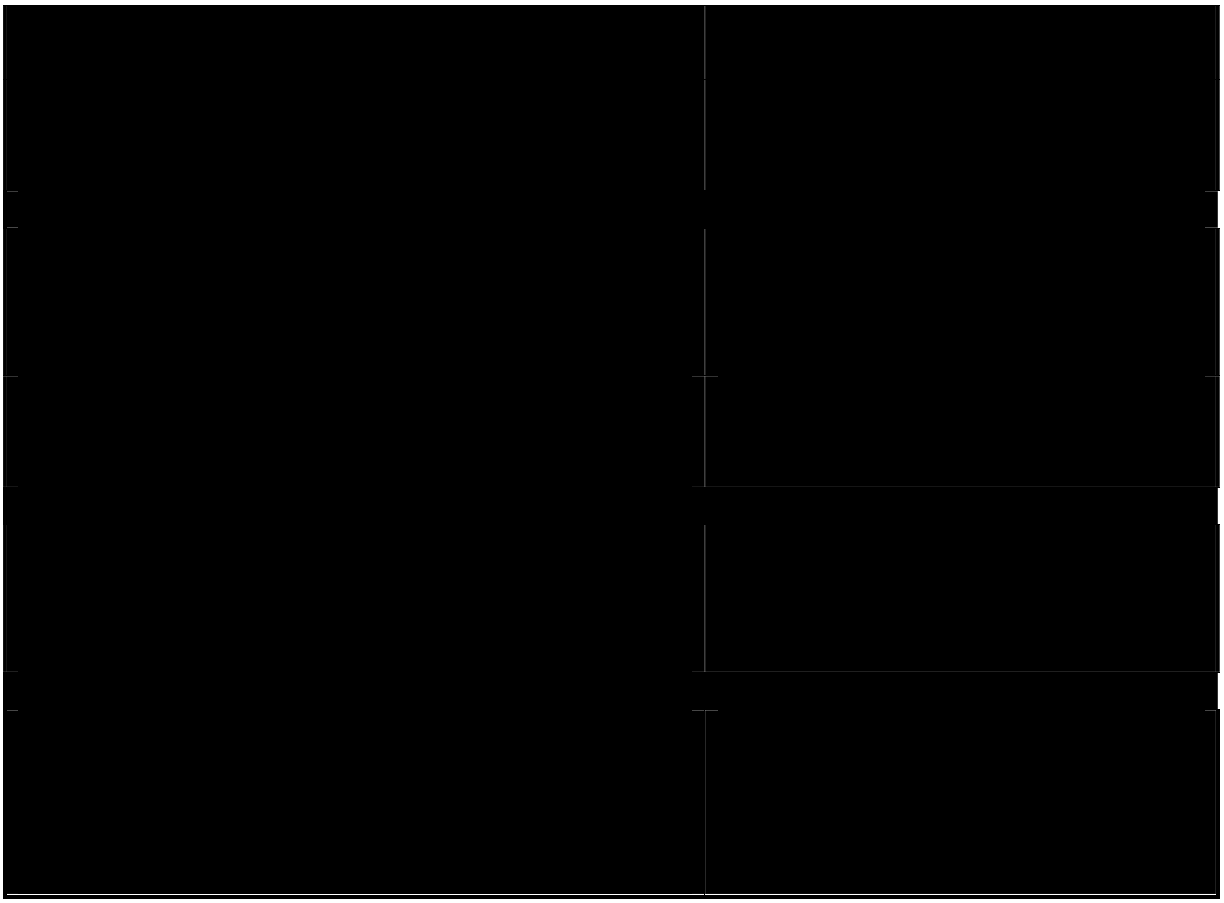
SECTION 670.850: PENALTY

Any person violating Section 670.040 of this Chapter shall be subject to a fine of five hundred dollars ($500.00) per day. The payment of such fine notwithstanding, all such violators shall be subject to all other applicable provisions of this Chapter to the fullest extent allowed by law including, but not limited to, the payment of a franchise fee. (R.O. 2009 §111.999; Ord. No. 01-125, 6-20-01)

SCHEDULE A. CREDITS TO CUSTOMERS







(R.O. 2009 Sch. A to Ch. 670)

TITLE VII. UTILITIES

CHAPTER 700: WATER

Cross References--As to plumbing code, §§500.240 et seq.; as to public water supply and fire hydrants--subdivision improvements, §405.250.

ARTICLE I. GENERAL PROVISIONS

SECTION 700.010: COMBINED WATERWORKS AND SEWERAGE SYSTEM

It is declared by the City Council that the existing waterworks and the existing sewerage system of the City shall be operated and maintained as a combined waterworks and sewerage system and that such combined system shall include the entire existing waterworks and the entire existing sewerage system of the City, together with all future improvements and extensions thereto, whether to the waterworks or to the sewerage system or to both. (R.O. 2009 §51.01; CC 1981 §29-1; Ord. No. 76-11, 1-28-76)

SECTION 700.020: CONNECTION OF PROPERTY OUTSIDE CITY LIMITS

All connections into the water system, whether made directly or indirectly, of property located outside the City limits shall be made in accordance with the following provisions:

1. The owners of the land shall submit a petition for annexation of the land into the City;
2. The parcel of property shall be developed and used in accordance with the plans for its land use adopted by the City Council and approved by the Mayor. If no plans for its land use have been adopted and approved at the time of the application for service, then the service shall not be permitted until plans have been adopted and approved; and
3. Except as otherwise provided by the Mayor and City Council, the parcel of property shall be developed in accordance with City specifications and standards as though the property were within the City's limits. (R.O. 2009 §51.02; Ord. No. 94-18, 1-30-94)

SECTION 700.030: WATER MAIN CONSTRUCTION INSPECTION FEES

A water main inspection fee of eighty dollars ($80.00) per day shall be deposited with the City prior to the commencement of construction. This fee shall be charged at the rate of three hundred (300) linear feet of water main per day. In addition to the inspection fee, the contractor shall also obtain a construction permit at a charge of one hundred dollars ($100.00). This charge is not refundable. Such fees collected shall be deposited in the Street Maintenance and Improvement Fund of the City. (R.O. 2009 §51.03; Ord. No. 94-273, 10-19-94)

SECTION 700.040: FIRE HYDRANT PERMIT FEES

A. A fire hydrant permit shall be required for the jetting of streets in subdivisions and construction projects, for jetting sewer lines, storm sewers, etc.
B. A fire hydrant permit shall also be required for watering newly placed sod and/or grass seed in all residential, commercial and industrial developments and for filling swimming pools.
C. A fire hydrant permit shall be issued to only contractors who are licensed in and by the City of St. Charles and residents of the City of St. Charles. Notification of connection to fire hydrant must be provided twenty-four (24) hours in advance.
D. The fees are as follows:
    1. Non-refundable/non-transferable fee of fifty dollars ($50.00) per day, plus fifty dollars ($50.00) for each additional day.
    2. For larger developments, the fees are as follows:
        a. Residential areas: fifty dollars ($50.00) per day plus five dollars ($5.00) per lot.
        b. Industrial and commercial areas: fifty dollars ($50.00) per day plus five dollars ($5.00) per ten thousand (10,000) square feet of land being developed.
    3. For swimming pools to be filled by the City at the request of residential property owners, the fee is fifty dollars ($50.00) per pool plus the cost per one thousand (1,000) gallons of water to fill the pool as calculated by the resident providing dimensions of the pool.
        a. Scheduling depends on availability and work load, but requires forty-eight

(48) hours' notice.

b. Resident must complete a waiver of liability for damages form prior to filling.

c. Pool filling will only occur during normal weekday working hours.

E. The City will waive the permit fee for licensed contractors who work under contract with the City performing work on a City funded project. (R.O. 2009 §51.05; Ord. No. 99-408, 12-9-99; Ord. No. 06-129, 5-18-06)

SECTION 700.050: RESERVED

ARTICLE II. BACKFLOW PREVENTION DEVICES ON PUBLIC WATER SYSTEM

SECTION 700.060: DEFINITIONS

For the purposes of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AIR-GAP SEPARATION: The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the overflow level rim of the receptacle and shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel, but in no case less than one (1) inch.

AUXILIARY WATER SUPPLY: Any water source or system, other than the public water supply, that may be available in the building or premises.

BACKFLOW: The flow, other than the intended direction of flow, of any foreign liquids, gases or substance into the public water system.

BACKFLOW PREVENTION DEVICE: Any device, method or type of construction intended to prevent backflow into the public water system.

CONSUMER: The owner or person in control of any premises supplied by or in any manner connected to the public water system.

CONTAINMENT: Protection of the public water supply by installing a cross-connection control device or air-gap separation on the main service line to a facility.

CONTAMINATION: An impairment of the quality of the water by sewage, process fluids or other wastes to a degree which could create an actual hazard to the public health through poisoning or through spread of disease by exposure.

CROSS-CONNECTION: Any physical link between a potable water supply and any other substance, fluid or source, which makes possible contamination of the public water supply due to the reversal of flow of the water in the piping or public water system.

HAZARD, DEGREE OF: An evaluation of the potential risk to public health and the adverse effect of the hazard upon the public water system.

HAZARD, HEALTH: Any condition, device or practice in the public water system and its operation which could create or may create a danger to the health and well-being of the water consumer.

HAZARD, PLUMBING: A plumbing type cross-connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air-gap

separation or backflow prevention device.
HAZARD, POLLUTIONAL: An actual or potential threat to the physical properties of the public water system or to the potability of the public water system or the consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.
HAZARD, SYSTEM: An actual or potential threat of severe damage to the physical properties of the public water system or the consumer's potable water system or of a pollution or contamination which would have protracted effect on the quality of the potable water in the system.
INDUSTRIAL PROCESS SYSTEM: Any system containing a fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as

would constitute a health, system, pollutional or plumbing hazard if introduced into the public water supply.
ISOLATION: Protection of a facility service line by installing a cross-connection control device or air-gap separation on an individual fixture, appurtenance or system.
POLLUTION: The presence of any foreign substance (organic, inorganic or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.
PUBLIC WATER SYSTEM: The City's water system supplying water to the general public which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the Missouri Department of Natural Resources.
SERVICE CONNECTION: The terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter. (R.O. 2009 §51.15; CC 1981 §29-13; Ord. No. 89-7, 1-17-89)

State Law Reference--City sewerage systems and waterworks, ch. 250, RSMo.

SECTION 700.070: CROSS-CONNECTIONS PROHIBITED

A. No water service connection shall be installed or maintained to any premises where actual or potential cross-connections to the public water system or consumer's water system may exist unless such actual or potential cross-connections are abated or controlled to the satisfaction of the Director of Public Works and as required by the laws and regulations of the Missouri Department of Natural Resources.
B. No connection shall be installed or maintained whereby an auxiliary water supply may enter the public water system or consumer's water system unless such auxiliary water supply and the method of connection and use of such supply shall have been approved by the Director of Public Works and the Missouri Department of Natural Resources.
C. No water service connection shall be installed or maintained to any premises in which the plumbing system, facilities and fixtures have not been constructed and installed using acceptable plumbing practices considered by the City as necessary for the protection of health and safety.
D. A developer achieving Tier 1 status under the Green Point Rating System Guide established in Section 500.280(L) may make application to the Department of Public Works for the use of a Green Point Rating System Alternative to the requirements of Section 51.16 as set forth in the "Development Guide: Infrastructure Alternatives for St. Charles GPRS Projects" on file with the City Clerk. (R.O. 2009 §51.16; CC 1981 §29-14; Ord. No. 89-7, 1-17-89; Ord. No. 10-174 §1, 7-18-10)

Cross Reference--As to penalty, §100.150.

SECTION 700.080: SURVEY AND INVESTIGATIONS

A. The consumer's premises shall be open at all reasonable times to the Director of Public

Works or an authorized representative for the performance of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross-connections to the consumer's water system through which contaminants or pollutants could backflow into the public water system.

B. On request by the Director of Public Works or an authorized representative, the consumer shall furnish information on water use practices within the consumer's premises.

C. It shall be the responsibility of the water consumer to conduct periodic surveys of water use practice on the consumer's premises to determine whether there are actual or potential cross-connections to the consumer's water system through which contaminants or pollutants could backflow into the consumer's water system or the public water system. (R.O. 2009 §51.17; CC 1981 §29-15; Ord. No. 89-7, 1-17-89)

SECTION 700.090: TYPE OF PROTECTION REQUIRED

The type of protection required by this Article, shall depend upon the degree of hazard which exists, as follows:

1. An approved air-gap separation shall be installed where the public water system may be contaminated with substances that could cause a severe health hazard.
2. An approved air-gap separation or any approved reduced pressure principle backflow prevention device shall be installed where the public water system may be contaminated with a substance that could cause a system or health hazard.
3. An approved air-gap separation or an approved reduced pressure principle backflow prevention device or an approved double-check valve assembly shall be installed where the public water system may be polluted with substances that could cause a pollutional hazard not dangerous to health. (R.O. 2009 §51.18; CC 1981 §29-16; Ord. No. 89-7, 1-17-89)

SECTION 700.100: WHERE PROTECTION IS REQUIRED

A. An approved backflow prevention device shall be installed on each service line to a consumer's water system servicing premises where, in the judgment of the Director of Public Works or the Missouri Department of Natural Resources, actual or potential hazards to the public water system exist. The type and degree of protection required shall be commensurate with the degree of hazard.

B. An approved air-gap separation or reduced pressure principle backflow prevention device shall be installed at the service connection or within any premises where, in the judgment of the Director of Public Works or the Missouri Department of Natural Resources, the nature and extent of activities on the premises, or the materials used in connection with the activities or materials stored on the premises, would present an immediate and dangerous hazard to health should a cross-connection occur, even though such cross-connection may not exist at the time the backflow prevention device is required to be installed. This includes, but is not limited to, the following situations:

1. Premises have an auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the Director of Public Works and the Missouri Department of Natural Resources.
2. Premises having internal cross-connections that are not correctable or intricate plumbing arrangements which make it impractical to ascertain whether or not

cross-connections exist.

