THE MUNICIPAL CODE OF THE CITY OF MARYVILLE

THE GENERAL ORDINANCES

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PUBLISHED BY ORDER OF THE CITY COUNCIL

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ADOPTING ORDINANCE

insert adopting ordinance here

TITLE I. GOVERNMENT CODE

CHAPTER 100: GENERAL PROVISIONS

ARTICLE I. GENERALLY

SECTION 100.010: ORDINANCES -- INTERPRETATION, CONSTRUCTION
All ordinances of the City of Maryville, Missouri, shall be interpreted and construed in accordance with the following provisions, unless such interpretation and construction would be inconsistent with the manifest intent of the City Council. (R.O. 2008 §100.010; Ord. No. 4882 §1, 5-14-90)

SECTION 100.020: DEFINITIONS
The following words shall have the meanings respectively ascribed to them:
AND/OR: Whenever the words *"and/or"* are used, *"and"* shall apply where possible; otherwise, *"or"* shall apply.
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 record of the signature of the recipient.
CITY, MUNICIPALITY: The word *"City"* or *"Municipality"* means the City of Maryville, Missouri.
CONJUNCTIVE, DISJUNCTIVE WORDS: Conjunctive and disjunctive words may be interchangeable to effect the purpose of any provisions.
COUNCIL, CITY COUNCIL: The word *"Council"* or the words *"City Council"* mean the legislative body of the City of Maryville, Missouri.
COUNTY: The word *"County"* means the County of Nodaway, Missouri.
GENDER: Words importing masculine gender shall apply to females and to firms, associations, partnerships and corporations.
JOINT AUTHORITY: All words purporting to give joint authority to three (3) or more public officers or other persons shall be construed as giving such authority to a majority of officers or other persons, unless it is otherwise expressly declared in the ordinance granting the authority.
MONTH: The word *"month"* shall be construed to mean a calendar month.
NUMBER: Words in either the singular or plural numbers shall include either or both numbers and may apply in any instance to a particular person or persons.
OATH, AFFIRMATION, SWORN, AFFIRMED: The word *"oath"* shall be construed to include the word *"affirmation"* in all cases where by law an affirmation may be

substituted for an oath and in like cases the word *"sworn"* shall be construed to include the word *"affirmed"*.
OFFICERS: The several officers' titles mean such Officers of the City.
OWNER: The word *"owner"*, applied to a building or land, shall include any part-owner, land contract vendee, joint-owner, tenant-in-common, tenant-in-partnership, joint-tenant, or tenant-by-the-entirety, of the whole or of a part of such building or land.
PERSON: The word *"person"* includes firms, joint adventures, partnerships, corporations, clubs, and all associations or organizations of natural persons, either incorporated or unincorporated, howsoever operating or named, and whether acting by themselves or by a servant, agent or fiduciary, and includes all legal representatives, heirs, successors and assigns thereof.
PRECEDING, FOLLOWING: The words *"preceding"* and *"following"*, when used by way of reference to any Title, Chapter or Section of any ordinance of the City, shall be construed to mean the Title, Chapter or Section next preceding or next following that in which such reference is made unless when some other Title, Chapter or Section is expressly designated in such reference.
PROPERTY: The word *"property"* shall include real and personal property.
PUBLIC PLACE: The words *"public place"* mean any street, alley, park, cemetery, public building, or any place of business or assembly or parking lot, or any other premises open to the public or frequented by the public.
PUBLIC SAFETY OFFICER: A person serving a public agency, with or without compensation, as a Law Enforcement Officer or emergency personnel and having power of arrest.
SEAL: In all cases in which the seal of any court or public office shall be required to be affixed to any paper issuing from such court or office, the word "Seal" shall be construed to mean the impression of such seal on such paper alone, as well as the impression of such seal affixed thereto by means of a wafer or wax.
SHALL, MAY: The word *"shall"* means imperative or mandatory; the word "*may"* means permissive.
SIGNATURE, SUBSCRIPTION: The words "*signature"* and "*subscription"* include a mark when the person cannot write.
STATE: The word "*State"* means the State of Missouri.
TENSE: Words used in the present or past tense shall be construed as including the future as well as the present or past.
TITLES, HEADINGS AND CATCHLINES: The key words used as headings, titles or catchlines for Chapter, Sections and Subsections are inserted for convenience and to facilitate search, and such words shall not be construed to limit or affect the meaning of any of the provisions hereof.
WEEK: The word "*week"* shall be construed to mean seven (7) days.
WRITTEN, IN WRITING: The words "*written"* or "*in writing"* may include any form of reproduction or expression of language.
YEAR: The word "*year"* shall be construed to mean a calendar year; and the word *"year"* alone, shall be equivalent to the words "*year of our Lord"*. (R.O. 2008 §100.020; Ord. No. 4882 §1, 5-14-90)

SECTION 100.030: OFFICERS -- ACTS REQUIRED -- PERFORMANCE --

AUTHORITY

Whenever in accordance with the provisions of this Code or any ordinance of the City, any specific act is required to be done by any designated Officer or Official of the City, such act may be performed by any City employee duly authorized to perform that act by such officer or official. (R.O. 2008 §100.030; Ord. No. 4882 §1, 5-14-90)

SECTION 100.040: COMPUTATION OF TIME

The time within which an act is to be done, as provided in this Code or in any order issued pursuant to this Code, when expressed in days, shall be computed as prescribed by State Statute. (R.O. 2008 §100.040; Ord. No. 4882 §1, 5-14-90)

SECTION 100.050: OFFICIAL CITY TIME

Standard time, Central division, shall be the official time of the City except during such period of time as may be designated Daylight Savings Time by State or Federal law. (R.O. 2008 §100.050; Ord. No. 4882 §1, 5-14-90)

SECTION 100.060: REPEALING ORDINANCE REPEALED -- FORMER ORDINANCE NOT REVIVED -- WHEN

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

SECTION 100.070: REPEAL OF INCONSISTENT ORDINANCES

Whenever an ordinance is adopted, all ordinances or parts of ordinances in conflict therewith shall, to the extent of such conflict, be repealed. (R.O. 2008 §100.070; Ord. No. 4882 §1, 5-14-90)

SECTION 100.080: EFFECT OF REPEAL OF ORDINANCE

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

SECTION 100.090: CITING CODE

This Code shall be cited as *The Municipal Code of the City of Maryville, Missouri.* (R.O.

2008 §100.090; Ord. No. 4882 §1, 5-14-90)

SECTION 100.100: SEVERABILITY
If any part of an ordinance or the application thereof to any person or circumstance shall be found to be invalid by any court, such invalidity shall not affect the remaining parts or applications of the ordinance which can be given effect without the invalid part or application, provided such remaining parts are not determined by the court to be inoperable, and to this end ordinances are declared to be severable. (R.O. 2008 §100.100; Ord. No. 4882 §1, 5-14-90)

SECTION 100.110: ACCESSORIES
Every person who shall aid, abet, encourage or entice another to violate any of the provisions contained in this Code, or any ordinance of the City shall be deemed an accessory to the commission of such offense, and shall be deemed guilty of an ordinance violation. (R.O. 2008 §100.110; Ord. No. 4882 §1, 5-14-90)

ARTICLE II. PENALTY PROVISIONS

SECTION 100.120: GENERAL PENALTY
Whenever in this Code or any ordinance of the City any act is prohibited or is made or declared to be unlawful or an offense, or whenever in this Code or such ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision by any person is hereby declared to be an ordinance violation; and, upon conviction, unless some other penalty is prescribed in this Code or such ordinance, such person may be punished by a fine not exceeding five hundred dollars ($500.00) or imprisonment for a term not exceeding three (3) months, or both such fine and imprisonment in the discretion of the court having jurisdiction. In any case wherein the penalty for an offense is fixed by any Statute, the Council shall affix the same penalty by ordinance for the punishment of such offense. (R.O. 2008 §100.130; Ord. No. 4882 §1, 5-14-90)

SECTION 100.130: CONTINUING VIOLATIONS
In addition to the penalties hereinbefore provided, any condition caused or permitted to continue to exist in violation of any of the provisions of this Code or any ordinance of the City shall be deemed a new and separate offense for each day that such condition continues to exist, and each such offense may be separately punished as hereinbefore provided. (R.O. 2008 §100.140; Ord. No. 4882 §1, 5-14-90)

ARTICLE III. PROVISIONS, PROCEDURES AND POLICIES

SECTION 100.140: GRIEVANCE PROCEDURE FOR COMPLAINTS OF DISCRIMINATION UNDER THE AMERICANS WITH DISABILITIES ACT

A. The City of Maryville, Missouri, strives to ensure that all programs it undertakes are established in a manner by which all residents of the City have an equal opportunity to participate in such programs, regardless of the such residents disability, as defined within the Americans with Disabilities Act (hereinafter, "ADA").

B. Any Maryville resident who believes that they have been discriminated against because of handicapped status under the ADA (hereinafter, "Claimant") shall have a right to file a written grievance.

C. The Grievance Procedure of the City of Maryville, Missouri, shall be as follows:

1. If any claimant feels he or she has been discriminated against by the City of Maryville under the ADA (hereinafter, the "Discriminatory Act"), the claimant shall immediately deliver to the City Manager's office claimant's written discrimination grievance stating the following:
   a. Claimant's full name, address and telephone number.
   b. The department name and the location in which it is alleged that the Discriminatory Act occurred.
   c. A description of the Discriminatory Act, the date or dates of the Discriminatory Act(s), and the name or names of the City employees who claimant believes acted in a discriminatory manner.
   d. The nature of the claimant's handicap and how such handicap affects claimant.
   e. Other information that claimant believes necessary to support their grievance.

   Grievances made which do not include the necessary information shall be returned to the claimant for further information. No action shall occur until a fully-completed grievance has been received.

   Within twenty (20) working days following the receipt of the written grievance described above, the City Manager shall investigate the factual basis, if any, for the grievance and shall hold a meeting with the claimant. Within ten (10) working days after such meeting, the City Manager shall notify claimant of the decision as to whether such grievance is valid and, if so, what corrective action will be done by the City. If the City Manager does not believe the grievance has merit, the claimant shall be so advised and, if so, will be advised why such a decision was made.
2. If satisfaction is not achieved by the above procedure or notification is not mailed within ten (10) working days from the date of the meeting with the City Manager, the claimant may then present the grievance to the City Council. A written appeal must be made to the City Council within forty-five (45) calendar days from the date of the meeting, whether a notification is received from the City Manager or not. The hearing will be conducted in an informal manner and the City Council shall make every effort to avoid the appearance of conducting a trial in a court of law. The written grievance appeal shall state the following:
   a. The name, address and phone number of the claimant;
   b. Why the claimant believes that the decision of the City Manager in denying the grievance, or why the corrective action to be taken, is incorrect.
3. No later than ten (10) working days after receipt of the written appeal, the City Council shall fix a time and place for convening a hearing. Within forty-eight

(48) hours after the hearing, findings and recommendations will be submitted in writing to the claimant.

4. Claimant's failure to attend or notify the City Council of his/her inability to attend will constitute just cause for dismissal of the grievance. In order to be effective, the inability to attend the hearing must be communicated by the claimant to the City Clerk and must be no later than twenty-four (24) hours prior to the hearing.
5. No portion of this grievance procedure is intended to award compensation to any claimant for any alleged Discriminatory Act, but rather is solely intended to allow a means of curing by corrective action a situation that is occurring within a City department.

D. *Issues Regarding Employees.* The City of Maryville will not discriminate in the hiring, promotion, disciplining or removal of any City employee on the basis of handicapped status. The City of Maryville has adopted an Employee Handbook, Grievance Procedure, Ordinance No. 7058, which is on file in the City Clerk's office and made a part hereof and is hereby adopted as the official grievance procedure for employees of the City of Maryville, Missouri. (R.O. 2008 §100.150; Ord. No. 4882 §1, 5-14-90; Ord. No. 7074 §§1--2, 12-22-08)

SECTION 100.150: REASONABLE SERVICE CHARGE FOR INSUFFICIENT FUNDS, NO ACCOUNT OR STOP PAYMENT CHECKS

Pursuant to Section 570.120.6., RSMo., the City of Maryville, Missouri, is hereby authorized and directed to collect a reasonable service charge in the amount of twenty-five dollars ($25.00) per check from the party issuing any insufficient funds, closed account, stop payment or other bad check. Upon receipt, said funds shall be deposited in the fund for which collected. (R.O. 2008 §100.160; Ord. No. 5283 §1, 2-27-95; Ord. No. 6415 §1, 10-22-01)

SECTION 100.160: LOSS PREVENTION AND SAFETY POLICY

The Council of the City of Maryville, Missouri, hereby adopts the Loss Prevention and Safety Policy Statement. A copy of said Loss Prevention and Safety Policy Statement shall be and is hereby incorporated by reference as though fully set out herein and is on file in the office of the City Clerk. (R.O. 2008 §100.170; Ord. No. 5173 §1, 11-8-93; Ord. No. 6874 §§1--2, 10-23-06)

SECTION 100.170: DRUG AND ALCOHOL TESTING POLICY

The Council of the City of Maryville, Missouri, hereby adopts the Drug and Alcohol Testing Policy for Municipal Employees. A copy of said Drug and Alcohol Testing Policy for Municipal Employees shall be and is hereby incorporated by reference as though fully set out herein and is on file in the office of the City Clerk. (R.O. 2008 §100.180; Ord. No. 5370 §§1--19, 1-8-96)

SECTION 100.180: CIVIL EMERGENCY -- POWERS OF MAYOR TO ISSUE PROCLAMATION OF EMERGENCY

A. Whenever in the judgment of the Mayor, a state of civil emergency exists as a result of mob action, riots, general civil disobedience or disorder, or the threat of any of the same shall exist, the Mayor shall, in addition to all other powers granted him/her by the laws of this State and the ordinances of the City, be empowered in order to suppress such actions and preserve the peace and order of the City and to protect its citizens and their property, to issue a proclamation declaring a state of civil emergency to exist, and may thereby exercise the powers granted in the following Subsections:
    1. To impose a curfew upon all or any portion of the City as designated therein as he/she may deem advisable during such hours of the day or night as he/she determines necessary in the interest of the public safety and welfare, and during which all persons shall remove themselves to their place of residence and remain off and away from the public streets, sidewalks, parkways, parks, and all other public or open places, and no persons shall assemble, gather, loiter or otherwise congregate in any manner in groups, assemblies or meetings in any place for any purpose whatsoever; provided however, that persons performing medical services, essential public utility services, public officials, Public Safety Officers and all other persons exclusively enumerated in such proclamation may be exempted from curfew;
    2. To order the closing of any and all business establishments throughout the City or any portion thereof for which the state of emergency exists or during the curfew hours;
    3. To order discontinuance of selling, distributing, dispensing, or giving away of any firearms or other weapons of any character, whatsoever;
    4. To 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. To order the closing of all retail and wholesale liquor stores, taverns and other places dispensing, serving or permitting the consumption of intoxicating liquor or non-intoxicating beer;
    6. To order the discontinuance of the sale, distribution or giving away of intoxicating or non-intoxicating liquors;
    7. To order the closing of all private clubs or portions thereof wherein the consumption of intoxicating liquor or non-intoxicating beer is permitted;
    8. To order the discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;
    9. To 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;
    10. To designate any public place, public street, thoroughfare, boulevard, parking area and any other place closed to motor vehicles, persons and pedestrian traffic;
    11. To order all regular, special and auxiliary Public Safety Officers and other designated conservators of the peace to report for duty assignment, such reporting to be in accordance with prearranged plan or under the direction of lawful authority.

B. Any such proclamation of a state of emergency shall become immediately effective upon

its execution and the issuance by the Mayor, and the original thereof shall be filed and remain in the office of the City Clerk.

C. The proclamation issued in accordance with the provisions of this Section shall remain in effect continuously from the date and time of the issuance thereof, for such a period of time as specifically prescribed therein or upon the issuance of a proclamation determining a civil emergency no longer exists, whichever occurs first.

D. It shall be an ordinance violation for any person to fail, neglect or refuse to comply with the orders made or prohibitions instituted by a proclamation issued under the provisions of this Section, or for any person who otherwise violates or in any manner aids, assists, encourages or accountenances the commission or perpetration of a violation of said proclamation. For the purpose of the prosecution of any person for the violation of this Section, a copy of the proclamation of the Mayor certified by the City Clerk to be a true and correct copy thereof shall be deemed to constitute a prima facie evidence that such proclamation was duly issued by the Mayor on the date and at the time set forth therein pursuant to the authority contained in this Section. (R.O. 2008 §210.150; Ord. No. 4944 §1, 12-10-90)

ARTICLE IV. IDENTITY THEFT PREVENTION POLICY

Editor's Note--The report of suspected identity theft, list of acceptable documents and red flag event log are on file in the office of the city clerk.

SECTION 100.190: INTRODUCTION

Pursuant to Federal law the Federal Trade Commission adopted Identity Theft Rules requiring the creation of certain policies relating to the use of consumer reports, address discrepancy and the detection, prevention and mitigation of identity theft. The Federal Trade Commission regulations adopted as 16 CFR §681.2 require creditors, as defined by 15 U.S.C. §681(a)(5) to adopt red flag policies to prevent and mitigate identity theft with respect to covered accounts. 15 U.S.C. §1681a(r)(5) cites 15 U.S.C. §1691a, which defines a creditor as a person that extends, renews or continues credit, and defines "credit" in part as the right to purchase property or services and defer payment therefore. The Federal Trade Commission regulations include utility companies in the definition of creditor. The City of Maryville is a creditor with respect to 16 CFR §681.2 by virtue of providing water and sewer utility services or by otherwise accepting payment for municipal services in arrears. This program was developed with oversight and approval of the City Council. After consideration of the size and complexity of the City's water and sewer utility (the utility) operations and account systems, and the nature and scope of the utility's activities, the City Council determined that this program was appropriate for the utility, and therefore approved this program on April 27, 2009. (Ord. No. 7108 §1, 4-27-09)

SECTION 100.200: PROGRAM PURPOSE AND DEFINITIONS

A. *Fulfilling Requirements Of The Red Flags Rule.* Under the Red Flag Rule, every

financial institution and creditor is required to establish an "Identity Theft Prevention Program" tailored to its size, complexity and the nature of its operation. Each program must contain reasonable policies and procedures to:

1. Identify relevant red flags for new and existing covered accounts and incorporate those red flags into the program;
2. Detect red flags that have been incorporated in the program;
3. Respond appropriately to any red flags that are detected to prevent and mitigate identity theft; and
4. Ensure the program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from identity theft.

B. *Red Flags Rule Definitions Used In The Program.*

1. The red flags rule defines *"identity theft"* as fraud committed using the identifying information of another person and a *"red flag"* as a pattern, practice, or specific activity that indicates the possible existence of identity theft.
2. According to the rule, a municipal utility is a creditor subject to the rule requirements. The rule defines *"creditors"* to include finance companies, automobile dealers, mortgage brokers, utility companies, and telecommunications companies. Where non-profit and government entities defer payment for goods or services, they, too, are to be considered creditors.
3. All the utility's accounts that are individual utility service accounts held by customers of the utility whether residential or commercial are covered by the rule. Under the Rule, a *"covered account"* is:
    a. Any account the utility offers or maintains primarily for personal, family or household purposes that involves multiple payments or transactions; and
    b. Any other account the utility offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the utility from identity theft.

"Identifying information" is defined under the rule as any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including: name, address, telephone number, Social Security number, date of birth, government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer's Internet protocol address, or routing code. (Ord. No. 7108 §1, 4-27-09)

SECTION 100.210: IDENTIFICATION OF RED FLAGS

In order to identify relevant red flags, the utility considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts, and its previous experiences with identity theft. The utility identifies the following red flags, in each of the listed categories:

1. *Notifications and warnings from credit reporting agencies (if a consumer credit report is used; currently the utility does not use credit reports).* Examples of alerts include but are not limited to:
    a. A fraud or active duty alert that is included with a consumer report;
    b. A notice of credit freeze in response to a request for a consumer report;
    c. A notice of address discrepancy provided by a consumer reporting agency;

   d. Indications of a pattern of activity in a consumer report that is inconsistent with the history and usual pattern of activity of an applicant or customer.
2. *Suspicious documents.* Examples of suspicious documents include:
   a. Documents provided for identification that appear to be altered or forged;
   b. Identification on which the photograph or physical description is inconsistent with the appearance of the applicant or customer;
   c. Identification on which the information is inconsistent with existing customer information (such as if a person's signature on a check appears forged);
3. *Suspicious personal identifying information.* Examples of suspicious identifying information include:
   a. Personal identifying information that is inconsistent with external information sources used by the utility. For example:
      (1) The address does not match any address in the consumer report (if used by the utility); or
      (2) The Social Security number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File (if used by the utility);
   b. Other information provided, such as fictitious mailing address, mail drop addresses, jail addresses, invalid phone numbers, pager numbers or answering services, is associated with fraudulent activity;
   c. The Social Security number provided is the same as submitted by another customer;
   d. The applicant fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete;
   e. Personal identifying information is not consistent with information that is on file;
   f. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer, such as a lack of correlation between the Social Security number range and the date of birth;
   g. Personal identifying information or a phone number or address, is associated with known fraudulent application or activities as indicated by internal or third-party sources used by the utility.
4. *Suspicious account activity or unusual use of account.* Examples of suspicious activity include:
   a. Change of address for an account followed by a request to change the account holder's name;
   b. Payments stop on an otherwise consistently up-to-date account;
   c. An account being used in a way that is not consistent with prior use (such as very high activity);
   d. Mail sent to the account holder is repeatedly returned as undeliverable;
   e. Notice to the utility that a customer is not receiving mail sent by the utility;
   f. Breach in the utility's computer system security; and
   g. Unauthorized access to or use of customer account information.
5. *Alerts from others.* Notice to the utility from a customer, identify theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in identity theft. (Ord. 7108 §1, 4-27-09)

SECTION 100.220: DETECTING RED FLAGS

A. In order to detect any of the red flags identified above in the opening of a new account, utility personnel will take the following steps to obtain and verify the identify of the person opening the account:
    1. Require certain identifying information such as name, residential or business address, principal place of business for an entity, driver's license or other identification;
    2. Verify the customer's identity (such as by reviewing a driver's license or other identification card); and
    3. Review documentation showing the existence of a business entity.

B. In order to detect any of the red flags identified above for an existing account, utility personnel will take the following steps to monitor transactions with an account:
    1. Verify the identification of customers if they request information (in person, via telephone, via facsimile, via e-mail);
    2. Verify changes in banking information given for billing and payment purposes. (Ord. No. 7108 §1, 4-27-09)

SECTION 100.230: PREVENTING AND MITIGATING IDENTITY THEFT

A. In the event utility personnel detect any identified red flags, such personnel shall take one (1) or more of the following steps, depending on the degree of risk posed by the red flag:
    1. Continue to monitor an account for evidence of identity theft;
    2. Contact the customer;
    3. Not open a new account;
    4. Close an existing account;
    5. Reopen an account with a new number;
    6. Notify the program Administrator for determination of the appropriate step(s) to take;
    7. Notify law enforcement; or
    8. Determine that no response is warranted under the particular circumstances.

B. In order to further prevent the likelihood of identity theft occurring with respect to utility accounts, the utility will take the following steps with respect to its internal operating procedures to protect customer identifying information:
    1. Ensure complete and secure destruction of paper documents and computer files containing customer information;
    2. Ensure that office computers are password protected and that computer screens lock after a set period of time;
    3. Keep offices clear of papers containing customer information;
    4. Require and keep only the kinds of customer information that are necessary for utility purposes;
    5. Require customers to authenticate addresses and personal information, rather than utility personnel asking if the information is correct. (Ord. No. 7108 §1, 4-27-09)

SECTION 100.240: PROGRAM UPDATES

The Program Administrator will periodically review and update this program to reflect changes in risks to customers and the soundness of the utility from identity theft. In

doing so, the Program Administrator will consider the utility's experiences with identity theft situations, changes in identity theft methods, changes in identity theft detection and prevention methods, and changes in the utility's business arrangements with other entities. After considering these factors, the Program Administrator will determine whether changes to the program, including the listing of red flags, are warranted. If warranted, the Program Administrator will update the program or present the City Council with his or her recommended changes and the City Council will make a determination of whether to accept, modify or reject those changes to the program. (Ord. No. 7108 §1, 4-27-09)

SECTION 100.250: PROGRAM ADMINISTRATION

A. *Oversight.* Responsibility for developing, implementing and updating this program lies with an Identity Theft Committee to be comprised of the Program Administrator (the City Manager) and the Finance Director. The Program Administrator will be responsible for the program administration, for ensuring appropriate training of utility staff on the program, for reviewing any staff reports regarding the detection of red flags and the steps for preventing and mitigating identity theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the program.

B. *Staff Training And Reports.* Utility staff responsible for implementing the program shall be trained either by, or under, the direction of the Program Administrator in the detection of red flags, and the responsive steps to be taken when a red flag is detected.

C. *Service Provider Arrangements.* In the event the utility engages a service provider to perform an activity in connection with one (1) or more accounts, the utility will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft.

    1. Require, by contract, that service providers have such policies and procedures in place; and
    2. Require, by contract, that service providers review the utility's program and report any red flags to the Program Administrator. (Ord. No. 7108 §1, 4-27-09)

CHAPTER 105: ADMINISTRATION

ARTICLE I. ORGANIZATION

SECTION 105.010: FORM OF GOVERNMENT

A. The City of Maryville, Missouri, was incorporated as a Third Class City at special election held on September 7, 1954.

B. At special election held on April 21, 1953, the City adopted the Council Manager form of Government.

C. Such governmental form shall be on a non-partisan basis. (R.O. 2008 §105.010; Ord. No. 4882 §1, 5-14-90)

Note--Such election was called under Ord. No. 2477 and confirmed under Ord. No. 2482.

State Law Reference--The city is now governed under §§78.430 to 78.640, both inclusive, RSMo.

SECTION 105.020: FISCAL YEAR

The fiscal year of the City shall begin on October first (1st), and end on September thirtieth (30th). (R.O. 2008 §105.020; Ord. No. 4882 §1, 5-14-90)

Note--Such election was called under Ord. No. 2477 and confirmed under Ord. No. 2482.

SECTION 105.030: ELECTION AUTHORITY

A. The County Clerk of the County of Nodaway, Missouri, shall serve as the election authority for the City of Maryville, Missouri.
B. The City shall be divided into five (5) wards; there shall be one (1) precinct for each ward. (R.O. 2008 §105.030; Ord. No. 4882 §1, 5-14-90)

SECTION 105.035: CITY ELECTIONS

A. *Date Of General Election.* A general election for the expiring vacancies of elective officers of this City shall be held on the first (1st) Tuesday after the first (1st) Monday in April of each year.
B. *Filing Of Candidates.* Any person desiring to seek election for any elective City office at any general City election may do so by filing their name and the office for which they seek election with the City Clerk during the filing period. The filing period shall be sixteen (16) Tuesdays before the election date to eleven (11) Tuesdays before the election date. The Clerk shall keep a permanent record of the names of the candidates, the offices for which they seek election and the date of their filing. Their names shall appear on the ballot in that order.
C. *Qualifications Of Candidates.* Any person who is not qualified for office as provided by State law or Section 105.040 of the City Code shall not be entitled to have their name printed on the ballot. The qualifications of the candidate for office shall be determined by the City Council upon hearing given, upon its own motion, or upon written affidavit by some person that a named candidate is not qualified as such for the office sought.
D. *Conformance Of City Elections With State Law.* All City elections shall be conducted and held in conformance with the provisions of the State election laws.
E. *Conduct Of Election By County Clerk.* The Nodaway County Clerk, as the designated election authority, shall conduct City elections.
F. *Notice Of City Election.* The City Clerk shall notify the Nodaway County Clerk prior to 5:00 P.M. on the tenth (10th) Tuesday prior to any City election of the forthcoming City election. The notice shall be in writing and shall specify that the City is calling the election, the purpose of the election, the date of the election, and it shall include a certified copy of the legal notice to be published and the sample ballot.

G. *Voters' Qualifications.* All residents of the City who are qualified and properly registered voters in accordance with State law shall be entitled to vote at City elections. In order to vote at any City election, a person must be registered no later than 5:00 P.M. on the fourth (4th) Wednesday prior to the election.

H. *Designation Of Polling Places And Judges--Election Costs.* The election authority shall designate the polling places in all City elections. The election authority shall appoint all election judges. The City shall pay the election costs required by the election authority conducting its election.

I. *Special Election Dates.* Authorized dates for special City elections are the first (1st) Tuesday after the first (1st) Monday in February or March, August and November of each year, and other dates as may be designated by the City Council in conformity with State law.

J. *Certification Of Election Results.* As soon as practicable after each City election, the election authority shall convene a Verification Board to verify the count and certify the results of the election. Not later than the second (2nd) Tuesday after the election, the Verification Board shall issue a statement announcing the results of each election and shall certify the returns to the City Clerk. The City Clerk shall issue to each person elected a certificate of election.

K. *Election Ordinance.* Prior to each City election, the City Council shall timely pass an election ordinance authorizing, establishing and providing the election procedure to be followed in the conduct of the City election. (R.O. 2008 §105.035; Ord. No. 5468 §1, 10-14-96)

SECTION 105.036: INITIATIVE AND REFERENDUM

Any proposal to adopt an ordinance except an ordinance appropriating money, emergency ordinances and ordinances for the levying of taxes may be submitted to the Council by a petition signed by at least twenty-five percent (25%) of the registered voters of the City. The signatures, verification, authentication, inspection, certification, amendment and submission of the petition shall be completed as described in Subsection (3) hereof.

1. *Requisites and form of petition.* Petitions shall first state the ordinance to be adopted or protested. The petition shall only be signed by registered voters who reside in the City of Maryville. In addition to the signature of the voter, there shall also appear on the same line or on the immediately following line, the legible printed name and the street and house number at which the voter resides. Upon the bottom of each page of such petition, a petitioner shall make oath before a notary public that he or she personally obtained the signatures of the registered voters on such page of the petition, that he or she believes that each signature to the page is the genuine signature of the person whose name it purports to be and that the statements therein are true as he or she believes. Upon the bottom of the last page of such petition, a petitioner shall make oath before a notary public that he or she believes that each signature contained in the petition is the genuine signature of the person whose name it purports to be and that the statements therein are true as he or she believes.

   The City shall not afford the opportunity to sign the petition in City Hall or any City-owned property.

2. *Clerk to ascertain sufficiency of petition.* Within ten (10) days from the date of filing such petition, the City Clerk shall examine and from the voters register ascertain whether or not said petition is signed by the requisite number of registered voters and, if necessary, the Council shall allow him extra help for this purpose and he shall attach to said petition his certificate showing the results of said examination. If by the Clerk's certificate the petition is insufficient, it may be amended within ten (10) days from the date of said certificate. The Clerk shall, within ten (10) days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing same, without prejudice, however, to the filing of a new petition to the same effect.
   Upon filing with the City Clerk, a copy of the petition shall be made available for review by individuals upon request.
3. *Council action on petition for ordinance.* When a petition to adopt an ordinance is signed by at least twenty-five percent (25%) of the registered voters as certified by the City Clerk, the Council shall pass the ordinance without alteration, within twenty (20) days of the Clerk's certification of the petition, or submit it for a vote at the next municipal or State primary or general election. If a majority of the voters voting on the proposed ordinance vote in favor thereof, it shall thereupon become a valid and binding ordinance of the City.
4. *Council action on petition protesting ordinance, Clerk duties.* If a petition protesting an ordinance, signed by at least twenty-five percent (25%) of the registered voters of the City is presented to the Council, the Council shall reconsider such ordinance and, if it is not entirely repealed, submit the ordinance to the voters as provided by Subsection (4) of this Section. Such ordinance shall not remain in effect after the election unless a majority of the voters voting on the same shall vote in favor thereof. The petition protesting an ordinance shall be submitted, verified and certified in accordance with the provisions of Subsection (2) hereof.
5. *Ballot.* The question shall be submitted in substantially the following form: Shall the following ordinance be (adopted) (repealed)? (Set out ordinance).
6. *Ordinance adopted by people not to be repealed or amended for two years, exception.* Any ordinance proposed by petition, or which is adopted by a vote of the people, cannot be repealed or amended by the Council for a period of two (2) years after the adoption of the ordinance except by a unanimous vote of all members of the Council. Any number of proposed ordinances may be voted upon at the same election. The Council may submit a proposition for the repeal of any such ordinance or for amendments thereto, to be voted upon at any municipal election. Should the proposition receive a majority of the votes cast thereon, it shall be repealed or amended accordingly. (Ord. No. 7176, 12-28-09)

ARTICLE II. CITY OFFICERS

SECTION 105.040: CITY COUNCIL

A. The City Council shall be composed of five (5) members, elected from the City at large. All elections shall be for three (3) year terms.
B. The elected Council member(s) shall take office on the first (1st) Monday following their election. In all respects the procedures for the nomination of candidates and holding of municipal elections shall be governed by the provisions of State law, including Sections 78.470 through 78.520, RSMo.
C. Each candidate to be a member of the Council shall be at least twenty-one (21) years of age, a citizen of the United States and a resident of this City for at least one (1) year before the date of the filing for such office.
D. The City Council shall possess such powers as are enumerated in Section 78.570, RSMo.
E. Regular meetings of the Council shall be held monthly at a time and place to be determined by Council resolution. Special meetings may be called by the Mayor or any two (2) Council members upon proper notice.
F. Three (3) members shall constitute a quorum. The affirmative vote of at least three (3) members shall be required to pass any ordinance or resolution.
G. All meetings shall be conducted in accordance with the procedures of the Missouri Open Meetings Law, Chapter 610, RSMo.
H. A journal or minutes of all open and closed meetings shall be taken and retained in accordance with the law. Any electronic recording of an open meeting shall be retained for a period of not less than thirty-six (36) months.
I. City Council members shall be compensated for their work in City Government with a yearly gratuity of one thousand two hundred dollars ($1,200.00) per member to be paid quarterly and after election beginning after ordinance adoption. (R.O. 2008 §105.040; Ord. No. 4882 §1, 5-14-90; Ord. No. 6780 §§1--2, 9-26-05; Ord. No. 6964 §1, 11-13-07)

State Law Reference--For organization procedures of the Council, §78.560, RSMo.

SECTION 105.050: MAYOR, MAYOR PRO TEM

A. Following the election of Council member(s) in April, the Council shall select one (1) of its members as Mayor and another as Mayor Pro Tem, each to serve for a one (1) year term.
B. The Mayor shall preside at all Council meetings with full participation but without power of veto. In his/her absence, or inability to serve, the functions of his/her office shall be filled by the Mayor Pro Tem.
C. The Mayor shall be recognized as the official head of the City by the courts for the purpose of serving civil process, by the Governor of the State for the purpose of military law, and for all ceremonial purposes. He/she shall sign all ordinances and resolutions. (R.O. 2008 §105.060; Ord. No. 4882 §1, 5-14-90)

Cross Reference--As to powers of mayor to issue proclamation of emergency, §100.180.

SECTION 105.060: CITY MANAGER

A. The City Manager shall be appointed by the City Council for an indefinite term, serving at the pleasure of the Council. He/she shall be the Chief Administrative Officer of the City. He/she shall attend all meetings of the Council, participating, but without power of

vote. His/her entire time shall be devoted to the duties of such office. He/she shall appoint such officers and employees of the City as are authorized under this Code and by the Council. He/she shall be the Chief Enforcement Officer of the City and shall enforce all City laws and ordinances. He/she shall recommend to the Council for adoption such measures as he/she deems necessary or expedient. He/she shall prepare and submit the annual budget for Council consideration, review and adoption. He/she shall keep the Council fully advised as to the financial conditions and needs of the City. He/she shall perform such other duties and possess such other powers as are prescribed by ordinance, resolution, Council directive or State Statute.

B. It shall be his or her duty to:
    1. Make all personnel appointments and discharges of officers and employees as provided for in Section 78.600, RSMo.
    2. See that the laws and ordinances are enforced.
    3. Exercise control of all departments and divisions that may hereafter be created by the Council.
    4. See that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchises are faithfully kept and performed, and upon information of any violation thereof, to take such steps as will be necessary to stop or prevent the further violation of the same.
    5. Attend all meetings of the Council with the privilege of taking part in the discussions but having no vote.
    6. Recommend to the Council for adoption such measures as he or she may deem necessary or expedient.
    7. Prepare and submit the annual budget and to keep the City Council fully advised as to the financial conditions and needs of the City and to perform such other duties as may be prescribed by these Sections or be required of him or her by any ordinance or resolution of the Council. (R.O. 2008 §105.070; Ord. No. 4882 §1, 5-14-90)

        State Law Reference--For similar state statute prescribing the duties of the city manager, §78.610, RSMo.

SECTION 105.070: CITY DEPARTMENTS

The following departments are hereby established:

1. *Department of Administration.* This Department shall be composed of the City Treasurer, the City Clerk and those persons dealing with the general finance and administration of the City.
2. *Department of Public Safety.* This Department shall be composed of the Police and Fire Departments and Emergency Operations.
3. *Department of Public Works.* This Department shall be composed of the Street Department, Sewer Department, Water Department, Code Enforcement Department and the Cemetery, Airport, and Sanitary Landfill Operations.
4. Any other functions may be assigned to the appropriate department upon direction of the City Manager. (R.O. 2008 §105.080; Ord. No. 4882 §1, 5-14-90; Ord. No. 5186 §1, 2-14-94)

SECTION 105.080: CITY CLERK
The City Clerk shall be appointed by the City Council and serve at the pleasure of the Council. The Clerk shall attend all meetings of the Council and maintain, in the English language, a journal of the proceedings thereof. The Clerk shall be custodian of the official City Seal and affix the same to official City documents. The Clerk shall subscribe his/her signature to all ordinances and resolutions duly adopted by the Council, and shall perform such duties as may be prescribed by the Council, the City Manager, City ordinances and State Statutes. (R.O. 2008 §105.090; Ord. No. 4882 §1, 5-14-90)

SECTION 105.090: CITY TREASURER
The City Treasurer shall be appointed by the City Council and serve at the pleasure of the Council. The Treasurer shall hold the administrative position of Finance Director and the terms Treasurer and Finance Director shall be interchangeable in this Code of the City. He/she shall perform such duties as may be prescribed by the Council, the City Manager, City ordinances and State Statutes. (R.O. 2008 §105.095; Ord. No. 5185 §1, 2-14-94)

SECTION 105.095: INVESTMENT POLICY
The City of Maryville, Missouri, shall invest public funds in accordance with the investment policy of the City of Maryville, Missouri, which shall read as follows:

1. *Policy.* It is the policy of the City of Maryville, Missouri, to invest public funds in a manner which will provide a reasonable investment return with the maximum security while meeting the daily cash flow demands of the City and conforming to all State and local Statutes governing the investment of public funds.
2. *Scope.* This investment policy applies to all financial assets of the City of Maryville, Missouri. These funds are accounted for in the City's Comprehensive Annual Financial Report and includes:
    a. General fund.
    b. Parks and recreation.
    c. Street construction.
    d. Debt retirement.
    e. Solid waste.
    f. UDAG.
    g. Mozingo recreation.
    h. Water/waste water.
    i. Central garage.
    j. Group insurance.
    k. Cemetery perpetual.
    l. Payroll.
    m. Any new fund created by the City Council unless specifically exempt.
3. *Prudence.*
    a. Investments shall be made with judgment and care--under circumstances then prevailing--which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of this capital as well as the probable income to be derived.

   b. The standard of prudence to be used by investment officials shall be the *"prudent person"* standard and shall be applied in the context of managing an overall portfolio.
   c. The City Treasurer acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.
4. *Objectives.* The primary objectives, in priority order, of the City of Maryville's investment activities shall be:
   a. *Safety.* Safety of principal is the foremost objective of the investment program. Investments of the City of Maryville, Missouri, shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, *"diversification"* is a consideration in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.
   b. *Liquidity.* The City of Maryville's investment portfolio will remain sufficiently liquid to enable the City of Maryville, Missouri, to meet all operating requirements which might be reasonably anticipated.
   c. *Return on investment.* The City of Maryville's investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the City of Maryville's investment risk constraints and the cash flow characteristics of the portfolio.
5. *Delegation of authority.*
   a. Management responsibility for the investment program is hereby delegated to the City Treasurer. No person may engage in an investment transaction except as provided under the terms of this policy. The City Treasurer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.
   b. The City Treasurer shall submit a monthly investment report to the City Manager for review and to the City Council for approval. The form of the report shall be as set out in Exhibit A, which is on file in the City offices, and made a part of this policy.
6. *Ethics and conflict of interest.*
   a. Officer and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.
   b. Employees and investment officials shall disclose to the City Council any material financial interest in financial institutions that conduct business within this jurisdiction, and they shall further disclose any large personal financial/ investment positions that could be related to the performance of the City of Maryville's portfolio. Employees and officers shall subordinate their personal investment transactions to those of the City of Maryville, Missouri, particularly with regard to the time of purchases and sales.
7. *Authorized financial dealers and institutions.*
   a. In order for a financial institution to qualify as a depository for operating

funds or for investments of the City of Maryville, Missouri, it must be an FDIC insured organization with offices in the City of Maryville, Missouri.

b. Brokerage firms must be SIPC insured and a member firm of NYSE with full service offices in the State of Missouri.

c. All financial institutions handling City operations or investment funds shall supply a current audited financial statement on an annual basis.

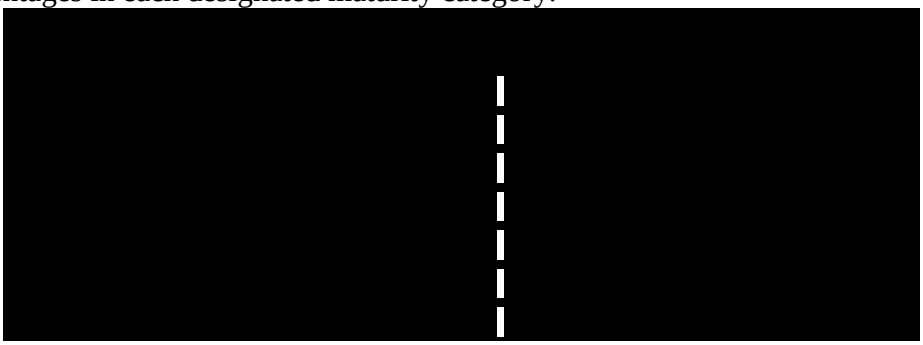
8. *Authorized and suitable investments.* The City of Maryville, Missouri, is authorized by this policy to invest in the following:

   a. *Investment type.*

      (1) Collateralized Certificates of Deposit Savings Accounts, Money Market Accounts.

      (2) Direct obligations of the U.S. Government (Treasury Bills, Notes, Bonds) with maturities of two (2) years or less.

   b. *Investment maturities.* The maturity distribution of the investment portion of the City of Maryville, Missouri, assets is limited to the following maximum percentages in each designated maturity category:



9. *Collateralization.*

   a. All investments and deposits which exceed the financial institution's insurance limits shall be secured by eligible collateral. The market value of the collateral must be equal to or greater than one hundred ten percent (110%) of the value of the total deposits less the amount of insurance coverage. Eligible collateral shall mean all securities which are on the State of Missouri office of the State Treasurer's list of Securities Acceptable as Collateral to Secure State Deposits (see Exhibit B which is on file in the City offices).

   b. All investments purchased under this policy are to be issued in negotiable, bearer form to the City of Maryville, Missouri, or in the form of a safekeeping receipt.

   c. Collateral will always be held by an independent third (3rd) party. A clearly marked evidence of ownership (safekeeping receipt) must be supplied to the City of Maryville, Missouri, and retained.

   d. The right of collateral substitution is granted.

10. *Safekeeping and custody.* All security transactions entered into by the City of Maryville, Missouri, shall be conducted on a delivery-versus-payment (DVP) basis. Securities will be held by a third (3rd) party custodian designated by the City Treasurer and evidenced by safekeeping receipts.

11. *Internal control.*

a. The City Treasurer shall establish an annual process of independent review by an external auditor.
b. Internal control shall be obtained through the monthly reports that are set forth as part of this policy. These documents will be reviewed by the City Manager and approved by the City Council. The Securities Advisory Committee, which is comprised of three (3) citizens of Maryville, Missouri, shall also receive copies of the monthly investment reports for their review. The reviews will provide internal control by assuring compliance with policies and procedures.

12. *Investment policy adoption.*
    a. This investment policy shall be adopted by ordinance of the City Council.
    b. The policy shall be reviewed on an annual basis by the Securities Advisory Committee in consultation with the City Manager and City Treasurer.
    c. Any modifications or changes suggested by this review will not be effective until approved and adopted in ordinance form by the City Council. (R.O. 2008 §105.096; Ord. No. 5203 §1, 5-9-94; Ord. No. 6673 §1, 8-9-04)

SECTION 105.100: DIRECTOR OF PUBLIC SAFETY

A. The Director of Public Safety, who may be otherwise referred to in this Code as "Chief of Police" or "Fire Chief", shall be appointed by the City Manager for an indefinite term. He/she shall be head of the Department of Public Safety and perform such functions and duties as may be prescribed by the Council, the City Manager, City ordinances and State Statutes.
B. The Director of Public Safety shall recommend to the City Manager the employment of persons to fill positions within his/her Department that have been authorized by the Council.
C. The Director of Public Safety and each Public Safety Officer of his/her Department shall be a conservator of the Police; it shall be his/her and their duty to enforce all ordinance violations of this Code and felony provisions of State law. (R.O. 2008 §105.100; Ord. No. 4882 §1, 5-14-90)

SECTION 105.110: CITY ATTORNEY

A. The City Attorney shall be appointed by the City Manager for an indefinite term, subject to confirmation by the Council.
B. *Duties.* The duties of the City Attorney shall be as follows:
    1. Attendance at all regular meetings of the Council and at adjourned and special meetings upon request of the City Manager and/or Council;
    2. Attendance at such study sessions of the City Council or meetings of City Boards and committees when requested to do so for the purpose of representing the interests of the City or give legal advice;
    3. Draft all ordinances, resolutions, contracts and other legal forms and documents required in the ordinary course of the City business;
    4. Availability to represent the City in any suit or action at law or in equity brought by or against the City, except prosecutions begun before the Municipal Judge or appeals taken from the Municipal Judge, and except where it is determined by the

City Attorney that participation would not be ethical by reason of a conflict of interest;

5. Give legal advice to the Mayor, Councilmen, City Manager and City Clerk. All other officers and departments under the control of the City Manager and City Boards and Committees shall obtain legal advice from the City Attorney through the City Manager;
6. Perform such other ministerial duties as shall be prescribed by ordinance or shall be ordered by the City Council or City Manager.

B. *Compensation.* The compensation of the City Attorney shall be established at an hourly rate for all legal services as set out by the City Manager. (R.O. 2008 §105.110; Ord. No. 4882 §1, 5-14-90)

SECTION 105.120: BONDS REQUIRED

A. Bonds shall be given the City for the faithful performance of duties and the correct accounting for and delivery to the City of all monies or other property in his/her custody and belonging to or under control of the City, by each and every Officer or employee indicated in the following list and enumeration and for the amount set opposite his/her proper designation:

1. City Manager	One hundred thousand dollars ($100,000.00)
2. Finance Officer	One hundred thousand dollars ($100,000.00)
3. City Clerk	Twenty thousand dollars ($20,000.00)
4. Director of Public Safety	Ten thousand dollars ($10,000.00)
5. Municipal Court Clerk	Twenty thousand dollars ($20,000.00)

6. Each other Officer or employee whose duties include the receiving, custody or disbursement of money or other property, in such sums or of such values as the City Manager may require.

B. All bonds shall be given upon the security of a reliable surety company duly authorized to do business in the State and empowered by law to sign as surety to give bonds for the faithful discharge of duty by public officers and others. The bond, on sufficiency of surety thereon, offered by all officers and employees, shall be approved by the City Attorney and kept at the City Hall.