3. Premises where entry is restricted so that inspection for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross-connections do not exist.
4. Premises having a repeated history of cross-connections being established or re-established.
5. Premises which, due to the nature of the enterprise therein, are subject to recurring modification or expansion.
6. Premises on which any substance is handled under pressure so as to permit entry into the public water supply or where a cross-connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.
7. Premises where materials of a toxic or hazardous nature are handled such that if back siphonage or back pressure should occur, a serious health hazard may result.

C. The following types of facilities fall into one (1) or more of the categories of premises where an approved air-gap separation or reduced pressure principle backflow prevention device is required by the Director of Public Works and the Missouri Department of Natural Resources to protect the public water supply and must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the Director of Public Works and the Missouri Department of Natural Resources.

1. Aircraft and missile manufacturing plants;
2. Automotive plants including those plants which manufacture motorcycles, automobiles, trucks, recreational vehicles and construction and agricultural equipment;
3. Potable water dispensing stations which are served by a public water system;
4. Beverage bottling plants including dairies and breweries;
5. Canneries, packing houses, reduction plants and cold storage plants;
6. Car washes;
7. Chemical, biological and radiological laboratories including those in high schools, trade schools, colleges, universities and research institutions;
8. Hospitals, clinics, medical buildings, autopsy facilities, morgues, mortuaries, nursing homes, convalescent homes and other medical facilities;
9. Metal or plastic manufacturing, fabrication, cleaning, plating or processing facilities;
10. Plants manufacturing paper and paper products;
11. Plants manufacturing, refining, compounding or processing fertilizer, film, herbicides, natural or synthetic rubber, pesticides, petroleum or petroleum products, pharmaceuticals, radiological materials or any chemical which would be a contaminant to the public water system;
12. Commercial facilities that use herbicides, pesticides, fertilizers or any chemical which would be a contaminant to the public water system;
13. Plants processing, blending or refining animal, vegetable or mineral oils;
14. Commercial laundries and dye works;
15. Sewage, storm water and industrial waste treatment plants and pumping stations;
16. Waterfront facilities including piers, docks, marinas and shipyards;

17. Industrial facilities which recycle water;
18. Restricted or classified facilities or other facilities closed to the supplier of water or the Director of Public Works;
19. Fire protection and sprinkler systems;
20. Auxiliary water systems;
21. Irrigation systems with facilities for injection of pesticides, herbicides or other chemicals or with provisions for creating back pressure;
22. Portable tanks for transporting water taken from a public water system;
23. Facilities which have pumped or repressurized cooling or heating systems that are served by a public water system, including all boiler systems;
24. Film laboratories;
25. Irrigation systems, separate from domestic systems, such as parks, playgrounds, cemeteries, golf courses, schools and estates;
26. Underground lawn sprinkling system adjunct to domestic systems;
27. Industries using toxic substances;
28. Stockyards;
29. Hazardous waste storage and/or disposal sites; and
30. Oil and gas production, storage or transmission properties.

(R.O. 2009 §51.19; CC 1981 §29-17; Ord. No. 89-7, 1-17-89)

SECTION 700.110: BACKFLOW PREVENTION DEVICES

A. Any backflow prevention device required by this Article shall be of a model or construction approved by the Director of Public Works and the Missouri Department of Natural Resources.

1. Air-gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one (1) inch.

2. A double-check valve assembly or a reduced pressure principle backflow prevention device shall be approved by the Director of Public Works and shall appear on the current "list of approved backflow prevention devices" established by the Missouri Department of Natural Resources.

B. Existing backflow prevention devices approved by the Director of Public Works at the time of installation and properly maintained shall, except for inspection and maintenance requirements, be excluded from the requirements of this Article so long as the Director of Public Works is assured that they will satisfactorily protect the public water system. Whenever the existing device is moved from its present location or requires more than minimum maintenance or when the Director of Public Works finds that the maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this Article. (R.O. 2009 §51.20; CC 1981 §29-18; Ord. No. 89-7, 1-17-89)

SECTION 700.120: INSTALLATION

A. Backflow prevention devices required by this Article shall be installed at a location and in a manner approved by the Director of Public Works and shall be installed at the expense of the water consumer.

B. Backflow prevention devices installed on the service line to the consumer's water system shall be located on the consumer's side of the water meter, as close to the meter as is reasonably practical, and prior to any other connection.
C. Backflow prevention devices shall be located so as to be readily accessible for maintenance and testing, protected from freezing, and where no part of the device will be submerged or subject to flooding by any fluid. (R.O. 2009 §51.21; CC 1981 §29-19; Ord. No. 89-7, 1-17-89)

SECTION 700.130: INSPECTION AND MAINTENANCE

A. It shall be the duty of the consumer at any premises on which backflow prevention devices required by this Article are installed to have inspections, tests and overhauls made in accordance with the following schedule or more often where inspections indicate a need.
    1. Air-gap separations shall be inspected at the time of installation and at least every twelve (12) months thereafter.
    2. Double-check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter. They shall be dismantled, inspected internally, cleaned and repaired whenever needed and at least every five (5) years.
    3. Reduced pressure principle backflow prevention devices shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter. They shall be dismantled, inspected internally, cleaned and repaired whenever needed and at least every five (5) years.
B. Inspections, tests and overhauls of backflow prevention devices shall be made at the expense of the water consumer and shall be performed by a Missouri certified backflow prevention device tester.
C. Whenever backflow prevention devices required by this Article are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay.
D. The water consumer shall maintain a complete record of each backflow prevention device from purchase to retirement. This shall include a comprehensive listing that includes a record of all tests, inspections and repairs. Records of inspections, tests, repairs and overhauls shall be made available to the Director of Public Works upon request.
E. Backflow prevention devices shall not be by-passed, made inoperative, removed or otherwise made ineffective without specific authorization by the Director of Public Works. (R.O. 2009 §51.22; CC 1981 §29-20; Ord. No. 89-7, 1-17-89)

SECTION 700.140: DISCONTINUING SERVICE FOR VIOLATIONS

A. The Director of Public Works shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by this Article is not installed, tested and maintained in a manner acceptable to the Director of Public Works or if it is found that the backflow prevention device has been removed or by-passed or if an unprotected cross-connection exists on the premises. If, in the opinion of the Director of Public Works, a serious, immediate threat to public health is posed, then service shall be discontinued without notice.
B. Water service to such premises shall not be restored until the consumer has corrected or

eliminated such conditions or defects in conformance with this Article to the satisfaction of the Director of Public Works. (R.O. 2009 §51.23; CC 1981 §29-21; Ord. No. 89-7, 1-17-89)

ARTICLE III. RATES, DEPOSITS AND FEES

SECTION 700.150: WATER SERVICE RATES, DEPOSITS AND FEES RECOMMENDED BY THE BOARD OF PUBLIC WORKS AND ESTABLISHED BY ORDINANCE

A. Rates, deposits, fees and charges for water service shall be recommended by the Board of Public Works and established by ordinance.

B. Each new residential owner occupied water service customer shall pay to the City an initial deposit of fifty dollars ($50.00). Each new residential tenant water service customer shall pay to the City an initial deposit of one hundred dollars ($100.00). The deposit shall be returned to the customer when:

1. The customer discontinues water service, in which case the City shall refund the deposit by first crediting the customer's account to offset the final bill and then issuing a check for any remaining amount due to the customer; or
2. The customer has no delinquent water bills during a two (2) year period, in which case the City shall refund the deposit by crediting the customer's account to offset subsequent bills.

No customer shall be required to pay a deposit who has previously owned or leased property in the City within the preceding five (5) years, paid the deposit, and had the deposit returned after the two (2) year period.

C. There is established an additional deposit requirement of fifty dollars ($50.00) and a reconnection fee of sixty-five dollars ($65.00) for all water service reconnections made during regular business hours and a fee of one hundred dollars ($100.00) for reconnections not made during regular business hours. At the time a reconnection is made, the customer is required to pay to the City the full amount due on the delinquent bill, the additional fifty dollar ($50.00) deposit and the reconnection fee. Notwithstanding the foregoing, no customer deposit account shall exceed one hundred fifty dollars ($150.00). For purposes of this Section, regular business hours are Monday through Friday on days City Hall is open for business and between the hours of 8:00 A.M. and 4:30 P.M. There shall be no fee charged for emergency reconnection of water service.

D. There is established an additional fee equal to ten percent (10%) of the water service bill, or a minimum of five dollars ($5.00), for the late payment of the water service bill.

E. Water tap-on fees shall not be assessed for construction projects of the City. (R.O. 2009 §51.40; Ord. No. 08-89, 5-9-08; Ord. No. 09-144, 8-5-09; Ord. No. 10-110 §2, 5-26-10; Ord. No. 10-235 §1, 11-10-10)

CHAPTER 705: SEWERS AND SEWAGE DISPOSAL

Cross References--As to final plat data, §405.290; as to obstructing sewers, gutters and the like, §215.030; as to plumbing code, §§500.240 et seq.

ARTICLE I. GENERAL PROVISIONS

SECTION 705.010: COMBINED WATERWORKS AND SEWERAGE SYSTEM

It is declared by the City Council that the existing waterworks and the existing sewerage system of the City shall be operated and maintained as a combined waterworks and sewerage system, and that such combined system shall include the entire existing waterworks and the entire existing sewerage system of the City, together with all future improvements and extensions thereto, whether to the waterworks or to the sewerage system or to both. (R.O. 2009 §52.01; CC 1981 §29-1; Ord. No. 76-11, 1-28-76)

SECTION 705.020: DEFINITIONS

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOARD OF PUBLIC WORKS: The Board created under Sections 125.570 et seq. of this Code of Ordinances.

BOD: Denotes biochemical oxygen demand, the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Celsius (20°C) expressed in milligrams per liter.

BUILDING DRAIN: That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

BUILDING SEWER: The extension from the building drain to the public or private sewer or other place of disposal.

COMBINED SEWER: A sewer designed and intended to receive and convey sewage, storm water, including roof and street drainage and unpolluted wastewater and cooling water.

COOLING WATER: The water discharged from any system of condensation, air-conditioning, cooling, refrigeration or other, but which shall be free from odor and oil. It shall contain no polluting substances which would produce BOD or suspended solids each in excess of ten (10) milligrams per liter.

GARBAGE: Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

INDIVIDUAL SEWAGE DISPOSAL SYSTEM: A system that is utilized for one (1) building lot.

INDUSTRIAL WASTES: The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

NATURAL OUTLET: Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
NORMAL SEWAGE: Waters or wastes having:

1. A five (5) day biochemical oxygen demand not greater than three hundred (300) milligrams per liter; and
2. Containing not more than three hundred (300) milligrams per liter of suspended solids.

OFFICIAL NOTICE: The notice issued by the Superintendent upon determination that the private or individual sewage disposal system is causing a nuisance or health hazard.
pH: The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
PRIVATE SEWER: A sewer controlled by a private company.
PROPERLY SHREDDED GARBAGE: The wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public or private sewers, with no particle greater than one-half (½) inch in any dimension.
PUBLIC SEWER: A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.
SANITARY SEWER: A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.
SEWAGE: A combination of the water-carried wastes from residence, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.
SEWAGE TREATMENT PLANT: Any arrangement of devices and structures used for treating sewage.
SEWAGE WORKS: All facilities for collecting, pumping, treating and disposing of sewage.
SEWER: A pipe or conduit for carrying sewage.
SLUG: Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
SUSPENDED SOLIDS: Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.
UNPOLLUTED WATER OR WASTES: Any water or waste containing none of the following: free or emulsified grease or oil; acid or alkali; phenols or other substances imparting taste and odor in receiving waters; toxic or poisonous substances in suspension, colloidal state or solution; and noxious or odorous gases. It shall contain not more than one thousand (1,000) milligrams per liter of dissolved solids, of which not more than two hundred fifty (250) milligrams per liter shall be as chloride, with permissible volume subject to review by the Water Pollution Control Department; and not more than ten (10) milligrams per liter each of suspended solids and BOD. The color shall not exceed fifty (50) units. (The unit of color being that produced by one (1) milligram per liter platinum, in the form of chloroplatinate ion.) The pH shall be between six and five-tenths (6.5) and nine and five-tenths (9.5). Discharges shall not elevate or depress the average cross sectional temperature of the watercourse by more than five degrees Fahrenheit (5°F).

(R.O. 2009 §52.02; CC 1981 §29-33; Ord. No. 79-47, 5-16-79; Ord. No. 07-158, 6-8-07)

SECTION 705.030: DEPOSITING OBJECTIONABLE WASTE ON PUBLIC OR PRIVATE PROPERTY

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste. (R.O. 2009 §52.03; CC 1981 §29-34; Ord. No. 79-47, 5-16-79)

Cross Reference--As to penalty, §705.360.

SECTION 705.040: DISCHARGE OF POLLUTED WATERS TO NATURAL OUTLET

It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article. (R.O. 2009 §52.04; CC 1981 §29-35; Ord. No. 79-47, 5-16-79)

Cross Reference--As to penalty, §705.360.

SECTION 705.050: TAMPERING WITH SEWERAGE STRUCTURE OR EQUIPMENT

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of destruction of public property. (R.O. 2009 §52.05; CC 1981 §29-36; Ord. No. 79-47, 5-17-79)

Cross References--As to offenses against property, §§215.010 et seq.; as to penalty, §705.360.

SECTION 705.060: AUTHORITY OF AUTHORIZED CITY PERSONNEL TO ENTER PREMISES

A. *Limited To Waste Discharge.* The Director of Public Works or his/her designee and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Article. The Director of Public Works or his/her designee or his/her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind of

source of discharge to the sewers or waterways or facilities for waste treatment.