C. The premiums on all such official bonds shall be paid by the City out of the appropriate funds.

D. Nothing in this Section shall be construed as preventing the City Manager from procuring department, position or blanket bonds covering a single department or all departments of the City so as to thereby eliminate the necessities and extra cost of separate bonds issued to cover individual officers and employees. (R.O. 2008 §105.120; Ord. No. 4882 §1, 5-14-90)

SECTION 105.130: OATH REQUIRED

Each officer and employee of the City shall subscribe to the oath required of municipal officers and employees by State law. (R.O. 2008 §105.130; Ord. No. 4882 §1, 5-14-90)

SECTION 105.140: COMPENSATION -- EXPENSE

A. Each Officer and employee of the City shall be paid such compensation as shall be prescribed by ordinance, contract or agreement. Such compensation shall be in lieu of all fees, commissions and other compensation receivable by such officers or employees for such services from a third (3rd) party. Fees, commissions and other compensation shall belong to the City and shall be collected and accounted for by officer or employee and be paid into the appropriate City Fund.
The salaries of all City employees shall be paid bi-weekly. The City Manager may designate that the compensation of certain contractual and/or professional services may be paid monthly or as designated by contract.
B. Nothing contained in this Section shall prohibit the payment of necessary bona fide expenses actually incurred or for any services on behalf of the City as may be authorized by the Council or City Manager.
C. The City Manager shall designate the officers and employees of the City, who are to be compensated for the use of their private vehicle in the business of the City. He/she shall determine a reasonable rate at which such employees shall be compensated and shall authorize the compensation on this basis. (R.O. 2008 §105.140; Ord. No. 4882 §1, 5-14-90)

SECTION 105.150: WORKERS' COMPENSATION ACT -- ADOPTION
The City hereby elects to come under and be subject to the provisions of Chapter 287, RSMo., being Sections 287.010 to 287.811, inclusive together with the laws of Missouri amending, modifying or making additions to such Acts, being the Workers' Compensation Law of the State of Missouri. (R.O. 2008 §105.150; Ord. No. 4882 §1, 5-14-90)

SECTION 105.160: SOCIAL SECURITY PROVISIONS -- ADOPTION
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 the benefits of the system of Federal Old-Age and Survivors Insurance as authorized by the Social Security Act Amendments of 1950. (R.O. 2008 §105.160; Ord. No. 4882 §1, 5-14-90)

SECTION 105.170: STANDARD WORK WEEK
The standard work week for employees shall be interpreted to mean one which regularly averages forty (40) hours during any twenty-eight (28) day period. (R.O. 2008 §105.170; Ord. No. 4882 §1, 5-14-90)

SECTION 105.180: SERVICES OF A SPECIAL NATURE
Where it is, in the judgement of the City Manager, to the advantage of the City to obtain professional or technical services or other personal services of a special nature on some basis other than for a set number of hours per week and under circumstances not provided for, such employees shall be considered as classified employees of the City, but shall not be assigned to a standard salary grade and shall not be required to work an established number of hours per week, but shall spend such time in the performance of their duties as

the nature of the work or the agreement under which they are employed requires. The City Manager is hereby authorized to enter into any necessary arrangements covering the described employment. (R.O. 2008 §105.180; Ord. No. 4882 §1, 5-14-90)

SECTION 105.190: DEPOSITORIES, CITY FUNDS

A. The City Council, at its regular meeting in July of each year, may receive sealed proposals for the deposit of the City funds from banking institutions doing business within the City.
B. The City Council shall select as the depository of the funds of the City, the banking institution offering to pay to the City, the largest amount for the privilege; as set out in the statutory provisions of Sections 95.280 to 95.350, RSMo. (R.O. 2008 §105.190; Ord. No. 4882 §1, 5-14-90)

SECTION 105.200: SALE OF ABANDONED AND UNCLAIMED PROPERTY

A. Any personal property in the custody of the City which is unclaimed by the owner within ninety (90) days after the custody, if obtained by the City shall be and hereby is declared to be abandoned by the owner of the property, and shall be sold for the payment of the storage charge.
B. Disposition of abandoned or unclaimed property will be conducted as set out in the Purchasing Manual of the City.
C. All expenses of the sale shall be paid from the General Fund or appropriate Enterprise Fund and all proceeds derived from the sale of the articles shall be paid into the General Fund or appropriate Enterprise Fund. (R.O. 2008 §105.200; Ord. No. 4882 §1, 5-14-90)

SECTION 105.210: CITY RESIDENCE REQUIREMENTS

A. Except as may be required by this Section, there shall be no absolute residence requirement for City employment or to reside within a reasonable response time of an employee's place of work.
B. It shall be a condition of employment that the City Manager must reside within the corporate limits of the City.
C. It shall be a condition of employment that the City Clerk, Finance Officer, Director of Public Safety, Director of Public Works and other key personnel must reside within Polk Township.
D. It shall be a condition of employment that those persons identified as a Public Safety Officer may reside outside the corporate limits of the City, but must reside within a ten (10) mile distance to the Department of Public Safety. (R.O. 2008 §105.210; Ord. No. 4882 §1, 5-14-90; Ord. No. 7059 §§1--2, 10-27-08)

SECTION 105.220: PECUNIARY INTEREST -- PROHIBITION

A. No elected or appointed official or employee of the City shall:
    1. Perform any service for the City for receipt or payment of any compensation, other than of the compensation provided for the performance of his or her official duties, in excess of five hundred dollars ($500.00) per transaction or five thousand

dollars ($5,000.00) per annum, except on transactions made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer is the lowest received;

2. Sell, rent or lease any property to the City for consideration in excess of one thousand dollars ($1,000.00) per annum unless the transaction is made pursuant to an award on a contract let or a sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received; or
3. Attempt, for any compensation other than the compensation provided for the performance of their duties, to influence the decision of any agency of the City on any manner, except that, this provision shall not be construed to prohibit such person from participating for compensation in any adversary proceeding or in the preparation or filing of any public document or conference thereon.

B. No sole proprietorship, partnership, joint venture, or corporation in which any elected or appointed official or employee of the City is the sole proprietor, a partner having more than a ten percent (10%) partnership interest, or a co-participant or owner of in excess of ten percent (10%) of the outstanding shares of any class of stock, shall:
   1. Perform any service for the City or any agency of the City for any consideration in excess of five hundred dollars ($500.00) per transaction or one thousand five hundred dollars ($1,500.00) per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer accepted is the lowest received; or
   2. Sell, rent or lease any property to the City or any agency of the City thereof for consideration in excess of five hundred dollars ($500.00) per transaction or one thousand five hundred dollars ($1,500.00) per annum unless the transaction is made pursuant to an award on a contract let or a sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest and best received. (R.O. 2008 §105.220; Ord. No. 4882 §1, 5-14-90; Ord. No. 5334 §1, 8-14-95)

State Law Reference--For similar restriction of financial interest by officers and employees, §§105.450 to 105.482, RSMo.

CHAPTER 110: ADMINISTRATIVE BOARDS

Cross Reference--As to city tree board, §120.030.

ARTICLE I. AIRPORT BOARD

Cross Reference--For specific code provisions relative to the municipal airport, ch. 125 of this code.

SECTION 110.010: CREATION, COMPOSITION, QUALIFICATIONS

There is hereby created and established an Airport Board, to consist of seven (7) persons, electors of the City, who shall have the following qualifications:

1. Board members shall be at least eighteen (18) years old.
2. The Board shall consist of no less than the four (4) of the seven (7) members living/residing, with their primary residency located inside the City limits of Maryville. No more than three (3) Board members shall reside outside the City limits, but shall reside within Nodaway County, as their primary residence. (R.O. 2008 §110.010; Ord. No. 4882 §1, 5-14-90; Ord. No. 7106 §1, 4-13-09)

SECTION 110.020: APPOINTMENTS, TERM, OFFICERS

A. The members of such Airport Board shall be appointed by the Mayor, subject to confirmation by the City Council, to serve a three (3) year term. Members shall serve until their successors are appointed.
B. Such Board shall elect officers annually, at a date to be fixed by the Board, and shall elect one (1) of its members as President, Vice President, Secretary and such other officers of the Board as it may deem necessary. (R.O. 2008 §110.020; Ord. No. 4882 §1, 5-14-90)

SECTION 110.030: POWERS AND DUTIES -- BY-LAWS

The Board will serve in an advisory capacity to the City Council and shall have such power to adopt such rules of procedure and by-laws, subject to the City Council approval, as it shall deem necessary to administer to the operation and maintenance of the Maryville Municipal Airport, not inconsistent with the laws of the State or Ordinances of the City. (R.O. 2008 §110.030; Ord. No. 4882 §1, 5-14-90)

SECTION 110.040: CITY OFFICERS, JURISDICTION

The provisions of the ordinances of the City pertaining to the public health, safety and welfare, and in any manner pertaining to the general peace and quiet of the public, shall be effective within the limits of the Municipal Airport as though the Airport were included within the limits of the City, and to this end the Department of Public Safety of the City and all other departments of similar character shall be and are hereby directed and empowered to exercise full and complete jurisdiction over the Municipal Airport area as they are empowered to exercise within the City Limits. (R.O. 2008 §110.040; Ord. No. 4882 §1, 5-14-90)

ARTICLE II. PARK AND RECREATION BOARD

SECTION 110.050: CREATION

Under authority of Sections 90.500 to and including 90.570, RSMo., there is hereby created a Park and Recreation Board for the City. (R.O. 2008 §110.050; Ord. No. 4882 §1, 5-14-90)

SECTION 110.060: APPOINTMENT, NUMBER AND QUALIFICATION OF DIRECTORS

The Park and Recreation Board of the City shall be composed of nine (9) members, hereinafter referred to as Directors, who shall be appointed by the Mayor, subject to the approval of the City Council. The Directors shall be chosen from the citizens at large, shall have been a resident of the City for at least two (2) years immediately prior to taking office as a Director, and shall not be a member or employee of the Municipal Government. (R.O. 2008 §110.060; Ord. No. 4882 §1, 5-14-90)

SECTION 110.070: DIRECTORS, TERM OF OFFICE

The Directors shall hold office, one-third (1/3) for one (1) year, one-third (1/3) for two (2) years, and one-third (1/3) for three (3) years, from the first (1st) of June following their appointment, and at the first (1st) regular meeting of Directors shall cast lots for their respective terms; and annually thereafter the Mayor shall, before the first (1st) of June of each year, appoint as before three (3) Directors, who shall hold office for three (3) years or until their successors are appointed and qualified. (R.O. 2008 §110.070; Ord. No. 4882 §1, 5-14-90)

SECTION 110.080: REMOVAL OF DIRECTORS -- FILLING VACANCY

The Mayor may, by and with the consent of the City Council, remove any Director for misconduct or neglect of duty. The unexpired term for any Director who shall be removed, resign or for any other reason cease to be a member of the Park and Recreation Board shall be filled by appointment by the Mayor with the approval of the City Council. (R.O. 2008 §110.080; Ord. No. 4882 §1, 5-14-90)

SECTION 110.090: COMPENSATION OF DIRECTORS

No Director shall receive compensation for his/her services as a Director on the Park and Recreation Board. (R.O. 2008 §110.090; Ord. No. 4882 §1, 5-14-90)

SECTION 110.100: OFFICERS

A. The Park and Recreation Board shall, immediately after the appointment of Directors, except the appointment of a Director to fill the unexpired term of a prior Director, meet and organize by the election, from membership of the Park and Recreation Board, of the following officers: President, Vice President, Secretary and Treasurer.
B. The Board shall make and adopt such by-laws, rules and regulations for its own guidance and procedures as may be expedient, not inconsistent with this Article and with Sections 90.500 to and including 90.570, RSMo. (R.O. 2008 §110.100; Ord. No. 4882 §1, 5-14-90)

SECTION 110.110: POWERS AND DUTIES

The Park and Recreation Board shall have exclusive control of the expenditure of all money collected to the credit of the Park Fund and of the supervision, improvement, care and custody of the Parks and Recreation facilities of the City. All monies received shall be deposited to the credit of the Park Fund and shall be kept separate and apart from the

other monies of the City and drawn upon by the properly authenticated vouchers of the Park and Recreation Board. The Board shall have the power to purchase or otherwise secure grounds to be used for such parks and shall have power to appoint a suitable person, to be known as the Director of Parks and Recreation, to take care of said parks and necessary assistants for said person and fix their compensation and shall have the power to remove such appointees. The Park and Recreation Board shall have all powers necessary to carry out the spirit and intent of Sections 90.500 to and including 90.570, RSMo. (R.O. 2008 §110.110; Ord. No. 4882 §1, 5-14-90)

SECTION 110.120: ANNUAL REPORT
The Park and Recreation Board shall make, on or before the second (2nd) Monday in June, an annual report to the City Council stating the condition of their trusts on the first (1st) day of May preceding, the various sums of money received by the Park Fund and other sources, and how much monies have been expended and for what purposes, and with such other statistics, information and suggestions as they may deem of general interest. All such portions of such report as relate to the receipt and expenditure of money shall be verified by affidavit. (R.O. 2008 §110.120; Ord. No. 4882 §1, 5-14-90)

SECTION 110.130: GIFTS AND BEQUESTS
The Park and Recreation Board shall be held and considered to be special trustees of any gift to the City of Maryville of money, personal property or real property for the benefit of parks and/or recreational facilities of the City, and shall hold and control such property according to the terms of the deed, gift, devise or bequest of such property. (R.O. 2008 §110.130; Ord. No. 4882 §1, 5-14-90)

SECTION 110.140: RULES AND REGULATIONS, ETC. -- BOARD -- POWERS
In addition to the powers and duties herein granted, the Park and Recreation Board shall be designated and have authority to carry out the provisions of Sections 67.750 to and including 67.780, RSMo., pertaining to recreational systems of political subdivisions and, subject to the approval of the City Council, shall adopt and promulgate rules and regulations for the conduct, administration and management of the public recreational program of the City. (R.O. 2008 §110.140; Ord. No. 4882 §1, 5-14-90)

ARTICLE III. BOARD OF CODE APPEALS

SECTION 110.150: CREATION, COMPOSITION, QUALIFICATIONS
There is hereby created and established a Board of Code Appeals which shall consist of five (5) members and two (2) alternate members who shall be electors of the City and who shall have the same qualifications for office as are required of members of the Council. (R.O. 2008 §110.150; Ord. No. 4882 §1, 5-14-90)

SECTION 110.160: APPOINTMENT, TERM OF OFFICE

The members of such Board of Code Appeals shall be appointed by the Mayor, subject to confirmation of the City Council. One (1) member shall be appointed to serve a one (1) year term; two (2) members shall be appointed to serve a two (2) year term; and two (2) members shall be appointed to serve a three (3) year term. Each of the two (2) alternate members shall be initially appointed to a one (1) year term and shall be designated as *"first alternate"* or *"second alternate"*. All appointments shall be made effective from the same date and annually, thereafter, the Mayor shall appoint as before, or reappoint members whose terms have expired, to three (3) year terms of office, including the alternate members. Appointments to fill unexpired terms of members or alternates shall be for the remainder of the term. Members and alternates shall serve until their successors are appointed, confirmed and qualified. (R.O. 2008 §110.160; Ord. No. 4882 §1, 5-14-90)

SECTION 110.170: ELECTION OF OFFICERS

At the first (1st) regular meeting of the Board and annually thereafter, the Board shall elect one (1) of its members as President and another as Vice President. (R.O. 2008 §110.170; Ord. No. 4882 §1, 5-14-90)

SECTION 110.180: RULES, BY-LAWS, MEETINGS, QUORUM

A. The Board shall have the power to adopt such rules of procedure and by-laws, subject to City Council approval, as it shall deem proper and necessary to carry out the provisions of this Article, which are not inconsistent with the laws of the State or ordinances of the City.
B. The rules shall fix the time and place for regular meetings of the Board; however, the President of the Board may call special meetings by providing notice to each member at least twenty-four (24) hours prior to such meeting. All meetings of the Board shall be open to the public and conducted in compliance with Chapter 610, RSMo.
C. The Board shall appoint a Secretary, who shall keep the minutes of all proceedings of the Board which shall show the vote of each member upon each question. The Secretary shall keep records of all official actions of the Board and all minutes and records shall be kept and filed in the office of the City Clerk and shall be open to the public.
D. Three (3) members or alternate members shall constitute a quorum of the Board. If one (1) member is absent, the first alternate shall be designated as a voting member; if the first alternate is also absent, the second alternate shall be designated as a voting member. If two (2) members are absent, both the first and second alternates shall be designated voting members. Every determination by the Board, in order to carry, must be decided by a quorum of the Board and must receive the affirmative vote of not less than three (3) members of the Board.
E. No member or alternate member of the Board shall take part in any hearing or determination in which they have a personal or financial interest. (R.O. 2008 §110.180; Ord. No. 4882 §1, 5-14-90; Ord. No. 5337 §1, 8-14-95)

SECTION 110.190: REMOVAL OF MEMBERS -- FILLING VACANCY --

COMPENSATION OF MEMBERS

The Mayor may, by and with the consent of the City Council, remove any member or alternate member for misconduct or neglect of duty. The unexpired term of any member or alternate member who shall be so removed, or who shall resign or for any other reason cease to be a member of the Board, shall be filled by appointment in the same manner as described in this Article. No member or alternate member shall receive compensation for his/her services on the Board of Code Appeals. (R.O. 2008 §110.190; Ord. No. 4882 §1, 5-14-90)

SECTION 110.200: POWERS AND DUTIES

The Board of Code Appeals shall have power and authority to make rulings, findings and determination in the following situations:

1. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination by an employee of the City in the application or enforcement of any provision of the Maryville Building Code, Maryville Construction Code, Maryville Electrical Code, Maryville Heating Code, Maryville Housing Code, Maryville Plumbing Code, Maryville Fire Prevention Code, Maryville Dangerous Building Code, or any other ordinance related to the provision of the foregoing City Codes.
2. To authorize upon appeal in special cases, variances from the terms, conditions or obligations imposed by the Codes and ordinances described in Subsection (1), above, as will not be contrary to the public interest, health, safety or general welfare, where owing to special conditions, literal enforcement and strict application of the provisions of said codes and ordinances would result in unreasonable or unnecessary hardship.
3. To issue opinions and/or advise the City Council on such matters as pertain to the application and enforcement of provisions of the codes and ordinances referred to in Subsection (1), above, including recommendations as to amendments or revisions of such codes and ordinances.
4. To make rulings and determinations for the advice of the Code Enforcement Officer or other employee on any matters which are not specifically mentioned in the codes or ordinances referred to in Subsection (1), above, or which are mentioned only in non-specific terms in such codes or ordinances and which are relevant to the application or enforcement of such codes and ordinances.
5. To hear and decide all matters referred to or upon which it is required to pass under such codes and ordinances referred to in Subsection (1), above.
6. To inspect or cause to be inspected any building, land or premises involved in any case properly before it, provided however, that notice of such inspection by the Board shall be given to the parties involved prior to the inspection, that the parties are given an opportunity to be present during the inspection; and that the Board shall state for the record upon completion of the inspection, the material facts and conditions observed and the conclusions drawn therefrom. The parties shall be granted the right to rebut or explain the matters reported on by the Board. (R.O. 2008 §110.200; Ord. No. 4882 §1, 5-14-90; Ord. No. 5337 §1, 8-14-95; Ord. No. 5353 §1, 10-16-95)

SECTION 110.210: FORM AND PROCEDURE FOR HEARING OF APPEALS

A. *Jurisdiction.* Any person aggrieved, or any City Official, Department, Board or agency affected by any ruling, decision or inspection of the Code Enforcement Officer or other representative of the City in connection with any matter relative to the application, interpretation or enforcement of any of the provisions of the codes and ordinances referred to in this Article, may appeal such ruling, decision or interpretation to the Board of Code Appeals. The Board shall also hear matters on which jurisdiction is granted it, pursuant to Chapters 505 and 530 of the Municipal Code of the City of Maryville.

B. *Filing.* Such appeal shall be filed at the office of the Department of Public Works within thirty (30) days from the date of service of such ruling, decision or interpretation. Failure of any person to make a timely appeal in accordance with the provisions of this Section shall constitute a waiver of their right to an administrative hearing and adjudication of the subject ruling, decision or interpretation by the Code Enforcement Office or other representative of the City.

C. *Fees.* The filing fee for such appeal shall be one hundred twenty-five dollars ($125.00) plus the cost of mailings. The filing fee shall accompany the appeal and shall not be refundable.

D. *Form Of Appeal.* The appeal shall be in written form and shall state each of the following:

1. A heading in the words: "Before the Board of Code Appeals of the City of Maryville, Missouri..."
2. A caption reading: "Appeals of..." or other appropriate caption, giving the names of all appellants participating in the action.
3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.
4. A brief statement in ordinary and concise language of that specific order or action protested or variance sought, together with any material fact claimed to support the contentions of the appellant. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.
5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside, or why the variance should be granted.
6. The signatures of all parties named as appellants and their official mailing addresses.
7. The verification by declaration under penalty of perjury of at least one appellant as to the truth of the matters stated in the appeal.

E. *Processing Of Appeal.*

1. Upon notification of the filing of any appeal or the filing of any petition pursuant to this Section, the Code Enforcement Officer or other representative of the City shall forward to the Board members in a timely manner the record upon which the action appealed from was taken, together with the written appeal form. Said record shall be provided prior to the date of any hearing scheduled in accordance with this Section.
2. Subject to specific legislation to the contrary, including Sections 505.060(D) and 530.070(4) of the Municipal Code of the City of Maryville, which shall prevail over the language of this particular Subsection, an appeal under this Section shall

stay all proceedings and further action from which the appeal is taken unless the City Manager or his/her authorized representative certifies facts to the Board that a stay is likely to cause immediate danger to life or property. In such case, the proceedings and furtherance of the action from which the appeal is taken shall not be stayed except by a restraining order granted by the Board or a restraining order granted by a court of competent jurisdiction.

F. *Schedule And Notice.* As soon as practicable after receipt of the appeal from the Code Enforcement Officer or his/her authorized representative, the Board shall fix a date and place for the hearing of the appeal by the Board. Such date shall be not less than ten (10) days nor more than sixty (60) days from the date of filing of the appeal with the Department of Public Works. Written notice of the time and location of the hearing shall be serviced upon each appellant and/or the record owner of the property involved in the hearing. Additionally, one (1) copy shall be served on each of the following if known to the Board of Code Appeals or disclosed from the land records of the Recorder of Deeds of Nodaway County, Missouri:

1. The holder of any mortgage, deed of trust or other lien or encumbrance of record;
2. The owner or holder of any lease or record;
3. The holder of any other estate or legal interest of record in or to the building or the land on which it is located; and
4. Any tenant in possession of the premises.

Said notice shall be given by the Secretary of the Board by either causing a copy of the said notice to be delivered personally or by mailing a copy of such notice by certified mail, postage prepaid, return receipt requested, to each such person at their address as it appears on the last equalized assessment roll of Nodaway County or as known to the Board of Code Appeals. Such notice shall be served or received at least fourteen (14) days prior to the hearing date. If no such address of such person so appears or is known to the Board of Code Appeals, then notice may be given by publication in a newspaper qualified to publish legal notices at least fourteen (14) days prior to the hearing date, specifically addressed to the person for whom no address is known and to all other persons having an interest in the structure or real estate, to appear before the Board of Code Appeals at the date and time specified. Except for hearings under Chapter 505 or Chapter 530, notice shall additionally be given to the owners of record of any property adjoining the property which is the subject of the hearing.

G. *Conduct Of Hearing.* The Board shall consider all information, documents and testimony presented at the public hearing and then render a decision based thereon which may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appeals from, and may modify the order, requirement, decision or determination as is deemed proper or grant the relief sought. The hearing need not be conducted according to the applicable rules of evidence as applied by judicial bodies in the State of Missouri; provided however, that a fair and impartial forum is provided at which each party shall have the right to:

1. Call and examine witnesses on any matter relevant to the issues of the hearing;
2. Introduce documentary and physical evidence;
3. Cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
4. Impeach any witness regardless of which party first called him\her to testify;

5. Rebut the evidence against him\her; and
6. Represent himself\herself or be represented by anyone of his\her choice who is lawfully permitted to do so.

H. *Decision Of Board.* Except for hearings under Chapter 505 or Chapter 530, in which case the requirements of their particular Chapters shall apply as to decisions by the Board, the Board shall render a decision within thirty (30) days from the date on which the appeal was filed and such decision shall be made by resolution which shall incorporate Findings of Fact, a determination of the issues presented, the reasons for the decision, the requirements to be complied with, and the votes of each member participating in the decision. A copy of the resolution shall be delivered to the appellant personally or sent to him/her by certified mail, postage prepaid, return receipt requested. The effective date of the decision shall be as stated in the resolution. All decisions of the Board shall require the affirmative vote of not less than three (3) members of the Board. Where a contested case is heard before the Board, no member thereof who did not hear the evidence shall vote or take part in the decision. (R.O. 2008 §110.210; Ord. No. 4882 §1, 5-14-90; Ord. No. 5337 §1, 8-14-95; Ord. No. 6575 §§1--2, 8-18-03; Ord. No. 6586 §§1--2, 9-15-03)

SECTION 110.220: APPEAL FROM DECISION OF BOARD

An appeal from any action, decision, interpretation, ruling, judgment or order of the Board may be taken by any person or persons jointly or severally, or by any taxpayer, or any Officer, department, board or official of the City to a court of competent jurisdiction. (R.O. 2008 §110.220; Ord. No. 4882 §1, 5-14-90)

ARTICLE IV. HOUSING ADVISORY BOARD

SECTION 110.230: CREATION, COMPOSITION, QUALIFICATIONS

There is hereby created and established a Housing Advisory Board which shall consist of five (5) members and two (2) alternate members who shall be electors of the City and who shall have the same qualifications for office as are required of members of the Council. (R.O. 2008 §110.230; Ord. No. 4882 §1, 5-14-90)

SECTION 110.240: APPOINTMENT, TERM OF OFFICE

The members of such Advisory Board shall be appointed by the Mayor subject to confirmation of the City Council. One (1) member shall be appointed to serve one (1) year term; two (2) members shall be appointed to serve two (2) year terms; and two (2) members shall be appointed to serve three (3) year terms. Each of the two (2) alternate members shall be initially appointed to a one (1) year term and shall be designated as *"first alternate"* or *"second alternate"*. All appointments shall be made effective from the same date and annually, thereafter, the Mayor shall appoint as before, or reappoint, members whose terms have expired to three (3) year terms of office, including alternate members. Appointments to fill unexpired terms of members or alternates shall be for the

remainder of the term. Members and alternates shall serve until their successors are appointed, confirmed and qualified. (R.O. 2008 §110.240; Ord. No. 4882 §1, 5-14-90)

SECTION 110.250: ELECTION OF OFFICERS

At the first (1st) regular meeting of the Board, and annually thereafter, the Board shall elect one (1) of its members as President and another as Vice President. (R.O. 2008 §110.250; Ord. No. 4882 §1, 5-14-90)

SECTION 110.260: RULES, BY-LAWS, MEETINGS AND QUORUM

A. The Board shall have the power to adopt such rules of procedure and by-laws, subject to City Council approval, as it shall deem proper and necessary to carry out the provisions of this Article, which are not inconsistent with the laws of the State or ordinances of the City.
B. The rules shall fix the time and place for regular meetings of the Board; however, the President of the Board may call special meetings by giving adequate notice to each member at least three (3) days prior to such meeting. All meetings of the Board shall be open to the public in compliance with the Missouri Open Meetings, Open Record Law.
C. The Board shall elect one (1) of its members as Secretary to the Board and this person shall keep the minutes of all proceedings of the Board which shall show the vote of each member upon each question. The Secretary shall keep records of all official actions of the Board and all minutes and records shall be kept and filed in the office of the City Clerk and shall be open to the public.
D. Four (4) members or alternate members shall constitute a quorum of the Board. If one (1) member is absent, the first alternate shall be designated as a voting member; if the first alternate is also absent, the second alternate shall be designated as a voting member. If two (2) members are absent, both the first and second alternates shall be designated voting members. Every determination by the Board, in any matter pending before it, must be decided by a quorum of the Board and must receive the vote of at least three (3) voting members, voting in the affirmative, in order to carry.
E. No member or alternate member of the Board shall take part in any hearing or determination in which he/she has a personal or financial interest. (R.O. 2008 §110.260; Ord. No. 4882 §1, 5-14-90)

SECTION 110.270: POWERS AND DUTIES

The Housing Advisory Board shall have the following powers and duties:

1. To administer, manage and exercise control over housing rehabilitation grant and/or loan programs, including, but not limited to, the formulation and adoption, subject to City Council approval, of rules, regulations, requirements and standards relating to the establishment of grant or loan recipient eligibility requirements, grant or loan eligible items, grant or loan amount limits, grant or loan terms, and conditions, and other grant or loan program policies, procedures, specifications, forms, records and accounts.
2. To manage and exercise control over the administration and enforcement of the Fair Housing Ordinance of the City.

3. To issue opinions and recommendations and advise the City Council on such matters as pertain to the administration and enforcement of City codes, ordinances, programs and policies relating to housing in the City, but excluding those powers expressly granted to the Board of Code Appeals.
4. To make rulings and determinations for the advice of the Code Enforcement Officer or his/her authorized representative on any matters relative to City codes, ordinances, programs and policies relating to the housing in the City, but excluding those powers expressly granted to the Board of Code Appeals.
5. To inspect any building, land or premises that may be necessary for the proper exercise of the above-mentioned powers.
6. To receive and investigate complaints, initiate surveys, assemble data, confer with individuals and groups, hold hearings, and conduct investigations relative to the need for production, maintenance and rehabilitation of housing in the City.
7. To adopt rules and regulations for the transaction of business.
8. To make an annual report of its activities, together with significant findings and recommendations, to the Mayor and City Council. (R.O. 2008 §110.270; Ord. No. 4882 §1, 5-14-90)

ARTICLE V. MOZINGO LAKE RECREATIONAL ADVISORY BOARD

SECTION 110.280: ESTABLISHMENT
There is hereby created and appointed an advisory board to the Council of the City of Maryville, Missouri, to be known as "Mozingo Lake Recreational Advisory Board". (R.O. 2008 §110.280; Ord. No. 5147 §1, 7-12-93)

SECTION 110.290: COMPOSITION
The advisory board shall consist of nine (9) members, all of whom shall be residents of Nodaway County, to be appointed by the Mayor with the consent of the Council. It is anticipated that the Mozingo Municipal Golf Course Association shall be encouraged to submit names to Council for membership on the Mozingo Lake Recreational Advisory Board, and Mayor and Council will seek to ensure that four (4) members of the Mozingo Lake Recreational Advisory Board are selected from names submitted from the Mozingo Municipal Golf Course Association. However, nothing in this paragraph shall mandate any specific appointment by Mayor and Council, nor shall it be deemed to be a delegation of appointment authority from Mayor and Council to the Mozingo Municipal Golf Course Association. (R.O. 2008 §110.290; Ord. No. 5147 §2, 7-12-93)

SECTION 110.300: TERM
Said members shall serve for a term of three (3) years from the first (1st) day of July of the year in which they are appointed, provided that the first (1st) advisory board shall consist of three (3) members for a term of one (1) year, three (3) members for a term of

two (2) years and three (3) members for a term of three (3) years; said members to serve without compensation and shall perform such duties as are set out by the City Council. The Council retains full authority to dissolve this advisory board at any time. (R.O. 2008 §110.300; Ord. No. 5147 §3, 7-12-93)

SECTION 110.310: MEETINGS -- CHAIRMAN AND VICE CHAIRMAN
It is anticipated that the members of the advisory board may elect to meet at least once every three (3) months at such time and place as may be set. The advisory board shall select one (1) of their members as Chairman, one (1) as Vice Chairman. The advisory board shall also select a Secretary who need not be a member of the advisory board. Each of the foregoing shall serve one (1) year from the first (1st) day of July of the year in which they are selected or until their successors have been selected by the advisory board. (R.O. 2008 §110.310; Ord. No. 5147 §4, 7-12-93)

SECTION 110.320: QUORUM
A majority of the advisory board shall constitute a quorum. The board shall cause a proper record to be kept of its proceedings. (R.O. 2008 §110.320; Ord. No. 5147 §5, 7-12-93)

SECTION 110.330: RESPONSIBILITY
The advisory board shall serve solely in an advisory capacity and shall not have any authority to contractually bind the City of Maryville, Missouri. The advisory board is charged with the responsibility of making reports and recommendations to the City Council on development, operation and maintenance associated with the Mozingo Lake recreational facility. (R.O. 2008 §110.330; Ord. No. 5147 §6, 7-12-93)

ARTICLE VI. TAX INCREMENT FINANCING COMMISSION

SECTION 110.340: ESTABLISHMENT
There is created pursuant to Section 99.820.2 of the Act a commission to be known as the "Tax Increment Financing Commission of Maryville, Missouri" (the "TIF Commission"). The TIF Commission shall have continuous existence unless and until terminated by the adoption of an ordinance of the City Council (the "Council") terminating it. (R.O. 2008 §110.340; Ord. No. 6557 §1, 6-23-03)

SECTION 110.350: COMPOSITION
The TIF Commission shall be composed of eleven (11) members to be initially appointed as follows:

1. Six (6) members shall be appointed by the Mayor of the City with the consent of the Council.
2. Within thirty (30) days after receipt of the mailed notice required by Section

99.830 of the Act, notice of a proposed redevelopment area, redevelopment plan or redevelopment project, two (2) members shall be appointed by Presiding Commissioner of Nodaway County (the "County") with the consent of the majority of the County Commission.

3. Within thirty (30) days after the receipt of notice of a proposed redevelopment area, redevelopment plan or redevelopment project required by Section 99.830 of the Act, two (2) members shall be appointed by the Board of Education of the Maryville R-II School District (the "school district").
4. Within thirty (30) days after receipt of the mailed notice required by Section 99.830 of the Act, notice of a proposed redevelopment area, redevelopment plan or redevelopment project, one (1) member shall be appointed, in any manner agreed upon by the affected taxing districts, to represent all taxing districts, other than the City, the County and the school district, levying ad valorem taxes within the area selected for a redevelopment plan. (R.O. 2008 §110.350; Ord. No. 6557 §2, 6-23-03)

SECTION 110.360: TERM

The terms of the members shall be as follows:

1. With regard to the term of the first (1st) six (6) members appointed by the Mayor with the consent of the Council:
   a. Two (2) shall be designated to serve for terms of two (2) years;
   b. Two (2) shall be designated to serve for terms of three (3) years; and
   c. Two (2) shall be designated to serve for terms of four (4) years.

   Thereafter, members appointed by the Mayor with the consent of the Council shall serve for a term of four (4) years. All vacancies shall be filled for the unexpired terms in the same manner as were the original appointments.
2. The members who are appointed by the County, the school district and other taxing districts shall serve on the TIF Commission for a term which coincides with the length of time such redevelopment project, redevelopment plan or the designation of the area for which they were appointed is being considered for approval by the TIF Commission. Such term will terminate upon final approval of such redevelopment project, redevelopment plan or designation of the area by the Council. (R.O. 2008 §110.360; Ord. No. 6557 §3, 6-23-03)

SECTION 110.370: VOTING

Those TIF Commission members who are appointed by the school district, the County and other taxing districts shall only be authorized to vote on matters specifically and directly relating to the redevelopment plan, redevelopment project or redevelopment area upon which their affected taxing districts levy ad valorem taxes. (R.O. 2008 §110.370; Ord. No. 6557 §4, 6-23-03)

SECTION 110.380: OFFICERS

The TIF Commission, upon the effective date of this Article, shall organize itself and elect from its six (6) members appointed by the Mayor, a Chairman, Vice Chairman,

Treasurer and Secretary, each to serve for one (1) year terms or until their successors are elected. (R.O. 2008 §110.380; Ord. No. 6557 §5, 6-23-03)

SECTION 110.390: MEETINGS
The TIF Commission shall meet regularly and shall adopt such rules and regulations for operation as shall enable it to maintain an orderly procedure for its business and to effectively and efficiently exercise the pointers authorized by the Statute and delegated to it by the Council. (R.O. 2008 §110.390; Ord. No. 6557 §6, 6-23-03)

SECTION 110.400: RECORDKEEPING
The TIF Commission shall keep records and minutes of its meetings and shall report annually to the Council with regard to its activities. (R.O. 2008 §110.400; Ord. No. 6557 §7, 6-23-03)

CHAPTER 112: CONFLICTS OF INTEREST

SECTION 112.010: DECLARATION OF POLICY
The operation of government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain, and the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial and/or other interest in matters affecting the City. (R.O. 2008 §112.010; Ord. No. 6770 §1, 8-8-05; Ord. No. 6815 §1, 3-13-06; Ord. No. 6924 §1, 8-13-07; Ord. No. 7139 §1, 8-10-09)

SECTION 112.020: CONFLICTS OF INTEREST

A. All elected and appointed officials, as well as employees of a political subdivision, must comply with Section 105.454, RSMo., on conflicts of interest and other State laws governing official conduct.
B. Any member of the Governing Body of a political subdivision who has a "substantial or private interest" in any measure, bill, order or ordinance proposed or pending before such Governing Body must disclose that interest to the City Clerk and such disclosure shall be recorded in the appropriate journal of the Governing Body. *"Substantial or private interest"* is defined as ownership by the individual, his/her spouse or his/her dependent children, whether singularly or collectively, directly or indirectly of:
    1. Ten percent (10%) or more of any business entity; or
    2. An interest having a value of ten thousand dollars ($10,000.00); or
    3. The receipt of a salary, gratuity or other compensation or enumeration of five thousand dollars ($5,000.00) or more per year from any individual, partnership, organization or association within any calendar year. (R.O. 2008 §112.020; Ord.

No. 6770 §2, 8-8-05; Ord. No. 6815 §2, 3-13-06; Ord. No. 6924 §2, 8-13-07; Ord. No. 7139 §2, 8-10-09)

SECTION 112.030: DISCLOSURE REPORTS

Each elected official and the City Manager shall disclose, in writing, the following information by May first (1st) if any such transactions were engaged in during the previous calendar year.

1. For each person, and all persons within the first degree of consanguinity or affinity of such person, the date and identification of the parties of each transaction with a total value in excess of five hundred dollars ($500.00), if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision and other than transfer for no consideration to the political subdivision; and
2. The data and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars ($500.00), if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfer for no consideration to the political subdivision.
3. The City Manager shall disclose, in writing, on May first (1st) for the previous calendar year the following information:
   a. The name and address of each of the employers of such person from whom income of one thousand dollars ($1,000.00) or more was received during the year covered by the statement;
   b. The name and address of each sole proprietorship that he/she owned; the name and address and the general nature of the business conducted of each general partnership and joint venture in which he/she was a partner or participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent (10%) or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent (2%) or more of any class of outstanding stock, limited partnership units or other equity interests;
   c. The name and address of such corporation for which such person served in the capacity of a director, officer or receiver. (R.O. 2008 §112.030; Ord. No. 6770 §3, 8-8-05; Ord. No. 6815 §3, 3-13-06; Ord. No. 6924 §3, 8-13-07; Ord. No. 7139 §3, 8-10-09)

SECTION 112.040: FILING OF REPORT

A. The reports shall be filed with the City Clerk and with the Secretary of State prior to January first (1st) and thereafter with the Ethics Commission. The reports shall be available for public inspection and copying during normal business hours.
B. The financial interests shall be filed at the following times, but no person is required to file more than one (1) financial interest statement in any calendar year:
    1. Each person appointed to office shall file the statement within thirty (30) days of such appointment or employment; and
    2. Every other person required to file a financial interest statement shall file the statement annually no later than May first (1st) and the statement shall cover the calendar year ending and immediately preceding December thirty-first (31st); provided that any member of the City Council may supplement the financial interest statement to report additional interest acquired after December thirty-first (31st) of the covered year until the date of filing of the financial interest statement. (R.O. 2008 §112.040; Ord. No. 6770 §4, 8-8-05; Ord. No. 6815 §4, 3-13-06; Ord. No. 6924 §4, 8-13-07; Ord. No. 7139 §4, 8-10-09)

CHAPTER 115: MUNICIPAL COURT

SECTION 115.010: COURT ESTABLISHED
There is hereby established in this City a Municipal Court, to be known as the *"Maryville Municipal Court, a Division of the Fourth Judicial Circuit Court of the State of Missouri"*. This Court is a continuation of the Municipal Court of the City as previously established, and is termed herein *"Municipal Court"*. (R.O. 2008 §115.010; Ord. No. 4882 §1, 5-14-90)

SECTION 115.020: JURISDICTION
Violations of municipal ordinances shall be heard and determined only before divisions of the Circuit Court. *"Heard and determined"*, for purposes of this Chapter, shall mean any process under which the court in question retains the final authority to make factual determinations pertaining to allegations of a municipal ordinance violation.

SECTION 115.030: MISSOURI UNIFORM TRAFFIC TICKET -- ADOPTION
The Missouri Uniform Traffic Ticket, as adopted by the Supreme Court of Missouri for Municipal and Traffic Courts, is hereby adopted for use in the Municipal Court of the City. (R.O. 2008 §115.030; Ord. No. 4882 §1, 5-14-90)

SECTION 115.040: SELECTION OF JUDGE
The Judge of the City's Municipal Court shall be known as a Municipal Judge of the 4th Judicial Circuit and shall be appointed to his/her position by the City Council, for a term as specified herein. (R.O. 2008 §115.040; Ord. No. 4882 §1, 5-14-90)

SECTION 115.050: TERM OF OFFICE
The Municipal Judge shall hold his/her office for a period of not less than two (2) years and shall take office biannually. If for any reason a Municipal Judge vacates his/her office, his/her successor shall complete the term of office, even if the same be for less than two (2) years. (R.O. 2008 §115.050; Ord. No. 4882 §1, 5-14-90)

SECTION 115.060: 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; or
2. Upon attaining his/her seventy-fifth (75th) birthday; or
3. If he/she is not licensed to practice law in the State of Missouri, and if he/she has served as Municipal Judge of the City for at least three (3) years prior to January 2, 1979, then if he/she should fail, within six (6) months of his/her selection, to satisfactorily complete a course of instruction for Municipal Judge as prescribed by the State Supreme Court; or
4. If he/she is licensed to practice law in the State of Missouri, then if he/she should lose his/her license to practice law within the State of Missouri.
5. The Municipal Judge may be removed from office upon appropriate action of the City Council, for causes related to conviction of a felony or maleficence. (R.O. 2008 §115.060; Ord. No. 4882 §1, 5-14-90)

SECTION 115.070: QUALIFICATIONS FOR OFFICE
The Municipal Judge shall possess the following qualifications before he/she shall take office:

1. He/she must be a resident of the State of Missouri.
2. He/she must be between the ages of twenty-one (21) and seventy-five (75) years.
3. He/she may serve as Municipal Judge for any other municipality.
4. He/she must not hold any other office within the City Government.
5. He/she must either:
   a. Be licensed to practice law within the State of Missouri, or
   b. Have been Municipal Judge of this City for at least three (3) years immediately prior to January 2, 1979, and he/she must, within six (6) months after his/her selection to the position, satisfactorily complete a course of instruction for Municipal Judges as prescribed by the State Supreme Court.
6. The Municipal Judge shall be considered holding a part-time position, and as such may accept (within the requirements of the Code of Judicial Conduct, Missouri Supreme Court Rule 2) other employment. (R.O. 2008 §115.070; Ord. No. 4882 §1, 5-14-90)

SECTION 115.080: SUPERINTENDING AUTHORITY
The Municipal Court of the City shall be subject to the rules of the Circuit Court of which it is a part, and to the rules of the State Supreme Court. The Municipal Court shall be subject to the general administrative authority of the Presiding Judge of the Circuit Court,

and the Judge and Court personnel of said Court shall obey his/her directives. (R.O. 2008 §115.080; Ord. No. 4882 §1, 5-14-90)

SECTION 115.090: REPORT TO CITY COUNCIL

The Municipal Judge shall cause the Municipal Court Clerk to prepare within the first ten (10) days of every month 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) day of the month, pay to the City Treasurer the full amount of all fines collected during the preceding month, if they have not previously been paid. (R.O. 2008 §115.090; Ord. No. 4882 §1, 5-14-90; Ord. No. 5186 §1, 2-14-94)

SECTION 115.100: DUTIES AND POWERS OF THE MUNICIPAL JUDGE

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 Nodaway County. The Municipal Judge shall deliver the docket and the 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 Court. In addition, the Municipal Judge shall have the following powers and duties:

1. To 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. To administer oaths and enforce due obedience to all orders, rules and judgments made by him, 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. To 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. (R.O. 2008 §115.100; Ord. No. 4882 §1, 5-14-90)

SECTION 115.110: MISSOURI RULES OF CIVIL PROCEDURE AND PRACTICE -- ADOPTION

The Missouri Rules of Civil Procedure and Practice promulgated by the State Supreme Court for Municipal and Traffic Courts are hereby adopted for the use of the Municipal Court. (R.O. 2008 §115.110; Ord. No. 4882 §1, 5-14-90)

SECTION 115.120: VIOLATIONS BUREAU

Should the Municipal Judge determine that there shall be a Violations Bureau, the City

shall provide all expenses incident to the operation of the same. The City Manager shall designate a Traffic Violations Clerk for said Bureau if established. (R.O. 2008 §115.120; Ord. No. 4882 §1, 5-14-90)

SECTION 115.130: ISSUANCE AND EXECUTION OF WARRANTS

All warrants issued by a Municipal Judge shall be directed to a member of the Department of Public Safety, or to the Sheriff of the County. The warrant shall be executed by the member of the Department of Public Safety or Sheriff at any place within the limits of the County and not elsewhere unless the warrants are endorsed in the manner provided for warrants in criminal cases and, when so endorsed, shall be served in other counties, as provided for warrants in criminal cases. (R.O. 2008 §115.130; Ord. No. 4882 §1, 5-14-90)

SECTION 115.140: ARRESTS WITHOUT WARRANTS

A member of the Department of Public Safety shall, without a warrant, make arrest of any person who commits an offense in his/her presence, but such Officer shall, before the trial, file a written complaint with the Judge hearing violations of municipal ordinances. (R.O. 2008 §115.140; Ord. No. 4882 §1, 5-14-90)

SECTION 115.150: JURY TRIALS

Any person charged with a violation of a municipal ordinance of this City shall be entitled to a trial by jury, as in prosecutions for misdemeanors before an Associate Circuit Judge. Whenever a defendant accused of a violation of a municipal ordinance demands trial by jury, the Municipal Court shall certify the case to the Presiding Judge of the Circuit Court for reassignment, as provided in Section 546.095, RSMo. (R.O. 2008 §115.150; Ord. No. 4882 §1, 5-14-90)

SECTION 115.155: FAILURE TO APPEAR

A. It shall be unlawful for any person who has been released upon recognizance or bond to willfully fail to appear before any Court or any Judicial Officer as required.
B. The punishment for violation of this Section shall be in addition to the forfeiture of any security which was given or pledged for the person's release.
C. Nothing in this Section shall prevent or limit any Court's exercise of its power to punish for contempt. (R.O. 2008 §115.155; Ord. No. 5564 §1, 7-28-97)

SECTION 115.160: DUTIES OF THE CITY'S PROSECUTING ATTORNEY

A. *Appointment.* The City's Prosecuting Attorney shall be appointed by the City Manager for an indefinite term, subject to confirmation of the City Council.
B. *Duties.* The duties of the City's Prosecuting Attorney shall be as follows:
    1. Represent and defend the City on all actions in Municipal Court.
    2. Prosecute all cases on behalf of the City when Municipal Court cases are transferred from Municipal Court because of jury trial demand, change of Judge

or other procedure.

3. Represent the City on all appeals taken from an action commenced in Municipal Court.
4. Give legal advice to Law Enforcement Officers, Mayor, members of the City Council, City Manager and City Clerk in connection with prosecutions or potential prosecutions for violations of City Code.
5. Perform all such other ministerial duties as may be prescribed by ordinance or ordered by the City Council or City Manager.

C. *Compensation.* Compensation of the Prosecuting Attorney for all legal services shall be established at an hourly rate by the City Manager. (R.O. 2008 §115.160; Ord. No. 4882 §1, 5-14-90; Ord. No. 6603 §§1--2, 11-24-03)

SECTION 115.170: SUMMONING OF WITNESSES

It shall be the duty of the Municipal Judge to summon all persons whose testimony may be deemed essential as witnesses at the trial, and to enforce their attendance by attachment, if necessary. The fees of witnesses shall be the same as those fixed for witnesses in trials before Associate Circuit 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. 2008 §115.170; Ord. No. 4882 §1, 5-14-90)

SECTION 115.180: 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. 2008 §115.180; Ord. No. 4882 §1, 5-14-90)

SECTION 115.190: PAROLE AND PROBATION

Any Judge hearing violations of municipal ordinances may, when in his/her judgment it may seem advisable, grant a parole or probation to any person who shall plead guilty or who shall be convicted after a trial before said Judge. (R.O. 2008 §115.190; Ord. No. 4882 §1, 5-14-90)

SECTION 115.200: RIGHT OF APPEAL

A. When the Municipal Judge is one who is not licensed to practice law within the State of Missouri, the defendant shall have a right to a trial de novo, even from a plea of guilty, 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. When the Municipal Judge is one who is licensed to practice law within the State of Missouri, then 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. (R.O. 2008 §115.200; Ord. No. 4882 §1, 5-14-90)

SECTION 115.210: 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 Appellate Court. (R.O. 2008 §115.210; Ord. No. 4882 §1, 5-14-90)

SECTION 115.220: 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 municipal ordinance violation case, the same shall be deemed forfeited and the Judge shall call 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 action shall be paid over to the City Treasurer to the General Revenue Fund of the City. (R.O. 2008 §115.220; Ord. No. 4882 §1, 5-14-90; Ord. No. 5186 §1, 2-14-94)

SECTION 115.230: DUTIES OF DIRECTOR OF PUBLIC SAFETY UPON COMMITMENT OF PRISONERS

Whenever the Director of Public Safety shall commit any person to the County Jail, or other authorized place of confinement, under the authority of any execution or warrant of commitment under which such commitment is made, and he/she shall endorse thereon the amount of money or other property in his/her possession belonging to the prisoner, and turn the said property over to the Sheriff (or other chief officer exercising jurisdiction) upon such official's receipting for the same upon the back of the commitment on behalf of the prisoner; and no such prisoner shall be released from the jail except upon certificate of the Director of Public Safety or by order of the Mayor as hereinafter provided, and in no case, unless the fine and costs assessed against the prisoner are paid or the same have been remitted by the common Council in open session, which facts must be stated in the certificate of the Director of Public Safety, or order of the Mayor releasing the prisoner. (R.O. 2008 §115.230; Ord. No. 4882 §1, 5-14-90)

SECTION 115.240: RECORDS REQUIRED

The Director of Public Safety shall, upon committing any person to the jail or other

authorized place of confinement as aforesaid, in a book to be kept for that purpose, register the name, age, height, sex, color and nativity of such person, with the date of such committal and the amount of the fine and costs for which such person was committed, and upon the payment to the Director of Public Safety of the amount due on any such execution, or when such prisoner shall be otherwise legally entitled to a discharge, the Director of Public Safety shall certify that fact to the Sheriff of the County or other official charged with custody who shall thereupon discharge the prisoner named therein. (R.O. 2008 §115.240; Ord. No. 4882 §1, 5-14-90)

SECTION 115.250: OFFICERS, ATTENDANCE AS WITNESSES

Whenever a Public Safety Officer of the City appears as a witness in Court during his/her off-duty hours, said Officer shall appear in uniform. Officers shall attend without being summoned, nor shall any subpoena be issued for their appearance, but failure to appear at the time for trial may be punished for contempt. (R.O. 2008 §115.250; Ord. No. 4882 §1, 5-14-90)

SECTION 115.260: LIMITATION ON CITY'S CAUSE OF ACTION

No prosecution for violation of any City ordinance shall be commenced after the lapse of twelve (12) months after the date of such violation; provided, that if any person charged with such violation shall conceal or absent himself so that a process cannot be served upon him/her or shall absent himself from the City for the purpose of avoiding such prosecution, the time of such absence or concealment shall not be computed. (R.O. 2008 §115.260; Ord. No. 4882 §1, 5-14-90)

SECTION 115.270: DISQUALIFICATION OF MUNICIPAL JUDGE FROM HEARING PARTICULAR CASE

A Municipal Judge shall be disqualified to hear any case in which he/she is in anywise interested, or, if before the trial is commenced, the defendant or the prosecutor files an affidavit that the defendant or 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. 2008 §115.270; Ord. No. 4882 §1, 5-14-90)

SECTION 115.280: CLERK OF MUNICIPAL COURT

The City Manager shall designate an employee of the City as Clerk of the Municipal Court. The duties of said Clerk shall be as follows:

1. To take oaths and affirmations;
2. To accept signed complaints, and allow the same to be signed and sworn to or affirmed before him;
3. To sign and issue subpoenas duces tecum;
4. To accept the appearance, waiver of trial and plea of guilty and the payment of fine and costs in Violations Bureau cases or as directed by the Municipal Judge; generally to act as Violation Clerk of the Violations Bureau;

5. To perform all other duties as provided for by said ordinance, by the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and by Statute;
6. To maintain, properly certified by the City Clerk, a complete copy of the ordinances of the City, which shall constitute prima facie evidence of such ordinance before the Court. Further, to maintain a similar certified copy on file with the Clerk serving the Circuit Court of this County.
7. To perform any and all duties assigned by the Municipal Judge; and
8. The Court Clerk is a City employee and is subject to personnel rules and regulations of the City. (R.O. 2008 §115.280; Ord. No. 4882 §1, 5-14-90)

SECTION 115.290: GENERAL COURT COSTS

There shall be assessed as general Court costs, the sum of twelve dollars ($12.00) per case for each municipal ordinance case initially filed before the Municipal Judge. Said costs shall be in addition to service costs, witness fees, training costs, Crime Victims' Compensation Fund judgment, jail costs or any other costs or assessments which may be otherwise authorized by municipal ordinance or State law. These general Court costs shall be collected by the Court in the same manner as other costs and fees, and remitted to the City Treasurer for dispersal in accordance with City ordinance and State law. (R.O. 2008 §115.290; Ord. No. 4882 §1, 5-14-90; Ord. No. 5189 §1, 2-14-94; Ord. No. 5565 §1, 7-28-97)

SECTION 115.291: COURT COSTS -- TRAINING

In addition to any fine or other costs, there shall be assessed as Court costs the sum of three dollars ($3.00) per case, for each municipal ordinance case filed before the Municipal Judge of the City of Maryville, Missouri, said amount to be collected pursuant to Section 488.5336, RSMo., related to training. It is, provided however, that no such fee shall be collected for non-moving traffic violations, nor shall the same be collected in any case when the proceedings or defendant has been dismissed by the Court. These costs 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. Two dollars ($2.00) of said sum shall be transmitted monthly to the City Treasurer to be used for the training of Peace Officers. One dollar ($1.00) of said sum shall be deposited with the Treasurer of the State of Missouri in the Peace Officer Standards and Training Commission Fund, to be used Statewide for the training of Peace Officers. (R.O. 2008 §115.291; Ord. No. 5184 §1, 2-14-94; Ord. No. 5487 §1, 12-16-96)

SECTION 115.292: CRIME VICTIMS' COMPENSATION FUND JUDGMENT

There shall be assessed as Court costs the sum of seven dollars fifty cents ($7.50) per case for each municipal ordinance case filed before the Municipal Judge, said amount to be collected pursuant to Section 488.5339, RSMo., related to the Crime Victims' Compensation Fund judgment. These costs shall be calculated as additional costs by the Municipal Court and shall be collected by the Court in the same manner as other costs and fees are collected and remitted to the City Treasurer for disbursal in accordance with City ordinance and State law. (R.O. 2008 §115.292; Ord. No. 5184 §1, 2-14-94; Ord.

No. 6416 §1, 10-22-01)

SECTION 115.293: REIMBURSEMENT FOR COSTS OF ALCOHOL AND DRUG RELATED OFFENSES

Upon a plea of guilty, finding of guilt or conviction for violation of any provisions of the Municipal Code of the City of Maryville, Missouri, for any alcohol or drug related offenses, including violation of Chapter 342 of the Municipal Code, the Court may, in addition to imposition of any penalties provided by law, order the defendant to reimburse Law Enforcement Authorities for costs associated with such arrest. Such costs shall include the reasonable costs of making the arrest, including the costs of any chemical test to determine the alcohol or drug content of the persons blood, the cost of processing, charging, booking and holding such person in custody. Law Enforcement Officials 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. These fees shall be calculated as additional costs by the Municipal Court, and shall be collected by the Court in the same manner as other costs and fees are collected, and remitted to the City Treasurer for disbursal in accordance with City ordinance and State law. (R.O. 2008 §115.293; Ord. No. 5184 §1, 2-14-94)

SECTION 115.294: JUDICIAL EDUCATION FUND

A. There is hereby established a Judicial Education Fund to be maintained in an account under the control of the Municipal Court. Municipal Court is authorized to retain one dollar ($1.00) from the fees collected, pursuant to Section 115.290.
B. Sums retained in the Judicial Education Fund may be used to pay for either of the following:
    1. The continuing education and certification required of the Municipal Judge by the law or Supreme Court rule.
    2. Judicial education for the Court Administrator and Clerks of the Municipal Court.
C. The Municipal Court may not retain more than one thousand five hundred dollars ($1,500.00) in the fund for each Judge, Administrator or Clerk of the Municipal Court. All sums in excess of that amount shall be transmitted quarterly to the General Revenue Fund of the City of Maryville, Missouri. (R.O. 2008 §115.294; Ord. No. 5595 §1, 10-27-97)

SECTION 115.295: INCARCERATION COSTS

In addition to any fine or other court costs that may be imposed, there shall be assessed as costs against any defendant, an amount equal to the expenses associated with incarceration served by the defendant by order of the Municipal Judge or Circuit Judge on any case involving violation of ordinances of the City of Maryville. The assessed costs of incarceration shall include the amount charged to the City of Maryville by the incarceration entity for the term of incarceration of said defendant, as well as all other costs associated therewith including any costs of transportation and costs associated with obtaining the defendant's appearance before the Court and/or returning defendant to the

incarceration facility. (R.O. 2008 §115.295; Ord. No. 5181 §1, 1-10-94; Ord. No. 6772 §§1--2, 8-8-05)

SECTION 115.297: SURCHARGE FOR INMATE SECURITY FUND

A two dollar ($2.00) surcharge per case for such municipal ordinance violations for the purpose of providing operating expenses for an Inmate Security Fund is established pursuant to Section 488.5026, RSMo.

1. The judge in such cases may waive the assessment of this surcharge in those cases where the defendant is found by the judge to be indigent and unable to pay the cost.
2. Such surcharge shall be collected by the Clerk of the Municipal Court and dispersed to the City at least monthly.
3. Such surcharge shall not be assessed against the defendant when any proceeding or defendant has been dismissed. (Ord. No. 7117 §1, 5-11-09)

SECTION 115.300: COSTS, 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. 2008 §115.300; Ord. No. 4882 §1, 5-14-90)

SECTION 115.310: INSTALLMENT PAYMENT OF FINE

When a fine is assessed for violating an ordinance, it shall be within the discretion of the Judge assessing the fine to provide for the payment of the fine on an installment basis under such terms and conditions as he/she may deem appropriate. (R.O. 2008 §115.310; Ord. No. 4882 §1, 5-14-90)

SECTION 115.320: MISDEMEANOR DEFINED

A. Whenever the term *"misdemeanor"* is used in any ordinance of the City, it shall be construed to mean and stand in lieu of *"a violation of an ordinance"*.
B. Any person who shall be convicted of a misdemeanor under the provisions of any ordinance of the City in cases where no penalty is otherwise provided or prescribed, may be fined or imprisoned, or both, in the discretion of the Court before whom conviction may be had, but no fine or penalty shall exceed five hundred dollars ($500.00) or imprisonment to exceed three (3) months.
C. In any ordinance the doing of an act or omission to do any act or duty is declared to be a breach thereof and there shall be no fine or penalty defined or declared for such breach, any person who shall be convicted of any such breach may be fined or imprisoned, or both, in the discretion of the Court before whom conviction may be had, but no fine or penalty shall exceed five hundred dollars ($500.00) nor imprisonment to exceed three (3) months. (R.O. 2008 §115.320; Ord. No. 4882 §1, 5-14-90)

SECTION 115.330: ADMINISTRATIVE SEARCH WARRANTS

A. *Administrative Search Warrants*.
   1. An administrative search warrant is a written order of the Municipal Court Judge commanding the search or inspection of any property, place or thing and the seizure, photographing, copying or recording of property or physical conditions found thereon or therein to determine or prove the existence of any ordinance or code violation of the City of Maryville relating to the use, condition or occupancy of property or structures located within the City of Maryville or to enforce the provisions of any such ordinance or code Section.
   2. The Municipal Judge having original and exclusive jurisdiction to determine violations against the ordinance of the municipality may issue an administrative search warrant when the property or place to be searched or inspection of the thing to be seized is located within the City limits of the City of Maryville at the time of the making of the application and the owner or occupant of the property or place to be searched or inspection of the thing to be seized has refused to allow same after an official request.
   3. Any such warrant shall be directed to the Director of Maryville Public Safety or any other Law Enforcement Officer of the City of Maryville and shall be executed within the City limits of the City of Maryville.

B. *Application Procedures.*
   1. The City Attorney of the City of Maryville, the City Prosecuting Attorney for the City of Maryville or any law enforcement office of the City of Maryville may make application to the Municipal Court Judge for the issuance of an administrative 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 or places to be entered, searched, inspected or seized in sufficient detail and particularly that the officer executing the warrant can readily ascertain it;
      d. State that the owner or occupant of the property or places to be entered, searched, inspected or seized has been requested by the City of Maryville to allow such action and has refused to allow such action;
      e. State facts sufficient to show probable cause for the issuance of a search warrant as provided herein to search or inspect for violations of an ordinance or code Section specified in the application or show that entry or seizure is authorized and necessary to enforce an ordinance or code Section specified in the application and that any required due process has been afforded prior to the entry or seizure;
      f. Be verified by the oath or affirmation of the applicant; and
      g. Be signed by the applicant and filed with the Maryville Municipal Division of the Circuit Court of Nodaway County, Missouri.

C. *Search Warrant Hearing Procedure.*
   1. The Municipal Judge shall hold a non-adversary hearing to determine whether probable cause exists to inspect or search for violations of any City of Maryville ordinance or code Section or to enforce any such ordinance or code Section.
   2. In doing so, the Municipal Judge shall determine whether the action to be taken

by the City of Maryville is reasonable in light of the facts stated. The Municipal Judge shall consider the goals of the ordinance or code Section sought to be enforced and such other factors as may be appropriate including, but not limited to, the physical condition of the specified property, the age and nature of the property, the condition of the area in which the property is located, the known violation of any relevant Maryville ordinance or code Section and the passage of time since the property's last inspection. The standard for issuing a warrant need not be limited to actual knowledge of an existing violation of a Maryville ordinance or code Section.

3. If it appears from the application and any supporting affidavit that there is probably cause to inspect or search for violations of any City of Maryville ordinance or code Section or to enforce any such ordinance or code Section, a search warrant shall immediately be issued.
4. The application, any supporting affidavit and one (1) copy of the warrant as issued shall be retained in the records of the Municipal Court.

D. *Contents Of Search Warrant.* The search warrant shall:

1. Be in writing and in the name of the City of Maryville;
2. Be directed to any Law Enforcement Officer of the City of Maryville;
3. State the time and date the warrant was issued;
4. Identify the property or places to be searched, inspected or entered upon in sufficient detail and particularity that the Law Enforcement Officer executing the warrant can readily ascertain it;
5. Command that the described property or places be searched or entered upon and that any evidence of any Maryville ordinance violations found therein or thereon, or any property seized pursuant thereto, or a description of such property seized be returned within ten (10) days after filing of the application to the Municipal Judge who issued the warrant, to be dealt with according to law;
6. Be signed by the Judge with his/her title of office indicated.

E. *Search Warrant Execution And Return.*

1. A search warrant issued under this Section shall be executed only by a Maryville Law Enforcement Officer. It is provided, however, that one (1) or more designated officials including Code Enforcement Officers, employees of the Maryville Department of Public Works or other appropriate individuals may accompany the Law Enforcement Officer, and the warrant shall be executed in the following manner:
   a. The warrant shall be executed by conducting the search, inspection, entry or seizure as commanded and shall be executed as soon as practicable and in a reasonable manner.
   b. The officer shall give the owner or occupant of the property searched, inspected or entered upon a copy of the warrant.
   c. If any property is seized incident to the search, the officer shall give the person from whose possession it was taken, if the person is present, an itemized receipt for the property taken. If no such person is present, the officer shall leave the receipt at the site of the search in a conspicuous place.
   d. A copy of the itemized receipt of any property taken shall be delivered to the City Attorney or City Prosecuting Attorney within two (2) working days of the search.

e. The disposition of property seized pursuant to a search warrant under this Section shall be in accordance with an applicable Maryville ordinance or code Section, but in the absence of same, then with Section 542.301, RSMo.

2. The officer may summon as many persons as he/she deems necessary to assist him/her in executing the warrant, and such persons shall not be held liable as a result of any illegality of the search and seizure.
3. 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 he/she would be justified in using if the warrant were valid.
4. A search warrant shall expire if it is not executed and the required return made within ten (10) days after the date of the making of the application.
5. After execution of the search warrant, the warrant, with a return thereon signed by the officer making the search, shall be delivered to the Municipal Court. The return shall show the date and manner of execution and, if known, the name of the possessor and of the owner, when not the same person of the property or places searched or seized.
6. Upon request, the Court Clerk, shall deliver a copy of the return, to the possessor and the owner, when not the same person of the property searched or seized.

F. *Invalidity Of Search Warrant.* A search warrant executed under this Section shall be held to be invalid in the following circumstances:

1. If it was not issued by the Municipal Judge;
2. If it was issued without a written application having been filed and verified;
3. If it was issued without sufficient probable cause in light of the goals of the ordinance to be enforced and such other factors as provided herein;
4. If it was not issued with respect to property or places in the City of Maryville. (R.O. 2008 §115.330; Ord. No. 6380 §1, 6-13-01; Ord. No. 6417 §1, 10-22-01)

CHAPTER 117: OPEN MEETINGS AND RECORDS POLICY

ARTICLE I. IN GENERAL

SECTION 117.010: DEFINITIONS

As used in this Chapter, unless the context otherwise indicates, the following terms mean:
CLOSED MEETING, CLOSED RECORD OR CLOSED VOTE: Any meeting, record or vote closed to the public.
COPYING: If requested by a member of the public, copies provided as detailed in Section 117.100 of this Chapter, if duplication equipment is available.
PUBLIC BUSINESS: All matters which relate in any way to performance of the City's functions or the conduct of its business.
PUBLIC GOVERNMENTAL BODY: Any legislative, administrative or governmental entity created by the Constitution or Statutes of this State, orders or ordinances of the

City, judicial entities when operating in an administrative capacity or by executive order, including:

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

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

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

body, unless such records are retained by the public governmental body or presented at a public meeting. Any documents or study prepared for a public governmental body by a consultant or other professional service as described in this subdivision shall be retained by the public governmental body in the same manner as any other public record.
PUBLIC VOTE: Any vote, whether conducted in person, by telephone, or by any other electronic means, cast at any public meeting of any public governmental body.

SECTION 117.020: MEETINGS, RECORDS AND VOTES TO BE PUBLIC -- EXCEPTIONS

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

1. Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public governmental body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of Section 610.011, RSMo., however, the amount of any monies paid by, or on behalf of, the public governmental body shall be disclosed; provided however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record.
2. Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes or vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate.
3. Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two (72) hours of the close of the meeting where such action occurs; provided however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two (72) hour period before such decision is made available to the public. As used in this Subsection, the term *"personal information"* means information relating to the

performance or merit of individual employees.

4. Non-judicial mental or physical health proceedings involving an identifiable person, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment.
5. Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again.
6. Welfare cases of identifiable individuals.
7. Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups.
8. Software codes for electronic data processing and documentation thereof.
9. Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid.
10. Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected.
11. Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such.
12. Records which are protected from disclosure by law.
13. Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest.
14. Records relating to municipal hotlines established for the reporting of abuse and wrongdoing.
15. Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this Chapter.
16. Operational guidelines and policies developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Nothing in this exception shall be deemed to close information regarding expenditures, purchases, or contracts made by an agency in implementing these guidelines or policies. When seeking to close information pursuant to this exception, the agency shall affirmatively state in writing that disclosure would impair its ability to protect the safety or health of persons, and shall in the same writing state that the public interest in non-disclosure outweighs the public interest in disclosure of the records. This exception shall sunset on December 31, 2012.
17. Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a non-public entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety.
    a. Records related to the procurement of or expenditures relating to security

systems purchased with public funds shall be open.

b. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property and shall in the same writing state that the public interest in non-disclosure outweighs the public interest in disclosure of the records.
c. Records that are voluntarily submitted by a non-public entity shall be reviewed by the receiving agency within ninety (90) days of submission to determine if retention of the document is necessary in furtherance of a State security interest. If retention is not necessary, the documents shall be returned to the non-public governmental body or destroyed.
d. This exception shall sunset on December 31, 2012.

18. Records that identify the configuration of components or the operation of a computer, computer system, computer network or telecommunications network and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network or telecommunications network, including the amount of monies paid by, or on behalf of, a public governmental body for such computer, computer system, computer network or telecommunications network, shall be open.
19. Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this Section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body.

SECTION 117.030: ELECTRONIC TRANSMISSIONS -- PUBLIC RECORD -- WHEN

Any member of a public governmental body who transmits any message relating to public business by electronic means shall also concurrently transmit that message to either the member's public office computer or the custodian of records in the same format. The provisions of this Section shall only apply to messages sent to two (2) or more members of that body so that, when counting the sender, a majority of the body's members are copied. Any such message received by the custodian or at the member's office computer shall be a public record subject to the exception of Section 610.021, RSMo.

SECTION 117.040: NOTICES OF MEETINGS

A. All public governmental bodies shall give notice of the time, date and place of each meeting and its tentative agenda in a manner reasonably calculated to advise the public of the matters to be considered, and if the meeting will be conducted by telephone or other electronic means, the notice of the meeting shall identify the mode by which the meeting will be conducted and the designated location where the public may observe and attend the meeting. If a public body plans to meet by Internet chat, Internet message board or other computer link, it shall post a notice of the meeting on its website in addition to its principal office and shall notify the public how to access that meeting. Reasonable notice shall include making available copies of the notice to any representative of the news media who requests notice of meetings of a particular public governmental body concurrent with the notice being made available to the members of the particular governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if no such office exists, at the building in which the meeting is to be held.
B. Notice conforming with all of the requirements of Subsection (A) of this Section shall be given at least twenty-four (24) hours, exclusive of weekends and holidays when City Hall is closed, prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given.
C. The City shall allow for the recording by audiotape, videotape or other electronic means of any open meeting. The City may establish guidelines regarding the manner in which such recording is conducted so as to minimize disruption to the meeting. No audio recording of any meeting, record or vote closed pursuant to the provisions of Section 117.020 shall be permitted without permission of the City; any person who violates this provision shall be guilty of an ordinance violation.
D. Each governmental body proposing to hold a closed meeting or vote shall give notice of the time, date and place of such closed meeting or vote and the reason for holding it by reference to a specific exception allowed pursuant to Section 117.020 hereof. The notice shall be the same as described in Subsection (A) herein.
E. A formally constituted subunit of a parent governmental body may conduct a meeting without notice during a lawful meeting of the parent governmental body, a recess in that meeting, or immediately following that meeting if the meeting of the subunit is publicly announced at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body.

SECTION 117.050: CLOSED MEETINGS -- HOW HELD

A. Except as set forth in Subsection (D) of Section 117.040, no meeting or vote may be closed without an affirmative public vote of the majority of a quorum of the public governmental body. The vote of each member of the governmental body on the question of closing a public meeting or vote and the specific reason for closing that public meeting or vote by reference to a specific Section of this Chapter shall be announced publicly at an open meeting of the governmental body and entered into the minutes.
B. Any meeting or vote closed pursuant to Section 117.020 shall be closed only to the extent necessary for the specific reason announced to justify the closed meeting or vote. Public governmental bodies shall not discuss any business in a closed meeting, record or vote

which does not directly relate to the specific reason announced to justify the closed meeting or vote. Public governmental bodies holding a closed meeting shall close only an existing portion of the meeting facility necessary to house the members of the public governmental body in the closed session, allowing members of the public to remain to attend any subsequent open session held by the public governmental body following the closed session.

SECTION 117.060: JOURNALS OF MEETINGS AND RECORDS OF VOTING

A. Except as provided in Section 117.020, rules authorized pursuant to Article III of the Missouri Constitution and as otherwise provided by law, all votes shall be recorded, and if a roll call is taken, as to attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body. Any votes taken during a closed meeting shall be taken by roll call. All public meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication. All votes taken by roll call in meetings of a public governmental body consisting of members who are all elected, shall be cast by members of the public governmental body who are physically present and in attendance at the meeting. When it is necessary to take votes by roll call in a meeting of the public governmental body, due to an emergency of the public body, with a quorum of the members of the public body physically present and in attendance and less than a quorum of the members of the public governmental body participating via telephone, facsimile, Internet, or any other voice or electronic means, the nature of the emergency of the public body justifying that departure from the normal requirements shall be stated in the minutes. Where such emergency exists, the votes taken shall be regarded as if all members were physically present and in attendance at the meeting.
B. A journal or minutes of open and closed meetings shall be taken and retained by the public governmental body including, but not limited to, a record of any vote taken at such meeting. The minutes shall include the date, time, place, members present, members absent, and a record of votes taken. When a roll call vote is taken, the minutes shall attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body.

SECTION 117.070: ACCESSIBILITY OF MEETINGS

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

SECTION 117.080: SEGREGATION OF EXEMPT MATERIAL

If a public record contains material which is not exempt from disclosure, as well as material which is exempt from disclosure, the custodian shall separate the exempt and non-exempt material and make the non-exempt material available for examination and copying in accord with the policies provided herein. When designing a public record the custodian shall, to the extent practicable, facilitate a separation of exempt from non-exempt information. If the separation is readily apparent to a person requesting to inspect or receive copies of the form, the custodian shall generally describe the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

SECTION 117.090: CUSTODIAN DESIGNATED -- RESPONSE TO REQUEST FOR ACCESS TO RECORDS

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

SECTION 117.100: FEES FOR COPYING PUBLIC RECORDS--LIMITATIONS

A. Except as otherwise provided by law, each public governmental body shall provide access to and, upon request, furnish copies of public records subject to the following:
    1. Fees for copying public records, except those records restricted under Section 32.091, RSMo., shall not exceed ten cents ($.10) per page for a paper copy not larger than nine (9) by fourteen (14) inches, with the hourly fee for duplicating

time not to exceed the average hourly rate of pay for clerical staff of the public governmental body. Research time required for fulfilling records requests may be charged at the actual cost of research time. Based on the scope of the request, the public governmental body shall produce the copies using employees of the body that result in the lowest amount of charges for search, research, and duplication time. Prior to producing copies of the requested records, the person requesting the records may request the public governmental body to provide an estimate of the cost to the person requesting the records. Documents may be furnished without charge or at a reduced charge when the public governmental body determines that waiver or reduction of the fee is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the public governmental body and is not primarily in the commercial interest of the requester.

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

B. Payment of such copying fees may be requested prior to the making of copies.

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

SECTION 117.110: DEFINITIONS

As used in this Article, the following terms shall have the following definitions:
ARREST: An actual restraint of the person of the defendant, or by his/her submission to the custody of the officer, under authority of a warrant or otherwise for a criminal violation which results in the issuance of a summons or the person being booked.
ARREST REPORT: A record of a law enforcement agency of an arrest and of any detention or confinement incident thereto together with the charge therefor.
INACTIVE: An investigation in which no further action will be taken by a law enforcement agency or officer for any of the following reasons:

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

contained in the investigative report, by exhaustion of or expiration of all rights of appeal of such persons.

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

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

SECTION 117.120: POLICE DEPARTMENT RECORDS

A. The Police Department of the City shall maintain records of all incidents reported to the Police Department and investigations and arrests made by the Police Department. All incident reports and arrest reports shall be open records. Notwithstanding any other provision of law other than the provisions of Subsection (C) of this Section or Section 320.083, RSMo., investigative reports of the Police Department are closed records until the investigation becomes inactive. If any person is arrested and not charged with an offense against the law within thirty (30) days of the person's arrest, the arrest report shall thereafter be a closed record except that the disposition portion of the record may be accessed and except as provided in Section 117.140.

B. Except as provided in Subsections (C) and (D) of this Section, if any portion of a record or document of a Police Department Officer or the Police Department, other than an arrest report which would otherwise be open, contains information that is reasonably likely to pose a clear and present danger to the safety of any victim, witness, undercover officer or other person; or jeopardize a criminal investigation, including records which would disclose the identity of a source wishing to remain confidential or a suspect not in custody; or which would disclose techniques, procedures or guidelines for Police Department investigations or prosecutions, that portion of the record shall be closed and shall be redacted from any record made available pursuant to this Chapter.

C. Any person, a family member of such person within the first degree of consanguinity of such person if deceased or incompetent, attorney for a person, or insurer of a person involved in any incident or whose property is involved in an incident may obtain any records closed pursuant to this Section or Section 117.140 for purposes of investigation of any civil claim or defense as provided by this Subsection. Any individual, his/her attorney or insurer involved in an incident or whose property is involved in an incident, upon written request, may obtain a complete unaltered and unedited incident report concerning the incident and may obtain access to other records closed by the Police Department pursuant to this Section. Within thirty (30) days of such request, the Police Department shall provide the requested material or file a motion pursuant to this Subsection with the Circuit Court having jurisdiction over the Police Department stating that the safety of the victim, witness or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized. Pursuant to Section 610.100(4), RSMo., if, based on such motion, the court finds for the Police Department, the court shall either order the record closed or order such portion of the record that should be closed to be redacted from any record made available pursuant to this Subsection.

D. Any person may apply pursuant to this Subsection to the Circuit Court having jurisdiction for an order requiring a Law Enforcement Agency to open incident reports and arrest reports being unlawfully closed pursuant to the Section. If the court finds by a preponderance of the evidence that the Law Enforcement Officer or Agency has knowingly violated this Section, the officer or agency shall be subject to a civil penalty in an amount up to one thousand dollars ($1,000.00). If the court finds that there is a knowing violation of this Section, the court may order payment by such officer or agency of all costs and attorneys' fees, as provided by Section 610.027, RSMo. If the court finds by a preponderance of the evidence that the Law Enforcement Officer or Agency has purposely violated this Section, the officer or agency shall be subject to a civil penalty in an amount up to five thousand dollars ($5,000.00) and the court shall order payment by such officer or agency of all costs and attorney fees, as provided in Section 610.027, RSMo. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the Law Enforcement Officer or Agency has violated this Section previously.

E. The victim of an offense as provided in Chapter 566, RSMo., may request that his/her identity be kept confidential until a charge relating to such incident is filed.

SECTION 117.130: EFFECT OF NOLLE PROS, DISMISSAL AND SUSPENDED IMPOSITION OF SENTENCE ON RECORDS

A. If the person arrested is charged but the case is subsequently nolle prossed, dismissed, or the accused is found not guilty, or imposition of sentence is suspended in the court in which the action is prosecuted, official records pertaining to the case shall thereafter be closed records when such case is finally terminated, except as provided in Subsection (B) of this Section and Section 117.140 and except that the court's judgment or order or the final action taken by the prosecutor in such matters may be accessed. If the accused is found not guilty due to mental disease or defect pursuant to Section 552.030, RSMo., official records pertaining to the case shall thereafter be closed records upon such findings, except that the disposition may be accessed only by law enforcement agencies, child care agencies, facilities as defined in Section 198.006, RSMo., and in-home services provider agencies as defined in Section 660.250, RSMo., in the manner established by Section 117.140.

B. If the person arrested is charged with an offense found in Chapter 566, RSMo., Section 568.045, 568.050, 568.060, 568.065, 568.080, 568.090 or 568.175, RSMo., and an imposition of sentence is suspended in the court in which the action is prosecuted, the official records pertaining to the case shall be made available to the victim for the purpose of using the records in his/her own judicial proceeding or if the victim is a minor to the victim's parents or guardian, upon request.

SECTION 117.140: PUBLIC ACCESS OF CLOSED ARREST RECORDS

A. Records required to be closed shall not be destroyed; they shall be inaccessible to the general public and to all persons other than the defendant except as provided in this Section and Section 43.507, RSMo. The closed records shall be available to: criminal justice agencies for the administration of criminal justice pursuant to Section 43.500, RSMo., criminal justice employment, screening persons with access to criminal justice

facilities, procedures and sensitive information; to law enforcement agencies for issuance or renewal of a license, permit, certification, or registration of authority from such agency including, but not limited to, watchmen, security personnel, private investigators, and persons seeking permits to purchase or possess a firearm; those agencies authorized by Section 43.543, RSMo., to submit and when submitting fingerprints to the central repository; the Sentencing Advisory Commission created in Section 558.019, RSMo., for the purpose of studying sentencing practices in accordance with Section 43.507, RSMo.; to qualified entities for the purpose of screening providers defined in Section 43.540, RSMo.; the Department of Revenue for driver license administration; the Division of Workers' Compensation for the purposes of determining eligibility for crime victims' compensation pursuant to Sections 595.010 to 595.075, RSMo.; Department of Health and Senior Services for the purpose of licensing and regulating facilities and regulating in-home services provider agencies and Federal agencies for purposes of criminal justice administration, criminal justice employment, child, elderly, or disabled care, and for such investigative purposes as authorized by law or presidential executive order.

B. These records shall be made available only for the purposes and to the entities listed in this Section. A criminal justice agency receiving a request for criminal history information under its control may require positive identification, to include fingerprints of the subject of the record search, prior to releasing closed record information. Dissemination of closed and open records from the Missouri criminal records repository shall be in accordance with Section 43.509, RSMo. All records which are closed records shall be removed from the records of the Police Department and Municipal Court which are available to the public and shall be kept in separate records which are to be held confidential and, where possible, pages of the public record shall be retyped or rewritten omitting those portions of the record which deal with the defendant's case. If retyping or rewriting is not feasible because of the permanent nature of the record books, such record entries shall be blacked out and recopied in a confidential book.

SECTION 117.150: "911" TELEPHONE REPORTS

Except as provided by this Section, any information acquired by the Police Department by way of a complaint or report of a crime made by telephone contact using the emergency number "911" shall be inaccessible to the general public. However, information consisting of the date, time, specific location, and immediate facts and circumstances surrounding the initial report of the crime or incident shall be considered to be an incident report and subject to Section 117.120. Any closed records pursuant to this Section shall be available upon request by law enforcement agencies or the Division of Workers' Compensation or pursuant to a valid court order authorizing disclosure upon motion and good cause shown.

SECTION 117.160: DAILY LOG OR RECORD MAINTAINED BY POLICE DEPARTMENT OF CRIMES, ACCIDENTS OR COMPLAINTS -- PUBLIC ACCESS TO CERTAIN INFORMATION

The City of Maryville Police Department, if it maintains a daily log or record that lists suspected crimes, accidents or complaints, shall make available the following information

for inspection and copying by the public:

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

CHAPTER 120: TREE PLANTING POLICY

SECTION 120.010: PURPOSE AND INTENT

A. It is the purpose and intent of this Chapter to promote good forestry practices through the City and to protect the public health, safety, and general welfare by providing for the regulation of the planting, maintenance and removal of trees, shrubs and other plants on City property and municipally owned rights-of-way within the City of Maryville, Missouri. This Chapter shall only be applicable to plantings on City property and on municipally owned rights-of-way within the City of Maryville.

B. It is the intent of the Council of the City of Maryville, Missouri, that the terms of this Chapter shall be construed so as to promote:
   1. The planting, maintenance, restoration and survival of desirable trees, shrubs and other plants through the City; and
   2. An increase in the total number of trees in the City and on public property. (R.O. 2008 §120.010; Ord. No. 6020 §1, 1-12-98)

SECTION 120.020: DEFINITIONS

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

CITY: The City of Maryville, Missouri.

CITY-OWNED PROPERTY: Property within the City limits of Maryville, Missouri, and owned by the City or implied or expressly dedicated to the City for present or future use for purposes of vehicular or pedestrian traffic, rights-of-way, public easements or other public purposes.

PARK TREES: Trees, shrubs, bushes and all other woody vegetation in City public parks having individual names.

STREET TREES: Trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the City. (R.O. 2008 §120.020; Ord. No. 6020 §1, 1-12-98)

SECTION 120.030: CREATION AND ESTABLISHMENT OF A CITY TREE

BOARD

There is hereby created and established a City Tree Board for the City of Maryville, Missouri, which shall consist of five (5) members and two (2) alternates, citizens and residents of Maryville, Missouri, who shall be appointed by the Mayor with the consent of the City Council.

1. *Appointment--term of office.* The members of such Tree Board shall be appointed by the Mayor subject to confirmation of the City Council. Initially one (1) member shall be appointed to serve a one (1) year term; two (2) members shall be appointed to serve two (2) year terms; and two (2) members shall be appointed to serve three (3) year terms. Each of the two (2) alternate members shall be initially appointed to a one (1) year term and shall be designated as "first (1st) alternate" or "second (2nd) alternate". All appointments shall be made effective from the same date and annually thereafter, the Mayor shall appoint as before, or reappoint, members whose terms have expired to three (3) year terms of office, including alternate members. Appointments to fill unexpired terms of members or alternates shall be for the remainder of the term. Members and alternates shall serve until their successors are appointed, confirmed and qualified. The members of the City Tree Board shall serve without compensation.
2. *Election of officers.* The Board shall elect one (1) of its members as President and another as Vice President at the first (1st) regular meeting of the Board. The Board shall elect one (1) of its members as Secretary to the Board and this person shall keep the minutes of all proceedings of the Board which shall show the vote of each member upon each question. The Secretary shall keep records of all official actions of the Board and all minutes and records shall be kept and filed in the office of the City Clerk and shall be open to the public.
3. *Rules, bylaws, meeting a quorum.*
   a. The Board shall have the power to adopt such rules of procedure and bylaws, subject to City Council approval, as it shall deem proper and necessary to carry out the provisions of this Chapter.
   b. The rules shall fix the time and place for regular meetings of the Board. All meetings of the Board shall be held in compliance with the Missouri Open Meetings, Open Record law.
   c. Three (3) members shall constitute a quorum of the Board. Every determination by the Board, in any matter pending before it, must be decided by a quorum of the Board and must receive the vote of at least three (3) voting members, voting in the affirmative, in order to carry.
4. *Duties and responsibilities.* The Maryville Tree Board shall have the following powers and duties:
   a. To act in an advisory capacity to the Council and staff of the City of Maryville with regard to forestry matters.
   b. To recommend to the City Council for its approval a five (5) year urban forestry plan and update plans on an as-needed basis for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas.
   c. To be authorized to purchase and pay for expenditures of the Board, and shall comply with all City rules and regulations pertaining to purchasing, bids, grants, etc. The Tree Board will have its own fund, through donations from

individuals, businesses, grants, to operate from which will be managed through the Finance Department of the City.

d. To recommend to the City Council, for its approval, such documents as are necessary to develop, maintain, publicize and amended as necessary a list of trees and shrubs which may be planted in or on City-owned property including parks, streets and right-of-way. Said list shall be public record that can be reviewed in the Department of Public Works. (R.O. 2008 §120.030; Ord. No. 6020 §1, 1-12-98)

SECTION 120.040: PROGRAM RULES AND REGULATIONS

A. *Tree Species To Be Planted.* The list of trees shall be categorized into three (3) sizes based on mature height:
   1. Small (under thirty (30) feet).
   2. Medium (thirty (30) to forty-five (45) feet); and
   3. Large (over forty-five (45) feet).

B. *Spacing.* The spacing of street trees shall be in accordance with the three (3) species size classes. Except in special plantings approved by the City, no trees shall be planted closer than the following:
   1. Small trees, twenty (20) feet.
   2. Medium trees, thirty (30) feet.
   3. Large trees, forty (40) feet.

   except in special plantings approved by the City.

C. *Distance From Curb And Sidewalk.* The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three (3) species size classes. No trees shall be planted closer to any curb or sidewalk than the following:
   1. Small trees, two (2) feet.
   2. Medium trees, three (3) feet.
   3. Large trees, four (4) feet.

D. *Distance From Street Corners And Fireplugs.* No street tree shall be planted within thirty-five (35) feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted closer than ten (10) feet from any fire hydrant.

E. *Utilities.* No street trees other than those species listed as small trees in this Chapter shall be planted under or within ten (10) feet of any overhead utility wire.

F. *Public Tree Care.*
   1. The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all City streets, City alleys, avenues, lanes, rights-of-way, and grounds as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.
   2. The City Manager or his/her appointed designee may remove or order to be removed, any tree on City property, or part thereof, which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines,water lines or other public improvements or is affected with an injurious fungus, insect or other pest.

G. *Tree Topping.* It shall be unlawful as a normal practice for any person, firm or City department to top any street tree, park tree or other tree on public property unless

otherwise permitted by the City Manager or his/her appointed designee in writing. *"Topping"* is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. This restriction shall not apply to trees severely damaged by storms or other causes, or trees under utility wires or other obstructions where other pruning practices are impractical. (R.O. 2008 §120.040; Ord. No. 6020 §1, 1-12-98)

CHAPTER 125: MUNICIPAL AIRPORT

Cross Reference--For code provisions relative to the airport board, ch. 110, Art. I.

SECTION 125.010: AIRPORT OPERATION POLICIES

The Municipal Airport shall be operated in accordance with the following designated airport operation policies.

1. Activities on the Municipal Airport are classified under the following general headings:
   a. Fixed base operations (all non-air carrier commercial flight services).
      1) Sales of aircraft parts, supplies and accessories.
      2) Sales of gasoline and oil.
      3) Mechanical servicing and repair of aircraft and accessories.
      4) Charter flights.
      5) Private flight instructions for pay.
      6) Contract and program flight instruction.
      7) Airplane rental.
      8) Pleasure and sight-seeing flights.
      9) Other.
   b. Private airplane ownership and operation.
   c. Operation of transient and visiting aircraft.
   d. Scheduled air carrier operations.
   e. Other activities, operations, enterprises, and services.
2. The Airport Board is charged by the City with the responsibility of encouraging, developing and regulating activities on the Municipal Airport in such a way as to best serve aviation and the interests of the City.
3. Access to the facilities, advantages and opportunities offered by the Municipal Airport shall be on an equal basis to all who meet the conditions as recommended by the Airport Board and adopted by the City Council.
4. General Airport Regulations are recommended by the Airport Board and adopted by Resolution by the City Council.
5. Current United States Department of Commerce Civil Air Regulations shall at all times govern activities.
6. Airport flight regulations will be established and amended by the Airport Board, approved by the City Manager and City Council and consistent with current Civil Air Regulations of the Department of Commerce.
7. The City Council, upon the recommendation of the Airport Board, will enter into

a contract for an Airport Manager/Fixed Base Operator; such contract defining the duties and responsibilities.

8. The terminal, including, but not limited to, the terminal meeting room, may be reserved with a one hundred dollar ($100.00) security deposit and the following fee schedule:

Half day (1--4 hrs.)	$	50.00
Full day (4--9 hrs.)	$	100.00

Damage to the facility shall be billed to the occupant at replacement and/or repair costs.

Northwest Missouri State University and City offices are exempt from said fees. (R.O. 2008 §125.010; Ord. No. 4882 §1, 5-14-90; Ord. No. 6925 §1, 8-13-07)

SECTION 125.020: USE BY MILITARY AIRCRAFT

The Mayor is authorized and directed to execute, upon behalf of the City, a permit granting to the United States of America the privilege of using the Municipal Airport for transient use by military aircraft of such airport. (R.O. 2008 §125.020; Ord. No. 4882 §1, 5-14-90)

CHAPTER 130: CITY CEMETERY

SECTION 130.010: COUNCIL CONTROL

The cemetery situated north of the City and known as Oak Hill Cemetery shall be and remain under the control and supervision of the City Council, as an authorized burial site. (R.O. 2008 §130.010; Ord. No. 4882 §1, 5-14-90)

SECTION 130.020: GRAVE SPACE LOTS -- SALE, COST

A. The City Manager and the City Clerk are hereby authorized to sell grave spaces in Oak Hill Cemetery to be used for the burial of the remains of bodies of human beings and for no other purpose.
B. The price to be charged for such grave spaces is two hundred dollars ($200.00) per space in Sections (A), (B), (C,) and (D) and three hundred dollars ($300.00) per space in Section (F). (R.O. 2008 §130.020; Ord. No. 5048 §1, 4-13-92)

SECTION 130.030: GRAVE SPACE LOTS -- PAYMENT

A. All sales of cemetery spaces shall be for cash, to be paid to the City Clerk, provided, the City Manager may approve the sale of spaces on a credit basis setting out a regular monthly payment system to provide for full payment of sale.
B. On the payment of the full purchase price for said grave space, the same shall be conveyed by deed, signed by the Mayor and countersigned by the City Clerk and attached thereto the Seal of the City of Maryville specifying the owner of the space or spaces described therein by number as laid down on a plat for the purpose of interment; that such

certificate shall vest in the purchaser, his/her heirs or assigns, the right in fee simple to such space for the sole purpose of interment of the remains of human bodies. (R.O. 2008 §130.030; Ord. No. 5048 §1, 5-24-92)

SECTION 130.040: SEXTON -- APPOINTMENT, DUTIES, GRAVE DIGS, CHARGES

A. The City Manager shall appoint a sexton of said cemetery.
B. Such sexton shall, upon presentation to him/her of a burial permit issued by the City Clerk, dig and prepare all graves for the interment of the dead in said cemetery.
C. The City Manager shall be charged with the responsibility of the operation and maintenance of Oak Hill Cemetery.
D. Grave opening fees:

Grave dig--adult	$ 250.00
Grave dig--child	100.00
Grave dig--cremation	$ 150.00
Saturday grave dig . . .	350.00

E. There will be NO burials on Sunday, and on Memorial Day, Thanksgiving and Christmas holidays. (R.O. 2008 §130.040; Ord. No. 5048 §1, 4-13-92; Ord. No. 5512 §1, 4-14-97)

SECTION 130.050: GRAVE DIGS, INDIGENT PERSONS

A. No charge shall be made for grave digs for the burial of indigent persons in Oak Hill Cemetery.
B. For the purpose of this Section, an *"indigent person"* shall be defined as a person whose estate is without funds or, in the case of persons leaving no estate, whose survivors are without funds, to provide the normal cost of a grave dig in Oak Hill Cemetery, and which state of indigence has been so certified to the City Clerk. (R.O. 2008 §130.050; Ord. No. 4882 §1, 5-14-90)

SECTION 130.060: PERPETUAL CARE CEMETERY FUND

A. There is hereby established a fund to be known as the Perpetual Care Cemetery Fund and the income therefrom shall be expended for the preservation, care, upkeep and adornment of Oak Hill Cemetery and for no other purpose whatsoever. The principal of such Perpetual Care Cemetery Fund shall not be encroached upon for any purpose whatsoever, and no money shall be transferred out of such Perpetual Care Cemetery Fund except for the purpose of being invested as herein provided.
B. From the sale of each grave space, one hundred percent (100%) of this payment shall be deposited to the Perpetual Care Cemetery Fund. (R.O. 2008 §130.060; Ord. No. 4882 §1, 5-14-90)

SECTION 130.070: DEFACING FIXTURES, ETC.

A. It shall be unlawful for any person maliciously to remove the earth from any grave, vault or lot, or maliciously remove, injure, break, deface or damage any monument, slab, tombstone, paling, wall or other fixture belonging to any grave, lot or vault in the Oak

Hill Cemetery.

B. It shall be unlawful for any person to maliciously break, cut, damage or remove any fence or part thereof, or any tree, shrub, flower, ornament or decoration or any part thereof standing or growing in or around any grave, vault or lot or on or near the walks, aisles, public grounds or at any other place in or around said cemetery. (R.O. 2008 §130.070; Ord. No. 4882 §1, 5-14-90)

SECTION 130.080: INTERMENTS, TRANSFER OF LOTS, OR REMUNERATION

A. Proprietors shall not allow interments to be made in their lots for a remuneration.

B. No purchaser of any lot or part of a lot in the City Cemetery shall set or transfer the same or any part thereof to any private party.

C. The City may, at their option pay to every such lot owner who desires to dispose of a purchased lot or to his/her heirs, an amount equal to the sum originally paid therefor to the City, provided that the remains of no person shall at the time be or remain interred in such lot and upon presentation of a duly acknowledged deed. In such purchase, the City Manager shall act for the City and pay for such lot out of the Cemetery Fund. A correct abstract of all sales of lots and of all such transfers shall be kept in the office of the City Clerk. (R.O. 2008 §130.080; Ord. No. 4882 §1, 5-14-90)

SECTION 130.090: BURIAL OF INDIGENT PERSONS

The southeast quarter of Oak Hill Cemetery, known as the "Potter's Field", is hereby set apart and declared to be the place for the burial of the paupers of the City; and for the burial of any persons in such place there shall be no charges made by the City, either for lots or otherwise. (R.O. 2008 §130.090; Ord. No. 4882 §1, 5-14-90)

CHAPTER 135: PARK RULES AND REGULATIONS

Cross Reference--As to regulations in Mozingo Lake Park, ch. 212.

SECTION 135.010: VIOLATION OF CHAPTER REGULATIONS PROHIBITED

It shall be unlawful for any person to violate any regulation governing the use of City Parks as provided in this Chapter. (R.O. 2008 §135.010; Ord. No. 4882 §1, 5-14-90)

SECTION 135.020: AMUSEMENT FOR GAIN

No amusement for gain or for which a charge is made may be conducted in a park or public recreational facility without consent of the Park and Recreation Board, and such amusement must be conducted in accordance with any rules, regulations of the Board and the ordinances of the City. (R.O. 2008 §135.020; Ord. No. 4882 §1, 5-14-90)

SECTION 135.030: PROHIBITED ACTS

A. *Disfiguration And Removal*. It shall be unlawful for any person to willfully mark, deface, injure, tamper with, or displace or remove any tables, benches, fireplaces, paving signs or notices whether temporary or permanent, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property whatsoever, either real or personal.
B. *Sanitation.* No person in a park shall throw, discharge or otherwise place or cause to be placed in the water of any pool, stream, river in or adjacent to any park, any substance, matter or thing, liquid or solid, which will or may result in pollution of said waters; have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper boxes, cans, dirt, rubbish, waste, garbage, refuse, or other trash. No such refuse or trash shall be placed in any waters or on the grounds of any park or left anywhere on the grounds or any buildings therein, except in receptacles provided for such purpose.
C. *Animals*. Horses are not permitted on park property at any time without expressed approval of the Park and Recreation Board.
D. *Golf Balls.* It shall be unlawful for any person to play or simulate the game of golf by hitting, striking, driving a golf ball or other similar object or practicing a golf swing using golf clubs, whether wood or metal, on any park property whatsoever, whether real or personal. It shall additionally be unlawful for any person to leave or abandon a golf ball in or upon a City park. This prohibition shall not apply to activities upon a public or private golf course. (R.O. 2008 §135.030; Ord. No. 4882 §1, 5-14-90; Ord. No. 5416 §1, 5-13-96)

Cross Reference--For specific provisions of this code relative to the park and recreation board, ch. 110, art. II.

SECTION 135.040: VEHICLES

A. No person, without the consent of the Park and Recreation Board of the City, will drive or park any motor vehicle on any park except in designated parking areas, roads or drives.
B. No vehicles will be parked in any area, on any road or drive where parking is prohibited or in such manner as to obstruct the flow of traffic along such road or drive.
C. No motor vehicle shall be operated in any City Park at a speed in excess of ten (10) miles per hour.
D. All provisions of the Municipal Code of the City governing the operation of motor vehicles shall apply to the operation of motor vehicles in City Parks.
E. Vehicles shall not be left unattended overnight in the City of Maryville parks or parking lots. (R.O. 2008 §135.040; Ord. No. 4882 §1, 5-14-90; Ord. No. 5196 §1, 3-14-94)

SECTION 135.050: HOURS OF OPERATION

A. *Park.* The park shall be open to the public. Any section or part of the park may be declared closed or reserved to the public by the Park and Recreation Board at any time or for any interval of time, either temporarily or at regular or stated intervals.
B. *Swimming Pool.* The Park and Recreation Board shall determine the length of the season during which the pool shall be open for public swimming, the hours of operation, and the conditions under which the swimming pool shall be closed for public swimming.
C. *Camping.* Overnight camping shall not be permitted in any City of Maryville parks or

parking lots. (R.O. 2008 §135.050; Ord. No. 4882 §1, 5-14-90; Ord. No. 5196 §1, 3-14-94)

SECTION 135.055: PARK CLOSING -- HOURS

A. It shall be unlawful for any individual to enter or remain on park property between the hours of 12:00 Midnight and 5:00 A.M. local time.
B. The foregoing provision shall not apply to Mozingo Lake Park, any City employee, City Official, Park and Recreation Board member, any designee or agent of any of the foregoing or any individual participating in an after hour event sanctioned and approved the City Council or by the Park and Recreation Board of Directors or any Law Enforcement or Peace Officer engaged in his/her official duties.
C. As used in this Section, the term *"park"* shall include any real estate owned, leased or occupied by the City of Maryville or the Maryville Park and Recreation Department and used for park purposes or designated as a park.
D. The City Manager and the Park and Recreation Department Director or their designees are hereby authorized and directed to post signage they deem sufficient to provide notice to the public of the hours of park closing. (R.O. 2008 §135.055; Ord. No. 6797 §1, 11-28-05)

SECTION 135.060: FIRES IN PARK

It shall be unlawful for any person to start a fire in any area of the park except in a suitable container adapted to the use of containing a fire for the purpose of cooking foods thereon, and it shall be unlawful for any person to leave the area of such fire before the same is completely extinguished. (R.O. 2008 §135.060; Ord. No. 4882 §1, 5-14-90)

SECTION 135.070: PARK AND RECREATION BOARD -- POWERS

The Park and Recreation Board shall have authority to set rentals, admission prices, expense charges and other fees as it deems necessary for any event utilizing special facilities or personnel under the jurisdiction of the Park and Recreation Board. (R.O. 2008 §135.070; Ord. No. 4882 §1, 5-14-90)

SECTION 135.071: DEFINITIONS

As used in this Chapter, the following terms shall be deemed to have the following meanings:

CIVIC ORGANIZATION: Any corporation, LLC, community chest, foundation or other organization generally accepted as a civil organization in the community, including any organization described herein which has as its primary purpose charitable, religious, educational, scientific or literary endeavors.