B. *Observance Of Company Safety Rules, Indemnification Of Company--Exception.* While performing the necessary work on private properties referred to in Subsection (A) of this Section, the Director of Public Works or his/her designee or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

C. *Property Through Which City Holds Properly Executed Easement Compliance With Terms Pertaining To Property.* The Director of Public Works or his/her designee and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a properly executed easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within such easement. All entry and subsequent work, if any, on such easement shall be done in full accordance with the terms of the properly executed easement pertaining to the private property involved. (R.O. 2009 §52.06; CC 1981 §§29.37--29.39; Ord. No. 79-47, 5-16-79)

ARTICLE II. BUILDING SEWERS AND CONNECTIONS

SECTION 705.080: PERMIT REQUIRED

No person shall uncover, make any connections with or opening into, use, alter or disturb any public or private sewer or appurtenance thereof without first obtaining a written permit from the Director of Public Works or his/her designee. All plans for sanitary sewer construction shall be approved by the Director of Public Works or his/her designee or his/her authorized agent. A developer achieving Tier 1 status under the Green Point Rating System Guide established in Section 500.280(L) may make application to the Department of Public Works for the use of a Green Point Rating System Alternative to the requirements of Section 52.20 as set forth in the "Development Guide: Infrastructure Alternatives for St. Charles GPRS Projects" on file with the City Clerk. (R.O. 2009 §52.20; CC 1981 §29-52; Ord. No. 79-47, 5-16-79; Ord. No. 10-174 §2, 7-18-10)

Cross Reference--As to penalty, §705.360.

SECTION 705.090: CLASSIFICATION--APPLICATION--FEE

A. There shall be two (2) classes of sewer building permits:
   1. For residential and commercial service, and
   2. For service to establishments producing industrial wastes.

B. In either case, the owner or his/her agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Director of Public Works or his/her designee.

C. A sewer inspection fee of eighty dollars ($80.00) per day shall be deposited with the City prior to the commencement of construction. This fee shall be charged at the rate of three hundred (300) linear feet of sewer per day. In addition to the inspection fee, the contractor shall also obtain a construction permit at a charge of one hundred dollars ($100.00). This charge is not refundable. (R.O. 2009 §52.21; CC 1981 §29-53; Ord. No. 79-47, 5-16-79; Ord. No. 92-256, 10-21-92)

Cross Reference--As to penalty, §705.360.

SECTION 705.100: INSTALLATION AND CONNECTION COSTS--LIABILITY OF OWNERS AND CONTRACTORS

A. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

B. It shall be unlawful for any plumber, drain-layer, contractor or any other person constructing a sewer, a house or building connection or an industrial connection sewer connected to a sanitary sewer to leave such connection open, unsealed or incomplete in such manner that will permit storm or surface water to enter into any sanitary sewer within the service area of the Public Works Department. All such openings shall be tightly sealed at all points whenever work is not actually in progress on such sewer or connection. Failure to comply with this Section shall result in a minimum fine of two hundred fifty dollars ($250.00) per day. (R.O. 2009 §52.22; CC 1981 §29-54; Ord. No. 79-47, 5-16-79)

Cross Reference--As to penalty, §705.360.

SECTION 705.110: AUTHORIZATION OF SANITARY SYSTEM CONNECTION

All connections to the sanitary sewer system must be approved in writing by the Director of Public Works or his/her designee. (R.O. 2009 §52.23; CC 1981 §29-55; Ord. No. 79-47, 5-16-79)

SECTION 705.120: CONNECTION WITH PROPERTY LYING OUTSIDE CITY

A. All connections of property outside the City limits directly into the sanitary sewer shall

be made in accordance with the following provisions:

1. Persons owning property outside City limits and desiring to connect to the sanitary sewer system of the City shall file an application with the Public Works Department. The application form shall clearly state that the user recognizes that he/she is subject to the City's sewer user ordinance and system of user charges.
2. Persons connecting to the sanitary sewer system shall pay such connection fees as may be established by the Board of Public Works and approved by the City Council at the time the application is filed (see Section 705.220).
3. The Board of Public Works shall establish regulations and guidelines for the connection to the sanitary sewer system. If the applicant meets the requirements of this Chapter and the regulations and guidelines established by the Board of Public Works, then the Public Works Department may grant the permit for connection to the sanitary sewer system.
4. All connections to the sanitary sewer system shall be made in accordance with the terms and provisions of this Chapter and the Plumbing Code of the City and shall be made subject to the same permits, inspections, permit fees, inspection fees and all other requirements required for connections within the City.

B. All connections of property outside the City limits indirectly into the sanitary sewer system, such as through another public or private party, shall be made in accordance with the following provisions:
    1. The person desiring the connection shall first obtain the written consent of the public or private party owning the sewer facility between the City sewer system and the party desiring to connect.
    2. The party desiring to connect shall then make application to the Public Works Department in the manner as is provided in Section 705.090 for permits to connect with the sewage system of the City.
C. All fees and charges shall be paid before final approval is given for connection to the sanitary sewer system.
D. Nothing contained in this Article shall be construed as prohibiting the City from entering into a contract, agreement or license for connections to the sanitary sewer system.
E. The City reserves the right to cut off or disconnect any connection made under the provisions of this Section in the event the charges or fees required by this Article become delinquent or in the event of a violation of the provisions of this Article or in the event that the Director of Public Works determines that connections made under the provisions of this Section are an unreasonable burden on the capacity and operation of the sanitary sewer system.
F. It is the intent of this Section that property lying within the City shall be given first consideration for connections and use of the sanitary sewer system in all cases and at all times that the Director of Public Works can determine the adequacy of the connection.
G. All connections into the sanitary sewer system, whether made directly or indirectly, of property located outside the City limits shall be made in accordance with the following provisions:
    1. The owners of the land shall submit a petition for annexation of the land into the City;
    2. The parcel of property shall be developed and used in accordance with the plans for its land use adopted by the City Council and approved by the Mayor. If no

plans for its land use have been adopted and approved at the time of the application for service, then the service shall not be permitted until plans have been adopted and approved; and

H. Except as otherwise provided by the Mayor and City Council, the parcel of property shall be developed in accordance with City specifications and standards as though the property were within the City's limits. (R.O. 2009 §52.24; CC 1981 §29-56; Ord. No. 79-47, 5-16-79; Ord. No. 94-18, 1-30-94; Ord. No. 04-194, 8-13-04; Ord. No. 05-52, 2-4-05; Ord. No. 07-158, 6-8-07)

Cross Reference--As to penalty, §705.360.

SECTION 705.130: EXCAVATIONS GUARDED--RESTORING DISTURBED STREETS

All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City. (R.O. 2009 §52.25; CC 1981 §29-57; Ord. No. 79-47, 5-16-79)

SECTION 705.140: CONSTRUCTING OR MAINTAINING PRIVY OR THE LIKE PROHIBITED

Except as hereinafter provided, it shall be unlawful to construct, install or maintain any privy, privy vault, septic tank, cesspool, lagoon or other facilities intended or used for the disposal of sewage. Acceptable portable privies used on construction work may be used upon approval of the Director of Public Works or his/her designee. (R.O. 2009 §52.26; CC 1981 §29-69; Ord. No. 79-47, 5-16-79)

Cross Reference--As to penalty, §705.360.

SECTION 705.150: CONNECTIONS WITH PRIVATE SEWERS

Whenever any person shall desire to connect with and use any private sewer located in any public street or alley within the City, he/she shall first obtain the written consent of the party owning or controlling the premises drained by such sewer or his/her authorized agent. He/she shall then make application to the Board of Public Works in the same manner as is provided for licenses or permits to connect with the public sewers, at the same time presenting the written consent of the owners of the sewer, which shall be left on file in the office of the Public Works Department. (R.O. 2009 §52.27; CC 1981 §29-70; Ord. No. 79-47, 5-16-79)

SECTION 705.160: BOARD OF PUBLIC WORKS RULE-MAKING POWER

The Board of Public Works is authorized to make appropriate rules and regulations concerning private or individual sewage disposal. The provisions of Section 705.170 shall be incorporated into those rules and regulations. (R.O. 2009 §52.28; Ord. No. 07-158, 6-8-07)

SECTION 705.170: PERMIT REQUIREMENTS FOR CONSTRUCTION OF PRIVATE OR INDIVIDUAL SEWAGE DISPOSAL SYSTEM

A. *Application--Fee.* Before commencement of construction of a private or individual sewage disposal system, the owner shall first obtain a written permit signed by the Director of Public Works or his/her designee. The application for such permit shall be supplemented by any plans, specifications and other information as are deemed necessary by the Director of Public Works or his/her designee. A permit and inspection fee shall be paid to the City at the time the application is filed according to the rate schedule in Section 705.090.

B. *Effective Upon Completion Of Approved Installation Final Inspection*. A permit for a private or individual sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Director of Public Works or his/her designee. He/she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Director of Public Works or his/her designee when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the Director of Public Works or his/her designee. (R.O. 2009 §52.29; CC 1981 §§29.72--29.73; Ord. No. 79-47, 5-16-79)

ARTICLE III. STORM WATER AND INDUSTRIAL WASTES

SECTION 705.180: DISCHARGE TO SANITARY SEWER PROHIBITED

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, interior or exterior foundation drains, subsurface drainage, uncontaminated cooling water or unpolluted industrial process water to any sanitary sewer. (R.O. 2009 §52.40; CC 1981 §29-102; Ord. No. 79-47, 5-16-79)

Cross Reference--As to penalty, §705.360.

SECTION 705.190: ACTION OF SUPERINTENDENT WHEN DISCHARGE UNACCEPTABLE

A. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the deleterious substances or possess deleterious characteristics enumerated in the Board's rules and regulations and which in the judgment of the Director of Public Works or his/her designee may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Director of Public Works or his/her designee may:

1. Reject the wastes;
2. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Require control over the quantities and rate of discharge; or
4. Require payment to cover the added cost of handling and treating the wastes not

covered by existing taxes or sewer charges under the provisions of Section 700.120.

B. If the Director of Public Works or his/her designee permits the pretreatment or equalization of waste flows, the design and installation of the plans and equipment shall be subject to the review and approval of the Director of Public Works or his/her designee and subject to the requirements of all applicable codes, ordinances and laws. (R.O. 2009 §52.41; CC 1981 §29-103; Ord. No. 79-47, 5-16-79)

SECTION 705.200: GREASE, OIL, SAND INTERCEPTORS AND OTHER DRAINAGE

A. Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the Director of Public Works or his/her designee, they are necessary for the proper handling of liquid wastes containing grease in excessive amount or any flammable wastes, sand and other harmful ingredients except that such interceptors or traps shall not be required for private living quarters or dwelling units. All interceptors and drains shall be located so as to be readily and easily accessible for cleaning and inspection.

B. Grease and oil interceptors or traps shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature.

C. They shall be of a substantial construction, water-tight and equipped with easily removable covers which, when bolted in place, shall be gas-tight and water-tight, unless otherwise authorized by the Public Works Department.

D. When installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his/her expense, in continuously efficient operation at all times.

E. If the drainage from any gasoline filling station, garage, refining plant, chemical plant, packing house, slaughterhouse, lard rendering establishment, dairy, steam engine, steam boiler, steam plant or any other establishment shall cause a deposit or obstruction or damage to any public sewer, the Director of Public Works or his/her designee shall cause such deposit or obstruction to be removed promptly or cause such damage to be repaired, keeping an account of the cost of such work including material, labor and supervision and shall certify an account of such cost to the person from whose establishment or premises the material causing such deposit, obstruction or damage came and if such person shall fail, neglect or refuse to pay the sum specified to the City within thirty (30) days after demand has been made, the person shall be deemed guilty of a misdemeanor. (R.O. 2009 §52.42; CC 1981 §29-104; Ord. No. 79-47, 5-16-79)

Cross Reference--As to penalty, §705.360.

SECTION 705.210: INDUSTRIAL WASTE SURCHARGE

A. Every six (6) months each industrial user connected to the City's sanitary sewer system shall, when requested, deliver to the Director of Public Works the "Industrial Waste Surcharge Questionnaire" provided by the Director of Public Works such data as is required on the questionnaire.

B. When, in the opinion of the Director of Public Works, verification of data reported on the industrial waste surcharge questionnaire is required, wastewater discharges from an industry may be sampled for an extended period by the City or an authorized representative. In any event, composite samples will be collected from the premise

wastewaters on an annual basis as a check on

reported data. The analytical information obtained from such sampling, if substantially different, may be used in lieu of that information reported by the industry. If determined necessary to obtain additional wastewater data, an extended comprehensive sampling by the City or an authorized representative may be conducted and the analytical results obtained also used in lieu of reported values for each wastewater discharge. In the event such comprehensive sampling by the City or an authorized representative is deemed necessary, all costs for such sampling to include installation of hydraulic flow measuring devices, personnel costs for on-site sampling of wastewaters and laboratory work involved shall be borne by the plant or premise.

C. The City or an authorized representative shall have the right to enter and set up, on company property, such devices necessary to conduct a gauging and sampling operation and to begin such operation upon presentation of proper identification on arrival without advance notice to the company. While performing the work, the City or an authorized representative shall observe all safety rules applicable to the premises established by the company. (R.O. 2009 §52.43; CC 1981 §29-105; Ord. No. 79-47, 5-16-79; Ord. No. 05-322, 12-30-05)

ARTICLE IV. RATES, FEES AND CHARGES

SECTION 705.220: SEWER SERVICE RATES RECOMMENDED BY BOARD OF PUBLIC WORKS AND ESTABLISHED BY COUNCIL ORDINANCE

A. Rates and charges for the use and services of the sanitary sewer system shall be recommended by the Board of Public Works and established by ordinance. The rates and charges shall be made and collected against each lot, parcel of land or premises which may have any active sewer connection with the sanitary sewer system or which may actively discharge sewage or industrial waste, either directly or indirectly, into such sewer system or any part thereof, unless the City was otherwise contractually obligated to a different rate and charge before the effective date of Ordinance No. 79-47, May 16, 1979.

B. Tap-on fees, user charges and surcharges shall be recommended by the Board of Public Works and established by ordinance.