INTOXICATING LIQUOR: Shall have the meaning described in Section 600.010 of this Code.

PUBLIC PARK: Any park owned or leased by the City or the Parks and Recreation Department of the City of Maryville, or any other area designated as a public park within the City limits of the City of Maryville. (R.O. 2008 §135.071; Ord. No. 6796 §1, 11-28-

05)

SECTION 135.072: ALCOHOL PROHIBITED IN PARKS -- EXCEPTION

A. It shall be unlawful to possess, consume, dispense, sell or vend intoxicating liquor or non-intoxicating beer in any public park unless said act complies with the terms of this Chapter and a valid park alcohol use permit.
B. It shall be lawful to possess, consume, dispense, sell or vend intoxicating liquor or non-intoxicating beer in a public park only if such act complies with the terms and conditions of this Chapter and the requirements of a valid park alcohol use permit. (R.O. 2008 §135.072; Ord. No. 6796 §1, 11-28-05)

SECTION 135.073: PARK ALCOHOL USE PERMIT

A. A park alcohol use permit authorizes the holder to sell, dispense or vend intoxicating liquor and non-intoxicating beer in compliance with the terms of the permit.
B. Possession or consumption of intoxicating liquor or non-intoxicating beer by any individual in compliance with the terms of a valid park alcohol use permit is authorized.
C. Only a civic organization may apply for a park alcohol use permit.
D. A permit fee of two hundred dollars ($200.00) plus a damage deposit of three hundred dollars ($300.00) shall be paid at the time the application for the permit is made, which application must be submitted at least thirty (30) days prior to the event.
E. A park alcohol use permit, if approved, shall be issued for period requested on the application but shall not exceed three (3) days in duration. Multiple applications by a civic organization or by multiple organizations shall not be approved to circumvent this duration limitation. The City Council may authorize an exception to this duration period limitation for special or annual events of community-wide interest. (R.O. 2008 §135.073; Ord. No. 6796 §1, 11-28-05)

SECTION 135.074: VIOLATION OF PERMIT TERMS

A. It shall be unlawful to possess, consume, dispense, sell or vend intoxicating liquor or non-intoxicating beer contrary to the terms or condition of the park alcohol use permit.
B. In addition to any other authorized sanction or punishment, the Maryville Parks and Recreation Department is authorized to immediately revoke any park alcohol use permit where alcohol dispensing, possession or use, or the event location, display or operation fails to comply with any term, condition, requirement or restriction of the permit as approved. (R.O. 2008 §135.074; Ord. No. 6796 §1, 11-28-05)

SECTION 135.075: PARK ALCOHOL USE PERMIT -- APPLICATION

All applications for a park alcohol use permit shall be submitted on such form(s) as promulgated by the City, shall be accompanied by all necessary fees and deposits filed at least thirty (30) days in advance of the scheduled events for which the permit is sought and shall contain the following:

1. Completed application form(s) as required;
2. The name and address of the civic organization requesting the permit;

3. The name, address and telephone number of the contact individual for the application;
4. The names, addresses and telephone numbers of the officers of the civic organization applying for the permit;
5. The name, address and telephone number of all individuals responsible for the operation of the event or responsible for compliance with all applicable permit terms and conditions, City ordinances and State laws and regulations;
6. A complete description of the proposed special event, including dates, hours of operation, proposed method of merchandise display, proposed signage and a list of all goods to be sold or dispensed and equipment to be used in the event;
7. A map depicting the layout and location of the event relative to other landmarks of the site;
8. A copy of the application for a Missouri picnic license for the event, or a copy of a caterer's license or other applicable license for the event, with contact information for the person or entity which will be dispensing alcohol at the event. A copy of a valid Missouri picnic license, if applicable, must be submitted prior to permit approval;
9. A certificate of insurance for the event providing for minimum coverage of one million dollars ($1,000,000.00) for injury or property damage and naming the City of Maryville, Maryville Park and Recreation Department and their officers, employees and agents as additional insureds;
10. The signature of the person responsible for the event and application and evidence that the permit is executed with the approval of the civic organization;
11. If the event involved the possession, sale or dispensing of food products, a copy of all required permit(s) shall be attached to the application; and
12. Any other information the City and/or Parks and Recreation Department deems necessary. (R.O. 2008 §135.075; Ord. No. 6796 §1, 11-28-05)

SECTION 135.076: PARK ALCOHOL USE PERMIT -- SITE REQUIREMENTS

A. Nothing in this Chapter shall prevent any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the holder of the permit in accordance with the law.
B. Merchandise shall be displayed in a manner that does not create a nuisance, negatively impact surrounding park area or usage of the park by others or detract from the visual quality of the area.
C. Signage at the site location shall be limited to one (1) sign not to exceed eight (8) square feet. Off-premises signs or attention-attracting devices shall not be allowed.
D. The event shall be located in a manner so as not to cause vehicular congestion.
E. The sponsor shall provide a "designated and controlled area" to segregate individuals who are allowed to possess or consume alcohol (people over twenty-one (21)).
F. A "designated serving table" shall be located within the serving area, and individuals shall not be allowed to carry or bring alcohol into the area except to be dispensed therein. Only liquor dispensed from the serving area by the holder of the permit or its agent shall be permitted to be possessed or consumed under the permit.
G. During the event, trash and debris shall be maintained so as not to create a nuisance or to litter the area. Upon conclusion of the event for the day, all materials, equipment, trash

and debris shall be promptly removed from the property or placed in designated refuse containers. (R.O. 2008 §135.076; Ord. No. 6796 §1, 11-28-05)

SECTION 135.080: VIOLATIONS AND PENALTIES

Each and every person violating any provision of this Chapter shall be guilty of an ordinance violation and, upon conviction thereof, shall be punished by a fine not to exceed five hundred dollars ($500.00) or be imprisoned in jail for not more than three (3) months, or both such fine and imprisonment. (R.O. 2008 §135.080; Ord. No. 4882 §1, 5-14-90; Ord. No. 5416 §1, 5-13-96)

CHAPTER 140: RETIREMENT SYSTEM

SECTION 140.010: MISSOURI LOCAL GOVERNMENT EMPLOYEES RETIREMENT SYSTEM -- ADOPTION BY CITY

A. The City of Maryville is a "political subdivision" as defined in Sections 70.600 through 70.755 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 (neither *"Policemen"* nor *"Firemen"* as defined in the Act);
    2. Present and future Policemen (as defined in the Act);
    3. Present and future Firemen (as defined in the Act).
B. The City hereby elects that one hundred percent (100%) of prior employment be considered for prior service credit in computing benefits and contributions to the system.
C. The City of Maryville, Missouri, as an employer under the Missouri Local Government Employees Retirement System, hereby elects the following:
    1. To adopt no change in the contributions from covered employees, keeping the requirement of no contributions from covered employees in accordance with the provisions of Section 70.705 and Section 70.730, RSMo.
    2. To adopt a change in the method of determining a member employee's final average salary, changing to a thirty-six (36) consecutive-month period for determining a member employee's final average salary in accordance with Section 70.600 and Section 70.656, RSMo.
    3. To adopt a change in the Benefit Program of member employees, changing to Benefit Program L-9.
    4. To adopt no change in the Benefit Program of member employees, keeping member employees option of retirement upon attaining minimum service retirement age. (R.O. 2008 §140.010; Ord. No. 4882 §1, 5-14-90; Ord. No. 6460 §1, 3-25-02)

SECTION 140.020: CONTRIBUTIONS

The City Manager is hereby authorized and directed to deduct from the wages and salaries of each employee member the member contributions required by Section 70.705,

RSMo., and to promptly remit the deductions to the Retirement System, together with the employer contributions required by Section 70.730, RSMo. (R.O. 2008 §140.020; Ord. No. 4882 §1, 5-14-90)

CHAPTER 145: TAXATION

SECTION 145.010: TAX FOR PARK PURPOSES

Pursuant to the authority granted by and subject to the provisions of Sections 94.500 to 94.550, RSMo., a tax for the development of roads, buildings, associated equipment and recreational facilities at Mozingo Lake Park is hereby imposed at the rate of one-half of one percent (0.5%) on the receipts from sale at retail of all tangible personal property or taxable services at retail within the City of Maryville, if such property and services are subject to taxation by the State of Missouri under the provisions of Sections 144.010 to 144.510, RSMo. This action shall extend the current tax and shall be effective for an additional ten (10) years and shall expire on July 1, 2017, unless further extended by a vote of the people and shall be collected pursuant to the provisions contained in the aforesaid Sections. (R.O. 2008 §145.010; Ord. No. 5568 §1, 8-18-97; Ord. No. 6808 §1, 1-23-06; Ord. No. 6821 §1, 4-10-06)

SECTION 145.020: CAPITAL IMPROVEMENTS TAX

Pursuant to the authority granted by and subject to the provisions of Sections 94.577, RSMo., a tax for capital improvements, is hereby imposed at the rate of one-half of one percent (.5%) on the receipts from sale at retail of all tangible personal property or taxable services at real within the City of Maryville, if such property and services are subject to taxation by the State of Missouri under the provisions of Sections 144.010 to 144.510, RSMo. This action shall implement a tax and shall be effective for the ten (10) years and shall expire on September 30, 2018, unless further extended by a vote of the people and shall be collected pursuant to the provisions contained in the aforesaid Sections. (R.O. 2008 §145.030; Ord. No. 6969 §1, 1-14-08; Ord. No. 6997 §1, 4-14-08)

SECTION 145.030 CITY SALES TAX

Pursuant to the authority granted by and subject to the provisions of Sections 144.010--144.510, RSMo., a tax for general revenue purposes is hereby imposed on all sellers of tangible personal property or rendering taxable service at retail at the additional rate of one-eighth percent (1/8%) and seven-eighths percent (7/8%), making the total rate of City sales tax one percent (1%), on the receipts from the sale at retail of all tangible personal property or taxable service at retail within said City, if such property and services are subject to taxation by the State of Missouri. (Ord. No. 3960 §1, 8-7-79; Ord. No. 4634 §1, 11-9-87)

SECTION 145.040: TAX FOR FUNDING LOCAL PARKS

Pursuant to the authority granted by and subject to the provisions of Sections 144.010--144.525, RSMo., a sales tax is hereby imposed on all retail sales made in the City which are subject to taxation at the rate of one-eighth of one percent (1/8%) pursuant to the authority granted under the provisions of Sections 644.032 and 644.033, RSMo., for the funding of local parks. (Ord. No. 6137 §1, 11-9-98)

SECTION 145.050: COMMUNITY/RECREATIONAL CENTER PROJECT TAX
Pursuant to the authority granted by and subject to the provisions of Sections 144.010--144.510, RSMo., a tax is hereby imposed on all sellers selling tangible personal property or rendering taxable service at retail at the additional rate of one-eighth of one percent (1/8%) on the receipts from the sale at retail of all tangible personal property or taxable service at retail within the City, for a Community/Recreational Center project. The tax will terminate twenty (20) years from the date on which said tax is first imposed. (Ord. No. 6311 §1, 8-14-00)

CHAPTER 150: PROCUREMENT POLICY

SECTION 150.010: GENERALLY
This manual establishes the rules, procedures and forms for the purchase of supplies and services for the City of Maryville, Missouri. (R.O. 2008 §150.010; Ord. No. 7006 §1, 4-28-08)

SECTION 150.020: RESPONSIBILITY FOR PURCHASING
This responsibility for purchasing resides with the City Manager and department heads. The Finance Director and City Clerk are authorized to approve the purchase of supplies routinely used in the conduct of City business in the absence of the City Manager. (R.O. 2008 §150.020; Ord. No. 7006 §1, 4-28-08)

SECTION 150.030: PROCUREMENT
All matters pertaining to the procurement of supplies and services for the City shall be channeled through the various department heads, Finance Director and to the City Manager. (R.O. 2008 §150.030; Ord. No. 7006 §1, 4-28-08)

SECTION 150.040: FINANCE DIRECTOR -- DUTIES AND FUNCTIONS
The Finance Director shall be responsible for the following duties and functions with assistance provided by the City Clerk as necessary:

1. To purchase or contract for purchases of all current supplies and contractual services needed by the City.
2. To procure for the City the highest quality in supplies and contractual services commensurate with requirements at least expense to the City.

3. Encourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases and sales.
4. Keep informed of current developments in the field of purchasing, prices, market conditions and new products and secure for the City the benefits of research done in the field of purchasing by other governmental jurisdictions, national technical societies, trade associations having national recognition and by private business and organizations.
5. Prescribe and maintain such forms as are reasonable and necessary upon approval of the City Manager.
6. The Finance Director shall advise and assist the City Manager in formulation of policies and procedures in connection with the purchasing activities of the City. (R.O. 2008 §150.040; Ord. No. 7006 §1, 4-28-08)

SECTION 150.050: ETHICAL PRACTICE

All officers and employees of the City shall keep themselves free of any real or implied obligation by refusing to accept entertainment, gifts or services offered by or on behalf of suppliers or contractors currently or potentially serving the City. (R.O. 2008 §150.050; Ord. No. 7006 §1, 4-28-08)

SECTION 150.060: DEPARTMENT HEAD -- RESPONSIBILITIES

The department head is responsible for the following:

1. To purchase the best valued materials/services for the purpose intended.
2. To practice economy in the use of materials.
3. To maintain equipment in a serviceable condition.
4. To plan future purchases to provide ample time to secure favorable prices.
5. To insure compliance by employees with purchasing regulations and procedures.
6. To advise the Finance Director of supplies and services required for operations.
7. To combine like purchases and/or vendors within the same purchase order form as possible. (R.O. 2008 §150.060; Ord. No. 7006 §1, 4-28-08)

SECTION 150.070: PURCHASE OF COMMODITIES COSTING $1,000.00 OR LESS FROM LOCAL VENDORS

A. *Authority*. Department heads are authorized to purchase items that cost one thousand dollars ($1,000.00) or less without prior City Manager approval. Department heads are expected to investigate the local market and select the item best suited to their needs by both quality and price.

B. *Invoice Necessary*. A copy of the purchase order or invoice signed by the department head will be delivered to the Finance Director as soon as possible after the purchase is made. The department head shall insure that the invoice is to the City of Maryville and reflects the correct department and account code for which the purchase is made. All employees are to insure that the vendor provides a legible and complete description of the item purchased on the invoice with identifying City purchase order number if such system is in place. All invoices must be legibly signed by a representative of the City upon receipt of the item(s).

C. *Responsibility.* The department head will be responsible for the correct completion of items on the purchase order. The department head shall sign all purchase orders for his/her department. (R.O. 2008 §150.070; Ord. No. 7006 §1, 4-28-08)

SECTION 150.080: PURCHASE OF COMMODITIES IN EXCESS OF $1,000.00

A. *Approval Required.* The City Manager's approval must be secured for all purchases in excess of one thousand dollars ($1,000.00). Requests for purchases will be submitted by the department head to the Finance Director on a purchase order form. An explanatory memorandum may be requested by the City Manager. The approval of the City Manager will be secured on the purchase order form if such document is in place prior to ordering.
    1. *Blanket purchase orders and price agreements.* Blanket purchase orders and price agreements which shall be approved by the City Manager are used in long-term situations. The blanket purchase order or price agreement remains open for one (1) fiscal year to purchase the products or services specified on an "as needed" basis and awarded using a purchasing manner corresponding with the dollar amount. It shall not be necessary to obtain competitive sealed bids or comparative prices for products covered under price agreements.

B. *City Council Approval.* City Council approval is required for any purchase in excess of five thousand dollars ($5,000.00). Otherwise, the City Manager may approve purchases in excess of one thousand dollars ($1,000.00) up to five thousand dollars ($5,000.00). (R.O. 2008 §150.080; Ord. No. 7006 §1, 4-28-08)

SECTION 150.090: FORMAL VENDOR SELECTION METHODS

A. *Request For Quotation.* Normally, requests for quotations will be obtained in writing from vendors on a form supplied by the Finance Director. The request for quotation form will show the following information:
    1. Time and date quotations to be received.
    2. Quantity and description of item desired.
    3. Delivery point and date desired.

    If time is an element or conditions merit, upon the approval of the City Manager, quotations may be solicited by telephone. Telephone quotations shall be recorded on the appropriate form showing date, vendors called, names of persons submitting quotations, unit prices, terms and signature of person soliciting the quotes. Quotations from three (3) vendors are usually sufficient to establish competition. Written confirmation of all telephone proposals is required. Failure to confirm the unit price may cause the proposal to be rejected.

B. *Formal Bid Procedure.* Formal bidding will be used for the purchase of major items or service. Each prospective bidder will be furnished an invitation to bid, specifications and a bid proposal form. The invitation to bid shall contain all information pertaining to terms of sale and delivery, deadline for submission of bid and place and time where bids will be publicly opened and read aloud. Specifications for the desired quality and performance characteristics of an item or service shall serve as the basis for competitive bidding. All bids must be submitted on the bid proposal form provided by the City.

C. *Where, When And How To Bid.* Advertisements for bids shall be placed in at least two (2) newspapers of general circulation most likely to reach prospective bidders, may be

advertised in at least two (2) weekly minority newspapers, may be provided through an electronic medium available to the general public and shall be provided on the City of Maryville website. All advertisements shall be published no less than five (5) days before bids for such purchases are to be opened. Additionally, the request for quotation shall be posted inside City Hall. When deemed more advantageous, other methods of advertisement, including notice to minority business purchase councils, may be adopted by the City Council. Bids from prospective suppliers may be delivered to the City Clerk by mail or other reasonable method generally available to the public. It shall be the supplier's duty to insure that supplier's bid is delivered in such a way as to reach the City Clerk before the time set for opening bids. The contract shall be awarded and let to the lowest and best bidder with the exception of Subsection (I), when applicable. The City Council shall have the right to reject any or all bids and advertise for new bids or purchase the required supplies on the open market if they can be so purchased at a better price.

D. *Quotation Or Bid Summary.* Upon the return of the bid proposals or requests for quotations from the vendors, the department head will summarize the prices offered on a bid or quotation summary sheet and recommend to the City Manager, upon consultation with the Finance Director, the vendor to be chosen.

E. *Purchase Order.* The purchase order form will be used for all purchases. One (1) copy will be forwarded to the vendor, if requested. One (1) copy will be retained in the office of origin. The original copy will be filed in the finance office.

F. *Transportation Charges.* All orders to suppliers will specify that transportation charges be prepaid by the supplier to point of delivery.

G. *Limits On Competitive Bids/Proposals.*

1. Competitive proposals/bids will be required on all those items that cost up to five thousand dollars ($5,000.00). Proposals may be informal telephone quotations as directed by the department head. Those items that cost more than five thousand dollars ($5,000.00) shall require formal bid procedures unless otherwise directed by the City Manager. Written confirmation of price(s) shall be required as directed by the City Manager. Proposals and competitive bid requirements may be waived, upon City Manager approval, if the items can only be acquired from a single firm, an inventory item protected by patents or proprietary interests, or if time is an element to be considered.
2. It is the policy of the City of Maryville to purchase products manufactured, assembled or produced in the United States rather than products manufactured, assembled or produced elsewhere if the quality and price are comparable.
3. All proposals and bids received shall either (a) be attached to the purchase order as proof of procedure, or (b) be retained in a designated bid file for future reference.

H. *Special Procurement Requirements.* The City shall comply with any special procurement requirements mandated by Federal, State, County or other granting or funding authorities, provided such requirements achieve the minimum standards established by this policy and other applicable Sections of the City Charter and Code of Ordinances, which will include cost and price analysis for every United States Department of Transportation procurement, including contract modifications.

I. *Local Purchasing Preference Policy.*

1. If a local bidder is within two percent (2%) of the lowest bid from an out-of-town bidder on a construction or other formally bid project from five thousand dollars ($5,000.00) up to one million dollars ($1,000,000.00) and within one percent (1%) on such project from one million one dollars ($1,000,001.00) up to five million dollars ($5,000,000.00), then the local bidder will be awarded the bid unless otherwise provided in this Chapter.
2. The local purchasing preference policy shall not apply in the following instances:
   a. When purchases and/or contracts are funded in whole or in part by Federal funds;
   b. When purchases are less than five thousand dollars ($5,000.00) or more than five million dollars ($5,000,000.00);
   c. When purchases are not required to be formally bid, such as sole source procurements, emergency procurements and any other such procurements as defined in the City procurement policy or the City emergency management policy;
   d. When professional services are procured through the issuance of requests for qualifications and/or requests for proposals, including design-build contracts; or
   e. When such preference is in conflict with any applicable State or Federal laws, rules or regulations.
3. The local purchasing preference policy shall not apply to private construction projects financed with public assistance including, but not limited to, tax increment financing, Chapter 100 bonds, Chapter 353 redevelopment projects and enterprise zone redevelopment.
4. *"Local"* is defined as a business operating within the corporate limits of the City of Maryville with the majority of its primary business operations, including, but not necessarily limited to, production, operation, purchasing, billing, marketing, management, administration and ownership, occurring within the City limits. "Local" shall not include the following:
   a. Those businesses with only a local Maryville post office box;
   b. Those businesses with a sales presence in the City, but no physical business location within the City limits; or
   c. Home-based businesses that merely take orders for products shipped from out-of-town to their customers. Exceptions will be considered on a case-by-case basis when a written request is submitted to the City Manager.
5. Notwithstanding the foregoing, the local bidder must otherwise meet all qualifications and procurement policy requirements of the City, including, but not limited to, the "best bid" requirements, in order to be awarded a bid under this Section. (R.O. 2008 §150.090; Ord. No. 7006 §1, 4-28-08)

SECTION 150.100: PURCHASE OF REPAIR PARTS AND SUPPLIES

Parts and supplies for the repair and maintenance of automotive and mechanical equipment maintained by the central garage will be purchased by the mechanic, subject to approval by his/her department head.

1. *Local purchases.* The shop foreman will purchase necessary parts and supplies for repair of equipment through the above listed purchase order procedures.

2. *Shop tools and major supplies.* The purchase of shop tools and major supplies costing in excess of five hundred dollars ($500.00) will be approved by the department head established in these regulations.
3. *Major repairs.* If equipment will require major repair or rebuilding to return it to service, the shop foreman will obtain estimates to repair or rebuild and then obtain a recommendation for the department head as to the advisability of repairing when replacement or other disposition may be more economical. The department head will advise the City Manager of his/her recommendation. All repairs costing in excess of one thousand dollars ($1,000.00) shall have prior City Manager approval. (R.O. 2008 §150.100; Ord. No. 7006 §1, 4-28-08)

SECTION 150.110: CONTRACTUAL SERVICES

To obtain contractual services for the maintenance, repair, alteration, remodeling or construction of equipment, furnishings, building and structures, the department head will submit a memorandum to the City Manager. The memorandum will contain information required to evaluate the need and urgency of the work to be performed by persons not employed by the City and to provide administrative control for contractual services. Upon satisfactory completion of the work, the department head will certify his/her acceptance of the work on the file copy of the purchase order and return it to the finance office for payment upon receipt of an invoice from the contractor.

1. *Service contracts or maintenance agreements.* All service contracts or maintenance agreements will be approved by the City Council and/or City Manager. The City Clerk and Finance Director will maintain a record of service agreements and dates when such services start and terminate. Prior to the termination date, the City Manager will coordinate with the department head to determine if the service should be renewed.
2. *Use of commercial or maintenance agreements.* City-owned equipment shall not be repaired in commercial facilities without advance approval of the department head. Conditions which permit the use of commercial facilities are when the work is beyond the capability of the mechanic or when emergency repairs are required that cannot be performed expediently by maintenance personnel. The department head will secure the advance approval of the City Manager on those items that exceed one thousand dollars ($1,000.00). Normal purchasing procedures will be followed in obtaining this type of service.
3. *Modifications to equipment, buildings and structures.* Any modifications to buildings and structures of the City must be approved by the City Manager.
4. *Rental of equipment.* Rental of equipment or accessories for equipment will receive approval of the City Manager. Request for rental of equipment will be made to the City Manager by memorandum. Rental approvals will be set out by contract or lease agreement. (R.O. 2008 §150.110; Ord. No. 7006 §1, 4-28-08)

SECTION 150.120: EMERGENCY PURCHASES

When an immediate need exists to prevent the disruption of operations by unforeseen causes, supplies or services may be obtained without prior approval. Only the minimum supplies or services necessary to alleviate the emergency shall be purchased. Emergency

purchases must be reported to the City Manager as soon as possible after they occur with an explanation of the nature of the emergency.

1. *Administrative requirements for emergency purchases.* The department head will, at the time of purchase, secure from the vendor a sales ticket or invoice for the material or services. The words "emergency purchase" must be indicated thereon. The invoice will be forwarded to the City Manager as soon as possible. (R.O. 2008 §150.120; Ord. No. 7006 §1, 4-28-08)

SECTION 150.130: STANDARD ITEMS

Like items utilized by the various departments of the City will be purchased centrally. The City Clerk will periodically prepare a list of standard items and furnish it to the department heads. The list of standard items will serve as a guide to department heads in ordering standard items. Items appearing on the list of standard items may not be purchased separately by departments. Standard items will be issued from the various storage rooms. Issues of standard items will be made by the use of a requisition form. The issuing person will complete the requisition form. (R.O. 2008 §150.130; Ord. No. 7006 §1, 4-28-08)

SECTION 150.140: PURCHASING DEPARTMENT RECORDS

The following records shall be maintained:

1. *Catalog file.* The file shall be maintained by the department head according to products and its purpose is to assist in the location of information concerning products and source of supply.
2. *Purchase order file.* Purchase orders shall be filed according to numbers.
3. *Specification file.* All specifications shall be filed in the finance office. Specifications will be developed and written by the department head with the assistance of the using departments.
4. *Invoices.* Invoices for the purchase of materials or services will be checked for prices and receipt of material or services and forwarded to the finance office for preparation of an expenditure voucher and payment. (R.O. 2008 §150.140; Ord. No. 7006 §1, 4-28-08)

SECTION 150.150: LEASE-PURCHASE AGREEMENTS

No equipment or accessory will be obtained on a lease-purchase agreement without the express approval of the City Council. (R.O. 2008 §150.150; Ord. No. 7006 §1, 4-28-08)

SECTION 150.160: BUYING EQUIPMENT ON INSTALLMENT PAYMENTS

No equipment or accessory will be purchased on an installment payment plan without the express approval of the City Council. (R.O. 2008 §150.160; Ord. No. 7006 §1, 4-28-08)

SECTION 150.170: ACCEPTING EQUIPMENT ON TRIAL

No equipment or accessory will be accepted or used by a department to test its suitability

without the approval of the City Manager. (R.O. 2008 §150.170; Ord. No. 7006 §1, 4-28-08)

SECTION 150.180: PETTY CASH PROCEDURES

The City Manager may establish a Petty Cash Fund where such a fund is deemed advantageous and expedient in the routine purchase of items costing less than thirty dollars ($30.00). The City Clerk shall be the custodian of the Petty Cash Fund. The size of the Petty Cash Fund shall be controlled by the City Manager based upon the amount of use of the fund. Sound purchasing procedures will govern purchases made from the Petty Cash Fund.

1. No personal checks are to be cashed.
2. Reimbursement is to be made only to personnel authorized by the department head. It shall be the responsibility of the department head to properly code or classify the item or expenditure with receipt and his/her written approval shall be taken as proper authorization for the custodian of the fund to charge his/her department when replenishing the fund.
3. Reimbursement is not to be made until an invoice marked "paid", a valid receipt or certificate of expenditure is received by the fund custodian.
4. No reimbursement is to be made for items over thirty dollars ($30.00) (no limit on freight payments), where it appears that purchasing regulations or procedures are being evaded.
5. The Petty Cash Fund shall be replenished monthly. The replenishment amount will be the total of "paid" invoices, valid receipts and certificate of expenditures presented. The Accounting Clerk will encumber the appropriate expenditure accounts of the various funds monthly reflecting expenditures made through the Petty Cash Fund. (R.O. 2008 §150.180; Ord. No. 7006 §1, 4-28-08)

SECTION 150.190: FOLLOW-UP AND EXPENDITURES

The department head is responsible for follow-up and expediting purchases. The purchase order should state when delivery is wanted. Date and method of follow-up will depend on the nature of the order and the promised delivery date. (R.O. 2008 §150.190; Ord. No. 7006 §1, 4-28-08)

SECTION 150.200: RECEIPT OF SUPPLIES OR SERVICES

Department heads are responsible for the correct accounting classification of all purchases. When it has been ascertained that all items of a purchase order have been received, the department head shall enter the receiving date upon the copy of the purchase order and forward along with all invoices, etc., to the finance office. No payment may be made to a vendor until this receipt is forwarded to the finance office. (R.O. 2008 §150.200; Ord. No. 7006 §1, 4-28-08)

SECTION 150.210: SURPLUS AND OBSOLETE MATERIAL

A. *Methods Of Disposition.* Surplus, worn-out or obsolete material and equipment

belonging to the City may be disposed of in the following ways:

1. By transferring to other City departments.
2. By returning to the manufacturer or supplier.
3. By trading in on new equipment.
4. By advertising for sale.
5. By selling as scrap.
6. Junking--If any material is junked or lost, it shall be reported to the City Manager by memorandum.

B. *How To Report Property.* Each department shall report its surplus or obsolete stock, equipment or materials by memo to the City Manager.

C. *How Disposition Is Made.* If surplus equipment is sold, it will be coordinated by the Finance Director in conformance with competitive conditions including newspaper advertising, sealed bids or public sale. Final acceptance of the sale and sale conditions will be given by the City Manager. If material is sold as scrap, competitive quotes or sealed bids will be solicited. (R.O. 2008 §150.210; Ord. No. 7006 §1, 4-28-08)

SECTION 150.220: CHANGE ORDER TO CONTRACTS

The City Manager is authorized to approve contract change orders up to five thousand dollars ($5,000.00). However, each approval will be reported to the City Council at the next scheduled meeting for Council confirmation. (R.O. 2008 §150.220; Ord. No. 7006 §1, 4-28-08)

SECTION 150.230: SAFETY TRAINING REQUIREMENTS

A. The project approved by this Chapter is subject to the requirements of Section 292.675, RSMo., which requires its on-site employees to complete a ten (10) hour course in construction safety and health approved by the Occupational Safety and Health Administration (OSHA) or a similar program approved by the Missouri Department of Labor and Industrial Relations which is at least as stringent as an approved OSHA program. The training must be completed within sixty (60) days of the date work on the project commences. On-site employees found on the worksite without documentation of the required training shall have twenty (20) days to produce such documentation.

B. The request for bids for this project shall specify the requirements of Section 292.675, RSMo.

C. The contract awarded for this project shall specify the requirements of Section 292.675, RSMo., and shall include a notice of the penalties for contractor's failure to comply with that Statute. (Ord. No. 7135 §1, 8-10-09)

TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE

CHAPTER 200: DEPARTMENT OF PUBLIC SAFETY

ARTICLE I. IN GENERAL

SECTION 200.010: CREATION
There is hereby created the Department of Public Safety for the City. This Department shall consist of the Director of Public Safety and such officers, employees and reserve or volunteer personnel as may be provided for by the City Council. (R.O. 2008 §200.010; Ord. No. 4890 §1, 7-9-90)

SECTION 200.020: FUNCTION
It shall be the function of the Department of Public Safety to preserve order, enforce all ordinances and laws in the City, preserve the peace, mitigate the results, render aid in the case of disaster or accident, and prevent and extinguish accidental or destructive fires. (R.O. 2008 §200.020; Ord. No. 4890 §1, 7-9-90)

SECTION 200.030: DIRECTOR OF PUBLIC SAFETY
There is hereby created the office of Director of Public Safety, who shall be appointed by the City Manager for an indefinite term. The Director of Public Safety shall be the head of that Department, and all officers, employees and reserve or volunteer personnel assigned to that department shall perform their duties subject to his/her supervision. The Director of Public Safety shall have all the powers and duties assigned by law or ordinance to the Chief of the Fire Department and the Chief of the Police Department, and shall perform such functions and duties as may be prescribed by the Council, City Manager, City ordinances and State law. It shall be the duty of the Director of Public Safety and he/she shall:

1. Recommend to the City Manager the employment of persons to fill positions within the Department.
2. Have the control, subject to the order and directive of the City Manager, of all fire apparatus belonging to the City.
3. Keep or cause to be kept a record of all fires and training drills and the attendance of the members of the Department thereat, and file, with the City Manager a full report of such records and attendance.
4. Keep such records and make such reports concerning police matters and the activities of his/her Department as may be required by State law, City ordinance, the City Council or the City Manager.
5. Have the custody of all lost, abandoned or stolen property recovered in the City. (R.O. 2008 §200.030; Ord. No. 4890 §1, 7-9-90)

SECTION 200.040: RULES AND REGULATIONS
The Director of Public Safety may make or prescribe such rules and regulations for the

conduct of his/her Department as shall be in accordance with City personnel rules and regulations. When approved by the City Manager, such rules shall be binding on the members of such Department. The rules and regulations may cover the conduct of the members, uniforms and equipment to be worn or carried, hours of service, the manner of performance of duties, and other matters necessary or desirable for the better efficiency of the Department. (R.O. 2008 §200.040; Ord. No. 4890 §1, 7-9-90)

SECTION 200.050: STATUS OF MEMBERS

Officers, employees, and reserve or volunteer personnel of the Department of Public Safety shall be appointed in the manner provided by City personnel rules and regulations. Each officer of the Department shall be a conservator of the peace and shall have all the responsibility, authority and liability prescribed by State law or ordinance of the City. (R.O. 2008 §200.050; Ord. No. 4890 §1, 7-9-90)

SECTION 200.055: NOTICE TO LAW ENFORCEMENT PERSONNEL -- COMPLIANCE WITH FEDERAL AND STATE ILLEGAL IMMIGRATION LAWS

The Director of Public Safety shall provide each Law Enforcement Officer with written notice of their duty to cooperate with Federal and State agencies and officials on matters pertaining to enforcement of State and Federal laws governing immigration. (Ord. No. 7105 §§1--2, 4-13-09)

ARTICLE II. FIRE PROTECTION

SECTION 200.060: FIRE LINE

The Director of Public Safety and designated representative in command at a fire prescribe the limits in the vicinity of any fire within which no person, excepting those who reside therein and those admitted by order of the City Manager, Director of Public Safety or Public Safety Officers of the Department of Public Safety, shall be permitted. (R.O. 2008 §200.060; Ord. No. 4890 §1, 7-9-90)

ARTICLE III. POLICE PROTECTION

SECTION 200.070: POLICE DUTIES

The officers of the Department of Public Safety shall be conservators of the peace, and shall be active and vigilant in the preservation of good order within the City, and it shall be their duty to see to the enforcement of all of the ordinances of the City and all Statutes applicable therein, and to preserve order and prevent infractions of the law and arrest violators thereof. (R.O. 2008 §200.080; Ord. No. 4890 §1, 7-9-90)

SECTION 200.080: REWARDS
No member of the Department of Public Safety shall retain any reward or present tendered him/her for his/her own benefit. Any rewards or presents received shall be turned over to the Director of Public Safety, who shall deposit the same with the City Treasurer. It shall be cause for removal, for any member of the Department to receive any such reward or present. (R.O. 2008 §200.090; Ord. No. 4890 §1, 7-9-90; Ord. No. 5186 §1, 2-14-94)

CHAPTER 205: ANIMALS AND FOWL

ARTICLE I. DEFINITIONS

SECTION 205.005: DEFINITIONS
As used in this Chapter, the following terms shall mean:
ADEQUATE CARE: Care of an animal to include, but not be limited to, clean water, shelter, wholesome food and health care.
ADEQUATE CONTROL: To reasonably restrain or govern an animal so that the animal does not injure itself, any person, any other animal or property.
ANIMAL: Every living vertebrate except a human being and invertebrate that has been tamed, domesticated or captured. Shall not include wildlife that is under the control of the State Fish and Wildlife Agency, animals kept in licensed research facilities, facilities operated by government agencies or licensed animal dealer regulated by USDA.
ANIMAL SHELTER: A facility which is used to house or contain animals and which is owned, operated or maintained by a duly incorporated humane society or any other not-for-profit organization devoted to the welfare, protection and humane treatment of animals.
FARM ANIMAL: Any horse, mule, donkey, cow or cattle, goat, sheep or swine or any other bovine or equine or any other livestock animal.
HARBOR: To feed or shelter an animal at the same location for three (3) or more consecutive days.
HUMANE KILLING: The destruction of an animal accomplished by a method approved by the American Veterinary Medical Association's Panel on Euthanasia (JAVMA 173:59-72, 1978); or more recent editions, but animals killed during the feeding of pet predator shall be considered humanely killed.
OWNER: In addition to its ordinary meaning, any person who keeps or harbors an animal or professes to be owning, keeping or harboring an animal.
PERSON: Any individual or group of individuals, partnership, firm, joint stock company, corporation, association, trust, estate or other legal entity.
PESTS: Birds, rabbits or rodents which damage property or have an adverse effect on the public health, but shall not include any endangered species listed by the United States Department of the Interior nor any endangered species listed in the Wildlife Code of Missouri.

ARTICLE II. ANIMAL ABUSE LAWS

SECTION 205.010: ANIMAL ABUSE, ANIMAL NEGLECT AND ABANDOMENT

A. *Animal Abuse.* A person is guilty of animal abuse when a person intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of Sections 578.005, 578.023 and 273.030, RSMo., which are incorporated by reference herein to this Article; purposely or intentionally causes injury or suffering to an animal; or having ownership or custody of an animal and knowingly fails to provide adequate care or adequate control.

B. *Animal Neglect And Abandonment.* A person is guilty of animal neglect when he or she has custody or ownership of an animal and fails to provide adequate care or adequate control, which results in harm to the animal. A person is guilty of abandonment when he or she has knowingly abandoned (left) an animal in any place without making provisions for its adequate care.

C. *Impoundment And Disposition Of Abused, Neglected And Abandoned Animals.*

1. A duly authorized Public Health Official, Law Enforcement Official or Animal Control Officer may impound any animal found outside of the owned or rented property of the owner or custodian of such animal when such animal shows evidence of neglect or abuse.

   Any animal impounded pursuant to this Section shall be:

   a. If the owner can be ascertained and the animal is not diseased or disabled beyond recovery for any useful purpose, held for recovery by the owner. The owner shall be notified within five (5) business days of impoundment by phone or by mail of the animal's location and recovery procedures. The animal shall be held for ten (10) business days. An animal unclaimed after ten (10) business days may be put up for adoption or humanely killed;

   b. Placed in the care or custody of a veterinarian, the appropriate animal control authority or animal shelter. The animal shall not be disposed of, unless diseased or disabled beyond recovery for any useful purpose, until after expiration of a minimum of five (5) business days, during which time the public shall have clear access to inspect or recover the animal through time periods ordinarily accepted as usual business hours. After five (5) business days, the animal may be put up for adoption or humanely killed; or

   c. If diseased or disabled beyond recovery for any useful purpose as determined by a Public Health Official, Law Enforcement Official, veterinarian or Animal Control Officer, humanely killed.

2. The owner or custodian of an animal impounded pursuant to this Section shall be liable for reasonable costs for the care and maintenance of the animal. Any person incurring reasonable costs for the care and maintenance of such animal shall have a lien against such animal until the reasonable costs have been paid and may put up for adoption or humanely kill any animal if such costs are not paid within ten (10) days after demand. Any monies received for an animal adopted pursuant to this Subsection in excess of such costs shall be paid to the owner of such animal.

3. The owner or custodian of any animal killed pursuant to this Section shall be entitled to recover the actual value of the animal up to but not to exceed six hundred dollars ($600.00) if the owner or custodian shows that such killing was unwarranted, if the animal was properly tagged for ease of contacting owner. In addition to any other penalty imposed by this Section, the court may order a person found guilty of animal abuse, neglect or abandonment to pay all reasonable costs and expenses necessary for:
   a. The care and maintenance of abused animals within the person's custody or ownership;
   b. The disposal of any dead or diseased animals within the person's custody or ownership;
   c. The reduction of resulting organic debris affecting the immediate area of the neglect or abandonment; and
   d. The avoidance or minimization of any public health risks created by the abuse of the animals.
4. *Neglected or abused animal not to be returned to owner or custodian, when.* If a person is adjudicated guilty of the crime of animal neglect or abuse and the court having jurisdiction is satisfied that an animal owned or controlled by such person would in the future be subject to such neglect or abuse, such animal shall not be returned to or allowed to remain with such person, but its disposition shall be determined by the court.
5. *Exceptions.* The provisions of this Article shall not apply to the following:
   a. Care or treatment performed by a licensed veterinarian within the provisions of Chapter 340, RSMo.;
   b. Bona fide scientific experiments;
   c. Hunting, fishing or trapping as allowed by Chapter 252, RSMo., including all practices and privileges as allowed under the Missouri Wildlife Code;
   d. Rodeo practices currently accepted by the Professional Rodeo Cowboy's Association;
   e. The killing of an animal by the owner thereof, the agent of such owner or by a veterinarian at the request of the owner thereof; a shelter, a veterinarian or Law Enforcement or Health Official;
   f. The lawful, humane killing of an animal by an Animal Control Officer, the operator of an animal shelter, a veterinarian or Law Enforcement or Health Official;
   g. With respect to farm animals, normal or accepted practices of animal husbandry;
   h. The killing of an animal by any person at any time if such animal is outside of the owned or rented property of the owner or custodian of such animal and the animal is injuring any person or farm animal, but shall not include Police or guard dogs while working;
   i. Field trails, training and hunting practices as accepted by the Professional Houndsmen of Missouri;
   j. The killing of house or garden pests.

SECTION 205.020: RESPONSIBILITY OF PARENT OR GUARDIAN OF

MINOR OWNING

The parent or guardian of a minor child is responsible for the adequate care of any animal owned by, in the control of or harbored by that minor child.

SECTION 205.030: POISONING ANIMALS

No person shall willfully administer or maliciously place, leave or expose any poisonous substance or ingredient in any place accessible to wildlife and domesticated animals, with the intent to kill or harm them.

SECTION 205.040: SELLING DYED FOWL OR RABBITS AS PETS OR NOVELTIES PROHIBITED

No person shall sell, offer for sale, barter or give away any animals, for pets or novelties, which have been dyed or otherwise color treated.

ARTICLE III. DOGS AND CATS

SECTION 205.050: INVESTIGATIONS AND INTERFERENCE WITH OFFICERS

Any Public Safety Officer or Humane Officer is authorized to investigate conditions under which an animal is kept or harbored and to require the owner to exhibit a license for the animal(s). No person shall hinder, molest or interfere with any officer in the performance of these duties. It shall be unlawful for any person to violate any of the provisions of this Article and it shall be unlawful for any person to interfere with, obstruct or prevent any official or employee of the City from the performance of his or her duties in the enforcement of any Section of this Article.

SECTIONS 205.060--205.070: RESERVED

SECTION 205.080: LEASHING AND TETHERING REQUIREMENT

A. It shall be unlawful for any person or persons owning, controlling, harboring, possessing or having the management of care, in whole or in part, of any animal to permit such animal to run at large in the City.

For the purpose of this Article, every dog when on any street, alley or other public place in the City which is not attached to a leash, the other end of which is securely held by a person sufficiently capable of restraining such dog or when on private property within the City, which is either not attached to a leash, the other end of which is securely held or is not so confined as to prevent its straying from the premises or is on the private property not owned or leased by the dog's owner, keeper or harborer, shall be deemed to be running at large, provided however, that a dog bearing an identification tag stating thereon its owner's name and address and being kept on the property of its owner without leash or other confinement shall not be deemed to be running at large.

B. A tether to which a dog is attached shall either be held by a person sufficiently capable of restraining such dog or shall be securely fastened to an object of sufficient weight and/or anchor to restrain such dog. A tether which is fastened to an inanimate object shall:
   1. Not allow a dog to be within three (3) feet of any public alley, sidewalk or roadway;
   2. Allow the dog access at all times to food, water and shelter;
   3. Be attached to the dog by a well-fitted dog collar or harness in good working condition and shall not be a slip, self-tightening or "prong" collar;
   4. Remain free of entangled objects;
   5. Not allow the dog to come into contact with another tethered dog;
   6. Prevent the dog from crossing over any barrier which could result in the dog being hung by its collar or harness without the dog's feet being on the ground.

SECTION 205.090: BARKING DOGS

No person shall own or harbor within the City limits any dog that by loud and frequent or habitual barking, yelping or howling is an annoyance to the peace of another.

SECTION 205.100: BREEDER REQUIREMENTS

Breeders, as defined by Missouri Statute, must follow all Missouri Department of Agriculture regulations as allowed by Sections 273.325 to 273.357, RSMo., in order to operate within the City.

SECTIONS 205.110--205.120: RESERVED

SECTION 205.130: DANGEROUS DOG

No person shall keep or harbor a fierce, vicious or dangerous dog or other animal without being caged in a manner not to pose a danger to any inhabitant of the City. Upon a plea or finding of guilt upon this Section, the dog which is the subject of the violation shall be removed from the City as part of the sentence ordered by the Municipal Judge.

SECTION 205.140: LICENSING FEES

A. No person shall own, keep or harbor upon any premises in the City any dog over sixteen (16) weeks of age without first procuring from the City a license tag for such dog.
B. Dog licenses shall be issued by the City or its designee upon the payment of the license fee and presentation of certificate of inoculation against rabies, signed by a licensed veterinarian, which certificate shall have been executed sometime during the previous thirty-six (36) month period for a three (3) year type vaccination or during the previous twelve (12) months for other vaccination. No license shall be issued for a spayed or neutered animal without a certification of verification from a licensed veterinarian.
C. The license fees shall be as follows:
   1. Basic rate for all tags $ 25.00
   2. Spay or neutered Reduced by $20.00

D. City licenses are not transferable from one dog to another. Such registration shall be renewed annually on or before December thirty-first (31st). The full license fee shall be paid and collected for a partial year.
E. Replacement tags may be purchased for one dollar fifty cents ($1.50).
F. *Removal of collar, harness, registration tag.* No person shall remove or cause to be removed the collar, harness or registration tag from any registered dog without the consent of the owner thereof.
G. The provisions of this Section do not apply to dogs brought into the City for the purpose of participating in a dog show, nor to the owner of a "Seeing Eye" dog properly trained to assist blind persons when such dog is actually being used and owned by the blind person for the purpose of aiding him or her in going from place to place.

SECTION 205.150: IMPOUNDING DOGS

Any dog running at large within the City, and whose owner, harborer or keeper is not readily identifiable, shall be delivered to the new Nodaway Humane Society.

SECTION 205.160: REDEMPTION OR RETRIEVAL OF IMPOUNDED DOG -- FEE

All dogs picked up and impounded due to any violation of this Article may be redeemed by the owner or person entitled thereto upon proof of ownership and the following conditions:

1. There shall be paid to new Nodaway Humane Society:
   a. Impound and boarding fees as set forth by the Board of Directors of the Society.
2. In the event the owner or person entitled to such dog or cat cannot provide proof of rabies immunization prior to reclaiming the animal, they shall be required to pay for the cost of immunization prior to reclaiming the animal. If proof of immunization against rabies is provided within seven (7) days, a refund will be granted.
3. The owner or person entitled thereto shall present proof of current licensing and upon the failure to do so shall license such dog upon compliance with all licensing requirements.
4. No person shall have the right to redemption of any impounded dog unless such redemption is effected within seven (7) days after impoundment.

SECTION 205.170: DISPOSITION AND ADOPTION OF IMPOUNDMENT DOGS

Dogs that have been impounded for a period of more than seven (7) days are eligible for adoption or may be disposed of, at the discretion of the Director of the shelter, pursuant to the regulations of the Missouri Department of Agricultures' Animal Care Facilities Act (ACFA).

SECTION 205.180: VIOLATIONS AND PENALTIES

Any fine imposed by any Section of this Chapter shall not exceed five hundred dollars ($500.00) per charge and any jail sentence imposed upon a violation of any Section of this Chapter shall not exceed ninety (90) days per charge.

ARTICLE IV. RABIES

SECTION 205.190: RABIES VACCINATION REQUIRED

All dogs and cats being kept within the City at the time they reach four (4) months of age shall be vaccinated. Unvaccinated dogs over four (4) months of age acquired or moved into the City shall be vaccinated. Every dog that has been vaccinated shall thereafter be revaccinated as specified in Section 205.140 "Licensing Fees" of this Article.

SECTION 205.200: PROCLAMATION REQUIRING MUZZLING OR RESTRAINT

At the discretion of the City Manager, if in his or her opinion the protection of the citizens from the dangers of rabies so demands, he or she may issue a proclamation notifying all of the residents of the City owning or having dogs and cats in their possession to muzzle such dogs and cats or keep them contained until such time as notified in his or her proclamation.

SECTION 205.210: QUARANTINE OF ANIMALS

A. All animal bites or animals acting suspiciously shall be reported to Public Safety, along with the name and address of the person bitten. Any animal that has a bitten a person shall be placed into a veterinarian clinic for a rabies evaluation. If said animal is to be quarantined for observation for rabies, the ten (10) day observation period may be done under the observation of an attending veterinarian in an animal shelter or at a veterinarian clinic. Owner(s) of a quarantined animal shall be liable for cost for the care and maintenance of said animal.
B. No Public Safety Officer or other person shall kill or cause to be killed any animal suspected of being rabid, except when necessary to protect the safety of persons or other animals or to effect the capture of said animal.
C. If a veterinarian diagnoses rabies in a quarantined animal, then the animal shall be humanely killed and the head of said animal shall be sent to a laboratory for pathological examination and confirmation of the diagnosis. Upon being advised of a confirmed diagnosis of rabies, the veterinarian shall be required to notify the Director of Public Safety or his duly authorized representative of said rabies diagnosis, who shall notify the person bitten and the owner of the animal of said diagnosis.
D. The cost of the confinement of any animal as in this Section provided and any laboratory tests that may be required shall be at the expense of the person who owns or has control of said animal.
E. If after the period of observation of said animal it is determined that said animal is not rabid, said animal shall be released to the person who owns or controls said animal, upon

payment by said person of all costs for the confinement of said animal.

ARTICLE V. KEEPING OF ANIMALS OTHER THAN DOGS AND CATS

SECTION 205.220: KEEPING OF ANIMALS OTHER THAN DOGS AND CATS

A. Farm animals shall be kept within an enclosure of at least three (3) contiguous acres for the first (1st) two (2) farm animals and an additional one (1) contiguous acre for each farm animal over two (2) in number.
B. Domesticated birds housed primarily outside must be kept on three (3) or more contiguous acres. Cooped domesticated birds can be kept on less than three (3) contiguous acres based on species, provided the coop does not pose a nuisance to neighbors.
C. No other animals may be kept within the City, except: ferrets, pet rodents, hedge hogs, rabbits, non-venomous snakes and non-venomous reptiles that are under fifteen (15) pounds, goldfish and tropical fish commonly kept in aquariums or fish ponds, sugar gliders, pet shop turtles and pet shop tarantulas. Domestic songbirds and non-endangered birds commonly kept inside dwelling units in cages may be kept.
D. This Section shall not apply to any duly licensed veterinarian, kennel, pet shop or grooming parlor.

ARTICLE VI. GENERAL PROVISIONS FOR ANIMALS

SECTION 205.230: TRAPPING OF ANIMALS

Except for traps which do not create a danger for dogs or cats (such as traps of a size designed to entrap small rodents including mice), no person other than the Animal Control Officer or an employee of the Maryville Public Safety Department shall knowingly set a trap for any animal of any type within the City limits of the City of Maryville, Missouri. Except for the foregoing, no traps of any type shall be allowed within the City limits of the City of Maryville, Missouri, except under the direction of the Animal Control Officer or a Public Safety Officer. Any person convicted in violation of this Section is guilty of a misdemeanor punishable under the Municipal Code of the City of Maryville, Missouri. Each day of illegal trapping by an illegal trap shall constitute a separate violation of the Municipal Code of the City of Maryville, Missouri.

SECTION 205.240: ANIMAL FIGHTING

No person shall promote, manage, attend or receive money for admission of any person to any place kept or used for the purpose of baiting, fighting or causing to fight any animal or fowl. Animal fighting is a Class D felony and punishable as set out by State Statute.

SECTION 205.250: BREEDING ANIMALS IN PUBLIC VIEW PROHIBITED
It shall be unlawful for the owner of any animal to breed or to permit the breeding of any animals, except fowls, within the City limits unless the same is to be done within an enclosure so constructed that such animals are not in view of persons outside such enclosure.

CHAPTER 210: OFFENSES

ARTICLE I. GENERAL PROVISIONS

SECTION 210.005: DEFINITIONS
In this Chapter, unless the context requires a different definition, the following shall apply:
AFFIRMATIVE DEFENSE: Has the meaning specified in Section 556.056, RSMo.
BURDEN OF INJECTING THE ISSUE: Has the meaning specified in Section 556.051, RSMo.
COMMERCIAL FILM AND PHOTOGRAPHIC PRINT PROCESSOR: Any person who develops exposed photographic film into negatives, slides or prints or who makes prints from negatives or slides for compensation. The term *"commercial film and photographic print processor"* shall include all employees of such persons but shall not include a person who develops film or makes prints for a public agency.
CONFINEMENT:

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

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

1. It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor;
2. It is given by a person who by reason of youth, mental disease or defect, or

intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or

3. It is induced by force, duress or deception.

CRIMINAL NEGLIGENCE: Has the meaning specified in Section 562.016, RSMo.
CUSTODY: A person is in custody when he/she has been arrested but has not been delivered to a place of confinement.
DANGEROUS FELONY: The felonies of arson in the first degree, assault in the first degree, attempted forcible rape if physical injury results, attempted forcible sodomy if physical injury results, forcible rape, forcible sodomy, kidnapping, murder in the second degree, assault of a Law Enforcement Officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, statutory rape in the first degree when the victim is a child less than twelve (12) years of age at the time of the commission of the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child less than twelve (12) years of age at the time of the commission of the act giving rise to the offense, and abuse of a child pursuant to Subdivision (2) of Subsection (3) of Section 568.060, RSMo., child kidnapping, and parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty (120) days under Section 565.153, RSMo.
DANGEROUS INSTRUMENT: Any instrument, article or substance which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.
DEADLY WEAPON: Any firearm, loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged or a switchblade knife, dagger, billy, blackjack or metal knuckles.
FELONY: Has the meaning specified in Section 556.016, RSMo.
FORCIBLE COMPULSION: Means either:

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

INCAPACITATED: That physical or mental condition, temporary or permanent, in which a person is unconscious, unable to appraise the nature of his/her conduct, or unable to communicate unwillingness to an act. A person is not *"incapacitated"* with respect to an act committed upon him/her if he/she became unconscious, unable to appraise the nature of his/her conduct, or unable to communicate unwillingness to an act after consenting to the act.
INFRACTION: Has the meaning specified in Section 556.021, RSMo.
INHABITABLE STRUCTURE: Has the meaning specified in Section 569.010, RSMo.
KNOWINGLY: Has the meaning specified in Section 562.016, RSMo.
LAW ENFORCEMENT OFFICER: Any public servant having both the power and duty to make arrests for violations of the laws of this State, and Federal Law Enforcement Officers authorized to carry firearms and to make arrests for violations of the laws of the United States.
MISDEMEANOR: Has the meaning specified in Section 556.016, RSMo.
OFFENSE: Any felony, misdemeanor, ordinance violation or infraction.
PHYSICAL INJURY: Physical pain, illness, or any impairment of physical condition.

PLACE OF CONFINEMENT: Any building or facility and the grounds thereof wherein a court is legally authorized to order that a person charged with or convicted of a crime be held.
POSSESS OR POSSESSED: Having actual or constructive possession of an object with knowledge of its presence. A person has actual possession if he/she has the object on his/her person or within easy reach and convenient control. A person has constructive possession if he/she has the power and the intention at a given time to exercise dominion or control over the object either directly or through another person or persons. Possession may also be sole or joint. If one (1) person alone has possession of an object, possession is sole. If two (2) or more persons share possession of an object, possession is joint.
PUBLIC SERVANT: Any person employed in any way by a government of this State who is compensated by the government by reason of his/her employment, any person appointed to a position with any government of this State, or any person elected to a position with any government of this State. It includes, but is not limited to, legislators, jurors, members of the judiciary and Law Enforcement Officers. It does not include witnesses.
PURPOSELY: Has the meaning specified in Section 562.016, RSMo.
RECKLESSLY: Has the meaning specified in Section 562.016, RSMo.
RITUAL OR CEREMONY: An act or series of acts performed by two (2) or more persons as part of an established or prescribed pattern of activity.
SERIOUS EMOTIONAL INJURY: An injury that creates a substantial risk of temporary or permanent medical or psychological damage manifested by impairment of a behavioral, cognitive or physical condition. *"Serious emotional injury"* shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty.
SERIOUS PHYSICAL INJURY: Physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body.
SEXUAL CONDUCT: Acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification.
SEXUAL CONTACT: Any touching of the genitals or anus of any person, or the breast of any female person, or any such touching through the clothing for the purpose of arousing or gratifying sexual desire of any person.
SEXUAL PERFORMANCE: Any performance, or part thereof, which includes sexual conduct by a child who is less than seventeen (17) years of age.
VOLUNTARY ACT: Has the meaning specified in Section 562.011, RSMo.

ARTICLE II. OFFENSES AGAINST THE PERSON

SECTION 210.010: ASSAULT
A person commits the offense of assault if:

1. The person attempts to cause or recklessly causes physical injury to another person;
2. With criminal negligence the person causes physical injury to another person by means of a deadly weapon;
3. The person purposely places another person in apprehension of immediate physical injury;
4. The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person;
5. The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative; or
6. The person knowingly causes physical contact with an incapacitated person, as defined in Section 475.010, RSMo., which a reasonable person, who is not incapacitated, would consider offensive or provocative.

SECTION 210.015: DOMESTIC ASSAULT

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

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

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

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

A. A person commits the offense of assault of a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, or Probation and Parole Officer if:
   1. Such person recklessly causes physical injury to a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone or Probation and Parole Officer;

2. Such person purposely places a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, or Probation and Parole Officer in apprehension of immediate physical injury;
3. Such person knowingly causes or attempts to cause physical contact with a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, or Probation and Parole Officer without the consent of the Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, or Probation and Parole Officer.

B. As used in this Section, *"emergency personnel"* means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in Subdivisions (15), (16), (17) and (18) of Section 190.100, RSMo.
C. As used in this Section, the term *"Corrections Officer"* includes any jailor or Corrections Officer of the State or any political subdivision of the State.
D. As used in this Section, the term *"highway worker"*, *"construction zone"* or *"work zone"* shall have the same meaning as such terms are defined in Section 304.580, RSMo.
D. Assault of a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, or Probation and Parole Officer is an ordinance violation.

SECTION 210.030: HARASSMENT

A. A person commits the offense of harassment if he or she:
    1. Knowingly communicates a threat to commit any felony to another person and in so doing frightens, intimidates, or causes emotional distress to such other person;
    2. When communicating with another person, knowingly uses coarse language offensive to one of average sensibility and thereby puts such person in reasonable apprehension of offensive physical contact or harm;
    3. Knowingly frightens, intimidates, or causes emotional distress to another person by anonymously making a telephone call or any electronic communication;
    4. Knowingly communicates with another person who is, or who purports to be, seventeen (17) years of age or younger and in so doing and without good cause recklessly frightens, intimidates, or causes emotional distress to such other person;
    5. Knowingly makes repeated unwanted communication to another person; or
    6. Without good cause engages in any other act with the purpose to frighten, intimidate, or cause emotional distress to another person, cause such person to be frightened, intimidated, or emotionally distressed, and such person's response to the act is one of a person of average sensibilities considering the age of such person.
B. Harassment is an ordinance violation unless:
    1. Committed by a person twenty-one (21) years of age or older against a person seventeen (17) years of age or younger; or
    2. The person has previously pleaded guilty to or been found guilty of a violation of this Section, or of any offense committed in violation of any County or Municipal ordinance in any State, any State law, any Federal law, or any military law which, if committed in this State, would be chargeable or indictable as a violation of any

offense listed in this Subsection.

C. This Section shall not apply to activities of Federal, State, County, or Municipal Law Enforcement Officers conducting investigations of violation of Federal, State, County, or Municipal law.

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

SECTION 210.035: STALKING -- DEFINITIONS

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

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

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

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

B. A person commits the offense of stalking if he or she purposely, through his or her course of conduct, harasses or follows with the intent of harassing another person.

C. The offense of stalking shall be an ordinance violation unless the person has previously pleaded guilty to or been found guilty of a violation of this Section, or of any offense committed in violation of any County or Municipal ordinance in any State, any State law, any Federal law, or any military law which, if committed in this State, would be chargeable or indictable as a violation of any offense listed in this Section.

D. Any Law Enforcement Officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this Section.

E. This Section shall not apply to activities of Federal, State, County, or Municipal Law Enforcement Officers conducting investigations of violation of Federal, State, County, or Municipal law.

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

SECTION 210.040: FALSE IMPRISONMENT

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

Note--Under certain circumstances this offense can be a felony under state

law.

SECTION 210.050: ENDANGERING THE WELFARE OF A CHILD

A. A person commits the offense of endangering the welfare of a child if:
   1. He/she with criminal negligence acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen (17) years old;
   2. He/she knowingly encourages, aids or causes a child less than seventeen (17) years old to engage in any conduct which causes or tends to cause the child to come within the provisions of Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.;
   3. Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen (17) years old, he/she recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him/her from coming within the provisions of Paragraph (c) of Subdivision (1) of Subsection (1) or Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.;
   4. He/she knowingly encourages, aids or causes a child less than seventeen (17) years of age to enter into any room, building or other structure which is a public nuisance as defined in Section 195.130, RSMo.; or
   5. He/she operates a vehicle in violation of Subdivision (2) or (3) of Subsection (1) of Section 565.024, RSMo., or Subdivision (4) of Subsection (1) of Section 565.060, RSMo., or Sections 342.020 or 342.030 of this Code, while a child less than seventeen (17) years old is present in the vehicle.

B. Nothing in this Section shall be construed to mean the welfare of a child is endangered for the sole reason that he/she is being provided non-medical remedial treatment recognized and permitted under the laws of this State.

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

SECTION 210.055: LEAVING A CHILD UNATTENDED IN A MOTOR VEHICLE

A. *Definitions.* As used in this Section, the following terms shall have these prescribed meanings:
   COLLISION: The act of a motor vehicle coming into contact with an object or a person.
   INJURY: Physical harm to the body of a person.
   MOTOR VEHICLE: Any automobile, truck, truck-tractor, or any motorbus or motor-propelled vehicle not exclusively operated or driven on fixed rails or tracks.
   UNATTENDED: Not accompanied by an individual fourteen (14) years of age or older.

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

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

ARTICLE III. OFFENSES CONCERNING ADMINISTRATION OF JUSTICE

SECTION 210.060: CONCEALING AN OFFENSE

A person commits the offense of concealing an offense if:

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

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

SECTION 210.070: HINDERING PROSECUTION

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

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

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

SECTION 210.080: REFUSAL TO IDENTIFY AS A WITNESS

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

SECTION 210.090: DISTURBING A JUDICIAL PROCEEDING

A person commits the offense of disturbing a judicial proceeding if, with purpose to intimidate a judge, attorney, juror, party or witness and thereby to influence a judicial proceeding, he/she disrupts or disturbs a judicial proceeding by participating in an assembly and calling aloud, shouting, or holding or displaying a placard or sign

containing written or printed matter concerning the conduct of the judicial proceeding or the character of a judge, attorney, juror, party or witness engaged in such proceeding, or calling for or demanding any specified action or determination by such judge, attorney, juror, party or witness in connection with such proceeding.

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

A. A person commits the offense of tampering with a witness if, with purpose to induce a witness or a prospective witness to disobey a subpoena or other legal process, or to absent himself/herself or avoid subpoena or other legal process, or to withhold evidence, information or documents, or to testify falsely, he/she:
    1. Threatens or causes harm to any person or property;
    2. Uses force, threats or deception;
    3. Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness; or
    4. Conveys any of the foregoing to another in furtherance of a conspiracy.

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

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

SECTION 210.105: TAMPERING WITH PHYSICAL EVIDENCE

A person commits the offense of tampering with physical evidence if he/she:
1. Alters, destroys, suppresses or conceals any record, document or thing with the purpose to impair its verity, legibility or availability in any official proceeding or investigation; or
2. Makes, presents or uses any record, document or thing knowing it to be false with purpose to mislead a public servant who is or may be engaged in any official proceeding or investigation.

SECTION 210.110: IMPROPER COMMUNICATION

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

SECTION 210.120: FALSE IMPERSONATION

A. A person commits the offense of false impersonation if such person:
   1. Falsely represents himself/herself to be a public servant with purpose to induce another to submit to his/her pretended official authority or to rely upon his/her pretended official acts, and
      a. Performs an act in that pretended capacity; or
      b. Causes another to act in reliance upon his/her pretended official authority.
   2. Falsely represents himself/herself to be a person licensed to practice or engage in any profession for which a license is required by the laws of this State with purpose to induce another to rely upon such representation, and
      a. Performs an act in that pretended capacity; or
      b. Causes another to act in reliance upon such representation.
   3. Upon being arrested, falsely represents himself/herself, to a Law Enforcement Officer, with the first and last name, date of birth or Social Security number, or a substantial number of identifying factors or characteristics as that of another person that results in the filing of a report or record of arrest or conviction for an infraction, misdemeanor, ordinance violation or felony that contains the first and last name, date of birth and Social Security number, or a substantial number of identifying factors or characteristics to that of such other person as to cause such other person to be identified as the actual person arrested or convicted.

B. If a violation of Subsection (A)(3) hereof is discovered prior to any conviction of the person actually arrested for an underlying charge, then the prosecuting attorney, bringing any action on the underlying charge shall notify the court thereof, and the court shall order the false-identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate identifying factors from the arrest and court records.

C. Any person who is the victim of a false impersonation and whose identity has been falsely reported in arrest or conviction records may move for expungement and correction of said records under the procedures set forth in Section 610.123, RSMo. Upon a showing that a substantial number of identifying factors of the victim was falsely ascribed to the person actually arrested or convicted, the court shall order the false identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate factors from the arrest and court records.

SECTION 210.130: FALSE REPORTS

A. A person commits the offense of making a false report if he/she knowingly:
   1. Gives false information to any person for the purpose of implicating another person in a crime or offense;
   2. Makes a false report to a Law Enforcement Officer that a crime or offense has occurred or is about to occur; or
   3. Makes a false report or causes a false report to be made to a Law Enforcement Officer, security officer, Fire Department or other organization, official or volunteer which deals with emergencies involving danger to life or property that a fire or other incident calling for an emergency response has occurred or is about

to occur.

B. It is a defense to a prosecution under Subsection (A) of this Section that the actor retracted the false statement or report before the Law Enforcement Officer or any other person took substantial action in reliance thereon.
C. The defendant shall have the burden of injecting the issue of retraction under Subsection (B) of this Section.

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

A. A person commits the offense of resisting or interfering with arrest, detention or stop if, knowing that a Law Enforcement Officer is making an arrest or attempting to lawfully detain or stop an individual or vehicle, or the person reasonably should know that a Law Enforcement Officer is making an arrest or attempting to lawfully detain or lawfully stop an individual or vehicle, for the purpose of preventing the officer from effecting the arrest, stop or detention, the person:
    1. Resists the arrest, stop or detention of such person by using or threatening the use of violence or physical force or by fleeing from such officer; or
    2. Interferes with the arrest, stop or detention of another person by using or threatening the use of violence, physical force or physical interference.
B. This Section applies to:
    1. Arrests, stops or detentions with or without warrants;
    2. Arrests, stops or detentions for any crime, infraction or ordinance violation; and
    3. Arrests for warrants issued by a court or a probation and parole officer.
C. A person is presumed to be fleeing a vehicle stop if that person continues to operate a motor vehicle after that person has seen or should have seen clearly visible emergency lights or has heard or should have heard an audible signal emanating from the law enforcement vehicle pursuing that person.
D. It is no defense to a prosecution under Subsection (A) of this Section that the Law Enforcement Officer was acting unlawfully in making the arrest. However, nothing in this Section shall be construed to bar civil suits for unlawful arrest.

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

SECTION 210.150: ESCAPE OR ATTEMPTED ESCAPE FROM CUSTODY

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

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

SECTION 210.155: INTERFERENCE WITH LEGAL PROCESS

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

B. *"Process"* includes any writ, summons, subpoena, warrant other than an arrest warrant, or other process or order of a court.

ARTICLE IV. OFFENSES CONCERNING PUBLIC SAFETY

SECTION 210.160: ABANDONMENT OF AIRTIGHT OR SEMI-AIRTIGHT CONTAINERS

A. A person commits the offense of abandonment of airtight icebox if he/she abandons, discards or knowingly permits to remain on premises under his/her control, in a place accessible to children, any abandoned or discarded icebox, refrigerator or other airtight or semi-airtight container which has a capacity of one and one-half (1½) cubic feet or more and an opening of fifty (50) square inches or more and which has a door or lid equipped with hinge, latch or other fastening device capable of securing such door or lid without rendering such equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein.

B. Subsection (A) of this Section does not apply to an icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouseman or repairman.

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

SECTION 210.170: LITTERING

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

B. *Presumption Of Responsibility.* The operator of a vehicle or vessel shall be presumed responsible for litter which is thrown, dropped or left from the vehicle or vessel on Mozingo Park property or waters. (R.O. 2008 §212.600(D); Ord. No. 5448 §1, 7-29-96)

SECTION 210.180: LITTERING VIA CARCASSES

A. If any person or persons shall put any dead animal, carcass or part thereof, the offal or any other filth into any well, spring, brook, branch, creek, pond or lake, every person so offending shall, on conviction thereof, be fined not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00).

B. If any person shall remove or cause to be removed and placed in or near any public road or highway, or upon premises not his/her own, or in any river, stream or watercourse any dead animal, carcass or part thereof, or other nuisance to the annoyance of the citizens of

this City, or any of them, every person so offending shall, upon conviction thereof, be fined for every offense not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00), and if such nuisance be not removed within three (3) days thereafter, it shall be deemed a second (2nd) offense against the provisions of this Section.

SECTION 210.190: CORRUPTING OR DIVERTING WATER SUPPLY
Whoever willfully or maliciously poisons, defiles or in any way corrupts the water of a well, spring, brook or reservoir used for domestic or municipal purposes, or whoever willfully or maliciously diverts, dams up and holds back from its natural course and flow any spring, brook or other water supply for domestic or municipal purposes, after said water supply shall have once been taken for use by any person or persons, corporation, Town or City for their use, shall be adjudged guilty of an ordinance violation and punished by a fine not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00), or by imprisonment in the City or County Jail not exceeding ninety (90) days, or by both such fine and imprisonment, and shall be liable to the party injured for three (3) times the actual damage sustained, to be recovered by suit at law.

ARTICLE V. OFFENSES CONCERNING PUBLIC PEACE

SECTION 210.200: PEACE DISTURBANCE
A person commits the offense of peace disturbance if:

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

SECTION 210.205: PROFANE LANGUAGE IN PUBLIC
No person shall speak, utter, shout or yell or use in the presence of others profane, vulgar or indecent language in a public place or from private property which is calculated to be heard by others including those on or off the premises of the private property. (R.O.

2008 §210.030; Ord. No. 4944 §1, 12-10-90)

SECTION 210.207: DISORDERLY CONDUCT

A. No person shall engage in violent, offensive, or disorderly conduct, naturally calculated to annoy or disturb others, or use in reference to and in the presence of any member of the family of another, abusive, offensive, indecent or profane language intended to or which is naturally calculated to provoke a breach of the peace.
B. No person shall willfully disturb the peace of any neighborhood or of any family or of any person by loud and unusual noises or by an offensive or indecent conversation or by threatening, quarreling, challenging or fighting another.
C. No person shall urinate or defecate in any place open to public view.
D. No two (2) or more persons shall, in any public place, voluntarily or by agreement engage in any fight or use any blows of violence toward each other, in any angry or quarrelsome manner, or do each other any wilful mischief. No person shall assault another and strike him/her in any public place, to the terror or disturbance of others. (R.O. 2008 §210.140, 210.190; Ord. No. 4944 §1, 12-10-90)

SECTION 210.210: PRIVATE PEACE DISTURBANCE

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

1. Threatening to commit a crime or offense against any person; or
2. Fighting.

SECTION 210.215: LIABILITY OF PERMITTING PEACE DISTURBANCE OR DISORDERLY CONDUCT ON PREMISES

A. No person, group of persons, organization or club shall keep or maintain any disorderly house or room nor shall any person or persons, organization or club suffer or permit to assemble in or congregate about their house or place of business any idle, facetious, drunken or swearing person making such noises as to disturb the peace of others.
B. This Section shall include, but in no way be limited to, noise created by the use, operation or permitting the use or operation of any radio, musical instrument, phonograph or other machine or device for producing or reproducing of sound in such a manner as to disturb the peace, quiet or comfort of others.
C. If this Section is violated by an organization, club or group of persons who own or occupy a common premises, the officers, directors, leader's organizers, or sponsors of said organization, club or group may in addition to the organization, club or group collectively be held individually liable and be found guilty of an ordinance violation. (R.O. 2008 §210.210; Ord. No. 4944 §1, 12-10-90)

SECTION 210.220: PEACE DISTURBANCE DEFINITIONS

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

PRIVATE PROPERTY: Any place which at the time is not open to the public. It includes property which is owned publicly or privately.
PROPERTY OF ANOTHER: Any property in which the actor does not have a possessory interest.
PUBLIC PLACE: Any place which at the time is open to the public. It includes property which is owned publicly or privately.
If a building or structure is divided into separately occupied units, such units are separate premises.

SECTION 210.225: UNLAWFUL ASSEMBLY
A person commits the offense of unlawful assembly if he/she knowingly assembles with six (6) or more other persons and agrees with such persons to violate any of the criminal laws of this State or of the United States with force or violence.

SECTION 210.230: RIOTING
A person commits the offense of rioting if he/she knowingly assembles with six (6) or more other persons and agrees with such persons to violate any of the criminal laws of this State or of the United States with force or violence and thereafter, while still so assembled, does violate any of said laws with force or violence.

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

SECTION 210.235: REFUSAL TO DISPERSE
A person commits the offense of refusal to disperse if, being present at the scene of an unlawful assembly or at the scene of a riot, he/she knowingly fails or refuses to obey the lawful command of a Law Enforcement Officer to depart from the scene of such unlawful assembly or riot.

ARTICLE VI. OFFENSES CONCERNING WEAPONS AND FIREARMS

SECTION 210.240: DEFINITIONS
The following words, when used in this Article, shall have the meanings set out herein:
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 210.250: WEAPONS -- CARRYING CONCEALED -- OTHER UNLAWFUL USE

A. A person commits the offense of unlawful use of weapons if he/she knowingly:
   1. Carries concealed upon or about his/her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use;
   2. Sets a spring gun;
   3. Discharges or shoots a firearm within the City limits;*
   4. Exhibits, in the presence of one (1) or more persons, any weapon readily capable of lethal use in an angry or threatening manner;
   5. Possesses a firearm or projectile weapon while intoxicated;
   6. Openly carries a firearm or any other weapon readily capable of lethal use within the City limits;
   7. Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.

B. Subparagraphs (1), (3), (4), (6) and (7) of Subsection (A) of this Section shall not apply to or affect any of the following:
   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 possessing the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of Counties or Municipalities of the State, 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.; and
9. Any coroner, deputy coroner, medical examiner or assistant medical examiner.

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.*

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

A. A person commits an offense if such person knowingly possesses, manufactures, transports, repairs, or sells:
   1. An explosive weapon;
   2. An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon;
   3. A machine gun;
   4. A gas gun;
   5. A short-barreled rifle or shotgun;
   6. A firearm silencer;
   7. A switchblade knife;
   8. A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; or
   9. Knuckles.

B. A person does not commit an offense under this Section if his/her conduct:
   1. Was incident to the performance of official duty by the Armed Forces, National Guard, a governmental law enforcement agency or a penal institution;
   2. Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in Paragraph (1) of this Subsection;
   3. Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise;
   4. Was incident to displaying the weapon in a public museum or exhibition; or
   5. Was incident to dealing with the weapon solely as a curio, ornament, or keepsake, or to using it in a manner reasonably related to a lawful dramatic performance; but if the weapon is the type described in Paragraphs (1) or (4) of Subsection (A) of this Section it must be in such a non-functioning condition that it cannot readily be made operable. No barreled rifle, short-barreled shotgun, machine gun, or firearm silencer may be possessed, manufactured, transported, repaired or sold as a curio, ornament, or keepsake unless such person is an importer, manufacturer, dealer, or collector licensed by the Secretary of the Treasury pursuant to the Gun Control Act of 1968, U.S.C. Title 18, or unless such firearm is an "antique firearm" as defined in Subsection (3) of Section 571.080, RSMo., or unless such firearm has been designated a "collectors item" by the Secretary of the Treasury pursuant to the U.S.C. Title 26, Section 5845(a).

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

SECTION 210.260: DEFACING FIREARM

A person commits the offense of defacing a firearm if he/she knowingly defaces any firearm.

SECTION 210.270: UNLAWFUL TRANSFER OF WEAPONS

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

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

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

SECTION 210.275: POSSESSION OF FIREARM UNLAWFUL FOR CERTAIN PERSONS

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.

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

SECTION 210.280: CARRYING CONCEALED FIREARMS PROHIBITED -- PENALTY FOR VIOLATION

A. It shall be a violation of this Section, punishable as hereinafter provided, for any person to carry any concealed firearm into:
   1. Any Police, Sheriff or Highway Patrol office or station without the consent of the Chief Law Enforcement Officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
   2. Within twenty-five (25) feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
   3. The facility of any adult or juvenile detention or correctional institution, prison or

jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

4. Any courthouse solely occupied by the Circuit, Appellate or Supreme Court, or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question. This Subdivision shall also include, but not be limited to, any juvenile, family, drug or other court offices, any room or office wherein any of the courts or offices listed in this Subdivision are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by Supreme Court Rule pursuant to Subdivision (6) of this Subsection. Nothing in this Subdivision shall preclude those persons listed in Subsection (B)(1) of Section 210.250 while within their jurisdiction and on duty, those persons listed in Subsections (B)(2) and (3) of Section 210.250, or such other persons who serve in a law enforcement capacity for a court as may be specified by Supreme Court Rule pursuant to Subdivision (6) of this Subsection from carrying a concealed firearm within any of the areas described in this Subdivision. Possession of a firearm in a vehicle on the premises of any of the areas listed in this Subdivision shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
5. Any meeting of the 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 Maryville 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 Maryville. 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 100.120 of this Code of Ordinances.
   3. Employees of the City of Maryville 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 210.285: DISCHARGING AIR GUN, ETC.

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

ARTICLE VII. OFFENSES CONCERNING PROPERTY

SECTION 210.290: 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;
   2. Unlawfully rides in or upon another's automobile, airplane, motorcycle,

motorboat or other motor-propelled vehicle;

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 210.300: PROPERTY DAMAGE

A person commits the offense of property damage if:

1. He/she knowingly damages property of another; or
2. He/she damages property for the purpose of defrauding an insurer.

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

SECTION 210.305: BARBED WIRE FENCE

No person shall within the City construct any fence wholly or in part with what is known as barbed wire, where such fence or any part thereof runs along any public street or thoroughfare; provided that every person shall have the right to use said wire in the construction of fences upon alleys not used as public thoroughfares. (R.O. 2008 §210.270; Ord. No. 4944 §1, 12-10-90)

SECTION 210.310: CLAIM OF RIGHT

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

SECTION 210.315: OBSTRUCTING PUBLIC PLACES

A. *Definition.* The following term shall be defined as follows:
PUBLIC PLACE: Any place to which the general public has access and a right of resort for business, entertainment or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas or parks.

B. It shall be unlawful for any person to stand or remain idle either alone or in consort with others in a public place in such manner so as to:
    1. Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians;
    2. Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk, or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress, therein, thereon and thereto;
    3. Obstruct the entrance to any business establishment, without so doing for some lawful purpose, if contrary to the expressed wish of the owner, lessee, managing agent or person in control or charge of the building or premises.

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

SECTION 210.320: TRESPASS IN THE FIRST DEGREE

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

B. A person does not commit the offense of trespass by entering or remaining upon real property unless the real property is fenced or otherwise enclosed in a manner designed to exclude intruders or as to which notice against trespass is given by:
    1. Actual communication to the actor; or
    2. Posting in a manner reasonably likely to come to the attention of intruders.

SECTION 210.330: TRESPASS IN THE SECOND DEGREE

A. A person commits the offense of trespass in the second degree if he/she enters unlawfully upon real property of another. This is an offense of absolute liability.

B. Trespass in the second degree is an infraction.

SECTION 210.335: TRESPASS OF A SCHOOL BUS

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

SECTION 210.337: TRESPASSING ON SCHOOL GROUNDS

No person shall trespass upon the grounds of the Maryville public schools or on or in the buildings belonging thereto. No person shall loiter on said grounds or about or in said buildings, nor shall any person cut, mark or deface any of the buildings or any part

thereof belonging to said public schools. No person shall climb or be on the fire escapes now erected or hereafter to be erected on said public school buildings unless in case of fire or when taking part in fire drills. (R.O. 2008 §210.250; Ord. No. 4944 §1, 12-10-90)

SECTION 210.340: RECKLESS BURNING OR EXPLODING

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

SECTION 210.350: NEGLIGENT BURNING OR EXPLODING

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

SECTION 210.360: STEALING

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

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

SECTION 210.365: THEFT OF MOTOR FUEL

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

conviction and the court shall forward all such driver's licenses and the order of suspension of driving privileges to the Department of Revenue for administration of such order.

SECTION 210.370: RECEIVING STOLEN PROPERTY

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

B. Evidence of the following is admissible in any criminal prosecution pursuant to this Section to prove the requisite knowledge or belief of the alleged receiver that:
   1. He/she was found in possession or control of other property stolen on separate occasions from two (2) or more persons;
   2. He/she received other stolen property in another transaction within the year preceding the transaction charged;
   3. He/she acquired the stolen property for a consideration which he/she knew was far below its reasonable value; or
   4. He/she obtained control over stolen property knowing the property to have been stolen or under such circumstances as would reasonably induce a person to believe the property was stolen.

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

SECTION 210.373: FINANCIAL EXPLOITATION OF THE ELDERLY AND DISABLED

A. A person commits the offense of financial exploitation of an elderly or disabled person if such person knowingly and by deception, intimidation or force obtains control over the elderly or disabled person's property with the intent to permanently deprive the elderly or disabled person of the use, benefit or possession of his/her property thereby benefiting such person or detrimentally affecting the elderly or disabled person. Financial exploitation of an elderly or disabled person is an ordinance violation if the value of the property is less than fifty dollars ($50.00).

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

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

"Deception" includes:
   1. Creating or confirming another person's impression which is false and which the offender does not believe to be true.
   2. Failure to correct a false impression which the offender previously has created or confirmed.
   3. Preventing another person from acquiring information pertinent to the disposition

of the property involved.

4. Selling or otherwise transferring or encumbering property, failing to disclose a lien, adverse claim or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid or is or is not a matter of official record.
5. Promising performance which the offender does not intend to perform or knows will not be performed. Failure to perform standing alone is not sufficient evidence to prove that the offender did not intend to perform.

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

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

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

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

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

SECTION 210.375: THEFT OF TRASH SERVICES

A. A person is guilty of the offense of theft of trash services if the individual:
    1. Obtains or attempts to obtain trash or refuse services by means of artifice, trick, deception or device without paying all lawful compensation to the operator of said services; or
    2. Assists another person in obtaining or attempting to obtain trash or refuse services by means of artifice, trick, deception or device without paying lawful compensation to the operator of such service; or
    3. Obtains or attempts to obtain trash or refuse services by causing any solid waste, trash, refuse, recyclables or other materials to be deposited in any container, holder or site for the collection of said trash, refuse, recyclables or other materials without paying all lawful compensation to the operator of said service; or
    4. Assists another in obtaining trash or refuse services by causing any solid waste, trash, refuse, recyclables or other materials to be deposited in any container, holder or site for the collection of said trash, refuse, recyclables or other materials

without paying all lawful compensation to the operator of said service.

B. The finding of any five (5) separate pieces of documentation, articles or other evidence directly attributable to or bearing the name or identification of a specific individual within any container, holder or site used for the collection of solid waste, trash, refuse or recyclables shall be prima facie evidence of an intent by that individual to obtain trash or refuse services without paying all lawful compensation to the operator of said service. (R.O. 2008 §210.125; Ord. No. 5149 §1, 8-9-93)

SECTION 210.380: FRAUDULENT USE OF A CREDIT OR DEBIT DEVICE

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

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

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

SECTION 210.390: DECEPTIVE BUSINESS PRACTICE

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

1. Uses or possesses for use a false weight or measure or any other device for falsely determining or recording any quality or quantity;
2. Sells, offers or exposes for sale or delivers less than the represented quantity of any commodity or service;
3. Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he/she furnishes the weight or measure;
4. Sells, offers or exposes for sale adulterated or mislabeled commodities; or
5. Makes a false or misleading written statement for the purpose of obtaining property or credit.

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

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

1. Destroys, removes, covers, conceals, alters, defaces or causes to be destroyed, removed, covered, concealed, altered or defaced the manufacturer's original serial number or other distinguishing owner-applied number or mark on any item which bears a serial number attached by the manufacturer or distinguishing number or

mark applied by the owner of the item for any reason whatsoever;

2. Sells, offers for sale, pawns or uses as security for a loan any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered or defaced; or
3. Buys, receives as security for a loan or in pawn, or in any manner receives or has in his/her possession any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered or defaced.

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

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

A. A person commits the offense of failing to return leased or rented property if, with the intent to deprive the owner thereof, he/she purposefully fails to return leased or rented personal property to the place and within the time specified in an agreement in writing providing for the leasing or renting of such personal property. In addition, any person who has leased or rented personal property of another, who conceals the property from the owner or who otherwise sells, pawns, loans, abandons or gives away the leased or rented property is guilty of the offense of failing to return leased or rented property. The provisions of this Section shall apply to all forms of leasing and rental agreements including, but not limited to, contracts which provide the consumer options to buy the leased or rented personal property, lease-purchase agreements and rent-to-own contracts. For the purpose of determining if a violation of this Section has occurred, leasing contracts which provide options to buy the merchandise are owned by the owner of the property until such time as the owner endorses the sale and transfer of ownership of the leased property to the lessee.

B. It shall be prima facie evidence of the offense of failing to return leased or rented property when a person who has leased or rented personal property of another willfully fails to return or make arrangements acceptable with the lessor to return the personal property to its owner at the owner's place of business within ten (10) days after proper notice following the expiration of the lease or rental agreement, except that if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, such failure to return the motor vehicle shall be prima facie evidence of the intent of the offense of failing to return leased or rented property. Where the leased or rented property is a motor vehicle, if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, the lessor may notify the local law enforcement agency of the failure of the lessee to return such motor vehicle, and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate State and local computer system listing stolen motor vehicles. Any Law Enforcement Officer which stops such a motor vehicle may seize the motor vehicle and notify the lessor that he/she may recover such motor vehicle after it is photographed and its vehicle identification number is recorded for evidentiary purposes. Where the leased or rented property is not a motor vehicle, if such property has not been returned within the ten (10) day period prescribed in this

Subsection, the owner of the property shall report the failure to return the property to the local law enforcement agency, and such law enforcement agency may within five (5) days notify the person who leased or rented the property that such person is in violation of this Section, and that failure to immediately return the property may subject such person to arrest for the violation.

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

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

SECTION 210.420: PASSING BAD CHECKS

A. A person commits the offense of passing a bad check when:
    1. With purpose to defraud, the person makes, issues or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money knowing that it will not be paid by the drawee or that there is no such drawee; or
    2. The person makes, issues or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money, knowing that there are insufficient funds in or on deposit with that account for the payment of such check, sight order or other form of presentment involving the transmission of account information in full and all other checks, sight orders or other forms of presentment involving the transmission of account information upon such funds then outstanding, or that there is no such account or no drawee and fails to pay the check or sight order or other form of presentment involving the transmission of account information within ten (10) days after receiving actual notice in writing that it has not been paid because of insufficient funds or credit with the drawee or because there is no such drawee.
B. As used in Subparagraph (2) of Subsection (A) of this Section, *"actual notice in writing"* means notice of the non-payment which is actually received by the defendant. Such notice may include the service of summons or warrant upon the defendant for the initiation of the prosecution of the check or checks which are the subject matter of the prosecution if the summons or warrant contains information of the ten (10) day period during which the instrument may be paid and that payment of the instrument within such ten (10) day period will result in dismissal of the charges. The requirement of notice

shall also be satisfied for written communications which are tendered to the defendant and which the defendant refuses to accept.

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

SECTION 210.425: SHOPLIFTING -- DETENTION OF SUSPECT BY MERCHANT -- LIABILITY PRESUMPTION

A. *Definitions.* As used in this Section, the following definitions shall apply:
MERCANTILE ESTABLISHMENT: Any mercantile place of business in, at or from which goods, wares and merchandise are sold, offered for sale or delivered from and sold at retail or wholesale.
MERCHANDISE: All goods, wares and merchandise offered for sale or displayed by a merchant.
MERCHANT: Any corporation, partnership, association or person who is engaged in the business of selling goods, wares and merchandise in a mercantile establishment.
WRONGFUL TAKING: Includes stealing of merchandise or money and any other wrongful appropriation of merchandise or money.

B. Any merchant, his/her agent or employee, who has reasonable grounds or probable cause to believe that a person has committed or is committing a wrongful taking of merchandise or money from a mercantile establishment, may detain such person in a reasonable manner and for a reasonable length of time for the purpose of investigating whether there has been a wrongful taking of such merchandise or money. Any such reasonable detention shall not constitute an unlawful arrest or detention, nor shall it render the merchant, his/her agent or employee criminally or civilly liable to the person so detained.

C. Any person willfully concealing unpurchased merchandise of any mercantile establishment, either on the premises or outside the premises of such establishment, shall be presumed to have so concealed such merchandise with the intention of committing a wrongful taking of such merchandise within the meaning of Subsection (A), and the finding of such unpurchased merchandise concealed upon the person or among the belongings of such person shall be evidence of reasonable grounds and probable cause for the detention in a reasonable manner and for a reasonable length of time of such person by a merchant, his/her agent or employee in order that recovery of such merchandise may be effected, and any such reasonable detention shall not be deemed to be unlawful nor render such merchant, his/her agent or employee criminally or civilly liable.

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

A. Every purchaser or collector of, or dealer in, junk, scrap metal or any secondhand property shall keep a register containing a written or electronic record for each purchase or trade in which each type of metal subject to the provisions of this Section is obtained for value. There shall be a separate record for each transaction involving any:
   1. Copper, brass or bronze;
   2. Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting or fastener; or

3. Material containing copper or aluminum that is knowingly used for farming purposes as farming is defined in Section 350.010, RSMo.;

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

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

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

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

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

A. No scrap yard shall purchase any metal that can be identified as belonging to a public or private cemetery or to a political subdivision or electrical cooperative, municipal utility

or a utility regulated under Chapter 386 or 393, RSMo., including bleachers, guardrails, signs, street and traffic lights or signals, and manhole cover or covers, whether broken or unbroken, from anyone other than the cemetery or monument owner, political subdivision, electrical cooperative or utility, or manufacturer of the metal or item described in this Section unless such person is authorized in writing by the cemetery or monument owner, political subdivision, electrical cooperative or utility, or manufacturer to sell the metal.

B. Anyone convicted of violating this Section shall be guilty of an ordinance violation.

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

A. Any scrap metal dealer paying out an amount that is five hundred dollars ($500.00) or more shall make such payment in the form of a check or shall pay by any method in which a financial institution makes and retains a record of the transaction.

B. This Section shall not apply to any transaction for which the seller has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business.

ARTICLE VIII. OFFENSES CONCERNING PROSTITUTION AND MORALS

SECTION 210.430: ARTICLE DEFINITIONS

As used in this Article, the following terms mean:

PATRONIZING PROSTITUTION: A person patronizes prostitution if:

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

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

SEXUAL CONDUCT: Occurs when there is:

1. *Sexual intercourse.* Any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results.
2. *Deviate sexual intercourse.* Any sexual act involving the genitals of one (1) person and the mouth, hand, tongue or anus of another person.

3. *Sexual contact.* Any touching, manual or otherwise, of the anus or genitals of one (1) person by another done for the purpose of arousing or gratifying sexual desire of either party.

SOMETHING OF VALUE: Money or property or any token, object or article exchangeable for money or property.

SECTION 210.440: PROSTITUTION

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

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

SECTION 210.450: PATRONIZING PROSTITUTION

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

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

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

In any prosecution for prostitution or patronizing a prostitute, the sex of the two (2) parties or prospective parties to the sexual conduct engaged in, contemplated or solicited is immaterial, and it is no defense that:

1. Both persons were of the same sex; or
2. The person who received, agreed to receive or solicited something of value was a male and the person who gave or agreed or offered to give something of value was a female.

SECTION 210.465: PROSTITUTION HOUSES DEEMED PUBLIC NUISANCES

A. Any room, building or other structure regularly used for sexual contact for pay as defined in Section 210.430 or any unlawful prostitution activity prohibited by this Article is a public nuisance.
B. The City Prosecuting Attorney may, in addition to all other sanctions, prosecute a suit in equity to enjoin the nuisance. If the court finds that the owner of the room, building or structure knew or had reason to believe that the premises were being used regularly for sexual contact for pay or unlawful prostitution activity, the court may order that the premises shall not be occupied or used for such period as the court may determine, not to exceed one (1) year.
C. All persons, including owners, lessees, officers, agents, inmates or employees, aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance, and they may be enjoined from engaging in any sexual contact for pay or unlawful prostitution activity anywhere within the jurisdiction of the court.
D. Appeals shall be allowed from the judgment of the court as in other civil actions.

ARTICLE IX. SEXUAL OFFENSES

SECTION 210.470: ARTICLE DEFINITIONS

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

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

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

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

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

SECTION 210.475: INDECENT EXPOSURE (SEXUAL MISCONDUCT)

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

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

SECTION 210.480: SEXUAL MISCONDUCT

A person commits the offense of sexual misconduct in the first degree if such person purposely subjects another person to sexual contact without that person's consent.

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

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

A. Any person who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of:
   1. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Subsection (2) of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering The Welfare Of A Child In The First Degree; Subsection (2) of

Section 568.080, RSMo., Use Of A Child In A Sexual Performance; Section 568.090, RSMo., Promoting A Sexual Performance By A Child; Section 573.023, RSMo., Sexual Exploitation Of A Minor; Section 573.025, RSMo., Promoting Child Pornography In The First Degree; Section 573.035, RSMo., Promoting Child Pornography In The Second Degree; Section 573.037, RSMo., Possession Of Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material To Minors; or

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

shall not knowingly be physically present in or loiter within five hundred (500) feet of or to approach, contact, or communicate with any child under eighteen (18) years of age in any child care facility building, on the real property comprising any child care facility when persons under the age of eighteen (18) are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building or on the grounds.

B. For purposes of this Section, *"child care facility"* shall have the same meaning as such term is defined in Section 210.201, RSMo.

C. Any person who violates the provisions of this Section is guilty of an ordinance violation.

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

A. Any person who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of:

1. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Subsection (2) of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering The Welfare Of A Child In The First Degree; Subsection (2) of Section 568.080, RSMo., Use Of A Child In A Sexual Performance; Section 568.090, RSMo., Promoting A Sexual Performance By A Child; Section 573.023, RSMo., Sexual Exploitation Of A Minor; Section 573.025, RSMo., Promoting Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material To Minors; or
2. Any offense in any other State or foreign country, or under tribal, federal or military jurisdiction which, if committed in this State, would be a violation listed in this Section;

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

B. No parent, legal guardian or custodian who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of violating any of the offenses listed in

Subsection (A) of this Section shall be present in any school building, on real property comprising any school, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) are present in the building, on the grounds or in the conveyance unless the parent, legal guardian or custodian has permission to be present from the Superintendent or School Board or in the case of a private school from the Principal. In the case of a public school, if permission is granted, the Superintendent or School Board President must inform the Principal of the school where the sex offender will be present. Permission may be granted by the Superintendent, School Board, or in the case of a private school from the Principal for more than one (1) event at a time, such as a series of events, however, the parent, legal guardian or custodian must obtain permission for any other event he/she wishes to attend for which he/she has not yet had permission granted.

C. Regardless of the person's knowledge of his or her proximity to school property or a school-related activity, violation of the provisions of this Section shall be an ordinance violation.

SECTION 210.487: HALLOWEEN, RESTRICTIONS ON CONDUCT -- VIOLATIONS

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

B. Any person required to register as a sexual offender under Sections 589.400 to 589.425, RSMo., who violates the provisions of Subsection (A) of this Section shall be guilty of an ordinance violation.

ARTICLE X. OFFENSES CONCERNING PORNOGRAPHY

SECTION 210.490: DEFINITIONS

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

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

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

data, and other latent representational objects.
MINOR: Any person under the age of eighteen (18).
NUDITY: The showing of post-pubertal human genitals or pubic area with less than a fully opaque covering.
OBSCENE: Any material or performance is obscene if, taken as a whole:

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

PERFORMANCE: Any play, motion picture film, videotape, dance or exhibition performed before an audience of one (1) or more.
PORNOGRAPHIC FOR MINORS: Any material or performance is pornographic for minors if the following apply:

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

PROMOTE: To manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit or advertise, or to offer or agree to do the same, by any means including a computer.
SADOMASOCHISTIC ABUSE: Flagellation or torture by or upon a person as an act of sexual stimulation or gratification.
SEXUAL CONDUCT: Actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification; or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification.
SEXUAL EXCITEMENT: The condition of human male or female genitals when in a state of sexual stimulation or arousal.

SECTION 210.500: PROMOTING PORNOGRAPHY FOR MINORS OR OBSCENITY

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

1. Promotes or possesses with the purpose to promote any obscene materials for pecuniary gain;
2. Produces, presents, directs or participates in any obscene performance for pecuniary gain;

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

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

SECTION 210.510: FURNISHING PORNOGRAPHIC MATERIALS TO MINORS

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

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

C. Furnishing pornographic material to minors or attempting to furnish pornographic material to minors is an ordinance violation.

ARTICLE XI. OFFENSES CONCERNING DRUGS

SECTION 210.520: POSSESSION OF MARIJUANA

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

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

SECTION 210.530: POSSESSION OR CONTROL OF A CONTROLLED SUBSTANCE

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

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

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

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

SECTION 210.540: UNLAWFUL USE OF DRUG PARAPHERNALIA

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia as defined by Section 195.010, RSMo., to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance as defined by Section 195.010, RSMo., or an imitation controlled substance as defined by Section 195.010, RSMo., in violation of Sections 195.005 to 195.425, RSMo.

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

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

No person shall intentionally smell or inhale the fumes of any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues or induce any other person to do so for the purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of senses or nervous system, or for the purpose of, in any manner, changing, distorting or

disturbing the audio, visual or mental processes; except that this Section shall not apply to the inhalation of any anesthesia for medical or dental purposes.