C. Sewer tap-on fees shall not be assessed for construction projects of the City. (R.O. 2009 §52.55; CC 1981 §29-85; Ord. No. 79-47, 5-16-79; Ord. No. 90-24, 2-7-90; Ord. No. 04-194, 8-13-04; Ord. No. 07-158, 6-8-07; Ord. No. 09-144, 8-5-09; Ord. No. 10-110 §1, 5-26-10)

SECTION 705.230: BILLING AND PAYMENT

Bills for sewage charges shall be prepared by the Finance Department and shall be presented to the users of the sanitary sewer system of the City at the same time and in the same manner as all bills for water usage. All bills and charges for such sewage services

shall be payable at the same time and in the same place as are the bills and charges for water usage. (R.O. 2009 §52.56; CC 1981 §29-86; Ord. No. 79-47, 5-16-79; Ord. No. 04-194, 8-13-04; Ord. No. 07-158, 6-8-07)

SECTION 705.240: DISCONTINUANCE OF WATER SERVICE UPON NON-PAYMENT

If any charge for sewage and/or water services shall not be paid within ten (10) days after such charge shall become due and payable, the Finance Department shall have the authority to immediately instruct the Water Systems Manager to immediately discontinue all water services furnished to such delinquent user while such indebtedness remains unpaid. (R.O. 2009 §52.57; CC 1981 §29-87; Ord. No. 79-47, 5-16-79; Ord. No. 03-203, 8-25-03; Ord. No. 04-194, 8-13-04; Ord. No. 07-158, 6-8-07)

SECTION 705.250: OWNER AND OCCUPANT LIABLE FOR PAYMENT

A. Sewage and/or water services shall be deemed to be furnished to both the occupant and owner of any lot, parcel of land or premises receiving such sewage and/or water services and shall be deemed an obligation of both the occupant and the owner of any such lot, parcel of land or premises. The Finance Department may request the City Attorney to sue the owner or occupant on behalf of the City in a civil action to recover any sums due for such services, plus a reasonable attorney's fee to be fixed by the court.
B. An owner otherwise liable for sums for services under Subsection (A) shall be absolved from liability for such sums, and recovery of such sums shall only be sought from an occupant, provided that the owner and the occupant fulfill each of the following conditions, as applicable:
    1. The owner registers the lot, parcel of land or premises receiving sewage and/or water services as a rental property with the City;
    2. The occupant of the registered rental property provides to the City a copy of the occupant's lease agreement with the owner and provides sufficient proof of identification that the occupant is the lessee named in the lease agreement; and
    3. The occupant pays a cash only deposit in an amount to be set pursuant to Section 125.600. (R.O. 2009 §52.58; CC 1981 §29-88; Ord. No. 79-47, 5-16-79; Ord. No. 03-203, 8-25-03; Ord. No. 04-194, 8-13-04; Ord. No. 07-158, 6-8-07)

SECTION 705.260: RESERVED

ARTICLE V. SEWER LATERAL REPAIR PROGRAM

SECTION 705.270: DEFINITIONS

For the purposes of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DEPARTMENT: The City of St. Charles Public Works Department.

DIRECTOR: The City of St. Charles Public Works Director or his/her designee.
RESIDENTIAL PROPERTY: Real estate within the City, identified by a single locator number and which the St. Charles County Assessor's office classifies as: Class 1 -- Single-Family Residence (R), Class 13 -- Duplex (R), Class 14 -- Condo Residential (R), Class 19 -- Single Unit Apartment (R), Class 31 -- Residential Triplex (R), Class 41 -- 4 Units (R), Class 54 -- 5 Units (R) or Class 64 -- 6 Units (R). Residential property shall also mean a bed and breakfast as defined in Section 400.050 of this Code, provided that said bed and breakfast is carried on entirely within the dwelling unit by a member of the family residing in the dwelling unit.
SEWER LATERAL: That portion of a residential property's sanitary sewer piping that runs between the foundation of the residential property and a sewer main, not including treatment tanks, pumps or other equipment. It also does not include a line located under any part of any building or within exterior walls.
SEWER LATERAL REPAIR: The patching or replacement of a defective sewer lateral line, including associated digging and the replacement of dirt and seeding of affected areas. Sewer lateral repair shall not include replacement of landscaping or ornamental structures but shall include replacement of structural facilities required for safe occupancy of a residence or safe use of a property, such as sidewalks, driveways and pavement. (R.O. 2009 §52.60; Ord. No. 02-149, 6-24-02; Ord. No. 03-317, 12-5-03; Ord. No. 04-137, 7-12-04)

SECTION 705.280: SEWER LATERAL REPAIR FEE
There is hereby imposed upon all residential property within the City served by City sewer an annual fee of twenty-eight dollars ($28.00) for the purposes of sewer lateral repair, except for the calendar year 2011 program (which are billed with the calendar year 2010 property taxes) the fee shall be twenty dollars ($20.00). (Approved by the voters at the April 2, 2002 election.) (R.O. 2009 §52.61; Ord. No. 02-149, 6-24-02; Ord. No. 03-317, 12-5-03; Ord. No. 10-145 §1, 7-8-10)

SECTION 705.290: SEWER LATERAL REPAIR FUND
There is hereby established a special revenue fund, to be designated as the Sewer Lateral Repair Fund, in which shall be deposited all monies collected by the St. Charles County Collector of Revenue pursuant to the fee authorized by Section 705.280. All monies received thereby shall be deposited in this fund upon receipt, together with all interest generated on deposited funds, and shall stand appropriated upon receipt for payment of costs reasonably associated with and necessary to administer and carry out the defective lateral sewer line repairs provided for by the Sewer Lateral Repair Program. The Finance Director shall administer and disburse funds from this fund upon authorization of the Public Works Director. A program participant may recover eighty percent (80%), not to exceed seven thousand five hundred dollars ($7,500.00), of the authorized costs incurred for sewer lateral repair. (R.O. 2009 §52.62; Ord. No. 02-149, 6-24-02; Ord. No. 10-145 §2, 7-8-10)

SECTION 705.300: APPLICATION FOR PARTICIPATION IN SEWER

LATERAL REPAIR PROGRAM

Persons who wish to participate in the Sewer Lateral Repair Program shall complete an application on forms to be created and provided by the department. In order to be eligible for participation in

the program, applicant shall, in addition to any other requirements imposed by the rules and regulations adopted pursuant to Section 705.340:

1. Provide satisfactory proof of ownership or consent to repair by the owner(s) of all premises on, over and under which sewer lateral repairs are to be effected. Provide copies of paid St. Charles County real and personal property tax bills and make payment of all past due City bills;
2. Provide written certification that neither the applicant(s), the owner(s) nor anyone on their behalf will make any claim against or seek any relief from the City arising out of or in connection with any work done or any action taken in connection with the Sewer Lateral Repair Program. Applicant shall further certify applicant's acknowledgment that the City is not responsible for the acts of the contractor making the sewer lateral repairs and that applicant shall indemnify the City and hold it harmless from any and all claims arising out of the applicant's participation in, and work performed and actions taken in connection with, the Sewer Lateral Repair Program;
3. Provide written certification of a properly licensed master plumber or master drainlayer that the sewer lateral has been cabled and that cabling did not resolve the problem. The certification shall not be dated more than six (6) months prior to the date of application;
4. Provide a written statement from a properly licensed master plumber or master drainlayer advising of the nature and location of the problem, in such detail that Director may adequately determine both the nature of the problem and the bidding requirements for sewer lateral repair;
5. Certify that applicant has the authority to and does consent to the performance of sewer lateral repair work on and about the property described in the application, that applicant will not interfere with the work to be performed by the contractor selected by Director, and that applicant shall reimburse the City for all expenses incurred by the City on applicant's behalf in the event that applicant withdraws permission to proceed or otherwise interferes with performance of work authorized under this program; and
6. Certify that applicant understands and acknowledges that sewer lateral repair includes only the patching or replacement of a defective sewer lateral line, including associated digging and the replacement of dirt and seeding of affected areas, and does not include replacement of landscaping or ornamental structures but only replacement of structural facilities required for safe occupancy of a residence or safe use of property. (R.O. 2009 §52.63; Ord. No. 02-149, 6-24-02)

SECTION 705.310: APPLICANT SOLICITATION OF BIDS FOR SEWER LATERAL REPAIRS

Upon determination by the Director that an applicant is eligible to participate in the Sewer Lateral Repair Program, the applicant shall contact a sufficient number of City licensed contractors so that a minimum of three (3) competitive bids will be secured for each repair project. (R.O. 2009 §52.64; Ord. No. 02-149, 6-24-02)

SECTION 705.320: DETERMINATION OF AMOUNT REIMBURSABLE TO APPLICANT

The applicant shall submit at least three (3) bids to the Director. The amount which the City shall reimburse to the applicant shall be the bid amount submitted by the lowest responsible bidder. In determining "lowest responsible bidder", in addition to price, the Director shall consider: the ability, capacity or skill of the bidder to perform the contract or provide the service required; whether the bidder can perform the contract or provide the service promptly or within the time specified without delay or interference; the character, integrity, reputation, judgment, experience and efficiency of the bidder; the quality of performance of previous contracts or services; the previous and existing compliance by the bidder with laws and ordinances relating to the contract or service; the sufficiency of the financial resources and ability of the bidder to perform the contract or provide the services; the quality, availability of the supplies or contractual services to the particular use required; the ability of the bidder to provide future maintenance and service for the use of the subject to the contract; and the number and scope of conditions attached to the bid. (R.O. 2009 §52.65; Ord. No. 02-149, 6-24-02)

SECTION 705.330: PROGRAM LIMITATIONS

Administration of the Sewer Lateral Repair Program shall be contingent upon the availability of funding collected or anticipated to be collected pursuant to the annual sewer lateral repair fee imposed by Section 705.280. In addition to the requirements for Sewer Lateral Repair Program participation set forth in Section 705.300, an applicant must provide satisfactory proof that the applicant has paid the annual sewer lateral repair fee or that the applicant will pay the annual sewer lateral repair fee if not yet annually billed for the calendar year in which the applicant desires to participate in the Sewer Lateral Repair Program. (R.O. 2009 §52.66; Ord. No. 02-149, 6-24-02; Ord. No. 03-317, 12-5-03; Ord. No. 10-145 §1, 7-8-10)

SECTION 705.340: PROGRAM RULES AND REGULATIONS

The Director with the approval of the Mayor shall promulgate rules and regulations to carry out the purposes and intent of the Sewer Lateral Repair Program to protect the public safety, health and welfare and to administer the program in an effective, efficient and timely manner. (R.O. 2009 §52.67; Ord. No. 02-149, 6-24-02; Ord. No. 07-162, 6-11-07)

SECTION 705.350: VIOLATION

A. Any person found to be violating any provision of this Chapter, except Section 705.060(B), shall be served by the Director of Public Works or his/her designee with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
B. Any person who shall continue any violation beyond the time limit provided for in Subsection (A) of this Section shall be guilty of a misdemeanor. Each day in which any such violation shall continue shall be deemed a separate offense.

C. Any person violating any of the provisions of this Chapter shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation. (R.O. 2009 §52.98; CC 1981 §29-40; Ord. No. 79-47, 5-16-79)

SECTION 705.360: PENALTY

Any person who violates any provision of Section 705.350 of this Code shall be subject to the penalty set forth in Section 100.150. (R.O. 2009 §52.99)

CHAPTER 710: WASTEWATER COLLECTION AND TREATMENT SYSTEMS

ARTICLE I. GENERAL PROVISIONS

SECTION 710.010: PURPOSE AND POLICY

A. This Chapter sets forth uniform requirements for users of the publicly owned treatment works for the City of St. Charles (the City) and enables the City to comply with all applicable State and Federal laws including the Clean Water Act (33 United States Code Sections 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403).

B. The objectives of this Chapter are:
   1. To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation;
   2. To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters or otherwise be incompatible with the publicly owned treatment works;
   3. To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
   4. To promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works;
   5. To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the publicly owned treatment works; and
   6. To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements and any other Federal or State laws to which the publicly owned treatment works is subject.

C. This Chapter shall apply to all users of the publicly owned treatment works. This Chapter authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

D. This Chapter is a supplement to Sections 705.180 et seq. and all amendments thereto. All existing permits and connections are hereby incorporated. All other Chapters and parts of other Chapters inconsistent or conflicting with any part of this Chapter are hereby repealed to the extent of such inconsistency or conflict. (R.O. 2009 §53.01; Ord. No. 98-299, 7-24-98)

SECTION 710.020: ADMINISTRATION

A. Except as otherwise provided herein, the Director of Public Works shall administer, implement and

enforce the provisions of this Chapter. Any powers granted to or duties imposed upon the Director of Public Works may be delegated by the Director of Public Works to other authorized personnel.

B. As referenced here, the document entitled "the City of St. Charles, Missouri, Pretreatment Program Procedures Manual" shall be used in the administration and enforcement of the City of St. Charles' Pretreatment Program. The City will take appropriate enforcement of the City of St. Charles' Pretreatment Program. The City will take approximate enforcement actions, as stipulated in the Enforcement Response Plan (ERP), as required by 40 CFR 403.8(f)(5) and this Chapter. (R.O. 2009 §53.02; Ord. No. 98-299, 7-24-98; Ord. No. 04-219, 9-10-04)

SECTION 710.030: ABBREVIATIONS

The following abbreviations, when used in this Chapter, shall have the designated meanings:

BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
EPA	U.S. Environmental Protection Agency
gpd	gallons per day
m/l	milligrams per liter
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
TSS	Total Suspended Solids
U.S.C.	United States Code

(R.O. 2009 §53.03; Ord. No. 98-299, 7-24-98)

SECTION 710.040: DEFINITIONS

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT OR "THE ACT": The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC Sections 1251 et seq.

APPROVAL AUTHORITY: The State of Missouri is the Approval Authority.

AUTHORIZED REPRESENTATIVE OF THE USER:

1. If the user is a corporation:
   a. The President, Secretary, Treasurer or a Vice President of the corporation in charge of a principal business function or any other person who performs similar policy or decision-making functions for the corporation; or
   b. The manager of one (1) or more manufacturing, production or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars ($25,000,000.00) (in second (2nd) quarter 1980 dollars), if authority to sign

documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
3. If the user is a Federal, State or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility or their designee.
4. The individuals described in paragraphs (1) through (3) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

BIOCHEMICAL OXYGEN DEMAND OR BOD: The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty degrees Centigrade (20°C), usually expressed as a concentration (e.g., mg/l).

CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD: Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. §1317) which apply to a specific category of users and which appear in 40 CFR Chapter 1, Subchapter N, Parts 405--471.

CITY: The City of St. Charles.

CITY COUNCIL OF ST. CHARLES: City Council of St. Charles or a duly authorized representative.

DIRECTOR OF PUBLIC WORKS/CITY ENGINEER: The person designated by the City to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this Chapter or a duly authorized representative.

ENVIRONMENTAL PROTECTION AGENCY OR EPA: The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director or other duly authorized official of said agency.

EXISTING SOURCE: Any source of discharge, the construction or operation of which commenced

prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

GRAB SAMPLE: A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

INDIRECT DISCHARGE OR DISCHARGE: The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the Act.

INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT: The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

INTERFERENCE: A discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act (SWDA); the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

MEDICAL WASTE: Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

NEW SOURCE:

1. Any building, structure, facility or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that:
    a. The building, structure, facility or installation is constructed at a site at which no other source is located; or
    b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
    c. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of Section (1)(b) or

(c) above but otherwise alters, replaces or adds to existing process or production equipment.

3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
   a. Begun, or caused to begin, as part of a continuous on-site construction program.
      (1) Any placement, assembly or installation of facilities or equipment; or
      (2) significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
   b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this paragraph.

NON-CONTACT COOLING WATER: Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

PASS THROUGH: A discharge of pollutant which cannot be treated adequately by the POTW and therefore exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.

PERSON: Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity or their legal representatives, agents or assigns. This definition includes all Federal, State and local governmental entities.

pH: A measure of the acidity or alkalinity of a solution, expressed in standard units.

POLLUTANT: Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal agricultural and industrial wastes and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity or odor).

PRETREATMENT: The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

PRETREATMENT REQUIREMENTS: Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

PRETREATMENT STANDARD OR STANDARDS. Prohibited discharge standards, categorical pretreatment standards and local limits.

PROHIBITED DISCHARGE STANDARDS OR PROHIBITED DISCHARGES: Absolute prohibitions against the discharge of certain substances; these prohibitions appear in

Section 710.050 of this Chapter.
PUBLICLY OWNED TREATMENT WORKS OR POTW: A *"treatment works",* as defined by Section 212 of the Act (33 U.S.C. Section 1292), which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.
SEPTIC TANK WASTE: Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.
SEWAGE: Human excrement and gray water (household showers, dishwashing operations, etc.).
SIGNIFICANT INDUSTRIAL USER:

1. A user subject to categorical pretreatment standards; or
2. A user that:
    a. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater);
    b. Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
    c. Is designed as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

3. Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

SLUG LOAD OR SLUG: Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 710.050 of this Chapter.
STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE: A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
STORM WATER: Any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt.
SUSPENDED SOLIDS: The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquid and which is removable by laboratory filtering.
USER OR INDUSTRIAL USER: A source of indirect discharge.
WASTEWATER: Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions, whether treated or untreated, which are contributed to the POTW.
WASTEWATER TREATMENT PLANT OR TREATMENT PLANT: That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste. (R.O. 2009 §53.04; Ord. No. 98-299, 7-24-98)

ARTICLE II. GENERAL SEWER USE REQUIREMENTS

SECTION 710.050: PROHIBITED DISCHARGE STANDARDS

A. *General Prohibitions.* No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subjected to categorical pretreatment standards or any other national, State or local pretreatment standards or requirements.

B. *Specific Prohibitions.* No user shall introduce or cause to be introduced into the POTW the following pollutants, substances or wastewater:

1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than one hundred forty degrees Fahrenheit (140°F) (sixty degrees Celsius (60°C)) using the test methods specified in 40 CFR 261.21;
2. Wastewater having a pH less than five (5.0) or more than twelve (12.0), otherwise causing corrosive structural damage to the POTW or equipment;
3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one-half (½) inch;
4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities or flow during normal operation. Where necessary, in the opinion of the Director of Public Works/City Engineer, the owner shall provide, at his/her expense, such preliminary treatment as may be necessary to:
   a. Reduce the biochemical oxygen demand to three hundred (300) parts per million by weight, or
   b. Reduce the suspended solids to three hundred (300) parts per million by weight, or
   c. Control the quantities and rates of discharge of such waters or wastes, or
   d. Pay the required surcharge as established by ordinance.

   Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Director of Public Works/City Engineer and no construction of such facilities shall be commenced until said approvals are obtained in writing.
5. Wastewater which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four degrees Fahrenheit (104°F) (forty degrees Celsius (40°C));
6. Petroleum oil, non-biodegradable cutting oil or products of mineral origin in amounts that will cause interference or pass through;
7. Pollutants which result in the presence of toxic gases, vapors or fumes within the

POTW in a quantity that may cause acute worker health and safety problem;

8. Trucked or hauled pollutants, except at discharge points designated by the Director of Public Works/City Engineer in accordance with Section 710.140 of this Chapter;
9. Noxious or malodorous liquids, gases, solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life or to prevent entry into the sewers for maintenance or repair;
10. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit;
11. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
12. Storm water, surface water, ground water, artisan well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water and unpolluted wastewater, unless specifically authorized by the Director of Public Works/City Engineer;
13. Sludges, screenings or other residues from the pretreatment of industrial wastes;
14. Medical wastes, except as specifically authorized by the Director of Public Works/City Engineer in a wastewater discharge permit;
15. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to violate the NPDES permit receiving water quality standards or fail a toxicity test;
16. Detergents, surface-active agents or other substances which may cause excessive foaming in the POTW;
17. Fats, oils or greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/l;
18. Wastewater causing two (2) readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the lower explosive limit of the meter; or
19. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with EPA sludge use or disposal criteria, guidelines or regulations; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the RCRA, SWDA, the Clean Water Act, the Toxic Substance Control Act or State regulations applicable to the sludge management method being used.

C. When the Director of Public Works/City Engineer determines that a user(s) is contributing to the POTW, any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the Director of Public Works/City Engineer shall advise the user(s) of the impact of the contribution on the POTW and develop effluent limitation(s) for such user to correct the interference with the POTW.

D. Pollutants, substances or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW. (R.O. 2009 §53.10; Ord. No. 98-299, 7-24-98)

SECTION 710.060: NATIONAL CATEGORICAL PRETREATMENT STANDARDS

The categorical pretreatment standards found at 40 CFR Chapter 1, Subchapter N, Parts 405--471 are hereby incorporated.

1. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director of Public Works/City Engineer may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
2. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director of Public Works/City Engineer shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
3. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are functionally different from the factors considered by EPA when developing the categorical pretreatment standard.
4. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. (R.O. 2009 §53.11; Ord. No. 98-299, 7-24-98)

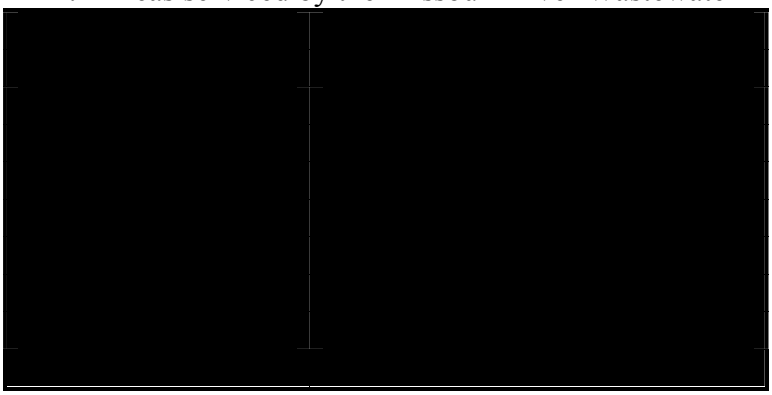
SECTION 710.070: STATE PRETREATMENT STANDARDS

State pretreatment standards on discharge shall apply in any case where they are more stringent than Federal pretreatment standards or pretreatment standards in this Chapter and are hereby incorporated. (R.O. 2009 §53.12; Ord. No. 98-299, 7-24-98)

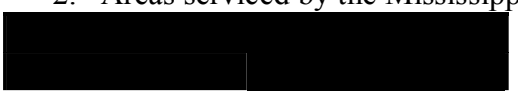
SECTION 710.080: LOCAL LIMITS

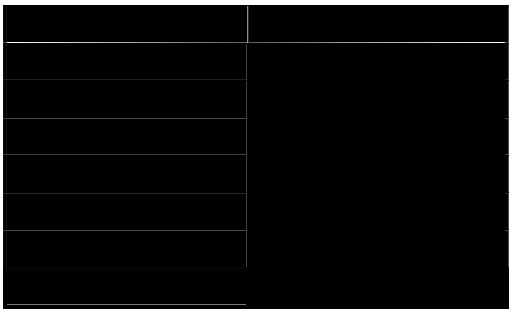
The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following instantaneous maximum allowable discharge limits:

1. Areas serviced by the Missouri River Wastewater Treatment Facility:



2. Areas serviced by the Mississippi River Wastewater Treatment Facility:





And/or water or wastes containing emulsified and grease exceeding, on analysis, an average of one hundred (100) milligrams per liter (eight hundred thirty-four (834) pounds per million gallons) of hexane soluble matter.
The poundage permitted per day from any establishment may be subsequently limited depending upon hexane soluble content of the sewage delivered to the sewage treatment works.
The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Director of Public Works/City Engineer may impose mass limitations in addition to, or in place of, the concentration-based limitations above. (R.O. 2009 §53.13; Ord. No. 98-299, 7-24-98)

SECTION 710.090: CITY'S RIGHT OF REVISION
The City reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW. (R.O. 2009 §53.14; Ord. No. 98-299, 7-24-98)

SECTION 710.100: DILUTION
No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Director of Public Works/City Engineer may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate. (R.O. 2009 §53.15; Ord. No. 98-299, 7-24-98)

ARTICLE III. PRETREATMENT OF WASTEWATER

SECTION 710.110: PRETREATMENT FACILITIES
A. Users shall provide wastewater treatment as necessary to comply with this Chapter and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in Section 710.050 of this Chapter within the time limitations specified by EPA, the State or the Director of Public Works/City Engineer, whichever is

more stringent.

B. Any facilities necessary for compliance shall be provided, operated and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Director of Public Works/City Engineer for review and shall be acceptable to the Director of Public Works/City Engineer before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this Chapter. (R.O. 2009 §53.20; Ord. No. 98-299, 7-24-98)

SECTION 710.120: ADDITIONAL PRETREATMENT MEASURES

A. Whenever deemed necessary, the Director of Public Works/City Engineer may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage

wastestreams from industrial wastestreams, and require such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Chapter.

B. The Director of Public Works/City Engineer may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

C. Grease, oil and sand interceptors shall be provided when, in the opinion of the Director of Public Works/City Engineer, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Director of Public Works/City Engineer and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired regularly, as needed, by the user at the user's expense.

D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter. (R.O. 2009 §53.21; Ord. No. 98-299, 7-24-98)

SECTION 710.130: ACCIDENTAL DISCHARGE/SLUDGE CONTROL PLANS

At least once every two (2) years, the Director of Public Works/City Engineer shall evaluate whether each significant industrial user needs an accidental discharge/sludge control plan. The Director of Public Works/City Engineer may require any user to develop, submit for approval and implement such a plan. Alternatively, the Director of Public Works/City Engineer may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

1. Description of discharge practice, including non-routine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the Director of Public Works/City Engineer of any accidental or slug discharge as required by Section 710.350 of this Chapter; and
4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response. (R.O. 2009 §53.22; Ord. No. 98-299, 7-24-98)

SECTION 710.140: HAULED WATER

A. Septic tank waste may be introduced into the POTW only at locations designed by the Director of Public Works/City Engineer and at such times as are established by the Director of Public Works/City Engineer. Such waste shall not violate Sections 710.050 through 710.100 of this Chapter or any other requirements established by the City. The Director of Public Works/City Engineer may require septic tank waste haulers to obtain

wastewater discharge permits.

B. The Director of Public Works/City Engineer shall require haulers of industrial waste to obtain wastewater discharge permits. The Director of Public Works/City Engineer may require generators of hauled industrial waste to obtain wastewater discharge permits. The Director of Public Works/City Engineer also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of the Chapter.
C. Industrial waste haulers may discharge loads only at locations designated by the Director of Public Works/City Engineer. No load may be discharged without prior consent of the Director of Public Works/City Engineer. The Director of Public Works/City Engineer may collect samples of each hauled load to ensure compliance with applicable standards. The Director of Public Works/City Engineer may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents and whether any wastes are RCRA hazardous wastes. (R.O. 2009 §53.23; Ord. No. 98-299, 7-24-98)

ARTICLE IV. WASTEWATER DISCHARGE PERMIT APPLICATION

SECTION 710.150: WASTEWATER ANALYSIS

When requested by the Director of Public Works/City Engineer, a user must submit information on the nature and characteristics of its wastewater within sixty (60) days of the request. The Director of Public Works/City Engineer is authorized to prepare a form for this purpose and may periodically require users to update this information. (R.O. 2009 §53.30; Ord. No. 98-299, 7-24-98)

SECTION 710.160: WASTEWATER DISCHARGE PERMIT REQUIREMENT

A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Director of Public Works/City Engineer, except that a significant industrial user that has filed a timely application pursuant to Section 710.170 of this Chapter may continue to discharge for the time period specified therein.
B. The Director of Public Works/City Engineer may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this Chapter.
C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Chapter and subjects the wastewater discharge permittee to the sanctions set out in Sections 710.470 through 710.590 of this Chapter. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other

requirements of Federal, State and local law. (R.O. §53.31; Ord. No. 98-299, 7-24-98)

SECTION 710.170: WASTEWATER DISCHARGE PERMITTING--EXISTING CONNECTIONS

All existing permits and connections shall continue in effect, subject to the provisions of this Chapter. (R.O. 2009 §53.32; Ord. No. 98-299, 7-24-98)

SECTION 710.180: WASTEWATER DISCHARGE PERMITS

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 710.190 of this Chapter, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence. A permit fee of one hundred fifty dollars ($150.00) per year must accompany the permit application. Not-for-profit charitable and religious organizations, as well as educational institutions, are exempt from fees associated with the permit application. (R.O. 2009 §53.33; Ord. No. 98-299, 7-24-98; Ord. No. 04-219, 9-10-04)

SECTION 710.190: WASTEWATER DISCHARGE PERMIT APPLICATION CONTENTS

A. All users required to obtain a wastewater discharge permit must submit a permit application. The Director of Public Works/City Engineer may require all users to submit as part of an application the following information:
    1. All information required by Sections 710.300(B) of this Chapter;
    2. Description of activities, facilities and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
    3. Number and type of employees, hours of operation and proposed or actual hours of operation;
    4. Each product produced by type, amount, process or processes and rate of production;
    5. Type and amount of raw materials processed (average and maximum per day);
    6. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains and appurtenances by size, location and elevation and all points of discharge showing all pipe sizes, manholes and location of sanitary and storm sewers leaving the building or premises, together with all connections to lateral sanitary and storm sewers;
    7. Time and duration of discharges; and
    8. Any other information as may be deemed necessary by the Director of Public Works/City Engineer to evaluate the wastewater discharge permit application.
B. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. (R.O. 2009 §53.34; Ord. No. 98-299, 7-24-98)

SECTION 710.200: APPLICATION SIGNATORIES AND CERTIFICATION

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(R.O. 2009 §53.35; Ord. No. 98-299, 7-24-98)

SECTION 710.210: WASTEWATER DISCHARGE PERMIT DECISIONS

A. The Director of Public Works/City Engineer will evaluate the data furnished by the user and may require additional information. Within ninety (90) days of receipt of a complete wastewater discharge permit application, the Director of Public Works/City Engineer will determine whether or not to issue a wastewater discharge permit. The Director of Public Works/City Engineer may deny any application for a wastewater discharge permit.