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

A. As used in this Section *"alcohol beverage vaporizer"* means any device which, by means of heat, a vibrating element, or any method, is capable of producing a breathable mixture containing one (1) or more alcoholic beverages to be dispensed for inhalation into the lungs via the nose or mouth or both.
B. No person shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual or mental processes by the use or abuse of any of the following substances:
    1. Solvents, particularly toluol;
    2. Ethyl alcohol;
    3. Amyl nitrite and its iso-analogues;
    4. Butyl nitrite and its iso-analogues;
    5. Cyclohexyl nitrite and its iso-analogues;
    6. Ethyl nitrite and its iso-analogues;
    7. Pentyl nitrite and its iso-analogues; and
    8. Propyl nitrite and its iso-analogues.
C. This Section shall not apply to substances that have been approved by the United States Food and Drug Administration as therapeutic drug products or are contained in approved over-the-counter drug products or administered lawfully pursuant to the order of an authorized medical practitioner.
D. No person shall intentionally possess any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues for the purpose of using it in the manner prohibited by Section 210.550 and this Section.
E. No person shall possess or use an alcoholic beverage vaporizer.
F. Nothing in this Section shall be construed to prohibit the legal consumption of intoxicating liquor.

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

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

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

ARTICLE XII. OFFENSES CONCERNING TOBACCO

SECTION 210.580: DEFINITIONS

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

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

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

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

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

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

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

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

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

SECTION 210.590: 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 (E) of this Section. A determination of non-compliance may be made by a local law enforcement agency or the Division of Alcohol and Tobacco Control. Nothing in this Section shall apply to a vending machine if located in a factory, private club or other location not generally accessible to the general public.

C. No person or entity shall sell, provide or distribute any tobacco product or rolling papers to any minor or sell any individual cigarettes to any person in this State. This Subsection shall not apply to the distribution by family members on property that is not open to the

public.

D. Any person, including, but not limited to, a sales clerk, owner or operator, who violates Subsections (A), (B) or (C) of this Section or Section 210.620 of this Article shall be penalized as follows:
    1. For the first (1st) offense, twenty-five dollars ($25.00);
    2. For the second (2nd) offense, one hundred dollars ($100.00); and
    3. For a third (3rd) and subsequent offense, two hundred fifty dollars ($250.00).

E. Any owner of the establishment where tobacco products are available for sale who violates Subsection (C) of this Section shall not be penalized pursuant to this Section if such person documents the following:
    1. An in-house or other tobacco compliance employee training program was in place to provide the employee with information on the State and Federal regulations regarding tobacco sales to minors. Such training program must be attended by all employees who sell tobacco products to the general public;
    2. A signed statement by the employee stating that the employee has been trained and understands the State laws and Federal regulations regarding the sale of tobacco to minors; and
    3. Such in-house or other tobacco compliance training meets the minimum training criteria, which shall not exceed a total of ninety (90) minutes in length, established by the Division of Alcohol and Tobacco Control.

F. The exemption in Subsection (E) of this Section shall not apply to any person who is considered the general owner or operator of the outlet where tobacco products are available for sale if:
    1. Four (4) or more violations per location of Subsection (C) of this Section occur within a one (1) year period; or
    2. Such person knowingly violates or knowingly allows his/her employees to violate Subsection (C) of this Section.

G. If a sale is made by an employee of the owner of an establishment in violation of this Article, the employee shall be guilty of an offense established in Subsections (A), (B) and (C) of this Section. If a vending machine is in violation of Section 210.620, the owner of the establishment shall be guilty of an offense established in Subsections (C) and (D) of this Section. If a sample is distributed by an employee of a company conducting the sampling, such employee shall be guilty of an offense established in Subsections (C) and (D) of this Section.

H. A person cited for selling, providing or distributing any tobacco product to any individual less than eighteen (18) years of age in violation of Subsections (A), (B) or (C) of this Section shall conclusively be presumed to have reasonably relied on proof of age of the purchaser or recipient, and such person shall not be found guilty of such violation if such person raises and proves as an affirmative defense that:
    1. Such individual presented a driver's license or other government-issued photo identification purporting to establish that such individual was eighteen (18) years of age or older.

I. Any person adversely affected by this Section may file an appeal with the Administrative Hearing Commission which shall be adjudicated pursuant to the procedures established in Chapter 621, RSMo.

SECTION 210.600: 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 210.610: 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 210.620: 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 210.630: 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 210.640: PROOF OF AGE REQUIRED, WHEN DEFENSE TO ACTION FOR VIOLATION IS REASONABLE RELIANCE ON PROOF -- LIABILITY

A. A person or entity selling tobacco products or rolling papers or distributing tobacco product samples shall require proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of eighteen (18).
B. The operator's or chauffeur's license issued pursuant to the provisions of Section 302.177, RSMo., or the operator's or chauffeur's license issued pursuant to the laws of any State or possession of the United States to residents of those States or possessions, or an identification card as provided for in Section 302.181, RSMo., or the identification card issued by any uniformed service of the United States, or a valid passport shall be presented by the holder thereof upon request of any agent of the Division of Alcohol and Tobacco Control or any owner or employee of an establishment that sells tobacco for the purpose of aiding the registrant, agent or employee to determine whether or not the person is at least eighteen (18) years of age when such person desires to purchase or possess tobacco products procured from a registrant. Upon such presentation, the owner or employee of the establishment shall compare the photograph and physical characteristics noted on the license, identification card or passport with the physical characteristics of the person presenting the license, identification card or passport.
C. Any person who shall, without authorization from the Department of Revenue, reproduce, alter, modify or misrepresent any chauffeur's license, motor vehicle operator's license or identification card shall be deemed guilty of an ordinance violation.
D. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for a violation of Subsections (A), (B) and (C) of Section 210.590 of this Article. No person shall be liable for more than one (1) violation of Subsections (B) and (C) of Section 210.590 on any single day.

CHAPTER 212: MOZINGO PARK REGULATIONS

ARTICLE I. REGULATIONS -- GENERALLY

SECTION 212.010: SCOPE

The provisions of this Chapter govern the use and management of the Mozingo Park. (R.O. 2008 §212.010; Ord. No. 5448 §1, 7-29-96)

SECTION 212.020: DEFINITIONS

When used in this Chapter, the following words and phrases shall have the following meanings. If any words or phrases are not defined by this Chapter, but are defined in the State laws regulating the use of parks, the State definition shall apply.

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 pressured tires, with a seat design to be straddled by the operator and handlebars for steering control.

CLASS OF VESSELS: Those classes as set forth in Chapter 306, RSMo.

DESIGNATED AREAS: Those areas designated by the purpose described as set forth on the Official Map for Mozingo Park as approved by the City Council of the City of Maryville, Missouri.

FIREWORKS: Any composition or device for producing a visible, audible, or both visible and audible effect by combustion, deflagration, or detonation and that meets the definition of consumer, proximate, or display fireworks as set forth by 49 CFR Part 171 to end, United States Department of Transportation hazardous materials regulations, and American Pyrotechnics Association 87-1 standards.

MOTOR VEHICLE: Any self-propelled vehicle not operated exclusively on tracks.

MOZINGO PARK: All land, shoreline and any body of water, including lakes, ponds, streams or tributaries owned, whether in whole or in part, or controlled by the City of Maryville, Missouri, and located upon the real estate adjoining Highway 136 East, also known as the Mozingo Creek Watershed Project.

PARK: Mozingo Park.

PERSONAL WATERCRAFT: A class of vessel, which is less than sixteen (16) feet in length, propelled by machinery which is designed to be operated by a person sitting, standing or kneeling on the vessel, rather than being operated by a person sitting or standing inside the vessel.

SKI MIRROR, APPROVED: Ski mirror approved by the Missouri State Water Patrol defined by the following parameters: three (3) inches in height, eight (8) inches in length and being convexed (curved outward) in a shape to give one hundred eighty degrees (180°) of vision behind the operator. However, large flat mirror such as those found on professional ski boats are also acceptable for skiing operations.

SLOW, NO WAKE ZONE: "Slow, no wake zone" "idle speed" and "no wake area" are areas in which vessels must operate at idle speed. *"Idle speed"* is the slowest speed at which a vessel will move through the water while able to maintain course. A vessel operating at idle speed creates very little boat wake.

VESSEL: Every motorboat and every description of motorized watercraft, and any watercraft more than twelve (12) feet in length which is powered by sail alone or by a combination of sail and machinery, used or capable of being used as a means of transportation on water, but not any watercraft having as the only means of propulsion a paddle or oars.

WASTEWATER: Liquid and water carried waste and sewage, whether treated or untreated.

WATERCRAFT: Any boat or craft, including a vessel, used or capable of being used as a means of transport on waters.

WATERWAY: Any body of water, lake, pond, stream or waterway owned or controlled by the City of Maryville at Mozingo Park. (R.O. 2008 §212.020; Ord. No. 5448 §1, 7-29-96)

SECTION 212.030: PARK SECURITY OFFICERS

A. *Establishment.* Park Security Officers shall assist in the control, management and protection of the Mozingo Park, including park property, waterways and all wildlife, natural and cultural resources of the park.
B. *General Duties.* Park Security Officers shall strive to assure the convenience and safety of all persons using the Mozingo Park as permitted by this Chapter.
C. *Enforcement.* Park Security Officers, in conjunction with Maryville Public Safety Officers, shall have authority to enforce all regulations set forth in this Chapter or as otherwise established in the Maryville Municipal Code. (R.O. 2008 §212.030; Ord. No. 5448 §1, 7-29-96)

SECTION 212.040: GENERAL PARK PROVISIONS

A. *Quiet Hours.* Quiet shall be maintained daily at Mozingo Park between the hours of 10:30 P.M. and 6:00 A.M.
B. *Park Closing.* The park may be closed to the public entirely or closed for certain uses for a period of time as directed by the City Council or the City Manager. Said closing shall be effected by the posting of signs or other means which notify the public that the park or a portion thereof is closed to the public. During the period of time when the park or any portion or use thereof is closed, no unauthorized person shall enter or occupy the park contrary to posted notices. (R.O. 2008 §212.040; Ord. No. 5448 §1, 7-29-96)

SECTION 212.050: SALES AND CONCESSIONS

A. *Sales And Concessions.* Sales and advertisements of merchandise or other goods for sale or hire in Mozingo Park are prohibited except by written permission of the City Council of the City of Maryville, or under licenses as otherwise provided by this Chapter.
B. *Display Of Written Permits.* Written permits issued pursuant to this Section for the sale or advertisement of merchandise or other goods for sale or hire in Mozingo Park shall be displayed conspicuously at all times.
C. *Schedule Of Fees And Charges.* Fees and charges shall be in conformity to the schedule establishing charges for concession items, souvenirs, rental fees and related charges for the use of City recreational equipment and for the use of the park facilities at Mozingo Park as adopted by the City Council. Fees and charges shall remain in effect until superseded. The provisions of this Section do not apply to fees set by concession contracts. (R.O. 2008 §212.050; Ord. No. 5448 §1, 7-29-96)

SECTION 212.060: MOTOR VEHICLE REGULATIONS

A. *Operation.* Motor vehicles may only be operated only on designated roadways or in designated parking areas. No person shall operate any motor vehicle through, around or beyond a restrictive sign, recognizable barricade, fence, gate or other traffic control

barrier device.

B. *All-Terrain Vehicles.* No person shall operate an all-terrain vehicle in Mozingo Park.

C. *Truck Sizes.* No person shall operate a truck rated over one and one-half (1½) tons in Mozingo Park, unless authorized by the City.

D. *Speed Limits.*

1. The speed limit on all paved and gravel roads within Mozingo Lake Park, unless otherwise marked, shall be twenty (20) miles per hour.
2. The speed limit in the RV Park area shall be fifteen (15) miles per hour.
3. The City Manager is hereby directed to post signs along the roads in Mozingo Lake Park which specify the miles per hour speed limit. (R.O. 2008 §212.060; Ord. No. 5448 §1, 7-29-96; Ord. No. 6030 §1, 2-23-98; Ord. No. 6232 §1, 9-20-99)

SECTION 212.070: PARKING REGULATIONS

A. *Motor Vehicle.* It shall be unlawful for any person to park or leave unattended any motor vehicle except in areas clearly designated for vehicle parking.

B. *Trailers.* It shall be unlawful for any person to park or leave unattended any motor vehicle with attached trailer, or trailer alone, except in places clearly designated for trailer parking.

C. *Horse Trailer Parking.* No person shall park a trailer or other conveyance designed to transport horses in the designated trail head parking area without a permit. Permits shall be issued for a definite time and duration and will not be transferable. Permits must be clearly displayed on the rear trailer or transport.

D. *Handicapped.* It shall be unlawful for any person to stop, park or leave attended or unattended, a motor vehicle or trailer within an area where any authorized signs are erected or other markings exist, designating an area for handicapped parking, unless that person is entitled to, and that vehicle bears and properly displays a valid, distinguishing license plate or placard, issued by the State in which the owner is a resident. (R.O. 2008 §212.070; Ord. No. 5448 §1, 7-29-96)

SECTION 212.080: VEHICLE REMOVAL

Whenever a Public Safety Officer finds a motor vehicle or trailer parked in violation of any of the provisions of this Chapter, such officer is authorized to remove such vehicle or require the driver or other person in charge of the vehicle to do so. (R.O. 2008 §212.080; Ord. No. 5448 §1, 7-29-96)

SECTION 212.090: FIREARM/ARCHERY REGULATIONS

A. *Firearms and Other Weapons.* With the exception of Law Enforcement Officers, Police Officers and others authorized by law, no person shall use, carry or possess any longbow, crossbow, sling shot, pistol, revolver, rifle, shot gun, air gun, spring gun or any other weapon in which the force used to propel projectiles is gunpowder, compressed air, or springs or any other instrument that can be loaded with and fire blank cartridges. However, nothing in this Section shall be construed to prohibit the lawful hunting of wildlife by persons who have obtained a valid Mozingo Park hunting permit issued by the

Maryville Department of Public Safety.

B. *Skeet Range.* This Section shall not prohibit the use of firearms or other authorized weapons on a skeet range solely on the area designated by Northwest Missouri State University and in accordance with all rules and regulations promulgated for the use of said skeet range.

C. *Archery Equipment.* Nothing in this Section shall prevent the firing of any crossbow or longbow in designated areas at Mozingo Park and in accordance with the applicable regulations thereof. However, it shall be unlawful to possess, shoot, or use any type of archery equipment on any designated archery range without first purchasing a proper archery permit from the Maryville Public Safety Department.

D. *Shooting Into Park.* No person shall discharge a firearm or other weapon into the park from outside park boundaries. (R.O. 2008 §212.090; Ord. No. 5448 §1, 7-29-96; Ord. No. 5519 §1, 4-21-97)

SECTION 212.100: HUNTING

A. Hunting, under Statewide permits, seasons, methods, and limits, is permitted in Mozingo Park in accordance with the provisions of *Chapter 12 of the Wildlife Code of Missouri* except as further restricted below.

   1. Hunting is restricted to that area of Mozingo Park as depicted on the official map, which is attached as Exhibit A, of Ordinance No. 7087 and is on file in the office of the City Clerk. That area is generally described as the area of Mozingo Park located north of 245th Street on the west side of the lake and north of 230th Street on the east side of the lake. However, the area of authorized hunting as depicted on the official map referred to in this Section shall be controlling.

   The following species can be found at Mozingo Park and are allowed to be hunted during seasons specified by *Chapter 12 of the Wildlife Code of Missouri*: Waterfowl (with non-toxic ammunition only), woodcock, dove, rail, snipe, pheasant, quail, rabbit, squirrel, deer (bow hunting only), turkey (bow hunting only), bullfrogs and green frogs (only by hand, handnet, atlatl, gig, snagging, snaring, grabbing, or pole and line).

B. *Single-Projectile Firearms Prohibited.* Subject to the provisions of Section 212.090(A), it shall be unlawful for any person to use, carry, possess or discharge a single-projectile firearm anywhere in Mozingo Park.

C. *Shotguns.* Hunters may not use any weapon other than a shotgun or bow to hunt upon the property at Mozingo Park. It shall be unlawful to use any single-projectile weapon or single-projectile ammunition at Mozingo Park.

D. *Trapping.* It shall be unlawful for any person to set or possess in Mozingo Park any metal, plastic or wooden traps unless authorized by the City Council through a special use permit. If trapping is authorized, trappers must comply with *Chapter 8 of the Wildlife Code of Missouri.*

E. *Tree Stands.* Portable tree stands may be placed at Mozingo Park only from (September 1 -- January 31). The stands must be identified with the full name and address of the owner and shall be removed from Mozingo Park by February first (1st). The use of any item which will damage the ground, trees or foliage of Mozingo Park is prohibited. (R.O. 2008 §212.100; Ord. No. 5448 §1, 7-29-96; Ord. No. 5520 §1, 4-21-97; Ord. No. 6485 §1, 7-15-02; Ord. No. 6873 §§1--2, 10-23-06; Ord. No. 7087 §1, 2-9-09; Ord. No. 7158 §1, 10-12-09)

SECTION 212.110: FEEDING OR BAITING OF WILDLIFE -- PROHIBITED

A. No person shall feed or bait any wildlife, including all mammals, birds (excluding feeding at designated songbird stations), deer, raccoons and other species of wildlife, which feeding:
   1. Results in a threat to the public health, safety or welfare of park visitors, patrons or employees; or
   2. Draws birds or wildlife to an area for any purpose, including hunting or poaching.

B. *Non-Game Fish.* Except at designated fish feeding stations, no person shall feed non-game fish. (R.O. 2008 §212.110; Ord. No. 5448 §1, 7-29-96)

SECTION 212.120: DOMESTIC ANIMAL AND HORSE REGULATIONS

A. *Domestic Animals.* No person shall bring or keep any domestic animal into Mozingo Park, unless such animal be under the immediate and direct control of such person and is on a leash not exceeding six (6) feet in length. This restriction applies to cats, dogs and other domestic animals.

B. *Horseback Riding.* No person shall engage in horseback riding in Mozingo Park, except on designated paths or in designated areas.

C. *Livestock.* No person shall graze any livestock in or on Mozingo Park. (R.O. 2008 §212.120; Ord. No. 5448 §1, 7-29-96)

SECTION 212.130: MIGRATORY WATERFOWL

A. *Definition. "Migratory waterfowl"* shall be understood to include any species of birds commonly known as swans, geese, brants, river and sea ducks, and any other waterfowl falling under the jurisdiction of the Missouri Conservation Commission or otherwise defined by the Commission as migratory waterfowl.

B. *Feeding Prohibitions.* No person shall feed any migratory waterfowl or create or allow any condition to exist which results in the congregation or congestion of migratory waterfowl which:
   1. Results in an accumulation of waterfowl feces or droppings;
   2. Results in damage of flora, fauna, or private public property;
   3. Results in a threat to the public health, safety, or welfare; or
   4. Results in a threat to the health, safety, or welfare of migratory waterfowl. (R.O. 2008 §212.130; Ord. No. 5448 §1, 7-29-96)

SECTION 212.140: FISHING

A. Fish may be taken from Mozingo Park in accordance with the provisions of Chapter 12 of the Wildlife Code of Missouri.

B. However, fishing from docks reserved for boats is prohibited, and accessing Mozingo Lake while ice covered is at your own risk. (R.O. 2008 §212.140; Ord. No. 5448 §1, 7-29-96; Ord. No. 7087 §1, 2-9-09; Ord. No. 7158 §1, 10-12-09)

SECTION 212.150: FISHING TOURNAMENTS

A. *Fishing Tournament Permitted.* Fishing tournaments, in which a group of persons

participate in a competition to catch fish from boats, are hereby permitted at Mozingo Lake.

B. *Tournament Rules And Regulations.* The following rules and regulations shall apply to all groups and persons participating in fishing tournaments at Mozingo Lake.
   1. No more than one (1) fishing tournament per day is permitted at Mozingo Lake.
   2. Fishing tournaments may begin no earlier than thirty (30) minutes prior to sunrise and must be concluded within eight (8) hours of starting time.
   3. Fishing tournaments must be scheduled in advance though the office of the City Clerk.
   4. All requests for fishing tournaments must be accompanied by the name of the sponsoring entity and include the name, address and telephone number of the tournament director.
   5. Persons participating in fishing tournaments shall maintain and use a livewell for the keeping of fish on their boats.
   6. Tournament participants shall return to the lake all fish that are caught.

C. *Fees.* The following fees shall apply for fishing tournaments:
   1. A registration fee for each tournament of twenty-five dollars ($25.00), such fee to be paid at the time the lake is reserved for the tournament.
   2. A fee of three dollars ($3.00) for each boat in the tournament bearing a Missouri registration or five dollars ($5.00) for each boat bearing the registration of a State other than Missouri.
   3. Each boat participating in a fishing tournament must display an appropriate Mozingo Lake access permit sticker.

D. *Point of Access.* The staging area and lake access point for all fishing tournaments shall be at the boat ramp located on the east side of Mozingo Lake on County Road 466. (R.O. 2008 §212.150; Ord. No. 6058 §§1--4, 4-27-98)

SECTION 212.160: NATURAL TERRAIN MAINTAINED

The natural terrain, plants and animals shall not be disturbed in any way. No person shall collect, destroy or remove any tree, plant or other vegetation from the Mozingo Park or its waterways. However, this provision shall not prohibit the harvesting of mushrooms and berries. Dead, fallen wood may be collected for use as firewood at park campgrounds and picnic areas. However, no person shall collect standing timber for use as firewood. (R.O. 2008 §212.160; Ord. No. 5448 §1, 7-29-96)

SECTION 212.170: SWIMMING REGULATIONS

A. *Swimming.* No person shall swim, bathe or wade, nor shall any person float in or on any non-licensed device in the Mozingo Park, except in specifically designated areas. No person shall swim from any privately owned boat, including from any boat which is moored. No person shall swim in the area of any boat ramp.

B. *Designated Beaches.* Upon payment of the appropriate fee therefore, persons may swim at designated Mozingo Park beach areas during the hours established and subject to the rules promulgated and posted at beach areas.

C. *Diving Or Jumping From Bridge.* No person shall dive or jump from any bridge or natural structure into the Mozingo Lake or any waterway thereof.

D. *Glass Bottles And Cans.* No glass containers or cans of any type shall be possessed on the designated beach or where such prohibition is designated. (R.O. 2008 §212.170; Ord. No. 5448 §1, 7-29-96)

SECTION 212.180: MISCELLANEOUS ACTIVITIES

A. *Hot Air Balloons.* No person shall launch, float or land a hot air balloon at Mozingo Park, except at a designated site and in accordance with permits and regulations promulgated by the City Council. The City Council may authorize such launches as a special event.
B. *Ultralight Aircraft.* No person shall operate any ultralight aircraft on any portion of Mozingo Park.
C. *Bicycles/Mountain Bikes/All-Terrain Bikes.* The operation of bicycles, mountain bikes and all-terrain bikes is authorized except in area in which such operation is specifically prohibited and in which said prohibition is posted. As used in this Section, the term *"bike"* or *"bicycle"* shall not include any motorized bike, any motorized bicycle or any other motorized means of transportation.
D. *Snowmobiles.* No person shall operate any snowmobile or other similar vehicle at Mozingo Park. (R.O. 2008 §212.180; Ord. No. 5448 §1, 7-29-96; Ord. No. 6471 §1, 6-10-02)

SECTION 212.190: OTHER ACTIVITIES

Operation of motorized vehicles off roadways is prohibited. (R.O. 2008 §212.190; Ord. No. 5448 §1, 7-29-96; Ord. No. 7087 §1, 2-9-09; Ord. No. 7158 §1, 10-12-09)

SECTION 212.200: RADIO-CONTROLLED AIRCRAFT OR BOATS

The following Section shall apply to radio controlled aircraft:

1. *Operation of radio-controlled aircraft or boats.* No person shall operate radio-controlled aircraft or boats except in areas designated for such operation.
2. *Display of frequency and channel.* Any person operating a radio-controlled aircraft within designated areas in Mozingo Park shall prominently display on the transmitter at all times, frequency flags and transmitter numbers.
3. *Liability insurance required.* No person shall operate a radio-controlled aircraft or boat on or above park land or waterways unless said person has liability insurance at least at minimum limits offered by the Academy of Model Aeronautics to its members, with regard to the aircraft or minimum limits offered by the American Powerboat Association to its members, with regard to boats. Any person holding a current Academy of Model Aeronautics membership card will be presumed to have met the above requirement with regard to aircraft. Any person holding a current American Power Boat Association membership card will be presumed to have met the above requirement with regard to boats.
4. *Permits.* It shall be unlawful for any person to operate any type of radio-controlled equipment for the purpose of operating miniature model airplanes, ground running vehicles, waterborne boats or vehicles, rockets or any other similar device within the physical boundary of the Mozingo Park without first

purchasing the proper operating permit.

5. *Radio-controlled flying field sound level.* No person shall operate any radio-controlled flying device with a sound level in excess of ninety-eight (98) decibels on an "A" weighted scale measured from a distance of fifty (50) or more feet. (R.O. 2008 §212.200; Ord. No. 5448 §1, 7-29-96)

SECTION 212.210: AIRPLANES/HYDROPLANES

No person shall land or take off an airplane or hydroplane in Mozingo Park. (R.O. 2008 §212.210; Ord. No. 5448 §1, 7-29-96)

SECTION 212.220: MOZINGO FEE STRUCTURE -- CAMPING, BOATING, CABIN RENTAL

A. *RV Camp Fee.*
   1. *RV.*
      a. March thirty-first (31st) through September thirtieth (30th)--Fifteen dollars ($15.00) per night.
      b. October first (1st) through March thirty-first (31st)--Thirteen dollars ($13.00) per night.
   2. *Tent camping.*
      a. March thirty-first (31st) through September thirtieth (30th)--Six dollars ($6.00) per night.
      b. October first (1st) through March thirty-first (31st)--Five dollars ($5.00) per night.

B. *Tent Camp Fee--Primitive.*
   1. *Tent camping.*
      a. March thirty-first (31st) through September thirtieth (30th)--Six dollars ($6.00) per night.
      b. October first (1st) through March thirty-first (31st)--Five dollars ($5.00) per night.
   2. *Group tent camping.* Two dollars ($2.00) per person.
   3. *Group tent camping (non-profit organization).* One dollar ($1.00) per person.

C. *Boat Fees.*
   1. *Permit sticker--non-motor.*
      a. *Daily pass.* Five dollars ($5.00).
      b. *Annual pass.* Thirty-five dollars ($35.00).
   2. *Permit sticker--motor.*
      a. *Daily pass.* Eight dollars ($8.00).
      b. *Annual pass.* Forty-five dollars ($45.00).
   3. *Permit sticker to be displayed on boat.* It shall be unlawful for any person to operate a boat or personal watercraft on Mozingo Lake which does not visibly and conspicuously display a lake use permit sticker issued by the City of Maryville on the left side hull of the boat or on the left side windshield.

D. *Boat Slips.* Boat slips shall be established near the area of the RV camping site and tent camping site at Mozingo Lake Park. Within each boat dock there shall be established areas specifically designated as loading zones and other areas designated for boat slip

rental.

1. *Free loading zones.* Any area designated by signage as a loading zone may be used by an operator of a boat on Mozingo Lake for the purpose of loading or unloading passengers or cargo for short periods of time. It shall be unlawful for the operator of any boat to occupy any loading zone for a continuous period exceeding thirty (30) minutes. After using the loading zone, any boat shall not make use of the zone for a period of a least thirty (30) minutes before again using the loading zone. There shall be no charge for the use of such loading zone and it shall be occupied on a "first-come, first-served" basis within the parameters of the foregoing time limitations.
2. *Boat slip area.* Other areas within the boat dock areas shall be designated as slip rental areas to be used by RV campers and tent campers upon payment of the requisite fee. A boat slip at the docking area may be rented on a first-come, first-served basis, but may be rented only to individuals at the same time the individual is paying the fee to use the RV park area or tent camping area. The rental of said boat slips shall be restricted to individuals who are actually parking an RV in the RV park area or actually camping in the tent camping area of Mozingo Park and additionally are towing a boat for use on Mozingo Lake.
3. *Boat slip fee.* The fee for a boat slip at the boat dock area shall be seven dollars ($7.00) per day, payable in advance at the time the fee for the RV park rental or tent camping rental is collected. No boat slip may be rented continuously either to the same person or for the same boat for a continuous period of greater than seven (7) days.
4. *Rental period.* The fee charged pursuant to this Section shall entitle the lessee to use the boat slip for a twenty-four (24) hour rental period commencing at 3:00 P.M. local time on the day for which rental is sought and ending at 2:59 P.M. the next day. As used in this Section, the term *"day"* shall be understood to represent the twenty-four (24) hour period commencing with the 3:00 P.M. rental period.
5. *Boat slip violations.* It shall be illegal for any individual to possess, operate or dock a boat in violation of these regulations, including:
   a. Docking a boat at, using or blocking use of the loading zone for a continuous period of greater than thirty (30) minutes.
   b. Docking a boat at a boat slip without having paid the requisite fee and/or without the boat bearing proof of said payment.

E. *Cabin Rental Fees.* The following fees and deposits are established for rental of the cabins at Mozingo Lake Park. In each circumstance, the highest rate applicable to the rental date shall apply. For the purposes of this Section, peak season shall be from April first (1st) through November thirtieth (30th) and off season shall be from December first (1st) through March thirty-first (31st) of the following year.

1. *Cabins 1, 2 and 3. (One-bedroom, sleeps 6).* The following rates shall apply to Cabins 1, 2 and 3:
   a. *Peak season.*
      (1) Sunday through Thursday rentals--Eighty dollars ($80.00) per night.
      (2) Friday and Saturday rentals--One hundred dollars ($100.00) per night.
      (3) Holiday rentals--One hundred dollars ($100.00) per night.
   b. *Off-season.*
      (1) Sunday through Thursday rentals--Sixty dollars ($60.00) per night.

(2) Friday and Saturday rentals--Seventy-five dollars ($75.00) per night.
(3) Holiday rentals--Seventy-five dollars ($75.00) per night.

2. *Cabin 4. (Two-bedroom, sleeps 10).* The following rental rates shall apply to Cabin 4:
   a. *Peak season.*
      (1) Sunday through Thursday rentals--One hundred twenty dollars ($120.00) per night.
      (2) Friday and Saturday rentals--One hundred forty dollars ($140.00) per night.
      (3) Holiday rentals--One hundred forty dollars ($140.00) per night.
   b. *Off-season.*
      (1) Sunday through Thursday rentals--One hundred dollars ($100.00) per night.
      (2) Friday and Saturday rentals--One hundred fifteen dollars ($115.00) per night.
      (3) Holiday rentals--One hundred fifteen dollars ($115.00) per night.
3. *Cabin 5. (Two-bedroom, sleeps 12).* The following rental rates shall apply to Cabin 5:
   a. *Peak season.*
      (1) Sunday through Thursday rentals--One hundred forty dollars ($140.00) per night.
      (2) Friday and Saturday rentals--One hundred sixty dollars ($160.00) per night.
      (3) Holiday rentals--One hundred forty dollars ($140.00) per night.
   b. *Off-season.*
      (1) Sunday through Thursday rentals--One hundred twenty dollars ($120.00) per night.
      (2) Friday and Saturday rentals--One hundred thirty-five dollars ($135.00) per night.
      (3) Holiday rentals--One hundred thirty-five dollars ($135.00) per night.
4. *Holiday rates.* The holiday rental rates shall apply during the period forty-eight (48) hours preceding the holiday until forty-eight (48) hours after the holiday and shall prevail over any other rates. For example, if July 4 is the holiday, holiday rate would be charged for the evenings of July 2 through July 6. Holiday rates shall apply to the following holidays: Easter Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Eve, Christmas Day and New Year's Eve. In the event a rental on a holiday period includes either Friday or Saturday, the weekend rental requirement shall apply, and both Friday and Saturday night must be rented.
5. *Weekly rates.* If a unit is rented for seven (7) or more consecutive nights, the applicable rental rates for the entire stay shall be reduced by fifteen percent (15%).
6. *Taxes.* All applicable taxes shall be applied to the unit rental rates.
7. *Reservations.* Reservations may be made in advance up to one (1) year prior to the date of the rental period. The tenant shall execute such rental agreements and other documents as promulgated by the City and shall pay all deposits required by

this Section and/or the rental agreement at the time of making said reservation.

8. *Deposits.*
   a. A reservation deposit equal to the total rental cost for the entire stay shall be paid at the time the reservation is made.
   b. At the time the reservation is made, in addition to the reservation deposit, a cleaning/damage deposit shall be paid in the amount of one hundred dollars ($100.00) for each cabin rented.
   c. Deposits shall be returned upon the following conditions:
      (1) If the reservation is cancelled sixty (60) or more days prior to the first (1st) rental date, the entire reservation deposit and the entire cleaning/damage deposit shall be refunded.
      (2) If the reservation is cancelled fifty-nine (59) days to fifteen (15) days prior to the first (1st) rental date, a late cancellation fee of twenty-five percent (25%) of the entire reservation deposit up to a maximum of one hundred dollars ($100.00) shall be retained by the City, and the balance of the reservation deposit shall be refunded. The entire cleaning/damage deposit shall be refunded.
      (3) If the reservation is cancelled fourteen (14) or fewer days prior to the first (1st) rental date, the entire reservation deposit shall be forfeited to the City. The entire cleaning/damage deposit shall be refunded.
      (4) The cleaning/damage deposit shall be returned after inspection of the unit by the City, if the unit is returned in satisfactory condition, ordinary wear and tear excepted. In event damages exist or cleaning is necessary, the actual costs of repair or cleaning and reasonable labor costs shall be applied first (1st) to the deposit and any additional amounts shall be paid by the renter.
9. *Return of deposit.* Any excess deposit shall be returned within fifteen (15) days of the end of the rental period or termination of the reservation, whichever is applicable.
10. *Weekend/maximum rental periods.*
    a. *Weekend rental period.* Weekend rentals must include both Friday and Saturday nights.
    b. *Maximum rental period.* The maximum consecutive rental period shall be fourteen (14) nights.

F. *Cabin Rental--Golf Package Fees.* The following fees and deposits are established for the golf package-cabin rental at Mozingo Lake Park. In each circumstance, the highest rate applicable to the rental date shall apply. For the purposes of this Subsection, peak season shall be from May first (1st) through September thirtieth (30th), and off season shall be from October first (1st) through April thirtieth (30th) of the following year.

[redacted]

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1. *Taxes.* All applicable taxes shall be applied to the unit rental rates.
2. *Reservations.* Reservations may be made in advance up to one (1) year prior to the date of the rental. The tenant shall execute such rental agreements and other documents as promulgated by the City and shall pay all deposits required by this Section and/or the rental agreement.
3. *Deposits.*
   a. A reservation deposit equal to the total rental cost for the entire stay shall be paid at the time the reservation is made.
   b. At the time the reservation is made, in addition to the reservation deposit, a cleaning/damage deposit shall be paid in the amount of one hundred dollars ($100.00) for each cabin rented.
   c. Deposits shall be returned upon the following conditions:
      (1) If the reservation is cancelled sixty (60) or more days prior to the first (1st) rental date, the entire reservation deposit and the entire cleaning/damage deposit shall be refunded.
      (2) If the reservation is cancelled fifty-nine (59) days to fifteen (15) days prior to the first (1st) rental date, a late cancellation fee of twenty-five percent (25%) of the entire reservation deposit up to a maximum of one hundred dollars ($100.00) shall be retained by the City, and the balance of the reservation deposit shall be refunded. The entire cleaning/damage deposit shall be refunded.
      (3) If the reservation is cancelled fourteen (14) or fewer days prior to the first (1st) rental date, the entire reservation deposit shall be forfeited to the City. The entire cleaning/damage deposit shall be refunded.
      (4) The cleaning/damage deposit shall be returned after inspection of the unit by the City, if the unit is returned in satisfactory condition, ordinary wear and tear excepted. In event damages exist or cleaning is necessary, the actual costs of repair or cleaning and reasonable labor costs shall be applied first (1st) to the deposit and any additional amounts shall be paid by the renter.
4. *Return of deposit.* Any excess deposit shall be returned within fifteen (15) days of the end of the rental period or termination of the reservation, whichever is applicable.
5. *Weekend/maximum rental periods.*
   a. *Weekend rental period.* Weekend rentals must include both Friday and Saturday nights.
   b. *Maximum rental period.* The maximum consecutive rental period shall be

fourteen (14) nights.

G. *Penalty*. Violation of this Section or any provision of any document referenced herein shall be punishable by a jail term not to exceed ninety (90) days in jail or by a fine not to exceed five hundred dollars ($500.00), or both such jail term and fine. (R.O. 2008 §212.220; Ord. No. 5521 §1, 4-28-97; Ord. No. 6078 §1, 6-22-98; Ord. No. 6272 §1, 4-10-00; Ord. No. 6470 §1, 6-10-02; Ord. No. 6743 §§1--2, 4-11-05; Ord. No. 6872 §§1--2, 10-23-06; Ord. No. 6887 §§1--2, 12-11-06; Ord. No. 6920 §1, 7-9-07)

SECTION 212.225: MOZINGO FEE STRUCTURE -- GOLF FEES AND PARK FEES

The following rates are established for golf and park services at the Mozingo Golf Course and at Mozingo Lake Park:

MOZINGO GOLF FEES		
TYPE	**FEE**	
18 hole round/Monday--Thursday	$ 22.00	
18 hole round/Friday--Sunday	$ 25.00	
18 holes/student	$ 18.00	
9 holes/student	$ 12.00	
9 hole round/Monday--Thursday	$ 14.00	
9 hold round/Friday--Sunday and holidays	$ 16.00	
Cart fees/18 holes	$ 15.00	
Cart fees/9 holes	$ 10.00	
Driving range/small bag	$ 3.25	
Driving range/large bag	$ 5.00	
Driving range/range ticket (20 large bags)	$ 75.00	
Yearly membership pass/ Monday--Friday/individual	$400.00/19 rounds	
Yearly cart pass/ Monday--Friday/individual	$370.00/25 rounds	
Total fee/Monday--Friday/ individual	$770.00/21 rounds	
Yearly membership pass/ Monday--Sunday/individual	$605.00/23 rounds	
Yearly cart pass/Monday--Sunday/individual	$450.00/35 rounds	
Total fee/Monday--Sunday/ individual	$1,055.00/27 rounds	
Yearly membership pass/ Monday--Sunday/couple	$800.00/32 rounds	
Yearly cart pass/Monday--Sunday/couple	$625.00/48 rounds	

Total fee/Monday--Sunday/ couples	$1,425.00/36 rounds	
Student membership pass/ May 1--September 1	$190.00/12 rounds	
Yearly membership pass/ Monday--Friday/senior	$350.00/16 rounds	
Yearly cart pass/Monday--Friday/senior	$370.00/29 rounds	
Total fee/Monday--Friday/ senior	$720.00/20 rounds	
Yearly membership pass/ Monday--Sunday/senior	$525.00/21 rounds	
Yearly cart pass/Monday--Friday/senior	$450.00/29 rounds	
Total fee/Monday--Sunday/ senior	$975.00/25 rounds	
Punch card/weekday 10 pass	$185.00/9 rounds	
Punch card/weekday cart pass	$120.00	
Leagues/golf and cart/9 holes	$ 15.00	
Yearly trail fee	$300.00	
Concession fee	A $.25 increase across the board except for hot dog ($2.50) and deli sandwich ($3.50)	
Outings/21--50 persons/weekday (per person with cart)	$34.00 per person	For all outings standard rates apply without deviation. This would include: - Usage of the banquet facility upstairs. - Beverage cart for the outing. - Driving range balls. Note: Fee is reduced after 100 players due to the fact that the organization requesting the outing will have to provide carts to remaining 44 players (only 50 carts are available).
	Outings/21--50 persons/ weekends (per person with cart)	$36.00 per person
	Outings/51--99 persons/weekday (per person with cart)	$1,700.00 plus $31.00 per player after 50
	Outings/51--99 persons/ weekends (per person with cart)	$1,800.00 plus $33.00 per player after 50
	Outings/100--144 persons/ weekday (per person with cart)	$3,200.00 plus $18.00 per player after 99
	Outings/100--144 persons/ weekends (per person with cart)	$3,400.00 plus $21.00 per player after 99

MOZINGO PARK FEES

TYPE	FEE	CONDITIONS

*Youth cabins 1--4	$ 30.00 per night, per cabin	Youth/chaperon use only
*Youth cabin 5	$40.00 per night	Youth/chaperon use only
*Youth Cabins for family use	$ 50.00 per night, per cabin	1. All family cabins are occupied for requested time frame 2. No youth organization has requested usage of the cabins within one (1) week prior to family request
*Multi-purpose building	$ 50.00 first day/ $ 20.00 following consecutive days $ 200.00 deposit	For use by youth groups
*Multi-purpose building	$100.00/day $200.00 deposit	For use by non-profit organizations. Open to youth up to thirty (30) days prior to rental date
*Multi-purpose building	$150.00/day $200.00 deposit	For use by business or social gathering. Open to youth up to thirty (30) days prior to rental date.
Fishing tournament	$ 25.00	Limit one (1) per day
Kiwanis Shelter House	$ 20.00 full day/ $ 15.00 half day	8:00 A.M.--3:30 P.M./ 4:00 P.M.--10:30 P. M.
Pride Lions Shelter	$ 20.00 full day/ $ 15.00 half day	8:00 A.M.--3:30 P.M./ 4:00 P.M.--10:30 P.M.
Phillips Shelter House	$ 50.00 full day/ $ 30.00 half day	8:00 A.M.--3:30 P.M./ 4:00 P.M.--10:30 P.M.
Host Lions Shelter	$ 50.00 full day/ $ 30.00 half day	8:00 A.M.--3:30 P.M./ 4:00 P.M.--10:30 P.M.
Special event permit	$100.00	Events such as dog tournament, water skiing tournament

*Alcohol and smoking prohibited in these areas.
(R.O. 2008 §212.225; Ord. No. 6875 §1, 11-6-06; Ord. No. 6888 §1, 12-11-06; Ord. No. 6943 §§1--2, 10-22-07)

SECTION 212.230: CAMPING

The following regulations shall apply to camping at Mozingo Park.

1. *General.* No person shall engage in camping or the overnight use of the Mozingo Park lands except in areas as shall be designated and in accordance with the promulgated rules and regulations. Such rules and regulations shall be posted at park camping areas.
2. *Time limit.* Camping at one (1) or more camp sites at the Mozingo Park for a period in excess of fourteen (14) consecutive days is prohibited without written permission from the City Manager or his/her designee. Written permission is additionally required to camp at Mozingo Park in excess of fourteen (14) days during any consecutive thirty (30) day period.
3. *Limit.* There shall be no more than two (2) units per campsite.
4. *Unattended camps and unattended RV campsite reservation.* No campsite shall be left unattended for more than twenty-four (24) consecutive hours. Notwithstanding the foregoing, a RV campsite may only be reserved (unattended)

by placing a vehicle directly upon the campsite. As used in this paragraph, the term *"vehicle"* shall be understood to include an automobile, truck, motor vehicle, bus, recreational vehicle, boat or other similar vehicle. RV campsites cannot be reserved (unattended) by the placement of chairs, lawn furniture, blankets, tablecloths or other similar personal property upon the site.

5. *Cleanliness.* Campsites must be cleaned daily. The cleaning of fish or the washing of clothes or dishes at water hydrants is prohibited.
6. *Check-out time.* RV campsites must be vacated not later than 5:00 P.M. on the date the campsite rental period concludes. (R.O. 2008 §212.230; Ord. No. 5448 §1, 7-29-96; Ord. No. 6765 §§1--2, 7-11-05)

SECTION 212.235: RESERVATIONS FOR RV CAMPING SPACES

Five (5) spaces, being spaces 22, 23, 24, 25, and 26, of the Mozingo Lake RV Park shall be reservable according to the following regulations:

1. Reservations shall be made no more than thirty (30) days prior to the first (1st) day of reservation.
2. Reservations made for an upcoming weekend (Friday and Saturday), shall not be accepted beyond the Tuesday prior to said weekend.
3. Check out time for reserved RV spaces is by 5:00 P.M. Any vehicle occupying space beyond 5:00 P.M. shall be charged another day's fee.
4. Reserved RV spaces will be available until 6:00 P.M. of date reserved, at which time it will become available to the public.
5. Reservations will be made at a rate of twenty-five dollars ($25.00) per day, and shall be paid at the time reservations are made. Reservation fee will be non-refundable.
6. Signs shall be posted at the designated sites by City, denoting reservation requirements and availability.
7. All regulations with this Chapter related to general RV camping shall apply to reserved RV spaces. (Ord. No. 7142 §1, 8-24-09)

SECTION 212.240: SHELTER HOUSE RESERVATIONS

Any person making shelter house reservations must be at least twenty-one (21) years of age. The person making the reservation shall be held responsible for the condition of the shelter house at the end of its use. The person reserving the shelter house shall also be responsible for the actions of those persons in his/her party. (R.O. 2008 §212.240; Ord. No. 5448 §1, 7-29-96)

SECTION 212.250: WASTEWATER

No person shall dump wastewater within Mozingo Park. (R.O. 2008 §212.250; Ord. No. 5448 §1, 7-29-96)

SECTION 212.260: FIRE REGULATIONS

A. *Fires.* It shall be unlawful for any person to ignite or maintain any fire at Mozingo Park

except in ovens, stoves, fire rings or other fireplaces designated for that purpose and placed by the City of Maryville. No person shall leave a fire unattended, and all fires must be extinguished after use.

B. *Fire Danger*. When necessary for public safety, and/or protection of lands, structures or wildlife, the City Council or City Manager may prohibit all fires on the Mozingo Park land by the posting of signs to that effect. During said prohibition, no person shall ignite or maintain any fire at Mozingo Park. (R.O. 2008 §212.260; Ord. No. 5448 §1, 7-29-96)

SECTION 212.270: FIREWORKS

No person shall use, ignite or possess fireworks of any kind at the Mozingo Park except when authorized by the City Council of the City of Maryville. The City Council may authorize the use of fireworks as a special event. (R.O. 2008 §212.270; Ord. No. 5448 §1, 7-29-96)

SECTION 212.280: WATERCRAFT REGULATIONS

A. *Boating And Watercraft.*
   1. The use and operation of all boats, motors and watercraft on all Mozingo Park lakes and waterways shall be in accordance with the laws of the State of Missouri, the Missouri Watercraft Manual and such rules and regulations as may be enacted by the Council of the City of Maryville, Missouri.
      Wherever there is a conflict between the requirements of any of the foregoing, the more restrictive regulation shall apply.
   2. It shall be unlawful for any individual to operate any boat or watercraft on Mozingo Park lakes and waterways unless the boat or watercraft is validly licensed and marked pursuant to Missouri law.

B. *Age Limits.*
   1. The minimum age for operating a vessel in the State of Missouri is fourteen (14) years of age. No person under age fourteen (14) years of age shall operate any vessel unless such person is in the direct, on-board, visual and audible supervision of a parent, guardian or other person sixteen (16) years or older. No parent, guardian or authorized person shall knowingly permit a child under the minimum age to operate any vessel in violation of this law.
      Parents and guardians are legally responsible for the underage operator and their actions.
   2. Effective September 1, 1997, no person shall operate a personal watercraft unless age fourteen (14) or under the direct "on-board" supervision of a parent, guardian or other person at least sixteen (16) years of age.

C. *Swimming.* Swimming from a boat or watercraft shall be permitted within the "no-wake zones" of the lake as marked on the map attached to Ord. No. 6031 as Exhibit "A" and on file in the City offices. Swimming from a boat or watercraft shall not be permitted at any other location on Mozingo Lake.
   1. All swimmers under the age of twelve (12) years must be accompanied by the swimmer's parent or guardian or accompanied by a person at least twenty-one (21) years of age.
   2. All swimmers under the age of twelve (12) years must wear an approved life

jacket.
3. Swimming shall be within fifty (50) feet of the watercraft or boat.
4. No swimming off of a boat within one hundred (100) feet of the fifteenth (15th) golf course green.

D. *Direction And Speed.* Watercraft channels and "Slow, No Wake Zones" shall be complied with as designated on the Official Map on file in the City offices. (R.O. 2008 §212.280; Ord. No. 5448 §1, 7-29-96; Ord. No. 6031 §1, 2-23-98; Ord. No. 6472 §1, 6-10-02)

SECTION 212.290: SIZE AND TYPE

The following shall apply to the size and types of watercraft permitted at Mozingo Park:

1. *Length of boats permitted.* No person shall operate a watercraft in excess of twenty-eight (28) feet in length.
2. *Sound level.* The maximum sound level of a watercraft on any Mozingo Park lake shall not exceed eight-six (86) decibels on an "A" weighted scale, when measured from a distance of fifty (50) or more feet from the vessel. The owner must provide proof of the above upon request by a Park Security Officer or Public Safety Officer.
3. *Speed limit.* No person shall operate a boat, jet ski or other similar item in excess of forty (40) miles per hour from thirty (30) minutes before sunrise until thirty (30) minutes after sunset. No person shall operate a boat, jet ski or other similar item in excess of twenty (20) miles per hour from thirty (30) minutes past sunset until thirty (30) minutes before sunrise. (R.O. 2008 §212.290; Ord. No. 5448 §1, 7-29-96; Ord. No. 6473 §1, 6-10-02; Ord. No. 6744 §§1--2, 4-11-05)

SECTION 212.300: SAILBOATS

Sailboats may be sailed within designated areas and in compliance with all applicable regulations. (R.O. 2008 §212.300; Ord. No. 5448 §1, 7-29-96)

SECTION 212.310: PARASAILING

No person shall operate any parasailing equipment or device on any portion of the Mozingo Park except where authorized, and in accordance with the permits and regulations promulgated by the City Council. When pulling a parasail, the operator of the vessel shall have an additional observer on board to monitor the parasailer. (R.O. 2008 §212.310; Ord. No. 5448 §1, 7-29-96)

SECTION 212.320: PERSONAL WATERCRAFT

Wet bikes, jet boats, jet skis, jet mates, water scooters, surf jets, wave jammers, wave runners, wet jets, surfjets and hydroskis will be allowed on the Mozingo Park waterways, between sunrise and sunset on the lake's main ski zone where the clearing of trees and hazards has taken place. Personal watercraft shall follow all rules and regulations set forth for the operation of sailboards concerning location, flotation devices and wet suits. Occupancy shall not exceed the manufacturer's specifications. (R.O. 2008 §212.320;

Ord. No. 5448 §1, 7-29-96)

SECTION 212.330: SAILBOARDS

No person shall operate a sailboard, windsurfer or other similarly designed craft on any Mozingo Park lake or waterway except in designated areas and in accordance with this Section.