B. No wastewater discharge permit shall be issued by the POTW to any person or industrial user whose discharge of material to sewers, whether shown upon his/her application or determination after inspection and testing conducted by the POTW, is not in conformity with POTW ordinances and regulations or whose application is incomplete or does not comply with the requirements of Sections 710.150 through 710.210 of this Chapter. The POTW shall state the reason or reasons for denial in writing, which shall be mailed or personally delivered to the applicant within ten (10) days after denial. (R.O. 2009 §53.36; Ord. No. 98-299, 7-24-98)

ARTICLE V. WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

SECTION 710.220: WASTEWATER DISCHARGE PERMIT DURATION

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Director of Public Works/City Engineer. Each wastewater discharge permit will indicate a specific date upon which it will expire. (R.O. 2009 §53.40; Ord. No. 98-299, 7-24-98)

SECTION 710.230: WASTEWATER DISCHARGE PERMIT CONTENTS

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Director of Public Works/City Engineer to prevent pass through or interference, protect the

quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal and protect against damage to the POTW.

1. Wastewater discharge permits must contain:
    a. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
    b. A statement that the wastewater discharge permit is non-transferable without prior notification to the City in accordance with Section 710.260 of this Chapter and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
    c. Effluent limits based on applicable pretreatment standards;
    d. Self monitoring, sampling, reporting, notification and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency and sample type based on Federal, State and local law; and
    e. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State or local law.

2. Wastewater discharge permits may contain, but need not be limited to, the following conditions:
    a. Limits on the average and/or maximum rate of discharge, time of discharge and/or requirements for flow regulation and equalization;
    b. Requirements for the installation of pretreatment technology, pollution control or construction of appropriate containment devices designed to reduce, eliminate or prevent the introduction of pollutants into the treatment works;
    c. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated or non-routine discharges;
    d. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
    e. The unit charge or schedule of user charges and fees for the management of the wastewater discharge to the POTW;
    f. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
    g. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
    h. Other conditions as deemed appropriate by the Director of Public Works/City Engineer to ensure compliance with this Chapter and State and Federal laws, rules and regulations. (R.O. 2009 §53.41; Ord. No. 98-299, 7-24-98)

SECTION 710.240: WASTEWATER DISCHARGE PERMIT APPEALS

The Director of Public Works/City Engineer shall provide public notice of the issuance of

a wastewater discharge permit. Any person, including the user, may petition the Director of Public Works/City Engineer to reconsider the terms of a wastewater discharge permit within thirty (30) days of notice of its issuance.

1. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
2. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
3. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
4. If the Director of Public Works/City Engineer fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review. (R.O. 2009 §53.42; Ord. No. 98-299, 7-24-98)

SECTION 710.250: WASTEWATER DISCHARGE PERMIT MODIFICATION

The Director of Public Works/City Engineer may modify a wastewater discharge permit for good cause including, but not limited to, the following reasons:

1. To incorporate any new or revised Federal, State or local pretreatment standards or requirements;
2. To address significant alterations or additions to the user's operation, processes or wastewater volume or character since the time of wastewater discharge permit issuance;
3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
4. Information indicating that the permitted discharge poses a threat to the City's POTW, POTW personnel or the receiving waters;
5. Violation of any terms or conditions of the wastewater discharge permit;
6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
7. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
8. To correct typographical or other errors in the wastewater discharge permit; or
9. To reflect a transfer of the facility ownership or operation to a new owner or operator. (R.O. 2009 §53.43; Ord. No. 98-299, 7-24-98)

SECTION 710.260: WASTEWATER DISCHARGE PERMIT TRANSFER

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days' advance notice to the Director of Public Works/City Engineer and the Director of Public Works/City Engineer approves the wastewater discharge permit transfer. The notice to the Director of Public Works/City Engineer must include a written certification by the new owner or operator which:

1. States that the new owner and/or operator has no immediate intent to change the

facility's operations and processes;
2. Identifies the specific date on which the transfer is to occur; and
3. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer. (R.O. 2009 §53.44; Ord. No. 98-299, 7-24-98)

SECTION 710.270: WASTEWATER DISCHARGE PERMIT REVOCATION

A. The Director of Public Works/City Engineer or City Council may revoke a wastewater discharge permit for good cause including, but not limited to, the following reasons:
   1. Failure to notify the Director of Public Works/City Engineer of significant changes to the wastewater prior to the changed discharge;
   2. Failure to provide prior notification to the Director of Public Works/City Engineer of changed conditions pursuant to Section 710.340 of this Chapter;
   3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
   4. Falsifying self-monitoring reports;
   5. Tampering with monitoring equipment;
   6. Refusing to allow the Director of Public Works/City Engineer timely access to the facility premises and records;
   7. Failure to meet effluent limitations;
   8. Failure to pay fines;
   9. Failure to pay sewer charges;
   10. Failure to meet compliance schedules;
   11. Failure to complete a wastewater survey or the wastewater discharge permit application;
   12. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
   13. Violation of any pretreatment standard or requirement or any terms of the wastewater discharge permit or this Chapter.

B. Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user. (R.O. 2009 §53.45; Ord. No. 98-299, 7-24-98)

SECTION 710.280: WASTEWATER DISCHARGE PERMIT REISSUANCE

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 710.190 of this Chapter, a minimum of one hundred eighty (180) days prior to the expiration of the user's existing wastewater discharge permit. (R.O. 2009 §53.46; Ord. No. 98-299, 7-24-98)

SECTION 710.290: REGULATION OF WASTE RECEIVED FROM OTHER JURISDICTIONS

This Chapter shall apply to the POTW and all users outside of the jurisdictional boundaries of the POTW who are, by contract or agreement with the POTW, users of the POTW. (R.O. 2009 §53.47; Ord. No. 98-299, 7-24-98)

ARTICLE VI. REPORTING REQUIREMENTS

SECTION 710.300: BASELINE MONITORING REPORTS

A. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Director of Public Works/City Engineer a report which contains the information listed in Subsection (B) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Users described above shall submit the information set forth below.

1. *Identifying information.* The name and address of the facility, including the name of the operator and owner.
2. *Environmental permits.* A list of any environmental control permits held by or for the facility.
3. *Description of operations.* A brief description of the nature, average rate of production and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
4. *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
5. *Measurements of pollutants.*
   a. The categorical pretreatment standards applicable to each regulated process.
   b. The results of sampling and analysis identifying the nature and concentration and/or mass, where required by the standard or by the Director of Public Works/City Engineer, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 710.390 of this Chapter.
   c. Sampling must be performed in accordance with procedures set out in Section 710.400 of this Chapter.
6. *Certification.* A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O and M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

7. *Compliance schedule.* If additional pretreatment and/or O and M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O and M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 710.310 of this Chapter.
8. *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with Section 710.200 of this Chapter. (R.O. 2009 §53.50; Ord. No. 98-299, 7-24-98)

SECTION 710.310: COMPLIANCE SCHEDULE PROGRESS REPORTS

The following conditions shall apply to the compliance schedule required by Section 710.300(B)(7):

1. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts

for major components, commencing and completing construction and beginning and conducting routine operation);

2. No increment referred to above shall exceed nine (9) months;
3. The user shall submit a progress report to the Director of Public Works/City Engineer no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay and, if appropriate, the steps being taken by the user to return to the established schedule; and
4. In no event shall more than nine (9) months elapse between such progress reports to the Director of Public Works/City Engineer. (R.O. 2009 §53.51; Ord. No. 98-299, 7-24-98)

SECTION 710.320: REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Director of Public Works/City Engineer a report containing the information described in Section 710.300(B)(4) through (6). For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 710.200 of this Chapter. (R.O. 2009 §53.52; Ord. No. 98-299, 7-24-98)

SECTION 710.330: PERIODIC COMPLIANCE REPORTS

A. All significant industrial users shall, at a frequency determined by the Director of Public Works/City Engineer but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 710.200 of the Chapter.
B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
C. If a user subject to the reporting requirement in this Section monitors any pollutant more frequently than required by the Director of Public Works/City Engineer, using the procedures described in Section 710.400 of this Chapter, the results of this monitoring shall be included in the report. (R.O. 2009 §53.53; Ord. No. 98-299, 7-24-98)

SECTION 710.340: REPORTS OF CHANGED CONDITIONS

Each user must notify the Director of Public Works/City Engineer of any planned significant changes to the user's operations or system which might alter the nature, quality or volume of its wastewater at least ninety (90) days before the change.

1. The Director of Public Works/City Engineer may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 710.190 of this Chapter.
2. The Director of Public Works/City Engineer may issue a wastewater discharge permit under Section 710.210 of this Chapter or modify an existing wastewater discharge permit under Section 710.250 of this Chapter in response to changed conditions or anticipated changed conditions.
3. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater and the discharge of any previously unreported pollutants. (R.O. 2009 §53.54; Ord. No. 98-299, 7-24-98)

SECTION 710.350: REPORTS OF POTENTIAL PROBLEMS

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Director of Public Works/City Engineer of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

B. Within five (5) days following such discharge, the user shall, unless waived by the Director of Public Works/City Engineer, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, natural resources or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to the effective date of this Chapter.

C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in Subsection (A) above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure. (R.O. 2009 §53.55; Ord. No. 98-299, 7-24-98)

SECTION 710.360: REPORTS FROM UNPERMITTED USERS

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Director of Public Works/City Engineer as the Director of Public Works/City Engineer may require. (R.O. 2009 §53.56; Ord. No. 98-299, 7-24-98)

SECTION 710.370: NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING

If sampling performed by a user indicates a violation, the user must notify the Director of Public Works/City Engineer within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director of Public Works/City Engineer within thirty (30) days after becoming aware of the violation. The user is not required to resample if the Director of Public Works/City Engineer monitors at the user's facility at least once a month or if the Director of Public Works/City Engineer samples between the user's initial sampling and when the user receives the result of this sampling. (R.O. 2009 §53.57; Ord. No. 98-299, 7-24-98)

SECTION 710.380: NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE

A. Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number and the type of discharge (continuous, batch or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this paragraph need to be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 710.340 of this Chapter. The notification requirement in this Section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Sections 710.300, 710.320, and 710.330 of this Chapter.
B. Dischargers are exempt from the requirements of Subsection (A) above during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
C. In the case of any new regulations under Section 3001 of Resource Conservation and Recovery Act (RCRA) identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Director of Public Works/City Engineer, the EPA Regional Waste Management Waste Division Director and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

D. In the case of any notification made under this Section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Chapter, a permit issued thereunder or any applicable Federal or State law. (R.O. 2009 §53.58; Ord. No. 98-299, 7-24-98)

SECTION 710.390: ANALYTICAL REQUIREMENTS

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA. (R.O. 2009 §53.59; Ord. No. 98-299, 7-24-98)

SECTION 710.400: SAMPLE COLLECTION

A. Except as indicated in Subsection (B) below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Director of Public Works/City Engineer may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides and volatile organic compounds must be obtained using grab collection techniques. (R.O. 2009 §53.60; Ord. No. 98-299, 7-24-98)

SECTION 710.410: TIMING

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern. (R.O. 2009 §53.61; Ord. No. 98-299, 7-24-98)

SECTION 710.420: RECORD KEEPING

Users subject to the reporting requirements of this Chapter shall retain and make available for inspection and copying all records of information obtained pursuant to any monitoring activities required by this Chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3)

years. This period shall be automatically extended for the duration of any litigation concerning the user or the City or where the user has been specifically notified of a longer retention period by the Director of Public Works/City Engineer. (R.O. 2009 §53.62; Ord. No. 98-299, 7-24-98)

ARTICLE VII. COMPLIANCE MONITORING

SECTION 710.430: RIGHT OF ENTRY--INSPECTION AND SAMPLING

The Director of Public Works/City Engineer shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this Chapter and any wastewater discharge permit or order issued hereunder. Users shall allow the Director of Public Works/City Engineer ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying and the performance of any additional duties.

1. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director of Public Works/City Engineer will be permitted to enter without delay for the purposes of performing specific responsibilities.
2. The Director of Public Works/City Engineer shall have the right to set up on the user's property or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
3. The Director of Public Works/City Engineer may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy.
4. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Director of Public Works/City Engineer and shall not be replaced. The costs of clearing such access shall be borne by the user.
5. Unreasonable delays in allowing the Director of Public Works/City Engineer access to the user's premises shall be a violation of this Chapter. (R.O. 2009 §53.70; Ord. No. 98-299, 7-24-98)

SECTION 710.440: SEARCH WARRANTS

If the Director of Public Works/City Engineer has been refused access to a building, structure or property or any part thereof and is able to demonstrate probable cause to believe that there may be a violation of this Chapter or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this Chapter or any permit or order issued hereunder or to protect the overall public health, safety and welfare of the community, then the Director

of Public Works/City Engineer may seek issuance of a search warrant from the Circuit Court of St. Charles County. (R.O. 2009 §53.71; Ord. No. 98-299, 7-24-98)

ARTICLE VIII. CONFIDENTIAL INFORMATION

SECTION 710.450: CONFIDENTIAL INFORMATION

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits and monitoring programs and from the Director of Public Works/City Engineer's inspection and sampling activities shall be available to the public without restriction, unless the user specifically requests and is able to demonstrate to the satisfaction of the Director of Public Works/City Engineer that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction. (R.O. 2009 §53.80; Ord. No. 98-299, 7-24-98)

ARTICLE IX. PUBLICATION OF USERS IN SIGNIFICANT NON-COMPLIANCE

SECTION 710.460: PUBLICATION OF USERS IN SIGNIFICANT NON-COMPLIANCE

The Director of Public Works/City Engineer shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of users which, during the previous twelve (12) months, were in significant non-compliance with applicable pretreatment standards and requirements. The term *"significant non-compliance"* shall mean:

1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six (6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
2. Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for

BOD, TSS, fats, oils and grease and 1.2 for all other pollutants except pH);

3. Any other discharge violation that the Director of Public Works/City Engineer believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
4. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment or has resulted in the Director of Public Works/City Engineer's exercise of its emergency authority to halt or prevent such a discharge;
5. Failure to meet, within ninety (90) days of the scheduled date, a compliance scheduled milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance;
6. Failure to provide within thirty (30) days after the due date any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports and reports on compliance with compliance schedules;
7. Failure to accurately report non-compliance; or
8. Any other violation(s) which the Director of Public Works/City Engineer determines will adversely affect the operation or implementation of the local pretreatment program. (R.O. 2009 §53.90; Ord. No. 98-299, 7-24-98)

ARTICLE X. ADMINISTRATIVE ENFORCEMENT REMEDIES

SECTION 710.470: NOTIFICATION OF VIOLATION

When the Director of Public Works/City Engineer finds that a user has violated or continues to violate any provision of this Chapter, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Director of Public Works/City Engineer may serve upon that user a written notice of violation. Within fifteen (15) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Director of Public Works/City Engineer. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this Section shall limit the authority of the Director of Public Works/City Engineer to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation. (R.O. 2009 §53.100; Ord. No. 98-299, 7-24-98)

SECTION 710.480: CONSENT ORDERS

The Director of Public Works/City Engineer or City Council may enter into consent orders, assurance of voluntary compliance or other similar documents establishing an agreement with any user responsible for non-compliance. Such documents will include specific action to be taken by the user to correct the non-compliance within a time period specified by the document. Such documents shall have the same force and effect as the

administrative orders issued pursuant to Sections 710.500 and 710.510 of this Chapter and shall be judicially enforceable. (R.O. 2009 §53.101; Ord. No. 98-299, 7-24-98)

SECTION 710.490: SHOW CAUSE HEARING

A. The Director of Public Works/City Engineer or City Council may order a user which has violated or continues to violate any provision of this Chapter, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement to appear before the Director of Public

Works/City Engineer or City Council and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to hearing. Such notice may be served on any authorized representative of the user.

B. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user. (R.O. 2009 §53.102; Ord. No. 98-299, 7-24-98)

SECTION 710.500: COMPLIANCE ORDERS

A. When the Director of Public Works/City Engineer or City Council finds that a user has violated or continues to violate any provision of this Chapter, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Director of Public Works/City Engineer or City Council may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated.

B. Compliance orders also may contain other requirements to address the non-compliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user. (R.O. 2009 §53.103; Ord. No. 98-299, 7-24-98)

SECTION 710.510: CEASE AND DESIST ORDERS

A. When the Director of Public Works/City Engineer finds that a user has violated or continues to violate any provision of this Chapter, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement or that the user's past violations are likely to recur, the Director of Public Works/City Engineer, City Attorney or City Council may issue an order to the user directing it to cease and desist all such violations and directing the user to:

1. Immediately comply with all requirements; and
2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

B. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user. (R.O. 2009 §53.104; Ord. No. 98-299, 7-24-98)

ARTICLE XI. LEGAL ACTION

SECTION 710.520: LEGAL ACTION

If any person discharges sewage, industrial wastes or other wastes into the City's wastewater disposal system contrary to the provisions of this Chapter, Federal or State pretreatment requirements or any order of the City, the City Attorney may commence an action for appropriate legal and/or equitable relief in the Circuit Court of this County. (R.O. 2009 §53.105; Ord. No. 98-299, 7-24-98)

SECTION 710.530: EMERGENCY SUSPENSIONS

A. The Director of Public Works/City Engineer may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Director of Public Works/City Engineer may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW or which presents or may present an endangerment to the environment.
    1. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Director of Public Works/City Engineer may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream or endangerment to any individuals. The Director of Public Works/City Engineer may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Director of Public Works/City Engineer that the period of endangerment has passed, unless the termination proceedings in Section 710.540 of this Chapter are initiated against the user.
    2. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director of Public Works/City Engineer prior to the date of any show cause or termination hearing under Sections 710.490 or 710.540 of this Chapter.

B. Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section. (R.O. 2009 §53.106; Ord. No. 98-299, 7-24-98)

SECTION 710.540: TERMINATION OF DISCHARGE

A. In addition to the provisions in Section 710.270 of this Chapter, any user who violates the following conditions is subject to discharge termination:
    1. Violation of wastewater discharge permit conditions;
    2. Failure to accurately report the wastewater constituents and characteristics of its discharge;
    3. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
    4. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling; or
    5. Violation of the pretreatment standards in Sections 710.050 through 710.100 of

this Chapter.

B. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 710.490 of this Chapter why the proposed action should not be taken. Exercise of this option by the Director of Public Works/City Engineer or City Council shall not be a bar to, or a prerequisite for, taking any other action against the user. (R.O. 2009 §53.107; Ord. No. 98-299, 7-24-98)

ARTICLE XII. JUDICIAL ENFORCEMENT REMEDIES

SECTION 710.550: INJUNCTIVE RELIEF

When the Director of Public Works/City Engineer finds that a user has violated or continues to violate any provision of this Chapter, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the City Council may petition the Circuit Court of St. Charles County through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit order or other requirement imposed by this Chapter on activities of the user. The City Council may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user. (R.O. 2009 §53.110; Ord. No. 98-299, 7-24-98)

SECTION 710.560: CIVIL PENALTIES

A. A user who has violated or continues to violate any provision of this Chapter, a wastewater discharge permit or order issued hereunder or any other pretreatment Standard or requirement shall be liable to the City for a maximum civil penalty of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
B. The City Council may recover reasonable attorney's fees, court costs and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.
C. In determining the amount of civil liability, the court shall take into account all relevant circumstances including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user and any other factor as justice requires.
D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user. (R.O. 2009 §53.111; Ord. No. 98-299, 7-24-98)

SECTION 710.570: CRIMINAL PROSECUTION

A. A user who willfully or negligently violates any provision of this Chapter, a wastewater

discharge permit or order issued hereunder or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars ($500.00) per violation, per day or imprisonment for not more than three (3) months, or both.

B. A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least five hundred dollars ($500.00) or be subject to imprisonment for not more than three (3) months, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
C. A user who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other documentation filed or required to be maintained pursuant to this Chapter, wastewater discharge permit or order issued hereunder or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Chapter shall, upon conviction, be punished by a fine of not more than five hundred dollars ($500.00) per violation, per day or imprisonment for not more than three (3) months, or both.
D. In the event of a second (2nd) conviction, a user shall be punished by a fine of not more than five hundred dollars ($500.00) per violation, per day or imprisonment for not more than three (3) months, or both. (R.O. 2009 §53.112; Ord. No. 98-299, 7-24-98)

SECTION 710.580: REMEDIES NON-EXCLUSIVE

The remedies provided for in this Chapter are not exclusive. The City and/or the Director of Public Works/City Engineer may take any, all or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Director of Public Works/City Engineer may take other action against any user when the circumstances warrant. Further, the Director of Public Works/City Engineer is empowered to take more than one (1) enforcement action against any non-compliant user. (R.O. 2009 §53.113; Ord. No. 98-299, 7-24-98)

ARTICLE XIII. SUPPLEMENTAL ENFORCEMENT ACTION

SECTION 710.590: WATER SUPPLY SEVERANCE

Whenever a user has violated or continues to violate any provision of this Chapter, a wastewater discharge permit or order issued hereunder or any other pretreatment standard requirement, water service to the user may be severed. Service will only recommence, at the users's expense, after it has satisfactorily demonstrated its ability to comply. (R.O. 2009 §53.120; Ord. No. 98-299, 7-24-98)

ARTICLE XIV. AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

SECTIONS 710.600--710.650: RESERVED

ARTICLE XV. FATS, OIL AND GREASE

SECTION 710.660: SCOPE AND PURPOSE
To aid in the prevention of sanitary sewer blockages and obstructions from contributions and accumulation of fats, oils and greases into the publicly owned treatment works (POTW) from industrial or commercial establishments, particularly food preparation and serving facilities. (R.O. 2009 §53.130; Ord. No. 04-219, 9-10-04)

SECTION 710.670: DEFINITIONS
For purposes of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
EPA: The United States Environmental Protection Agency.
FATS, OILS AND GREASES (FOG): Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in the United States Code of Federal Regulations 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as grease or greases.
FOOD SERVICE ESTABLISHMENTS (FSE): Those establishments primarily engaged in activities of preparing, serving or otherwise making available for consumption by the public such as restaurant, commercial kitchen, caterer, hotel, school, hospital, prison, correctional facility and care institution. These establishments use one (1) or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sauteing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting or poaching. Non-cooking establishments that are primarily engaged in the preparation of precooked foodstuffs that do not require any form of cooking are considered food service establishments. These include cold dairy and frozen foodstuffs preparation and serving establishments. Also included are infrared heating, searing, barbecuing and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.
GREASE INTERCEPTOR (INTERCEPTOR): A structure or device designed for the purpose of removing and preventing fats, oils and grease from entering the POTW. These devices are often below-ground units in outside areas and are built as two (2) or three (3) chamber baffled tanks.
GREASE TRAP (TRAP): A device for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the trap and entering the POTW. Such traps are typically compact under-the-sink units that are near food preparation areas.
MINIMUM DESIGN CAPABILITY: The design features of a grease interceptor and its ability or volume required to effectively intercept and retain greases from grease-laden wastewaters discharged to the POTW.
POTW (PUBLICLY OWNED TREATMENT WORKS): A treatment works as defined by Section 212 of the EPA Clean Water Act. This definition includes any devices or

systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment facility.

SEPARATOR: A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious or undesirable matter from normal wastes while permitting normal sewage or waste to discharge to the POTW by gravity. (Vessel may also be referred to as a settling tank or grit trap.)

USER: Any person, including those located outside the jurisdictional limits of the City, who contributes, causes or permits the contribution or discharge of wastewater into the POTW. (R.O. 2009 §53.131; Ord. No. 04-219, 9-10-04)

SECTION 710.680: WASTEWATER DISCHARGE LIMITATIONS

No user shall allow wastewater discharge concentration from subject grease interceptor, oil and water separator, grease trap or alternative pretreatment technology to exceed one hundred (100) milligrams per liter as defined by EPA test method 1664 SGT-HEM. (R.O. 2009 §53.132; Ord. No. 04-219, 9-10-04)

SECTION 710.690: PRETREATMENT

A. *Pretreatment Facilities.* Users shall provide wastewater treatment as necessary to comply with this Chapter and wastewater permits issued under Section 710.700 and shall achieve compliance with all applicable national categorical pretreatment standards, local limits and the prohibitions set out in Section 710.050 within the time limitations specified by the Director of Public Works, the EPA or the State of Missouri, whichever is more stringent. All facilities necessary for compliance shall be provided, operated and maintained at the user's expense. Detailed plans describing such proposed pretreatment facilities and operating procedures shall be submitted to the City for review and shall be submitted to and approved by the Department of Community Development before such facilities are constructed. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to the City and, if required, to the Director of Public Works for approval prior to the user's initiation of the changes. Neither the review nor the approval of such plans and operating procedures shall relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this Chapter.

B. *Facilities For Flow Equalization.* To equalize flows and to avoid temporary overloads, the Director of Public Works may require any person who discharges into the POTW to construct and maintain on their property and at their expense, in accordance with applicable local, State and Federal rules and regulations, suitable storage tanks or equivalent flow control facilities. The control of the volume of discharges of waste shall be by a waterworks type rate controller or equivalent device, the setting and operations of which shall be subject to the direction of the Director of Public Works. A wastewater discharge permit may be issued solely for flow equalization.

C. *Facilities For Equalization Of Pollutant Concentration.* Whenever the total volume of wastes to be discharged by any user in any one (1) day has considerable variation in pollutional value, such user may be required to construct, at its sole expense, holding or storage tanks in order to control the discharge of wastes over a twenty-four (24) hour

period. The Director of Public Works may require such tanks to be equipped to mix the waste thoroughly so that its quality will be uniform when discharged into the POTW.