1. *One occupant.* Only one (1) person may occupy the sailboard during its operation.
2. *Flotation devices.* The operator of any sailboard, windsurfer or similarly designed craft must wear at all times while sailboarding, a Type I, II or III personal flotation device approved by the United State Coast Guard.
3. *Wetsuit.* From October first (1st) through May fifteenth (15th), the operator and any passenger of any sailboard or personal watercraft must wear a wetsuit designed to protect the trunk, arms and legs.
4. *Windsurfing.* Windsurfing shall be allowed on the Mozingo Park waterways without restriction as to location, but shall follow all rules and regulations for the operation of sailboards concerning flotation devices and wet suits. (R.O. 2008 §212.330; Ord. No. 5448 §1, 7-29-96)

SECTION 212.340: SKIING REGULATIONS

A. *Waterskiing.* The operating of any vessel being used to tow a person on water skis or other appropriate device approved for use on Mozingo Park lakes and waterways must have, in addition to himself/herself, at least one (1) other person on board seated as to observe the progress of the person being towed or the vessel must be equipped with an approved ski mirror. All waterskiing and other approved activity shall be conducted only from sunrise to sunset.

B. *Direction Of Skiing.* Both the operator of the towing vessel and the person or persons being towed will maneuver counter-clockwise so that the skis or other device of any person will not strike or collide with another object or person.

C. *Waterskiing Conduct.* No person will manipulate water skis or other device in a reckless or negligent manner endangering the life or property of any other person. No person shall manipulate water skis or other devices while intoxicated or under the influence of any alcohol, narcotic drug, barbiturate, marijuana or other controlled substance.

D. *Flotation Device For Waterskiing.* Any person involved in waterskiing or other approved similar activity must wear a Type I, II or III approved personal flotation device approved by the United States Coast Guard. Ski belts and other inflatables do not qualify as approved personal flotation devices.

E. *Skier Down Flag.* A flag indicating a "skier down/person in the water" is required equipment for towing a skier. This flag is to be displayed any time a person is in the water (including swimmers) and the engine of the vessel is running. Displaying of the flag is required from 11:00 A.M. to sunset, at which time it becomes illegal to ski.

   1. *Flag requirements.* The color of the flag must be either red or bright orange. The flag must be square in design and measure at least twelve (12) inches on each side. When displayed, the flag must be visible for three hundred sixty degrees (360°).

2. *Operation near flag.* All boat operators in the vicinity of a displayed ski flag will be required to operate at idol speed if closer than fifty (50) yards to watercraft displaying the flag. (R.O. 2008 §212.340; Ord. No. 5448 §1, 7-29-96)

SECTION 212.350: AIRBOATS

No person shall operate an airboat or hovercraft at Mozingo Park. (R.O. 2008 §212.350; Ord. No. 5448 §1, 7-29-96)

SECTION 212.360: SCUBA DIVING

The following Section shall apply to scuba diving at the Mozingo Park:

1. *Permission to dive.* Any person wishing to scuba dive at Mozingo Park lakes and waterways must contact the office of the City Manager at least twenty-four (24) hours prior to their dive and inform the City Manager as to the time, location, purpose and number of persons involved in the dive.
2. *Area.* No person shall scuba dive except in areas designated for that purpose.
3. *Release prior to dive.* Parties involved in an approved diving activity must sign a waiver releasing the City of Maryville and its employees from all responsibility which results from the diving activity. Said release shall be executed on a form approved by the City of Maryville.
4. *Diving flag.* During all diving operations, an approved diving flag must be displayed and shall meet the following:
   a. *Flag specifications.* The diving flag shall be a minimum of twelve (12) inches tall by sixteen (16) inches wide and red in color with a two (2) inch wide white diagonal stripe running from the top left corner to the lower right corner.
   b. *Flag visibility.* The diving flag must be visible for three hundred sixty degrees (360°) and stand three (3) feet above the water.
5. *Diving location.* All diving must be done within a fifty (50) yard radius of the flag. All boat operators must stay at least fifty (50) yards away from the diver's flag.
6. *Diving restrictions.* Diving shall not impede or interfere with the normal flow of traffic. (R.O. 2008 §212.360; Ord. No. 5448 §1, 7-29-96)

SECTION 212.370: OTHER BOATING AND WATERCRAFT REGULATIONS

A. *Loading Restrictions.* Watercraft may not be loaded beyond the capacity or number of persons recommended by the manufacturer. Loading restrictions shall not be construed to permit the loading of boats in excess of a maximum safe load for existing weather, operating conditions or type and condition of the boat.

B. *Flotation System.* To license a rubber, plastic or other similar constructed air chamber craft for operation on any Mozingo Park lake, waterway or creek, such craft shall have at least three (3) separate air chambers and solid bottoms and transoms. (R.O. 2008 §212.370; Ord. No. 5448 §1, 7-29-96)

SECTION 212.380: REGATTAS

All tournaments, regattas, races, parades or exhibitions held on the Mozingo waterways must be authorized. Authorization for any of these events can only be made by the Maryville City Council and either the Missouri State Water Control or the Federal Government. All activities may be subject to limitations. An application for such an event must be filed at least fifteen (15) days prior to commencement. (R.O. 2008 §212.380; Ord. No. 5448 §1, 7-29-96)

SECTION 212.390: PERSONAL FLOTATION DEVICES

A. *Class 1 And Class 2 Watercraft.* No person shall operate or in otherwise ride as a passenger in any Class 1 or Class 2 watercraft unless such vessel shall have on board at least one (1) wearable personal flotation device of Type I, II or III, as approved by the United States Coast Guard, in serviceable condition and readily accessible for each person on board said watercraft and for each person being towed by said watercraft who is not wearing such device, plus one (1) extra approved Type IV throwable personal flotation device. Ski belts and inflatables do not qualify as approved personal flotation devices.

B. *Class A Watercraft.* No person shall operate or otherwise ride as a passenger in a Class A watercraft unless such boat shall have on board at least one (1) personal flotation device of Type I, II or III, as approved by the United States Coast Guard, in serviceable condition and readily accessible for each person on board said watercraft and for each person being towed by said watercraft who is not wearing said device. Ski belts and inflatables do not qualify as approved personal flotation devices.

C. *Personal Flotation Devices---Children.* No person shall operate or otherwise ride as a passenger in a vessel, sailboat, canoe, kayak, or any other similar watercraft, containing any person under the age of seven (7) years, unless each such person under the age of seven (7) years is wearing a United States Coast Guard approved personal flotation device. Ski belts and inflatables do not qualify as approved personal flotation devices. (R.O. 2008 §212.390; Ord. No. 5448 §1, 7-29-96)

SECTION 212.400: LAUNCHING AREA

No person shall launch a boat, raft or other watercraft from any area except the areas designated and maintained by the City of Maryville for such purpose. All watercraft which are transported by trailer must be launched from the designated boat ramp area. (R.O. 2008 §212.400; Ord. No. 5448 §1, 7-29-96)

SECTION 212.410: PUBLIC COURTESY DOCK TIME LIMITS

No person shall exceed ten (10) minutes docking time for loading or unloading passengers or materials within the public docks and ramp areas within the park lands. (R.O. 2008 §212.410; Ord. No. 5448 §1, 7-29-96)

SECTION 212.420: LIGHTING

No person shall operate any vessel, canoe or kayak or other watercraft between sunset

and sunrise, unless such watercraft shall exhibit running lights in the following manner:

1. For the purpose of this Section, vessels shall be divided into four (4) classes as follows:
   a. Class A, less than sixteen (16) feet in length;
   b. Class 1, at least sixteen (16) and less than twenty-six (26) feet in length;
   c. Class 2, at least twenty-six (26) and less than forty (40) feet in length;
   d. Class 3, forty (40) feet and over.
2. All vessels shall display from sunset to sunrise the following lights when under way, and during such time no other lights, continuous spotlights or docking lights, or other non-prescribed lights shall be exhibited:
   a. Vessels of classes A and 1:
      (1) A bright white light aft to show all around the horizon;
      (2) A combined light in the forepart of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points (22½ degrees) abaft the beam on their respective sides;
   b. Vessels of classes 2 and 3:
      (1) A bright white light in the forepart of the vessel as near the stem as practicable, so constructed as to show the unbroken light over an arc of the horizon of twenty points (225 degrees) of the compass, so fixed as to throw the light ten points (112½ degrees) on each side of the vessel; namely, from right ahead to two points (22½ degrees) abaft the beam on either side;
      (2) A bright white light aft to show all around the horizon and higher than the white light forward;
      (3) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points (112½ degrees) of the compass, so fixed as to throw the light from right ahead to two points (22½ degrees) abaft the beam on the starboard side; on the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points (112½ degrees) of the compass, so fixed as to throw the light from right ahead to two points (22½ degrees) abaft the beam on the portside. The side lights shall be fitted with inboard screens so set as to prevent these lights from being seen across the bow;
   c. Vessels of classes A and 1 when propelled by sail alone shall exhibit the combined light prescribed by this section and a twelve point (135 degree) white light aft. Vessels of classes 2 and 3, when so propelled, shall exhibit the colored side lights, suitably screened, prescribed by this section and a twelve point (135 degree) white light aft;
   d. All vessels between the hours of sunset and sunrise that are not under way, moored at permanent dockage or attached to an immovable object on shore so that they do not extend more than fifty feet from the shore shall display one three-hundred-sixty-degree white light visible three hundred sixty degrees around the horizon;
   e. Every white light prescribed by this section shall be of such character as to be visible at a distance of at least two (2) miles. Every colored light prescribed by this section shall be of such character as to be visible at a distance of at

least one mile. The word "visible" in this Subsection, when applied to lights, shall mean visible on a dark night with clear atmosphere;

f. When propelled by sail and machinery every vessel shall carry the lights required by this section for a motorboat propelled by machinery only.

3. Non-motorized boats or watercraft operating after sunset must carry a white light to display when another boat approaches their vicinity. Watercraft use for sport fishing, powered by trolling motor and within fifty (50) feet of the shore, it is not required to display navigational lights unless another vessel approaches within the immediate vicinity of the watercraft. (R.O. 2008 §212.430; Ord. No. 5448 §1, 7-29-96)

SECTION 212.430: FIRE EXTINGUISHERS

No person shall operate any vessel unless such vessel shall carry on board, fire extinguishers approved by the United States Coast Guard for marine use, as follows:

1. Every Class A and every Class I vessel carrying or using gasoline or other flammable or toxic fluid shall carry on board one (1) B-1 type fire extinguisher.
2. Every Class II vessel shall carry one (1) B-1 type fire extinguisher or two (2) type B-2 fire extinguishers. Any Class II vessel equipped with a fixed fire extinguishing system in the engine compartment, such as a Halon system may substitute that system for one (1) type B-1 fire extinguisher. (R.O. 2008 §212.440; Ord. No. 5448 §1, 7-29-96)

SECTION 212.440: SOUNDING DEVICES

No person shall operate any vessel, sailboat, canoe, kayak or other watercraft sixteen (16) feet in length or greater unless such watercraft shall carry on board an operable mouth, hand or power operated sounding device audible for at least one-half (½) mile. (R.O. 2008 §212.450; Ord. No. 5448 §1, 7-29-96)

SECTION 212.450: OPERATION OF WATERCRAFT

No person shall:

1. Navigate a watercraft within a designated prohibited area;
2. Operate a watercraft in any manner other than as prescribed or permitted by regulatory markers;
3. Moor to, damage, tamper, remove or in any way interfere with any aid to navigation or regulatory marker;
4. Operate any vessel or associated device (i.e., water skis, surfboard or other waterborne device) in a reckless or negligent manner so as to endanger life or property;
5. Operate any vessel or watercraft, or manipulate any water skis, surfboard or other waterborne device while intoxicated or under the influence of any narcotic drug, barbiturate or marijuana;
6. Operate any vessel or watercraft at a rate of speed so as to endanger the property of others or the life or limb of themselves or others; or
7. Operate any motorcraft, vessel or watercraft within one hundred (100) feet of any

dock, pier, occupied anchored boat or buoyed restricted area at a speed faster than a "SLOW, NO-WAKE" speed. (R.O. 2008 §212.460; Ord. No. 5448 §1, 7-29-96)

SECTION 212.460: RIDING AREAS

A. *Riding On Bow And Gunwales Prohibited.* The operator of any vessel shall not ride or sit or allow any person to ride or sit on the gunwales (sides of the vessel), decking over bow or stern, top of any railing or seat-back, or any area "outside" the passenger area, unless there are adequate guards or railings to keep that person from falling overboard. Guards or railings must be at least six (6) inches high (not to exceed eighteen (18) inches in height) to be considered adequate.

B. *Exemption.* The vessel operator may allow a person to temporarily occupy the decking over the bow or stern for the purpose of docking, mooring or casting off the vessel. Also, vessels propelled only by "sail" are exempt from the adequate railing regulation. (R.O. 2008 §212.470; Ord. No. 5448 §1, 7-29-96)

SECTION 212.470: TRAFFIC MOVEMENT

All watercraft shall stop their craft upon the signal of a Park Security Officer or Public Safety Officer and shall obey all reasonable signal direction given by any such Officer in directing the movement of traffic on any portion of the Mozingo Park lake or waterway. (R.O. 2008 §212.480; Ord. No. 5448 §1, 7-29-96)

SECTION 212.480: RIGHT-OF-WAY TO EMERGENCY WATERCRAFT

When any emergency watercraft gives an audible signal by siren or visible signal, with red or blue emergency lights, the operator of any watercraft shall immediately stop or position their watercraft in such a manner as to give the right-of-way to the emergency vehicle. (R.O. 2008 §212.490; Ord. No. 5448 §1, 7-29-96)

SECTION 212.490: SEWAGE DISPOSAL

All marine toilets on any boat, operated upon waters of this City or the State of Missouri, shall be so constructed and operated as to contain all sewage aboard the boat and not to discharge any sewage into the waters directly or indirectly. No boat shall be equipped to permit discharge from or through any marine toilet, or in any other manner, any sewage at any time into waters of the state, and all sewage when removed from any boat shall immediately be placed in an approved septic tank, sanitary lagoon or sewage treatment system. The provisions of Sections 306.250 to 306.290, RSMo., shall not apply to boats engaged in interstate commerce on the Missouri and Mississippi Rivers. (R.O. 2008 §212.500; Ord. No. 5448 §1, 7-29-96)

SECTION 212.500: INSPECTIONS

A. *Authority To Inspect.* Any Law Enforcement Officer shall be permitted to board any boat at the Mozingo Park lake or waterway at any time to inspect for compliance with boating regulations.

B. *Refusal To Permit Inspection.* Refusal to permit an inspection pursuant to this Section shall be a violation of this Chapter. (R.O. 2008 §212.520; Ord. No. 5448 §1, 7-29-96)

SECTION 212.510: WRITTEN NOTICE OF VIOLATION

Park Security Officers or Public Safety Officers shall have authority to issue written notice of violation of any permit holder who fails to comply with the boating or watercraft regulations of this Chapter. Said officers shall report the notice of said violation to the City Manager. (R.O. 2008 §212.530; Ord. No. 5448 §1, 7-29-96)

SECTION 212.520: ABANDONED PROPERTY

Any boat, craft or other property of value found abandoned, adrift or left unattended in the Mozingo Park may be taken by the City of Maryville. (R.O. 2008 §212.540; Ord. No. 5448 §1, 7-29-96)

SECTION 212.530: LIEN FOR EXPENSES

The City shall have a lien on such property for all expenses of taking, towing and storing that property and for all damage caused by that property to the property of the City or any other person. (R.O. 2008 §212.550; Ord. No. 5448 §1, 7-29-96)

SECTION 212.540: PROCEDURE FOR PROPERTY DISPOSAL

If the owner of the property does not claim the property and redeem the lien within six (6) months of seizure, the property may be disposed of in the same manner as surplus City property. (R.O. 2008 §212.560; Ord. No. 5448 §1, 7-29-96)

SECTION 212.550: ALCOHOL PROVISIONS

A. *Alcoholic Beverage.* Alcohol may not be possessed or consumed in Mozingo Park at the following areas: the swimming/beach area, parking lots, trails, roadways, the Youth Camp and other designated areas.
B. *Mozingo Golf Course.* Alcohol at the Mozingo Golf Course or the Mozingo clubhouse shall be limited to alcohol legally purchased from said facility.
C. *Open Container Provision.* No person shall operate any boat, vessel, ski or watercraft while in possession of an open alcohol container.
D. *Removal Of Intoxicated Person.* Any person in the state of intoxication or under the influence of alcohol on Mozingo Park property may be removed from the park property. (R.O. 2008 §212.570; Ord. No. 5448 §1, 7-29-96)

SECTION 212.560: BOATING WHILE INTOXICATED

No person shall operate any boat or watercraft or manipulate any waterski, surf board or other waterborne device or vessel while under the influence of alcohol and/or a controlled substance as defined by State law. (R.O. 2008 §212.580; Ord. No. 5448 §1, 7-29-96; Ord. No. 6474 §1, 6-10-02)

SECTION 212.570: CARELESS OR RECKLESS OPERATION OF A WATERCRAFT

It shall be unlawful for any person to operate any vessel or watercraft or manipulate any water skis, surfboard or other waterborne device in a reckless or careless manner so as to endanger the life or property of any person, including that of the operator. It is negligent to operate a vessel within one hundred (100) feet of any dock, pier, buoy, restricted area or occupied anchored boat in excess of "Slow No-Wake" speed. Operating speeds for vessels must also be reasonable for the conditions that exist on the water. (R.O. 2008 §212.590; Ord. No. 5448 §1, 7-29-96)

SECTION 212.580: ARTIFACTS AND ITEMS OF ANTIQUITY

All items of antiquity at the Mozingo Park are protected. No person shall collect artifacts or items of antiquity from park land, except as approved by the City Council. (R.O. 2008 §212.620; Ord. No. 5448 §1, 7-29-96)

SECTION 212.590: REMOVAL OF PARK PATRONS

A Park Security Officer or Public Safety Officer shall have the authority to remove any person from the Mozingo Park lakes and waterways for the following:

1. Severe weather conditions;
2. Other dangerous conditions where personal safety or property is endangered;
3. Violations of the park regulations as set forth in this Chapter. (R.O. 2008 §212.630; Ord. No. 5448 §1, 7-29-96)

SECTION 212.600: EXPULSION FROM THE PARK

Any person in violation of any law, ordinance or the rules and regulations of the City of Maryville, or in any other way endangering the safety or property of others, may be required to immediately leave the park for the day. (R.O. 2008 §212.640; Ord. No. 5448 §1, 7-29-96)

SECTION 212.610: ACTIONS NOT TO ABATE

This Chapter shall not be construed as abating any action nor pending under or by virtue of prior existing regulations. Nor shall it be understood to discontinue, abate, modify or alter any penalty accruing or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the City of Maryville under any existing Section or provision or regulation existing at the time of the adoption of this Chapter. Nor shall this Chapter be construed to vacate or annul any rights obtained by any person, firm or corporation by lawful action of the City of Maryville, except as expressly provided for in this Chapter. (R.O. 2008 §212.650; Ord. No. 5448 §1, 7-29-96)

SECTION 212.620: PENALTY

It shall be unlawful for any person to violate any provision of this Chapter. Upon conviction thereof, such person shall be judged guilty of an ordinance violation and

punished by a fine not exceeding five hundred dollars ($500.00) or be punished by incarceration for a period not to exceed ninety (90) days, or by both such fine and incarceration. 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. (R.O. 2008 §212.660; Ord. No. 5448 §1, 7-29-96)

ARTICLE II. PLACEMENT AND CONSTRUCTION OF MONUMENTS AND MEMORIALS AT MOZINGO LAKE PARK

SECTION 212.630: DEFINITIONS

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

MEMORIAL: A monument commemorating an event of historical importance, a historic personage or group of persons or patriotic subjects.

MONUMENT: Any shrine, plaque, ornament, statue, marker, sign, artwork, flag or other permanent structure to be placed at Mozingo Lake Park for the purpose of public information or aesthetic enhancement. (R.O. 2008 §212.670; Ord. No. 5570 §1, 8-18-97)

SECTION 212.640: PUBLIC MAY PROPOSE CONSTRUCTION OF MONUMENTS AND MEMORIALS AT MOZINGO LAKE PARK

Any person, family, group or organization may propose the construction of monuments or memorials at Mozingo Lake Park. All such proposals shall be made to the Council of the City of Maryville, Missouri. All proposals for monuments or memorials shall be submitted to the office of the City Clerk and must include the following written information:

1. The name of the person(s) or organization sponsoring the proposal.
2. A photograph or drawing of the proposed structure.
3. The dimensions of the proposed structure.
4. A description of the materials to be used in construction.
5. A time table for beginning and completing the construction.
6. The precise wording of any written tributes or descriptions.
7. A photograph or drawing of any emblem, insignia or token which is to appear on the proposed structure.
8. The name(s) and address of any contractors or subcontractors used in the construction. (R.O. 2008 §212.680; Ord. No. 5570 §2, 8-18-97)

SECTION 212.650: REVIEW PROCESS

All proposals for the construction of monuments or memorials at Mozingo Lake Park shall be reviewed by the City Manager and the Mozingo Lake Park Superintendent. Following the review, the City Manager and Mozingo Lake Park Superintendent shall forward a recommendation to the Council for a final review and decision. (R.O. 2008 §212.690; Ord. No. 5570 §3, 8-18-97)

SECTION 212.660: EVALUATION STANDARDS

All proposals for the construction of monuments or memorials at Mozingo Lake Park shall conform to the following standards:

1. *Materials and colors.* All monuments or materials shall be constructed of metal or rock, using colors and materials which do not detract from the aesthetics of the park.
2. *Size.* All monuments shall be sized to avoid obstruction of view of other park features. Excluding flagpoles, monuments in excess of ten (10) feet in height shall be discouraged.
3. *Safety features.* All monuments and memorials shall be firmly secured to the ground to prevent unauthorized movement or wind damage. Monuments and memorials shall be free of sharp edges or other features which may cause injury. The proposed structure shall conform to the City's Building Codes and other product safety Codes.
4. *Maintenance features.* Monuments and memorials requiring extensive maintenance shall be discouraged unless funding arrangements can be made.
5. *Message content.* Memorials and monuments containing words or messages shall comply with the following criteria:
   a. All words are to be in English and correctly spelled. Conventional rules of grammar and punctuation shall be observed.
   b. Commercial messages or themes shall not be permitted. However, nothing in this Article shall be construed as prohibiting the mention of corporate sponsorship of a memorial or monument.
   c. Partisan political messages shall not be permitted.
   d. Language, words, photographs, drawings, symbols, insignia or tokens deemed by the Council to be obscene, indecent, vulgar or offensive shall not be permitted.
   e. Makers of a historical nature shall be reviewed by the Nodaway County Historical Society or other appropriate historical organization for accuracy. Messages containing historical inaccuracies or making exaggerated claims shall not be permitted.
6. *Themes for monuments and memorials.* A monument or memorial proposed for placement at Mozingo Lake Park shall have as its central theme one (1) of the following:
   a. The creation or development of Mozingo Lake Park.
   b. The founding or settlement of Northwest Missouri, Nodaway County or Maryville.
   c. Tributes to the heroic or historically significant deeds of Nodaway County residents, living or dead.
   d. National or State personages or events having significant historical impact on Northwest Missouri, Nodaway County or Maryville.
   e. Tributes to Nodaway County personages having significant impact on the history of the nation, the State or the County.
   f. Tributes to the public service of Nodaway County organizations or persons.
   g. Patriotic or other tributes to the United States of America or the State of Missouri.
   h. Tributes to veterans of war or members of the armed services, victims of war

or sacrifices made during time of war. (R.O. 2008 §212.700; Ord. No. 5570 §4, 8-18-97)

SECTION 212.670: EXCEPTIONS

Nothing in this Article shall be construed to apply to the placement of any items at the Mozingo Golf Course, any signs placed by the City of Maryville or any personal property placed by the City of Maryville or with the approval of the City of Maryville such as picnic tables, picnic shelters, etc.

1. Signs, tee markers, benches, flags and similar structures at the Mozingo Lake Golf Course.
2. Directional or traffic signs placed by the City of Maryville.
3. Picnic tables, picnic shelters and related facilities. (R.O. 2008 §212.710; Ord. No. 5570 §5, 8-18-97)

SECTION 212.680: DEPOSIT REFUND WAIVER

In the event a customer is unable to use a facility at Mozingo Park because of unanticipated circumstances, including inclement weather, medical emergency, an act of God or other unique situation, the City Manager or his/her designee may refund all or such portion of the advance reservation fee paid by the customer as deemed appropriate in the sole discretion of the City Manager or his/her designee. Upon authorizing such refund, the reason for and the amount of the refund shall be appropriately documented and maintained. The customer shall have the right to appeal the refund determination to the City Council of the City of Maryville. (R.O. 2008 §212.715; Ord. No. 6785 §1, 9-26-05)

SECTION 212.690: DECISIONS OF THE CITY COUNCIL TO BE FINAL

The decisions to allow the placement of a monument or a memorial is within the sole discretion of the Council of the City of Maryville, Missouri. Nothing in this Article shall grant to an applicant or any individual, group or entity any cause for action or entitlement to the placement of a monument, memorial or other marker at Mozingo Lake Park. (R.O. 2008 §212.720; Ord. No. 5570 §6, 8-18-97)

CHAPTER 215: NUISANCES

ARTICLE I. GENERAL PROVISIONS

SECTION 215.010: DEFINITIONS

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

different meaning:
ENCLOSED STRUCTURE: An enclosed structure built according to City Code, (i.e., garage or shed) in which the contents are not visible to neighbors, passers-by, those on public sidewalks, streets or alleyways, or from any adjacent public or private property.
HABITABILITY: Capable of being lived in; suitable for habitation.
JUNK: 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 non-ferrous material.
OCCUPANT: Any person who has a legal or equitable interest in a parcel of real property, other than a fee interest, including a life tenant, lessee, tenant at will, tenant at sufferance or adverse possessor, as well as a person in possession or a person who has charge, care or control of the parcel of real property as the agent or personal representative of the person holding legal title of a fee interest. Possession, charge, care or control may include living, sleeping, cooking or eating in the parcel of real property.
OWNER: Any person who, alone or jointly or severally with others:

1. Has legal title to any parcel of real property, building or structure, or part thereof, with or without accompanying actual possession thereof; or
2. Has charge, care or control of any parcel of real property, building or structure, or part thereof, as agent or personal representative of the person having legal title to the building or structure, or part thereof; or
3. Has possession or right to possession under a contract for deed; or
4. Has legal title to a vehicle.

PERSON: Any individual, partnership, corporation, association, institution, City, County, other political subdivision, authority, State agency or institution, or Federal agency or institution.
PROHIBITED VEHICLE: Any vehicle described as an abandoned vehicle, elevated vehicle, junk vehicle or unlicensed vehicle.
RANK GROWTH OF VEGETATION: Thickets or any vegetation which may emit noxious odors or any vegetation which is seven (7) inches or more in height. Rank growth of vegetation shall not include trees in excess of six (6) feet in height, cultivated or attended trees less than six (6) feet in height or cultivated or attended plants, bushes or shrubbery.
REASONABLE RESIDENTIAL STORAGE: The open, outdoor storage of usable building materials in small amounts will not be considered a nuisance if the open storage is temporary (temporary being not beyond thirty (30) days after the building/construction permit expires) and the building materials are to be used for the benefit of the property on which they are located.
SOLID WASTE: Garbage, refuse and other discarded materials including, but not limited to, solid and semisolid 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.
TARPAULIN: A piece of opaque material (durable plastic) used for protecting exposed objects or areas, which must be in good repair (no holes or rips), of adequate size (in relationship to what is tarped) and secured.
TRAFFIC HAZARD: Any vegetation, plant, bush, shrubbery, tree or any part thereof

growing upon any private or public property so as to obstruct reasonable and safe view of oncoming and intersecting traffic by motor vehicle drivers on any street, alley or public drive.
UNSAFE: A state or condition of danger, harm or risk; unsecured from threat of danger, harm or loss.
UNSANITARY: A state or condition that endangers personal or public health.
WASTE TIRE: A tire that is no longer suitable for its original intended purpose because of wear, damage or defect.
WEEDS: Grasses and unattended growths of other plants, bushes and shrubbery which are seven (7) inches or more in height.
WOODLAND: A large, dense growth of trees, plants and underbrush.
YARD WASTE: Leaves, grass clippings, yard and garden vegetation and Christmas trees. The term does not include stumps, roots or shrubs with intact root balls. (R.O. 2008 §215.010; Ord. No. 6601 §§1--2, 11-24-03)

SECTION 215.020: PURPOSE
Unkempt, unsafe, unsanitary and otherwise improperly maintained properties, structures, sidewalks and easements within the City materially and adversely affect the use and habitability of nearby property and of property within the City as a whole. Additionally, such conditions pose hazards to the public health, safety and welfare. Properties that are unkempt, unsafe, unsanitary and/or dangerous may materially and adversely affect the economic well-being of the City. This Chapter, in accordance with the procedures set out herein, establishes necessary and proper procedures to prosecute owners and occupants for nuisances, to provide for the abatement of such nuisances and other improperly maintained structures and properties as they are described or found to exist, to charge the costs of the abatement to the owners and/or occupants of the property upon which the nuisance and or improper maintenance exists, as well as the property itself, and to provide for procedures for permanent prevention of nuisances. This Chapter is an exercise of the City's Police power and shall be liberally construed. (R.O. 2008 §215.020; Ord. No. 6601 §§1--2, 11-24-03)

SECTION 215.030: PENALTY
Any person, including any owner, occupant or other entity, who violates any provision of this Chapter shall be subject to the following:

1. *Prosecution.* Upon conviction of violation of any provision or requirement of this Chapter, the person shall be subject to punishment by a fine not to exceed five hundred dollars ($500.00) or be imprisoned in jail for not more than three (3) months or both such fine and imprisonment. It shall be a separate offense for each day the nuisance is allowed or continues to exist.
2. *Abatement.* Upon determination that a nuisance exists, the City may abate the nuisance and assess the costs thereof in accordance with the provisions of this Chapter.
3. *Injunction.* In order to eliminate, remove or prevent a nuisance or other violation of this Chapter, the City Attorney may obtain such civil redress as may be appropriate under the circumstances, including restraining orders and injunctions.

(R.O. 2008 §215.030; Ord. No. 6601 §§1--2, 11-24-03)

ARTICLE II. NUISANCE PROVISIONS

SECTION 215.040: MAINTAINING A NUISANCE

A. *Responsibility.* No owner, occupant or other person in possession, charge or control within the City limits shall cause, maintain or permit a nuisance as defined by the laws of the State or this Chapter. It shall be the duty of each owner, occupant or person in possession, charge or control of any property to maintain that property, together with one-half (½) of the platted City right-of-way abutting thereon, or street or alley abutting thereon, as not to allow the accumulation of debris, refuse, rubbish, trash or nuisances as defined in or described by this Chapter. Every owner, occupant or person in possession of any property within the City shall be responsible for maintaining all property under his or her control in accordance with the requirements of this Chapter. Every owner, occupant or person in possession of any property within the City shall be responsible for maintaining all property under his or her control in accordance with the requirements of this Chapter.

B. *Prima Facie Evidence Of Nuisance.* If the nuisance is on private property, proof that a person occupies the property or that a person has possession or the right to possession of the property shall constitute prima facie evidence that such person has caused, maintained or permitted the nuisance and such person shall be responsible for its existence and for its abatement.

C. *Entry Upon Property.* The Director, Public Works, or his or her designee, may enter upon private property for inspection or abatement purposes in accordance with this Chapter. If any person refuses to allow entry onto his/her private property, City staff may obtain a warrant from the proper official and proceed in accordance therewith. (R.O. 2008 §215.100; Ord. No. 6601 §§1--2, 11-24-03)

SECTION 215.050: PLACING ITEMS ON PUBLIC PROPERTY

It shall be unlawful for any person or entity to deposit, place, dump, pour or drain onto any street, highway or any public property within the City limits any filth, refuse, rubbish, sewage, trash or nuisance, or any substance that emits any foul, noxious or disagreeable odor or that attracts insects, vermin or other pests. (R.O. 2008 §215.110; Ord. No. 6601 §§1--2, 11-24-03)

SECTION 215.060: NUISANCE DEFINED AND EXEMPTIONS

Any condition or item which causes a threat to the health, safety or welfare of the public, or which prohibits routine maintenance of the premises, or which meets any of the definitions of a nuisance in this Chapter shall be declared a nuisance. The term *"nuisance"* shall include, but is not limited to:

1. *Burning:* The burning, causing to burn or authorizing the burning of any item including twigs, branches, shrubbery, rubbish or refuse upon any street, sidewalk

or public alleyway.

2. *Debris, refuse, rubbish, trash:* Accumulations of unused boards, bricks, concrete or rocks, animal or vegetable products or matter, appliances, ashes, barrels, bones, bottles, boxes, broken glass, brush, cans, cartons, cinders, coal, crates, decayed fruits or vegetables, dirt, dust, excrement, fence wire, filth, firewood not piled or stacked neatly and systematically (must be in rear yard), flammable materials, foliage and shrub clippings or cuttings, garbage, gasoline, grass, household furniture, iron or other metals, junk, kegs, leaves, logs, lumber not piled or stacked neatly and systematically (must have nails removed and be in rear yard; untreated lumber must be stacked), lumber scraps, manure, nails, offal, oil, old wearing apparel, paint, paper, piled brush and fallen tree limbs or debris, plaster, plastic (discarded containers or wrappers), plumbing fixtures, putrid fish or meat entrails, rags, rank growth of vegetation, roof shingles, rubber, sawdust, slag, slop, soot, straw, sweepings, tacks, tarpaulin not in good repair, tire(s) (mounted or unmounted), toilets, tubs, vehicle parts, weeds, wire, wood or metal shavings, any type of solid or yard waste (bagged or unbagged), or any condition or item that would prohibit the routine maintenance of the property.
   Exemption: The term *"nuisance"* shall not include composting which is a controlled biological reduction of organic waste to humus, as follows:
   a. All compost piles shall be maintained using approved composting procedures in compliance upon the following terms:
      (1) All compost shall be enclosed in a freestanding compost bin. Each compost bin shall be no larger in volume than seventy-five (75) cubic feet for properties ten thousand (10,000) square feet and less in size, with an additional seventy-five (75) cubic feet permitted for each additional ten thousand (10,000) square feet. Compost bins shall be no higher than five (5) feet.
      (2) All compost piles shall be maintained so as to prevent the attraction or harborage of rodents and pests. The presence of rodents or other pests in or near a compost pile shall be cause for the City to issue a complaint.
      (3) All compost piles shall be maintained so as to prevent unpleasant, rotten, egg-like, putrefactive, sweet, sour or pungent odors.
      (4) All compost piles shall be located in the rear yard of the property. No compost pile shall be located less than two (2) feet from the rear or side property line, or within twenty (20) feet of any home, patio, pool or similar structure, or on any adjacent property.
      (5) No compost pile shall be located where it will impede the natural free flow of stormwater drainage.
   b. No compost pile shall contain any of the following:
      (1) Animal carcasses;
      (2) Fish, fowl, meat or other animal products;
      (3) Food scraps;
      (4) Fruits, vegetables or nuts;
      (5) Items not normally composted;
      (6) Lake weeds; and
      (7) Manure.

c. Permitted ingredients in a compost pile may include:
   (1) Commercial compost additives;
   (2) Wood chips; and
   (3) Yard waste.
d. Compost piles established in accordance with this Chapter shall be for private use only and there shall be no commercial delivery or providing of material that has been composted in a residential area.

3. *Disease or breeding of insects or vermin:* Any existing condition or item which harbors or fosters the spread of disease or the breeding of insects or vermin.
4. *Excessive exterior lighting:* Directing, arranging or using exterior lighting from any property or areas so that the light shines or glares on another property, thereby adversely affecting the use and enjoyment of those persons who own or use the property.
5. *Furniture--outdoor:* Any furniture, including sofas, divans, recliners and similar objects which are not designed for outdoor use but which are maintained or located on any porch, lawn, parking lot, driveway or public right-of-way.
6. *Noxious or offensive odors:* Any condition or item causing a noxious or offensive odor that is discomforting and interferes with the free use of residential property. *Exemption:* Industrial generated odors or odors generated from criminal enterprises, i.e., methamphetamine lab.
7. *Pools of water:* Unmaintained water pools and ponds that become stagnate and may cause a location for breeding of insects.
8. *Prohibited vehicles:* All vehicles declared a nuisance by this Chapter, including junk vehicles, elevated vehicles, unlicensed vehicles and abandoned vehicles.
9. *Waterway pollution:* Placing, throwing or causing tree limbs, brush or any trash (including bottles and cans) to enter into or be in any natural waterway located in or owned by the City.
10. *Weeds and rank growth of vegetation:* Any weeds or rank growth of vegetation or noxious weeds prohibited as a nuisance by this Chapter.
11. *Miscellaneous:* Any act done or committed or suffered to be done or committed by any person or any substance or thing kept, maintained, placed or found in or on any public or private place which is annoying or damaging or injurious or dangerous to the public health or welfare or safety and every act or thing done, permitted, maintained, allowed or continued on any property public or private, by any person, which is liable to or does endanger, annoy, damage or injure any person or any inhabitant of the City or property of said person or inhabitant. (R.O. 2008 §215.120; Ord. No. 6601 §§1--2, 11-24-03)

SECTION 215.070: PROHIBITED VEHICLES DEFINED AS A NUISANCE

The following vehicles shall be prohibited and are declared a nuisance:

1. *Abandoned vehicle:* Any unattended motor vehicle, trailer, all-terrain vehicle or outdoor motor or any vessel removed or subject to removal from a public or private property as provided in this Chapter, whether or not operational, or any motor vehicle on the right-of-way of any public road or State highway or on any private property owned by another without the consent of the owner or occupant.
2. *Elevated vehicle:* Any vehicle, licensed or unlicensed, which is raised, but not

supported under the axles, or is raised to a height where the tires are more than two (2) inches off of the ground.

3. *Junk vehicle:* Any type of self-propelled device or part thereof designed to be self-propelled, that is moved by power, other than human power, is designed to travel along the ground, is located on private property and is damaged, stripped or wrecked or has missing wheels or tires, or flat tires, or broken or missing window glass and located outside of an enclosed structure. Junk vehicles shall include, but not be limited to, all-terrain vehicles, automobiles, motorcycles, snowmobiles, tractors, trailers, trucks and wagons.
4. *Unlicensed vehicle:* Any type of self-propelled device, or part thereof, that is moved by power, other than human power, is designed to travel along the ground, is located on private property, located outside of an enclosed structure and does not have showing a current State license plate, or is improperly registered or licensed pursuant to any State or local laws or regulations. Unlicensed vehicles shall include, but not be limited to, automobiles, motorcycles, trailers and trucks. An unlicensed vehicle shall not be allowed to exist on private property outside of an enclosed structure.
5. The following shall be exempt from this Section:
   a. Vehicle(s) or parts thereof that are in disrepair and are located on the premises of a duly licensed automobile repair or sales business for a period not to exceed three (3) months.
   b. Vehicle(s) located on the premises of a duly licensed motor vehicle junk business or junk yard maintained in accordance with City Code and holding a valid Missouri license.
   c. Vehicle(s) or parts thereof which are used as part of rescue training exercises conducted by law enforcement, fire departments or ambulance districts. (R.O. 2008 §215.130; Ord. No. 6601 §§1--2, 11-24-03; Ord. No. 6908 §§1--2, 5-14-07)

SECTION 215.080: WEEDS, RANK GROWTH OF VEGETATION AND NOXIOUS WEEDS PROHIBITED AS NUISANCE

A. No owner, occupant or person in possession, charge or control of any property shall allow or permit weeds contrary to the provisions of this Section, rank growth or noxious weeds as defined in this Chapter to exist or be maintained on that property or on one-half (½) of the platted right-of-way abutting thereon or on the street or alley abutting thereon.
B. All weeds, grasses and non-agricultural plants which are seven (7) inches or more in height or any other rank growth of vegetation that may be injurious to health by releasing particulate matter into the atmosphere or other means, or which are considered noxious by the State of Missouri, obstructs vehicular or foot traffic, infringes upon the enjoyment or use of adjacent properties or may be conducive to fires or combustion are declared to be a nuisance.
C. The owner or occupant of any property of three (3) acres or more that is either agricultural in character or a woodland shall ensure that all weeds and rank growth of vegetation on said property are cut and/or maintained so as not to obstruct or interfere with vehicular or foot traffic upon any public roadway or sidewalk and so as not to interfere with the line of sight of operators of motor vehicles upon any adjoining street,

alley or roadway.

D. Noxious weeds, as defined by this Chapter and by State law, are declared a nuisance and shall be entirely removed from agricultural, commercial and residential lots. (R.O. 2008 §215.140; Ord. No. 6601 §§1--2, 11-24-03; Ord. No. 6789 §§1--2, 10-10-05)

ARTICLE III. ABATEMENT PROVISIONS

SECTION 215.090: DETERMINATION, RESPONSIBILITY AND NOTICE

Whenever the Director, Public Works or his or her designee determines that a nuisance exists as defined in this Chapter, in addition to any other remedies provided by law, the procedure for abatement shall be as follows:

1. *Notice.* Notice shall be required in order to abate the nuisance pursuant to the provisions of Section but shall not be a prerequisite for a violation of this Chapter. The Director, Public Works or his or her designee shall first notify the person causing, maintaining or permitting the nuisance that he/she must abate or remove such nuisance within seven (7) calendar days. Such notice shall include a description of the nuisance to be abated, the location of the nuisance and the alternatives described in this Chapter.
   Initial notification shall be made by delivering the notice or by depositing it in the United States mail, postage prepaid, addressed to the owner of the property and/or the person occupying the property. If notification is not made by delivery or by mail, then it may be provided by one (1) or more of the following methods:
   a. Notification may be provided by posting upon such property a notice containing an order to abate or remove the nuisance within the time to be specified in this Chapter, or
   b. If the above method of service of notice cannot be successfully completed, then notice may be given by a publication of said notice one (1) time in a daily newspaper published within the City.
2. *Failure to give notice.* If the property has been posted with a notice to abate the nuisance, failure to give notice in any other manner as set forth in this Section shall not invalidate a lien against the land for the costs associated with abating the nuisance.
3. *Emergency abatement.* The Director, Public Works, shall have the power to summarily abate, in any reasonable manner, any nuisance which constitutes an immediate danger to the health, safety and welfare of the inhabitants of the City. (R.O. 2008 §215.300; Ord. No. 6601 §§1--2, 11-24-03)

SECTION 215.100: ALTERNATIVES IN RESPONSE TO NOTICE

Any person notified under this Chapter to abate a nuisance shall exercise one (1) of the following alternatives within seven (7) days from service of notice.

1. Abate the nuisance at the expense of the person so notified;
2. Furnish the Director, Public Works, with written consent for the City to abate the nuisance with the costs of such abatement to be assessed to the person consenting.

In such circumstance, the person notified to post a bond or deposit in an amount equal to anticipated costs of the abatement as determined by the City; or

3. File a written request with the Director, Public Works, requesting a reconsideration hearing before the City Manager or his or her designee challenging the allegation that a nuisance exists. (R.O. 2008 §215.310; Ord. No. 6601 §§1--2, 11-24-03)

SECTION 215.110: RECONSIDERATION PROCEDURE

A. *Procedure.* Whenever a reconsideration hearing is requested pursuant to this Chapter, the City Manager shall give notice to all interested parties, including the owner and occupant of the property, of the date, time and place of a public hearing to be held to determine whether a nuisance exists. All persons notified shall be given an opportunity to present evidence and make arguments to the City Manager and be represented by an attorney.

B. *Findings.* If the City Manager determines that a nuisance does exist, the City Manager shall issue to the Director, Public Works, an order to abate nuisance in any reasonable manner and assess the costs against the property. The order shall contain written findings of fact and a copy of the order shall be provided to all interested parties.

C. *Appeal.* When a reconsideration hearing is requested as provided herein and the City Manager finds that a nuisance exists, an appeal may be taken from that decision by filing for the appropriate relief in the Circuit Court of Nodaway County, Missouri, pursuant to the procedure established in Chapter 536, RSMo. (R.O. 2008 §215.320; Ord. No. 6601 §§1--2, 11-24-03)

SECTION 215.120: ABATEMENT PROCEDURES

A. *Confirmation Of Nuisance.* If the person notified fails to exercise one (1) of the alternatives provided in this Chapter, or if the reconsideration hearing does not result in a reversal of the finding of a nuisance and the person has exhausted or waived his/her appeal rights, then the Director, Public Works, or his or her designee, shall proceed with the abatement of the nuisance in any reasonable manner. The costs of the abatement and the administrative processing of the nuisance against the property shall be assessed as provided in this Chapter.

B. *Storage, Redemption, Sale.* After the determination that a nuisance exists, items having any apparent monetary value, beyond salvage value, removed during the nuisance abatement shall be transported to a storage area or lot at the expense of the owner or person in custody thereof. The property shall then be stored for a period of at least thirty (30) days and the person entitled to possession thereof may redeem the property by payment to the City the actual cost of removal and a reasonable storage and administrative processing fee. If any item is unredeemed after the expiration of the thirty (30) day period, the Director, Public Works, or his or her designee, may sell it to the highest bidder or, if it has no sale value, may otherwise dispose of it. Any money received from the disposal of any item shall be applied to the costs charged to the owner or person in charge thereof.

C. *Towing.* The Director, Public Works, or his or her designee, may tow any motor vehicle or other property as authorized by this Code.

D. *Notice Of Sale.* Prior to the sale of any such property obtained in a nuisance abatement,

the Director, Public Works, or his or her designee, shall cause to be posted in City Hall, at the place of storage and in at least one (1) other public place in the City, a notice of sale stating:

1. That the City is selling abandoned property;
2. The color, make, year, motor number and serial number, if available, and any other information necessary for an accurate identification of the property;
3. The terms of the sale;
4. The date, time and place of the sale.

The notice shall be published at least once seven (7) days prior to the sale in a newspaper published in the City. (R.O. 2008 §215.330; Ord. No. 6601 §§1--2, 11-24-03)

SECTION 215.130: ASSESSMENT OF ABATEMENT COSTS

A. If the abatement is performed by City employees, the cost of the abatement shall be calculated according to the schedule of costs promulgated by the Finance Director and kept on file in the office of the City Clerk. This schedule is to be determined after an analysis by the Finance Director to determine an accurate estimation of the costs incurred by the City to abate nuisances subject to this Section.
B. If the abatement is performed by contractors hired by the City, the costs charged for the abatement will be the actual amount paid to the contractor for the abatement performed.
C. Any and all direct fees and costs, including, but not limited to, landfill fees, shall be included in the abatement cost. (R.O. 2008 §215.340; Ord. No. 6601 §§1--2, 11-24-03)

SECTION 215.140: COLLECTION OF ABATEMENT COSTS AND LIEN

A. When the City expends any funds in the abatement of any nuisance, the Finance Director, or his or her designee, shall notify, by certified mail, the person against whose property the costs were incurred of said costs. The Director, Public Works, shall certify the costs incurred in abating the nuisance and administratively processing the nuisance to the Finance Director, together with the description of the property.
B. The cost of administratively processing the abatement to the Director of Finance shall be seventy-five dollars ($75.00) per regular abatement action, two hundred dollars ($200.00) for large special bids and six hundred dollars ($600.00) for railroad bids.
C. The person notified shall have thirty (30) days from the mailing of said notice within which to pay the costs of the abatement to the Director of Finance. If the person so notified fails to pay the costs of the abatement within thirty (30) days, the Director of Finance shall immediately, upon the receipt of this information, enter an assessment in the appropriate books of the City to be kept for that purpose; and upon the entry of this assessment a lien will attach to the property. The City Clerk shall cause a special tax bill therefor against the property be prepared and collected by the Collector with other taxes assessed against the property. Such tax bills if not paid when due shall bear interest at the rate of eight percent (8%) per annum.
D. *Disposition Of Abatement Costs.* If the City receives any revenue as a result of the abatement of any nuisance, that revenue shall be deposited in and credited to the fund account of the department that initially advanced the costs for the abatement or enforcement. If any revenue received by the City in the abatement of a nuisance cannot first be credited to such department's fund account, then the revenue received shall be

deposited in and credited to the General Fund. (R.O. 2008 §215.350; Ord. No. 6601 §§1--2, 11-24-03)

CHAPTER 217: ABANDONED PROPERTY

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

SECTION 217.010: DEFINITIONS

As used in this Chapter, the following terms shall have the meanings set out herein:
ABANDONED PROPERTY: Any unattended or unlicensed motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel removed or subject to removal from public or private property as provided in this Chapter, whether or not operational. For any vehicle towed from the scene of an accident at the request of law enforcement and not retrieved by the vehicle's owner within five (5) days of the accident, the agency requesting the tow shall be required to write an abandoned property report or a criminal inquiry and inspection report.
PERSON: Any natural person, corporation or other legal entity.
RIGHT-OF-WAY: The entire width of land between the boundary lines of a public road or State highway, including any roadway.
ROADWAY: That portion of a public road or State highway ordinarily used for vehicular travel, exclusive of the berm or shoulder.
TOWING COMPANY: Any person or entity which tows, removes or stores abandoned property.