D. *Interceptors, Separators And Traps For Grease, Oil And Sand.* Interceptors, separators and traps for grease, oil and sand shall be constructed at user's sole expense and to City specifications when, in the opinion of the Director of Public Works, they are necessary for proper handling and control of grease, oil, sand, grit, petroleum products or other substance. By way of example but not of limitation, such devices may be required for industrial or commercial establishments, public eating places, hotels, hospitals, automobile service centers, vehicle wash facilities or other institutions. Such devices shall be located so as to be readily accessible for cleaning and inspection and shall be maintained by the user at its sole expense in continuously efficient operation at all times.
   1. The size, type and location of interceptors, separators and traps shall be selected in accordance with the current edition of the International Plumbing Code and shall be approved in writing prior to installation by the Department of Community Development.
   2. The Director of Public Works may direct the user to install a unit or to correct any unit that is not installed appropriately or functioning properly.
   3. These vessels must have each chamber directly accessible from the surface to provide a means for servicing, sampling and maintaining the interceptor in working and operating condition. These chambers shall not be visually obscured with parked vehicles, building structures, recycle containers, refuse containers, pallets, trees, growing plants/shrubbery, landscape tarps, plastic sheets, foreign objects, soil, mulch, floorings or pavement of any substance.
   4. The Director of Public Works may order the repair, modification or replacement of a unit or may order the addition of a grease recovery device in combination with a grease interceptor. All food service establishments and other grease-handling facilities shall be subject to review, evaluation and inspection by the aforementioned representatives during normal working hours.
   5. Interceptors, separators and traps shall be serviced and emptied of accumulated waste content at a frequency appropriate to maintain the efficiency of the device. Accumulated solids, grease caps (floating FOG) and sludge pockets (settled solids) must be removed at a frequency to maintain an effective volume of the device. Servicing of interceptors, separators or traps may be more frequent than, but not less frequent than, as required by permit or this Chapter. For the purpose of enforcement, a grease interceptor, oil and water separator or grease trap shall be considered to be at its maximum level and shall be considered inoperative if fifty percent (50%) or more of the trap is filled with floating FOG and settled solids. It shall be immediately cleaned and cleaning frequencies shall be increased. The owner, lease-holder or operator shall be responsible for the proper removal and disposal of grease by appropriate means.
   6. Interceptors, separators and traps shall be kept free of grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, excessive food solids, etc., which can reduce the effective volume of the unit.
   7. If any wastewater is removed from a grease interceptor, treated and then reintroduced back into

the interceptor, the user shall remain responsible for not exceeding the established oil and grease numerical limit and responsible for maintaining an effective volume of the interceptor. Reintroduction of screenings, sludges or residues is prohibited.

8. Any user utilizing biological or chemical additives remains responsible for not exceeding the established oil and grease numerical limit and remains responsible for maintaining an effective volume of the interceptor, separator or trap. Any user utilizing biological additives or enzymes must notify the Director of Public Works and provide the material safety data sheets for such additives. The exclusive use of biological and chemical additives is not considered acceptable grease vessel maintenance practice. Their use cannot be employed as the sole method of treating or maintaining the vessel's effluent.
9. Emulsifiers are prohibited from use in oil and water separators. The use of emulsifiers in grease interceptors or grease traps for the purpose of meeting the established oil and grease numerical limit or to decrease the service frequency is prohibited.
10. Any user utilizing an automatic grease removal system remains responsible for not exceeding the established oil and grease numerical limit and remains responsible for maintaining an effective volume of the interceptor, separator or trap.
11. Grease interceptors shall receive grease-laden waste from the major point sources. Wastes that are not expected to contain grease or oil and that otherwise do not require separation shall not discharge into the interceptor. Hot water flushing of a grease interceptor, oil and water separator or grease trap is prohibited.
12. Any removal and hauling of grease or oils from in-ground units shall be performed by a licensed waste disposal or rendering firm. Indoor, above ground, under sink grease vessels may be cleaned by the user unless required otherwise. The user is responsible for appropriate disposal of the removed substances.
13. The user shall keep all records of interceptor, separator or trap maintenance for three (3) years. The user must keep records of each cleanout including the date of service, name of cleanout company and receipt. The user shall provide to the Director of Public Works documentation of maintenance as required. The local user shall make appropriate arrangements with its corporate office, if any, in this regard as needed.
14. Each facility will be issued a grease vessel maintenance log upon initial inspection. The log shall be available at all times and kept up-to-date.

E. *Authority To Direct And Restrict Discharge.* Whenever deemed necessary, the Director of Public Works may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Chapter. (R.O. 2009 §53.133; Ord. No. 04-219, 9-10-04)

SECTION 710.700: PERMIT APPLICATION

A. Users who do not meet the criteria for significant industrial user may be required by the

Director

of Public Works to obtain a wastewater discharge permit when it is determined by the Director of Public Works that such permit meets the intent of this Chapter. For purpose of classification only, they shall be called minor non-domestic contributors (MNDC). All users with an interceptor, separator or trap shall submit an industrial waste questionnaire or permit application to determine the need for a local wastewater discharge permit. A fee of one hundred fifty dollars ($150.00) per year must accompany the permit application. Not-for-profit charitable and religious organizations, as well as educational institutions, are exempt from fees associated with the permit application. The Director of Public Works may issue such local permits as necessary to carry out the purposes of this Chapter.

B. User permits shall comply with the requirements of this Chapter.
C. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date.
D. Wastewater permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without the approval of the Director of Public Works.
E. A permitted user shall apply for a permit reissuance by submitting a complete permit application a minimum of one hundred eighty (180) days prior to the expiration of the existing permit.
F. A permitted user must keep a copy of their wastewater permit on site at the local facility. For permitted users with an interceptor, separator or trap, the user's permit shall establish a minimum frequency of service. More frequent service may be necessary to comply with the established numerical limit.
G. For permitted users with an interceptor, separator or trap, failure to service the unit in the time period required by permit and/or failure to provide documentation required by permit shall each constitute violation of this Chapter. (R.O. 2009 §53.134; Ord. No. 04-219, 9-10-04)

SECTION 710.710: FOOD SERVICE ESTABLISHMENT PERMIT REQUIREMENT

A. All permitted food service establishments discharging wastewater to the City's POTW are subject to the following requirements:
    1. *Grease interceptor requirements.* All permitted food service establishments are required to install, operate and maintain an approved type and adequately sized grease interceptor necessary to maintain compliance with the objectives of this Chapter. All grease interceptors must meet the requirements of the current edition of the International Plumbing Code.
    2. *Implementation.*
        a. All new food service establishment facilities are subject to grease interceptor requirements. All such facilities must obtain approval from the Department of Community Development for grease interceptor sizing after submission of plans for a building permit. All grease interceptors shall be readily and easily accessible for cleaning and inspection. Existing facilities with planned modification in plumbing improvements will be required to include plans to

comply with the grease interceptor requirements. These facilities must obtain

approval from the Department of Community Development for grease interceptor sizing after submission of plans for a building permit.

b. All existing food service establishments, determined by the Director of Public Works, to have a reasonable potential to adversely impact the POTW will be notified of their obligation to install a grease interceptor within the specified period set forth in the notification letter.

3. *Variance from grease interceptor requirements.* Grease interceptors required under this Chapter shall be installed unless the Department of Community Development authorizes the installation of an indoor grease trap or other alternative pretreatment technology and determines that the installation of a grease interceptor would not be feasible. The food service establishment bears the burden of demonstrating that the installation of a grease interceptor is not feasible. The Department of Community Development may authorize the installation of an indoor grease trap where the installation of a grease interceptor is not feasible due to space constraints or other considerations. If an establishment believes the installation of a grease interceptor is infeasible because of documented space constraints, the request for an alternate grease removal device shall contain the following information:

a. Location of sewer main and easement in relation to available exterior space outside building.

b. Existing plumbing at or in a site that uses common plumbing for all services at that site.

B. Alternative pretreatment technology includes, but is not limited to, devices that are used to trap, separate and hold grease from wastewater and prevent it from being discharged into the POTW. All alternative pretreatment technology must be appropriately sized and approved by the Department of Community Development. (R.O. 2009 §53.135; Ord. No. 04-219, 9-10-04)

SECTION 710.720: GREASE INTERCEPTOR REQUIREMENTS

A. Grease interceptor sizing and installation shall conform to the current edition of the International Plumbing Code.

B. Grease interceptors shall be constructed in accordance with design approved by the Department of Community Development and shall have a minimum of two (2) compartments with fittings designed for grease retention.

C. Grease interceptors shall be installed at a location where it shall be easily accessible for inspection, cleaning and removal of intercepted grease. The grease interceptor may not be installed in any part of the building where food is handled. Location of the grease interceptor must meet the approval of the Department of Community Development.

D. All such grease interceptors shall be serviced and emptied of accumulated waste content as required in order to maintain minimum design capability or effective volume. These devices should be inspected at least monthly. Users who are required to maintain a grease interceptor shall:

1. Provide for a minimum hydraulic retention time in accordance with the current edition of the International Plumbing Code.

E. The user shall maintain a written record of inspection and maintenance for three (3) years. All such records will be made available for on-site inspection by representatives

of the City during all operating hours.

F. Sanitary wastes are not allowed to be connected to sewer lines intended for grease interceptor service.

G. Except as provided herein, for a period of one (1) year following adoption of this Chapter, although installation of grease interceptors will be required to be installed, no enforcement actions will be taken under this Chapter for failure to achieve limits on grease discharges from grease interceptors. If during this one (1) year period an obstruction of a sewer main(s) occurs that causes a sanitary sewer overflow to the extent that an impact on the environment is realized and that said overflow or failure of the POTW to convey sewage can be attributed in part or in whole to an accumulation of grease in the sewer main(s), the City will take appropriate enforcement actions, as stipulated in the City of St. Charles' Pretreatment Program Enforcement Response Plan (ERP) and this Chapter, against the generator or contributor of such grease.

H. Access manholes, with a minimum diameter of twenty-four (24) inches, shall be provided over each grease interceptor chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal and wastewater sampling activities. (R.O. 2009 §53.136; Ord. No. 04-219, 9-10-04)

SECTION 710.730: GREASE TRAP REQUIREMENTS

A. Upon approval by the Department of Community Development, a grease trap complying with the provisions of this Section must be installed in the waste line leading from sinks, drains and other fixtures or equipment in food service establishments where grease may be introduced into the drainage or sewage system in quantities that can effect line stoppage or hinder sewage treatment or private sewage disposal.

B. Grease traps sizing and installation shall conform to the current edition of the International Plumbing Code.

C. No grease trap shall be installed which has a stated rate flow of more than fifty-five (55) gallons per minute, nor less than twenty (20) gallons per minute, except when specially approved by the Department of Community Development.

D. Grease traps shall be maintained in efficient operating conditions by periodic removal of the accumulated grease. No such collected grease shall be introduced into any drainage piping or public or private sewer.

E. No food waste disposal unit or dishwasher shall be connected to or discharge into any grease trap.

F. Wastewater in excess of one hundred forty degrees Fahrenheit (140°F) (sixty degrees Celsius (60°C)) shall not be discharged into a grease trap.

G. Except as provided herein, for a period of one (1) year following adoption of this Chapter, although installation of grease traps will be required to be installed, no enforcement actions will be taken

under this Chapter for failure to achieve limits on grease discharges from the facility. If during this one (1) year period an obstruction of a sewer main(s) occurs that causes a sewer overflow to the extent that an impact on the environment is realized and that said overflow or failure of the POTW to convey sewage can be attributed in part or in whole to an accumulation of grease in the sewer main(s), the City will take appropriate enforcement actions, as stipulated in the City of St. Charles' Pretreatment Program Enforcement Response Plan (ERP) and this Chapter, against the generator or contributor of such grease. (R.O. 2009 §53.137; Ord. No. 04-219, 9-10-04)

SECTION 710.740: INTERFERENCE, RECOVERY OF COSTS INCURRED

If a failure to maintain settling tanks, grit traps, interceptors, separators or traps results in partial or complete blockage of the building sewer, private sewer system discharging to the POTW or other parts of the POTW or causes interference or excessive maintenance to the POTW or presents a possible health hazard, the discharger shall be subject to the remedies herein including cost recovery, enforcement and penalties. (R.O. 2009 §53.138; Ord. No. 04-219, 9-10-04)

SECTION 710.750: PROCEDURES MANUAL AND BEST MANAGEMENT PRACTICES

As referenced here, the Tennessee Department of Environment and Conservation's (TDEM) publication http://www.state.tn.us/environment/wpc, "The Tennessee Oil and Grease Control Guidance Document, June, 2002" shall be used as the City of St. Charles, Missouri "FOG Procedures Manual" in implementation of the FOG Program. All FSEs subject to the provisions of this Chapter and any user who utilizes an interceptor, separator or trap or who receives a variance shall implement and strictly comply with the "Best Management Practices" document, http://www.oraca.org of the Oregon Association of Clean Water Agencies. (R.O. 2009 §53.139; Ord. No. 04-219, 9-10-04)

ARTICLE XVI. MISCELLANEOUS PROVISIONS

SECTION 710.760: PRETREATMENT CHARGES AND FEES

The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's pretreatment program which may include:

1. Fees for wastewater discharge permit applications including the cost of processing such applications;
2. Fees for monitoring, inspection and surveillance procedures including the cost of collection and analyzing a user's discharge and reviewing monitoring reports submitted by users;
3. Fees for reviewing and responding to accidental discharge procedures and construction;
4. Fees for filing appeals; and

5. Other fees as the City may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Chapter and are separate from all other fees, fines and penalties chargeable by the City.

6. Surcharge for excess biochemical oxygen demand and total suspended solids discharge.
   a. In order for treatment rates to recapture the cost of providing sanitary sewer treatment and disposal service to industrial users, treatment rates shall be based on the volume of effluent treated and the chemical composition of the effluent. Industrial users shall determine the chemical composition of effluent discharged, directly or indirectly, into the sanitary sewer system by using the sampling procedures stated in Section 710.250 and collected sample handling, preservation and laboratory analyses shall be performed in accordance with 40 CFR, Part 136 and amendments thereto.
   b. Normal domestic sewage strength and character (chemical composition) is categorized as not exceeding a biochemical oxygen demand (BOD_5) of three hundred (300) parts per million by weight and a total suspended solids (TSS) of three hundred (300) parts per million by weight. Additional charges for treatment and disposal of effluent in excess of the normal domestic sewage strength and character shall be as follows:

(1) *Rate surcharge based upon BOD_5.* There shall be an additional charge of forty and three-tenths cents ($0.403) per pound of BOD_5 received in excess of three hundred (300) parts per million by weight.

(2) *Rate surcharge based upon TSS.* There shall be an additional charge of thirty-four and three-tenths cents ($0.343) per pound of TSS received in excess of three hundred (300) parts per million by weight.

   c. An industrial user may request reconsideration of the additional charges in Subsection (6)(b) by submitting to the City composite samples and analysis of the effluent to substantiate BOD_5 and TSS below three hundred (300) parts per million by weight.
   d. All costs of sampling and analysis, including the costs of installation of hydraulic flow measuring devices, personnel costs and laboratory costs, shall be the sole responsibility of the industrial user. (R.O. 2009 §53.150; Ord. No. 98-299, 7-24-98; Ord. No. 05-234, 9-9-05)