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

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

A. A person commits the offense of abandoning a motor vehicle, vessel or trailer if he/she abandons any motor vehicle, vessel or trailer on the right-of-way of any public road or State highway or on or in any of the waters in this State or on the banks of any stream, or on any land or water owned, operated or leased by the State, any board, department, agency or commission thereof, or any political subdivision thereof or on any land or water owned, operated or leased by the Federal Government or on any private real property owned by another without his/her consent.
B. For purposes of this Section, the last owner of record of a motor vehicle, vessel or trailer found abandoned and not shown to be transferred pursuant to Sections 301.196 and 301.197, RSMo., shall be deemed prima facie to have been the owner of such motor vehicle, vessel or trailer at the time it was abandoned and to have been the person who abandoned the motor vehicle, vessel or trailer or caused or procured its abandonment. The registered owner of the abandoned motor vehicle, vessel or trailer shall not be

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

C. Abandoning a motor vehicle, vessel or trailer is an ordinance violation.

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

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

The open storage of inoperable or unlicensed vehicles or other vehicles deemed by the City to constitute a public safety hazard is prohibited. Nothing in this Section shall apply to a vehicle which is completely enclosed within a locked building or locked fenced area and not visible from adjacent public or private property, nor to any vehicle upon the property of a business licensed as salvage, swap, junk dealer, towing or storage facility so long as the business is operated in compliance with its business license and the property is in compliance with applicable zoning ordinances.

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

SECTION 217.040: TOWING OF ABANDONED PROPERTY ON PRIVATE REAL PROPERTY

A. *Generally.* The City, including the City Police Department, may tow motor vehicles from real property which are deemed a public safety hazard pursuant to Section 217.030 or are derelict, junk, scrapped, disassembled or otherwise harmful to the public health. The City shall perform such tow pursuant to the terms of Section 217.050. When a City agency other than the Police Department authorizes a tow under this Subsection, it shall report the tow to the Police Department within two (2) hours with a crime inquiry and inspection report.

B. *Towing Authorized By City Police Department.* If a person abandons property on any real property owned by another without the consent of the owner or person in possession of the real property, at the request of the person in possession of the real property, any City Police Officer may authorize a towing company to remove such abandoned property from the property in the following circumstances:
   1. The abandoned property is left unattended for more than forty-eight (48) hours; or
   2. In the judgment of a Police Officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.

C. *Towing Authorized By Real Property Owner, Lessee Or Property Or Security Manager.*
   1. The owner of real property or lessee in lawful possession of the real property or the property or security manager of the real property may authorize a towing company to remove abandoned property or property parked in a restricted or assigned area without authorization by a Law Enforcement Officer only when the owner, lessee or property or security manager of the real property is present. A property or security manager must be a full-time employee of a business entity. An authorization to tow pursuant to this Subsection may be made only under any of the following circumstances:
      a. *Sign.* There is displayed, in plain view at all entrances to the property, a sign not less than seventeen (17) by twenty-two (22) inches in size, with lettering not less than one (1) inch in height, prohibiting public parking and indicating that unauthorized abandoned property or property parked in a restricted or assigned area will be removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained or a twenty-four (24) hour staffed emergency information telephone number by which the owner of the abandoned property or property parked in a restricted or assigned area may call to receive information regarding the location of such owner's property.
      b. *Unattended on owner-occupied residential property.* The abandoned property is left unattended on owner-occupied residential property with four (4) residential units or less and the owner, lessee or agent of the real property in lawful possession has notified the City Police Department, and ten (10) hours have elapsed since that notification.
      c. *Unattended on other private real property.* The abandoned property is left unattended on private real property and the owner, lessee or agent of the real property in lawful possession of real property has notified the City Police Department, and ninety-six (96) hours have elapsed since that notification.
   2. Pursuant to this Section, any owner or lessee in lawful possession of real property that requests a towing company to tow abandoned property without authorization from a City Police Officer shall at that time complete an abandoned property report which shall be considered a legal declaration subject to criminal penalty pursuant to Section 575.060, RSMo. The report shall be in the form designed, printed and distributed by the Missouri Director of Revenue and shall contain the following:
      a. The year, model, make and abandoned property identification number of the property, and the owner and any lienholders, if known;

b. A description of any damage to the abandoned property noted by owner, lessee or property or security manager in possession of the real property;
c. The license plate or registration number and the State of issuance, if available;
d. The physical location of the property and the reason for requesting the property to be towed;
e. The date the report is completed;
f. The printed name, address and telephone number of the owner, lessee or property or security manager in possession of the real property;
g. The towing company's name and address;
h. The signature of the towing operator;
i. The signature of the owner, lessee or property or security manager attesting to the facts that the property has been abandoned for the time required by this Section and that all statements on the report are true and correct to the best of the person's knowledge and belief and that the person is subject to the penalties for making false statements;
j. Space for the name of the law enforcement agency notified of the towing of the abandoned property and for the signature of the Law Enforcement Official receiving the report; and
k. Any additional information the Missouri Director of Revenue deems appropriate.

3. Any towing company which tows abandoned property without authorization from the City Police Department pursuant to Subsection (B) of this Section shall deliver a copy of the abandoned property report to the City Police Department. The copy may be produced and sent by facsimile machine or other device which produces a near exact likeness of the print and signatures required, but only if the City Police Department has the technological capability of receiving such copy and has registered the towing company for such purpose. The report shall be delivered within two (2) hours if the tow was made from a signed location pursuant to Subsection (C)(1)(a) of this Section, otherwise the report shall be delivered within twenty-four (24) hours.
4. The City Police Department, after receiving such abandoned property report, shall record the date on which the abandoned property report is filed with the Police Department and shall promptly make an inquiry into the National Crime Information Center (NCIC) and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen. The Police Department shall enter the information pertaining to the towed property into the statewide law enforcement computer system and a Police Officer shall sign the abandoned property report and provide the towing company with a signed copy.
5. The City Police Department, after receiving notification that abandoned property has been towed by a towing company, shall search the records of the Missouri Department of Revenue and provide the towing company with the latest owner and lienholder information on the abandoned property, and if the tower has online access to the Department of Revenue's records, the tower shall comply with the requirements of Section 304.155, RSMo. If the abandoned property is not claimed within ten (10) working days, the towing company shall send a copy of the abandoned property report signed by a Law Enforcement Officer to the

Department of Revenue.

6. No owner, lessee or property or security manager of real property shall knowingly authorize the removal of abandoned property in violation of this Section.
7. Any owner of any private real property causing the removal of abandoned property from that real property shall state the grounds for the removal of the abandoned property if requested by the registered owner of that abandoned property. Any towing company that lawfully removes abandoned property from private property with the written authorization of the property owner or the property owner's agent who is present at the time of removal shall not be held responsible in any situation relating to the validity of the removal. Any towing company that removes abandoned property at the direction of the landowner shall be responsible for:
   a. Any damage caused by the towing company to the property in the transit and subsequent storage of the property; and
   b. The removal of property other than the property specified by the owner of the private real property from which the abandoned property was removed.

D. *Damage To Property.* The owner of abandoned property removed from private real property may recover for any damage to the property resulting from any act of any person causing the removal of, or removing, the abandoned property.

E. *Real Property Owner Liability.* Any owner of any private real property causing the removal of abandoned property parked on that property is liable to the owner of the abandoned property for double the storage or towing charges whenever there has been a failure to comply with the requirements of this Chapter.

F. *Written Authorization Required--Delegation Of Authority To Tow.*
   1. Except for the removal of abandoned property authorized by the City Police Department pursuant to this Section, a towing company shall not remove or commence the removal of abandoned property from private real property without first obtaining written authorization from the real property owner. All written authorizations shall be maintained for at least one (1) year by the towing company.
   2. General authorization to remove or commence removal of abandoned property at the towing company's discretion shall not be delegated to a towing company or its affiliates except in the case of abandoned property unlawfully parked within fifteen (15) feet of a fire hydrant or in a fire lane designated by a Fire Department or the State Fire Marshal.

G. *Towing Company Liability.* Any towing company, or any affiliate of a towing company, which removes, or commences removal of, abandoned property from private property without first obtaining written authorization from the property owner or lessee, or any employee or agent thereof, who is present at the time of removal or commencement of the removal, except as permitted in Subsection (F) of this Section, is liable to the owner of the property for four (4) times the amount of the towing and storage charges, in addition to any applicable ordinance violation penalty, for a violation of this Section.

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

SECTION 217.050: GENERAL PROVISIONS AND PROCEDURES

A. *Payment Of Charges.* The owner of abandoned property removed as provided in this Chapter shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in Section 385.050.
B. *Crime Inquiry And Inspection Report.* As to Crime Inquiry and Inspection Reports required by State Law, see Chapter 385 of this Code, Section 385.040.
C. *Reclaiming Property.* The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges for the towing and storage of the abandoned property.
D. *Lienholder Repossession.* If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel without the knowledge or cooperation of the owner, then the repossessor shall notify the City Police Department within two (2) hours of the repossession and shall further provide the Police Department with any additional information the Police Department deems appropriate. The City Police Department shall make an inquiry with the National Crime Information Center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.
E. *Notice To Owner/Tow Lien Claim.* Any towing company which comes into possession of abandoned property pursuant to this Chapter and who claims a lien for recovering, towing or storing abandoned property shall give notice to the title owner and to all persons claiming a lien thereon, as disclosed by the records of the Missouri Department of Revenue or of a corresponding agency in any other State. The towing company shall notify the owner and any lienholder within ten (10) business days of the date of mailing indicated on the notice sent by the Missouri Department of Revenue pursuant to Section 304.156, RSMo., by certified mail, return receipt requested. The notice shall contain the following:
    1. The name, address and telephone number of the storage facility;
    2. The date, reason and place from which the abandoned property was removed;
    3. A statement that the amount of the accrued towing, storage and administrative costs are the responsibility of the owner, and that storage and/or administrative costs will continue to accrue as a legal liability of the owner until the abandoned property is redeemed;
    4. A statement that the storage firm claims a possessory lien for all such charges;
    5. A statement that the owner or holder of a valid security interest of record may retake possession of the abandoned property at any time during business hours by proving ownership or rights to a secured interest and paying all towing and storage charges;
    6. A statement that, should the owner consider that the towing or removal was improper or not legally justified, the owner has a right to request a hearing as provided in this Section to contest the propriety of such towing or removal;
    7. A statement that if the abandoned property remains unclaimed for thirty (30) days from the date of mailing the notice, title to the abandoned property will be transferred to the person or firm in possession of the abandoned property free of all prior liens; and
    8. A statement that any charges in excess of the value of the abandoned property at the time of such transfer shall remain a liability of the owner.

F. *Physical Search Of Property.* In the event that the Missouri Department of Revenue notifies the towing company that the records of the Department of Revenue fail to disclose the name of the owner or any lienholder of record, the towing company shall attempt to locate documents or other evidence of ownership on or within the abandoned property itself. The towing company must certify that a physical search of the abandoned property disclosed no ownership documents were found and a good faith effort has been made. For purposes of this Section, *"good faith effort"* means that the following checks have been performed by the company to establish the prior State of registration and title:
    1. Check of the abandoned property for any type of license plates, license plate record, temporary permit, inspection sticker, decal or other evidence which may indicate a State of possible registration and title;
    2. Check the law enforcement report for a license plate number or registration number if the abandoned property was towed at the request of a law enforcement agency;
    3. Check the tow ticket/report of the tow truck operator to see if a license plate was on the abandoned property at the beginning of the tow, if a private tow; and
    4. If there is no address of the owner on the impound report, check the law enforcement report to see if an out-of-state address is indicated on the driver license information.

G. *Petition In Circuit Court.* The owner of the abandoned property removed pursuant to this Chapter or any person claiming a lien, other than the towing company, within ten (10) days after the receipt of notification from the towing company pursuant to Subsection (E) of this Section may file a petition in the Associate Circuit Court in the County where the abandoned property is stored to determine if the abandoned property was wrongfully taken or withheld from the owner. The petition shall name the towing company among the defendants. The petition may also name the agency ordering the tow or the owner, lessee or agent of the real property from which the abandoned property was removed. The Missouri Director of Revenue shall not be a party to such petition but a copy of the petition shall be served on the Director of Revenue.

H. *Notice To Owner.* Notice as to the removal of any abandoned property pursuant to this Chapter shall be made in writing within five (5) working days to the registered owner and any lienholder of the fact of the removal, the grounds for the removal, and the place to which the property has been removed by either:
    1. The public agency authorizing the removal; or
    2. The towing company, where authorization was made by an owner or lessee of real property.

    If the abandoned property is stored in any storage facility, a copy of the notice shall be given to the operator of the facility. The notice provided for in this Section shall include the amount of mileage if available shown on the abandoned property at the time of removal.

I. *Tow Truck Requirements.* Any towing company which tows abandoned property for hire shall have the towing company's name, City and State clearly printed in letters at least three (3) inches in height on the sides of the truck, wrecker or other vehicle used in the towing.

J. *Storage Facilities.* Persons operating or in charge of any storage facility where the abandoned property is stored pursuant to this Chapter shall accept cash for payment of

towing and storage by a registered owner or the owner's agent claiming the abandoned property.

K. *Disposition Of Towed Property.* Notwithstanding the provisions of Section 301.227, RSMo., any towing company who has complied with the notification provisions in Section 304.156, RSMo., including notice that any property remaining unredeemed after thirty (30) days may be sold as scrap property may then dispose of such property as provided in this Subsection. Such sale shall only occur if at least thirty (30) days have passed since the date of such notification, the abandoned property remains unredeemed with no satisfactory arrangements made with the towing company for continued storage, and the owner or holder of a security agreement has not requested a hearing as provided in Section 304.156, RSMo. The towing company may dispose of such abandoned property by selling the property on a bill of sale as prescribed by the Director of Revenue to a scrap metal operator or licensed salvage dealer for destruction purposes only. The towing company shall forward a copy of the bill of sale provided by the scrap metal operator or licensed salvage dealer to the Director of Revenue within two (2) weeks of the date of such sale. The towing company shall keep a record of each such vehicle sold for destruction for three (3) years that shall be available for inspection by law enforcement and authorized Department of Revenue officials. The record shall contain the year, make, identification number of the property, date of sale, and name of the purchasing scrap metal operator or licensed salvage dealer and copies of all notifications issued by the towing company as required in this Chapter. Scrap metal operators or licensed salvage dealers shall keep a record of the purchase of such property as provided in Section 301.227, RSMo. Scrap metal operators and licensed salvage dealers may obtain a junk certificate as provided in Section 301.227, RSMo., on vehicles purchased on a bill of sale pursuant to the Section.

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

CHAPTER 220: SOLID WASTE, RECYCLABLES AND COMPOST MATERIALS

ARTICLE I. GENERAL

SECTION 220.010: DEFINITIONS

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

COMMERCIAL HAULER: Any person, company or corporation who uses or causes to be used a vehicle for the purpose of engaging in the business of collecting and transporting solid waste or recyclables for profit.

COMPOST MATERIAL: Those items which are accepted by the City of Maryville, Missouri, at the compost center. Compost is a dark crumbly earthy smelling form of decomposing organic matter. Compost includes yard waste such as grass clippings, leaves of any type, yard and garden vegetation, also called humus.

INDUSTRIAL PROCESS WASTE: Shall be defined in the Code of State Regulations for the State of Missouri and the current regulations for operation of facilities under the direction, supervision or regulation of the Missouri Department of Natural Resources.
MARYVILLE PROCESSING FACILITY OR PROCESSING FACILITY: Includes all facilities located at the site of the Maryville transfer station and the Maryville compost center and shall be understood to include the transfer station, processing facility, compost center or other facility under the direction of the City of Maryville.
NORMAL SOLID WASTE: Shall be defined in the Code of State Regulations for the State of Missouri and the current regulations for operation of facilities under the direction, supervision or regulation of the Missouri Department of Natural Resources.
RECYCLABLES: Includes those items which are received at a recycling center or other similar locations which have been approved for the receipt of such items by the Missouri Department of Natural Resources or other similar approving agency.
SOLID WASTE: Includes those items acceptable for disposal at the Maryville transfer station/processing facility. It shall not include compost material, industrial process waste, waste requiring special handling, excluded solid waste or recyclables destined for delivery at a location other than the Maryville processing facility.
SPECIAL SOLID WASTE: Shall be defined in the Code of State Regulations for the State of Missouri and the current regulations for operation of facilities under the direction, supervision or regulation of the Missouri Department of Natural Resources.
(R.O. 2008 §225.010; Ord. No. 6511 §1, 12-2-02)

ARTICLE II. STORAGE

SECTION 220.020: USE OF CONTAINERS REQUIRED

As defined in this Chapter, the owner or occupant of any residence, dwelling unit or any institution, commercial establishment or industrial facility producing solid waste or recyclables shall provide sufficient and adequate containers for the storage of said materials. Containers for such solid waste and recyclables shall be maintained in good repair and the surrounding area shall be kept in a neat, clean and sanitary condition at all times and said containers shall be placed and removed in accordance with the provisions of this Chapter. (R.O. 2008 §225.020; Ord. No. 6511 §1, 12-2-02)

SECTION 220.030: CONTAINERS FOR SOLID WASTE

Solid waste shall be stored in suitable containers in accordance with the following requirements:

1. *Residential dwelling units.* For the purpose of this Section, the term *"residential dwelling unit"* shall include all single-family dwellings and duplexes located within the City limits of Maryville, but shall not include any dwelling unit configured larger than a duplex, and shall not include any fraternity house or commercial apartment complex.
    a. Solid waste from a residential dwelling unit may be placed in plastic bags designed for the purpose of containing such solid waste and may be placed at

curbside or beside the alley on solid waste collection days. All bags must be securely tied or fastened and shall be maintained in a manner designed to prevent the scattering of any of the items contained therein.

b. Solid waste may be placed in a container with a normal capacity of not less than five (5) gallons and not to exceed forty (40) gallons.
c. The combined weight of any individual container and its contents shall not exceed seventy-five (75) pounds.
d. Dumpsters, barrels or fifty-five (55) gallon barrels shall not be used as containers for solid waste.
e. At the discretion of the commercial hauler, on collection days cardboard may be neatly stacked loose at curbside.
f. All solid waste containers other than plastic bags shall:
   (1) Be leakproof, waterproof and fitted with a fly-tight lid;
   (2) Be properly covered at all times;
   (3) Have handles, bails or other suitable lifting features;
   (4) Be of a type originally manufactured for the purpose for which it is used;
   (5) Be of lightweight and sturdy construction, such as galvanized metal or rubber, fiberglass or plastic which will not become brittle in cold weather.

2. *Multi-residential dwelling units.* For the purposes of this Section, the term *"multi-residential dwelling unit"* shall be understood to include all 3-plex or 4-plex dwelling units located within the City limits of Maryville, but shall not include any residential dwelling unit, nor shall it include any fraternity house or commercial apartment complex larger than a 4-plex.
   a. Unless placed in a dumpster as described herein, all solid waste from a multi-residential dwelling unit must be placed in a container with a normal capacity of not less than five (5) gallons and not to exceed forty (40) gallons.
   b. Plastic bags containing solid waste must be placed in a container or dumpster.
   c. Barrels or fifty-five (55) gallon drums shall not be used as containers for solid waste.
   d. With the exception of dumpsters, the combined weight of any individual container and its contents shall not exceed seventy-five (75) pounds.
   e. Dumpsters designed to contain solid waste may be used for the collection of solid waste. Dumpsters shall be located on the residential property so as not to be visible from adjacent public roadways.
   f. At the discretion of the commercial hauler, on collection days cardboard may be neatly stacked loose at the curbside.
   g. All solid waste containers other than dumpsters or plastic bags shall:
      (1) Be leakproof, waterproof and fitted with a fly-tight lid;
      (2) Be properly covered at all times;
      (3) Have handles, bails or other suitable lifting features;
      (4) Be originally manufactured for the purpose for which it is used;
      (5) Be of lightweight and sturdy construction, such as galvanized metal or rubber, fiberglass or plastic which will not become brittle in cold weather.
3. *Commercial area.* For the purpose of this Section, *"commercial area"* shall be understood to include all other land-use areas within the City limits of Maryville not defined as either a residential unit or as a multi-residence dwelling unit. The term *"commercial area"* shall include all residential structures configured larger

than 4-plexes and shall include all fraternity houses, commercial apartment complexes larger than a 4-plex, as well as all institutional, commercial and industrial establishments.

a. Unless placed in a dumpster as described herein, all solid waste from a commercial area must be placed in a container with a normal capacity of not less than five (5) gallons and not to exceed forty (40) gallons.
b. Plastic bags containing solid waste must be placed in a container or dumpster.
c. Barrels or fifty-five (55) gallon drums may not be used as containers for solid waste.
d. With the exception of dumpsters, the combined weight of any individual container and its contents shall not exceed seventy-five (75) pounds.
e. Dumpsters may be used for the collection of solid waste if the dumpster was designed for the purpose of containing solid waste.
f. All containers other than dumpsters or plastic bags shall:
   (1) Be leakproof, waterproof and fitted with a fly-tight lid;
   (2) Be properly covered at all times.
   (3) Have handles, bails or other suitable lifting features.
   (4) Be originally manufactured for the purpose for which it is used;
   (5) Be of lightweight and sturdy construction, such as galvanized metal or rubber, fiberglass or plastic which will not become brittle in cold weather. (R.O. 2008 §225.030; Ord. No. 6511 §1, 12-2-02)

SECTION 220.040: STORAGE LOCATION

Except for dumpsters, drums or fifty-five (55) gallon barrels, all solid waste containers at any location within the City, including plastic bags, shall comply with the following provisions:

1. Containers of solid waste shall not be placed at the curbside or beside the alley more than twenty-four (24) hours prior to collection.
2. Plastic bags containing solid waste shall not be placed at the curbside or beside the alley prior to the day of collection.
3. Within twenty-four (24) hours after collection of solid waste, all solid waste containers shall be removed from the curbside or from beside the alley.
4. Except when placed for pickup pursuant to Subsection (1) of this Section, solid waste containers located on the property shall not be visible from adjacent public roadways.
5. It shall be unlawful to place any solid waste container, including plastic bags, upon or in any public street, public roadway or alleyway. (R.O. 2008 §225.040; Ord. No. 6511 §1, 12-2-02)

SECTION 220.050: BURNING SOLID WASTE -- PROHIBITED

It shall be unlawful to burn or attempt to burn any solid waste, including solid waste located within a container. (R.O. 2008 §225.050; Ord. No. 6511 §1, 12-2-02)

ARTICLE III. TRANSPORTATION

SECTION 220.060: COMPLIANCE REQUIRED

It shall be unlawful to transport or operate a vehicle for the transportation of solid waste, recyclables or compost material contrary to the provisions of this Article. (R.O. 2008 §225.100; Ord. No. 6511 §1, 12-2-02)

SECTION 220.070: TRANSPORTATION VEHICLE STANDARDS

A. All vehicles used for the transportation of solid waste, recyclables or compost material shall be maintained in a safe, clean and sanitary condition and shall be constructed, maintained and operated in order to prevent spillage, blowing or scattering of solid waste, recyclables or compost material therefrom.
B. No vehicle will be permitted to use the solid waste facilities if the material to be deposited is not covered. A cover must be securely placed over the solid waste, recyclables or compost material to prevent spillage, blowing or scattering during transportation. A cover must be securely placed over the solid waste or compost material to prevent spillage, blowing or scattering during transportation.
C. No vehicle may be used by a commercial hauler for the purpose of transporting solid waste unless said vehicle was specifically designed for the transportation of solid waste or has been modified to meet all requirements of applicable State and Federal law and other ordinances and regulations. Notwithstanding any other provision herein, all pickups and trailers used by a commercial hauler to unload solid waste shall be equipped with an operational hoist, which hoist shall be used for the unloading of solid waste within the City of Maryville facility.
D. Commercial haulers attempting to use vehicles not specifically designed for the collection and transportation of solid waste or any vehicle which does not comply with all of the requirements of law and the ordinances of the City of Maryville will not be allowed to deposit waste at the solid waste disposal area. (R.O. 2008 §225.110; Ord. No. 6511 §1, 12-2-02)

ARTICLE IV. DISPOSAL

SECTION 220.080: DISPOSAL OF SOLID WASTE

All solid waste and recyclables generated or collected within the City shall be delivered for disposal purposes to a waste disposal area or recycling center for which an operating permit has been issued by the State in which the solid waste disposal area is located. (R.O. 2008 §225.200; Ord. No. 6511 §1, 12-2-02)

SECTION 220.090: NORMAL SOLID WASTE

A. *"Normal solid waste"* shall be understood to mean all solid waste which may be received at the Maryville processing facility but shall not include excludable solid waste, compost material, industrial process waste or solid waste requiring special handling.
B. The City shall accept normal solid waste for disposal at its processing facility subject to the applicable fees and requirements.

C. Items determined to be industrial process waste, excluded waste or solid waste requiring special handling, shall not be accepted by the processing facility unless acceptance is in accordance with the provisions of this Chapter and the regulations of the Missouri Department of Natural Resources. (R.O. 2008 §225.210; Ord. No. 6511 §1, 12-2-02)

SECTION 220.100: COMPOST MATERIAL

A. The City may maintain a compost center for the purpose of accepting certain compost material. Those items which are acceptable shall include items authorized by the applicable State and Federal regulations including the following:
    1. Non-contaminated soil.
    2. Garden waste.
    3. Lawn clippings.
    4. Plant residues.
    5. Straw.
    6. Hay.

B. The following items shall not be accepted for deposit at the compost center.
    1. Tree branches.
    2. Plastic bags.
    3. Wood.
    4. Metal.
    5. Plastic (any type).
    6. Tires.
    7. Trash.
    8. Contaminated soil.
    9. Cardboard.
    10. Paper.
    11. Any other materials deemed unacceptable by the solid waste area attendant, City Manager or his/her designated representative.

C. Compost materials may be delivered to the compost center in any container for deposit in the designated compost area. The individual delivering the material shall be responsible for emptying any bags or containers of compost material at the designated site at the Maryville processing facility and for depositing the compost as loose material at the designated site. (R.O. 2008 §225.220; Ord. No. 6511 §1, 12-2-02)

SECTION 220.110: INDUSTRIAL PROCESS WASTE

A. Industrial process waste as defined by 10 CSR 80 shall not be accepted at the Maryville processing facility area unless the City Manager or his/her authorized representative approves the receipt of the same in accordance with the provisions of this Section.

B. If the industrial process waste is additionally determined to be special solid waste, such waste shall be accepted only in compliance with the provisions of this Chapter for special solid waste.

C. If the industrial process waste is additionally determined to be excluded solid waste, said waste shall be accepted only in compliance with the provisions of this Chapter for excluded solid waste.

D. If the industrial process waste is additionally determined to be normal solid waste, said

waste shall be accepted for disposal pursuant to the provisions of this Chapter for normal solid waste. (R.O. 2008 §225.230; Ord. No. 6511 §1, 12-2-02)

SECTION 220.120: SPECIAL SOLID WASTE

Special solid waste shall be solid waste which requires special handling, special placement or compaction (e.g., tree stumps, logs, branches, large timbers, wire, domestic animals other than household pets, etc.) and shall be accepted at the Maryville processing facility only under the following conditions:

1. The City Manager or his/her authorized representative may impose pre-delivery processing requirements, such as separation, compaction or containerization for said waste.
2. Said waste shall be subject to quantity and time of delivery restrictions as established by the City Manager or his/her authorized representative.
3. Said waste shall be unloaded only as directed by the processing facility area. (R.O. 2008 §225.240; Ord. No. 6511 §1, 12-2-02)

SECTION 220.130: EXCLUDED SOLID WASTE

A. Solid wastes which are excluded by State or Federal law or by City ordinance will not be accepted at the Maryville processing facility and shall include the following:
    1. Regulated hazardous waste.
    2. Radioactive materials and explosives.
    3. Regulated infectious waste.
    4. Bulk liquids.
    5. Semi-solids.
    6. Unexpended pesticide containers.
    7. Raw animal manure.
    8. Septic tank pumpings.
    9. Incinerator and air pollution control residues.
    10. Industrial process waste and sludge.
    11. White goods (e.g., refrigerators, washers, dryers).
    12. Lead acid batteries.
    13. Non-treated infectious waste.
    14. Non-treated bio-hazardous waste.
    15. Yard waste and leaves.
    16. Non-ferrous and ferrous metals.
B. Motor oil and tires may be received at the Maryville processing facility in accordance with all applicable State and Federal regulations, upon payment of the applicable use fees. (R.O. 2008 §225.250; Ord. No. 6511 §1, 12-2-02)

SECTION 220.140: WAIVER OF OWNERSHIP

A. All items deposited at the Maryville processing facility, including the transfer station and the compost center, shall become the sole private property of the City of Maryville. Any individual, corporation, company or other entity disposing of items at the Maryville processing facility or the compost center waives any and all claims to said property upon

delivery.

B. Upon receipt, the City has the exclusive right to dispose of, salvage or sell materials received at the Maryville processing facility area or compost center and to do so in any manner deemed appropriate by the City of Maryville. Any revenue received from the sale of said items shall be deposited to the Solid Waste Fund of the City of Maryville, Missouri.

C. The City shall not be liable for items of value mistakenly or erroneously delivered to the Maryville processing facility or compost center. Anyone delivering or causing to be delivered items to either the Maryville processing facility or compost center shall be deemed to have accepted and agreed to these terms. (R.O. 2008 §225.260; Ord. No. 6511 §1, 12-2-02)

SECTION 220.150: USER FEES

A. *Solid Waste--Normal.* All normal solid waste not including compost material or other items specifically enumerated in the other provisions of this Chapter shall be subject to a deposit fee of the following:

<149.99 tons	$ 52.50/ton
150--224.99 tons	50.00/ton
>225 tons	45.00/ton

These fees shall include the current State of Missouri fee. There shall be a minimum per load fee of twenty-six dollars twenty-five cents ($26.25) for any vehicle depositing less than one thousand (1,000) pounds.

B. *Solid Waste--Special Handling.* All solid waste requiring special handling shall be subject to a fee established by the City Manager or his/her authorized representative. Said fee shall be established based upon the type of solid waste being received and the manpower and cost associated with and incurred by the City of Maryville, Missouri, for said deposit.

C. *Industrial Process Waste.* All industrial process waste, as previously defined and described in this Chapter, shall be subject to a fee established by the City Manager or his/her authorized representative. Said fee shall be established based upon the type of solid waste being received and the manpower cost associated with and incurred by the City of Maryville for said deposit.

D. *Waste Tires.* The City will only accept sixteen (16) inch tires or smaller. Tires on rims are not accepted. Sixteen (16) inch tires or smaller--five dollars ($5.00) each.

E. *Waste Oil.* There shall be a fee for the deposit of oil at the rate of twenty cents ($0.20) for each gallon or any part thereof.

F. *Wood And Brush.* For any wood or brush deposited, there shall be a fee of thirty-three dollars ($33.00) per ton. There shall be a minimum fee of seven dollars ($7.00) for four hundred thirty (430) pounds or less deposited per day. For the purpose of the minimum fee, multiple loads throughout one (1) day may be accumulated and the hauler will be charged the minimum fee so long as the total amount of wood or brush deposited per day does not exceed four hundred thirty (430) pounds.

G. *Compost Materials.* Materials accepted for composting will only be accepted at the compost center. There shall be no fee for depositing compost material at the compost center. (R.O. 2008 §225.270; Ord. No. 6511 §1, 12-2-02; Ord. No. 6589 §1, 9-15-03; Ord. No. 6860 §§1--2, 9-14-06; Ord. No. 6954 §1, 11-26-07; Ord. No. 7123 §1, 6-22-09)

SECTION 220.160: AUTHORITY OF ATTENDANTS

The City Manager or his/her authorized representative and the employees of the City on duty at the Maryville processing facility shall have the authority to issue reasonable verbal or written instruction to persons utilizing the Maryville processing facility for the purpose of safety and in order to maintain satisfactory compliance with the requirements, rules and regulations as contained herein and of the State of Missouri. (R.O. 2008 §225.280; Ord. No. 6511 §1, 12-2-02)

SECTION 220.170: REGULATIONS OF SITE OPERATION

The operation of the Maryville processing facility shall be governed by the following regulations:

1. *Access to site.* Access to the area by the public shall be only at established marked entrances and shall be only during the hours of operation. It shall be unlawful to gain or attempt to gain access to the area at any place other than a marked entrance or at any time other than during regular operating hours.
2. *Vehicle operation.* Vehicles shall be operated in accordance with posted signs and verbal instruction from the area attendant. Drivers shall be required to follow and stay on marked roads and trails. No person shall drive at a speed greater than ten (10) miles per hour. It shall be unlawful for any person to leave a vehicle unattended at the working face or along any traffic route. All vehicles used for the transportation of solid waste shall be operated and maintained in accordance with Section 220.070.
3. *Unloading vehicles.* Persons shall be required to unload their own vehicles. Solid waste and compost shall be unloaded from the transporting vehicle to the ground in a manner that will place the solid waste or compost material within the approved area directly on the working face and not cause it to scatter. It shall be unlawful to unload a vehicle at any place within the disposal areas except as directed by signs or the facility attendant. No person shall unload solid waste or compost from a vehicle if said solid waste or compost are easily removed by wind in a manner that permits said items to become airborne. Persons shall unload vehicles containing material that can become airborne specifically in accordance with the attendant's instructions.
4. *Disturbing containers.* It shall be unlawful for any person unloading solid waste enclosed in a container to open or otherwise interfere with said container in a manner that permits the contents thereof to scatter.
5. *Inspection of waste.* Any person who delivers solid waste or compost material shall permit the attendant to inspect said waste or compost in the vehicle by removing covers or moving the waste or compost or unloading a portion thereof to permit inspection.
6. *Segregation of waste.* Any person delivering solid waste or compost material which is not acceptable when mixed with other waste shall be required to segregate the solid waste or prior to depositing them at the disposal area. Said segregation of solid waste or compost material shall take place off site from the Maryville processing facility.
7. *Volume limitations.* The City has the right to limit the volume of any solid waste or compost material that will be accepted from any one (1) source at any one time

or to restrict delivery within a given period of time from the same source when necessary to maintain satisfactory compliance with State of Missouri regulations or when required due to financial considerations, limitations of staff, equipment or available working face space.

8. *Adverse weather conditions.* When weather conditions adverse to the operation of the Maryville processing facility exist, certain restrictions may be imposed by the City Manager or his/her authorized representative on the use of the Maryville processing facility area in order to avoid unsatisfactory conditions. Said restrictions may include:
   a. Prohibition of dumping loose material.
   b. Restricting processing facility site use to only solid waste collectors.
   c. Other similar measures necessary to maintain satisfactory site conditions.
9. *Damaging facilities.* It shall be unlawful for any person to damage, deface, destroy or otherwise alter any facility, equipment or other property of the City used as a part of the site development plan or operation of the Maryville processing center.
10. *Fires.* No person shall set a fire or cause a fire to burn at the Maryville processing facility area except a City employee when authorized by the City Manager or his/her authorized representative.
11. *Scavenging or salvaging.* No private individual, company or corporation shall engage in scavenging or salvaging operations at the Maryville processing facility area. Nothing in this provision shall prohibit a City employee from carrying out operations as directed by the City Manager or his/her authorized representative pursuant to ownership rights by the City of Maryville.
12. *Trespassing.* It shall be unlawful for any person to enter the transfer station/processing facility area or compost center except as directed by the area attendant or posted by signs.
13. *Safety.* It shall be unlawful for any person to engage in any unsafe practice contrary to the requirements of this Section, or the instructions of the area attendant or to carry out any actions at the Maryville processing facility area that may endanger the life, limb or property of another. (R.O. 2008 §225.290; Ord. No. 6511 §1, 12-2-02)

SECTION 220.180: DUMPS AND SOLID WASTE DISPOSAL AREAS -- ESTABLISHMENT

A. It shall be unlawful for any person to maintain, operate or permit the operation or maintenance of an open dump or other place at which solid waste are deposited, except a solid waste disposal area or demolition solid waste disposal area which is operated under a permit from the State of Missouri and meets the following additional minimum requirements:
   1. *Solid waste disposal area.* In addition to complying with Chapter 260, RSMo., any person desiring to operate a solid waste disposal area within the corporate limits of the City must make application to the City Manager or his/her authorized representative for the operation of same and said solid waste disposal area shall meet the following minimum requirements:
      a. Be located in an area which is zoned "M-2" Heavy Manufacturing Zone.

b. Be screened so as to ensure that the area is not visible from any street right-of-way or residence within one thousand (1,000) feet of the solid waste disposal area.
c. Be at least two hundred (200) feet distance from any public street, alley or thoroughfare.

2. *Demolition solid waste disposal area.* In addition to complying with Chapter 260, RSMo., any person desiring to operate a demolition solid waste disposal area within the corporate limits of the City must make application to the City Manager or his/her authorized representative for the operation of the same, and said demolition solid waste disposal area shall meet the following minimum requirements:
   a. Be located in an area which is zoned "M-2" Heavy Manufacturing Zone.
   b. Be screened from view from any street right-of-way.
   c. Be at least two hundred (200) feet distance from any public street, alley or thoroughfare.
   d. Shall not contain concrete, logs or rock exceeding twelve (12) inches in any dimension. Such demolition debris shall be mixed with soil in a proportion not to exceed twenty-five percent (25%) debris by volume.

B. The application fee for a solid waste disposal area or demolition solid waste disposal area permit shall be one hundred dollars ($100.00) payable in advance plus any costs incurred by the City to evaluate plans for the solid waste disposal area. (R.O. 2008 §225.295; Ord. No. 6511 §1, 12-2-02)

SECTION 220.190: RECYCLING COLLECTION OR PROCESSING FACILITIES

A. Facilities or businesses within the City which collect or process recyclables as defined by State law shall meet the following guidelines for the operation thereof. Such facilities shall be located only in an "M-1" zone and shall meet all requirements and regulations applicable to such zone.

B. All recycling collection or processing facilities shall meet or exceed the following minimum standards:
   1. *Screening.* The operation shall be conducted wholly within a non-combustible building or within an area surrounded on all sides by a fence or wall at least eight (8) feet in height. The fence or wall shall be of uniform height, uniform texture and color and shall be maintained to insure maximum safety to the public, obscure the material from normal view of the public and preserve the general welfare of the neighborhood. The fence or wall shall be installed in a way that retains all scrap, junk or other materials within the yard. No scrap, junk or other salvaged materials may exceed the height of this enclosing fence or wall.
   2. *Parking.* One (1) space for each five hundred (500) square foot floor area with a minimum of six (6) spaces required.
   3. *Entrances/traffic circulation.* The operation shall provide entrances on streets with ingress and egress designed to minimize traffic congestion. There shall be enough room on-site to accommodate peak traffic volume and company vehicles.
   4. *Lighting.* Lights used to illuminate the premises shall be so directed and shielded to minimize glare to motorists on public streets and residents of residential

property.

5. *Storage bins.* Storage bins or trailers may be stored on-site as an ancillary use, providing the storage bin or trailer is durable, covered and complies with any setbacks required for any structure on site. The bin or trailer shall be screened from view off-site as part of the operation.
6. *Loading/unloading.* No solid waste, recyclables, junk or other materials shall be loaded, unloaded or otherwise placed either temporarily or permanently outside an enclosed building, fence or visually screened area or within the public right-of-way, except the use of storage bins placed on the outside an enclosed building for recycling. The operation shall be attended on the days of operation to maintain the property in a clean, litter free condition in accordance with the requirements of the City Code.
7. *Paving.* All roads, driveways, parking lots and loading/unloading areas shall be graded and paved with an approved concrete or asphalt/concrete surface.
8. *Stormwater management.* Unless otherwise required pursuant to another provision of the Code, a stormwater management plan may be required at the discretion of the City.
9. *Other regulations.* All operations shall be licensed if required, maintain all proper permits as required from the Missouri Department of Natural Resources or other licensing authority and shall meet all City, County, State and Federal requirements pertaining to facilities, equipment and other features. (R.O. 2008 §225.296; Ord. No. 6706 §1, 11-8-04)

ARTICLE V. PENALTY

SECTION 220.200: PENALTY

Violation of any provision of this Chapter shall be punished by a fine not to exceed five hundred dollars ($500.00) or imprisoned in jail for not more than three (3) months, or both such fine and imprisonment. A separate offense shall be deemed committed upon each day during or on which a person violates this Chapter. (R.O. 2008 §225.300; Ord. No. 6511 §1, 12-2-02)

SECTION 220.210: ADMINISTRATIVE LIABILITY

No officer, agent, board, commission or employee of the City shall render himself/herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her duties under this Chapter. Any suit brought against any officer, agent, board, commission or employee of the City as a result of any act required or permitted in the discharge of his/her duties under this Chapter shall be defended by the City Attorney until final determination of the proceedings therein. (R.O. 2008 §225.310; Ord. No. 6511 §1, 12-2-02)

CHAPTER 225: FIRE CODE

SECTION 225.010: INTERNATIONAL FIRE CODE
In order to regulate and govern the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises, and to provide for the issuance of permits for hazardous uses or operations, except for such portions as herein modified, added, deleted or amended within this Chapter, the International Fire Code, 2006 Edition, is hereby adopted and shall be incorporated as if fully set forth herein and shall be hereafter known as the Fire Code of the City of Maryville, Missouri, including the following appendices:

1. Appendix B--Fire Flow Requirements for Building;
2. Appendix C--Fire Hydrant Locations and Distribution;
3. Appendix D--Fire Apparatus Access Roads;
4. Appendix E--Hazardous Categories;
5. Appendix F--Hazard Ranking;
6. Appendix G--Cryogenic Fluids--Weight and Volume Equivalents. (R.O. 2008 §230.010; Ord. No. 6442 §1, 12-12-01; Ord. No. 7015 §1, 5-12-08)

SECTION 225.020: INTERNATIONAL FIRE CODE -- INSERTIONS
The International Fire Code, 2000 Edition, as adopted as the Fire Code of the City of Maryville is hereby subject to the following insertions:

1. *Section 101.1*. The term "City of Maryville" shall be inserted.
2. *Section 111.4*. The insertions in that Section shall read ". . .A fine not less than ten dollars ($10.00) nor more than five hundred dollars ($500.00)."
3. Wherever a reference is made to "jurisdiction" within the International Fire Code, 2006 Edition, it shall be understood to mean the City of Maryville, Missouri.
4. Section 307 "Open Burning and Recreational Fires" shall be applied. (R.O. 2008 §230.020; Ord. No. 6442 §1, 12-12-01; Ord. No. 7015 §1, 5-12-08)

SECTION 225.030: INTERNATIONAL FIRE CODE -- AREA LIMITATIONS
The area limits referred to in certain Sections of the International Fire Code, 2006 Edition, are hereby established as follows:

1. In Section 3204.3.1.1 of the International Fire Code, 2006 Edition, storage of flammable cryogenic fluids in stationary containers is prohibited in the following zones: AG, R-1, R-2, R-3, R-4, C-O, C-1, C-2, C-3 and M-1.
2. In Section 3404.2.9.5.1 of the International Fire Code, 2006 Edition, storage of Class I and Class II liquids in above ground tanks outside of buildings is prohibited in the following zones: AG, R-1, R-2, R-3, R-4, C-O, C-1 and C-2.
3. In Section 3406.2.4.4 of the International Fire Code, 2006 Edition, storage of Class I and Class II liquids in above ground tanks is prohibited in the following zones: AG, R-1, R-2, R-3, R-4, C-O, C-1 and C-2.
4. In Section 3804.2 of the International Fire Code, 2006 Edition, the storage of

liquified petroleum gas is restricted for the protection of heavily populated or congested areas and shall be prohibited in the following zones except as allowed in Section 225.050(B) of the Maryville Municipal Code: AG, R-1, R-2, R-3, R-4, C-O, C-1, C-2, C-3 and M-1.

5. Section 307 "Open Burning and Recreational Fires", 2006 International Fire Code, to include Section 225.065 "Open Burning Regulations" as set forth in the City of Maryville Municipal Code. (R.O. 2008 §230.030; Ord. No. 6442 §1, 12-12-01; Ord. No. 7015 §1, 5-12-08)

SECTION 225.040: INTERNATIONAL FIRE CODE -- DELETIONS

The following portions as set forth in the International Fire Code, 2006 Edition, shall be deleted in their entirety.

1. Section 105--Permits.
   Exceptions: A construction permit shall be required as set forth in Chapter 1 of the 2006 International Fire Code. Permit fees shall be established as set forth in the Municipal Code of the City of Maryville, Section 500.090 "Building Permit Fees". Permits shall be required for the following:
   a. 105.7.1 Automatic fire-extinguishing systems;
   b. 105.7.4 Fire alarm and detection systems and related equipment;
   c. 105.7.5 Fire pumps and related equipment.
2. Section 108--Board of Appeals.
3. Section 109.3--Violation penalties.
4. Appendix A--Board of Appeals. (R.O. 2008 §230.040; Ord. No. 6442 §1, 12-12-01; Ord. No. 7015 §1, 5-12-08)

SECTION 225.050: INTERNATIONAL FIRE CODE -- MODIFICATIONS

A. Chapter 33: Explosives and Fireworks of the International Fire Code, 2006 Edition, is hereby amended to include Chapter 230: Fireworks of the Municipal Code of the City of Maryville, which is adopted and made a part of the International Building Code, 2006 Edition, by reference set forth in Missouri Department of Public Safety, Chapter 3: Fireworks, 11CRS40-3.010. In the event there is a conflict between a provision contained within Chapter 33: Explosives and Fireworks and a provision contained within Chapter 230: Fireworks, the provision of Chapter 230: Fireworks shall prevail.

B. Section 3804 of the International Fire Code, 2006 Edition, shall be modified by deleting Subsection 3804.2 and implementing the following in its place.
   3804.2 Maximum Capacity Within Established Limits. Within the limits established by law and the adopting ordinance restricting the storage of liquified petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one (1) installation shall not exceed a water capacity of one hundred twenty-five (125) gallons (473L), except that in areas where natural gas service is not available at the property line at the time occupancy is commenced, the aggregate capacity of any one (1) installation shall not exceed a water capacity of five hundred (500) gallons (18921). (R.O. 2008 §230.050; Ord. No. 6442 §1, 12-12-01; Ord. No. 6642 §§1--2, 4-12-04; Ord. No. 7015 §1, 5-12-08)

SECTION 225.060: APPEALS

Any person aggrieved by a decision or action of the Code Enforcement Officer or designee of the Fire Division or other official of the City of Maryville under this Chapter may appeal such decision or action to the Board of Code Appeals. Such appeal shall be in accordance with the provisions of Sections 530.070, 530.080, 530.090 and 530.110 of the Municipal Code of the City of Maryville and with Chapter 110 of the Municipal Code of the City of Maryville, all of which are adopted herein by reference as if set forth fully herein. (R.O. 2008 §230.060; Ord. No. 6442 §1, 12-12-01; Ord. No. 7015 §1, 5-12-08)

SECTION 225.065: OPEN BURNING REGULATIONS

A. *Unlawful Open Burning.* It shall be unlawful to engage in the following acts of open burning.
   1. It shall be unlawful to burn or attempt to burn any item other than leaves, small twigs and tree branches which shall not include full trees or stumps;
   2. It shall be unlawful to burn any solid waste, industrial process waste, normal solid waste, or special solid waste, as those terms are defined in Section 220.010;
   3. It shall be unlawful to burn any yard waste if the burn pile is greater than sixteen (16) feet in diameter or is greater than four (4) feet in height;
   4. It shall be unlawful to burn or attempt to burn any item in steel barrels;
   5. It shall be unlawful to burn or attempt to burn any item on the public streets, sidewalks, alleyways or in public rights-of-way;
   6. It shall be unlawful to burn or attempt to burn any item during the period of any burn ban implemented by the City or other governmental entity;
   7. It shall be unlawful to burn or attempt to burn any item if such burning causes emissions (smoke or air contaminants) which are offensive to residents, occupants or individuals in the area, which shall be determined based upon complaints received in the immediate one block area and the general flow of smoke and odors. Under these instances as determined by the Maryville Public Safety Department, the open burning shall be immediately extinguished by the individual responsible for the open burning and shall be deemed an unlawful burning;
   8. It shall be unlawful to burn or attempt to burn any item if such burning is hazardous to other individuals, structures or property as determined by City representatives;
   9. It shall be unlawful to burn or attempt to burn any item in violation or contrary to any provisions of this Section.

B. *Lawful Open Burning.*
   1. Open burning shall be lawful:
      a. When done between April 1 and April 14, July 17 and July 31, October 24 and November 6 from dawn until dusk or as modified or extended by City Council based primarily on weather conditions; and
      b. When the burn pile is no less than fifty (50) feet from any structure or other combustible material and not greater than sixteen (16) feet in diameter and/or not greater than four (4) feet in height.
   2. Open burning upon permit authorization issued by the Director of Public Safety in accordance with the applicable ordinances, including Section 540.040 of the Maryville Municipal Code, in order to incinerate areas larger than otherwise

authorized herein and/or special events such as bonfires and demolition;

3. Intentional setting of fires to combat or limit existing fires when reasonably necessary in the judgment of the responsible government official;
4. Fires contained within commercially built outdoor fireplaces designed to prevent the spread of flames or embers are permitted on privately owned property of a one- or two-family dwelling for pleasure, cooking, warmth, or similar purposes. Outdoor fireplaces may not be used for burning trash, yard waste (other than small tree branches, cut/broken to fit in the fireplace), rubbish or similar material;
5. Small open flames for heating tar or welding, as well as using acetylene torches, safety flares and the like;
6. Burning conducted in accordance with a permit granted by the Environmental Protection Agency, the State of Missouri or other government agency.

C. *Safety Regulations.* In order to be lawful, all open burning authorized under this Section must comply with the following safety regulations:

1. All open burning shall have as its primary source of extinguishing equipment a water hose of not less than five-eighths (5/8) inch in diameter connected to the City water supply. Said water supply shall be readily available at all burn sites and be not less than twenty (20) feet from the burn site at all times. All water hoses shall be equipped with nozzles and the hose shall be maintained charged during the period of burning.
2. In lieu of the primary source described above, a minimum of one (1) portable fire extinguisher with a minimum 4A rating or other approved on-site fire extinguishing equipment such as soil, sand, water barrel or water truck shall be for immediate utilization. Said fire extinguishing equipment shall be not less than twenty (20) feet from the burn site at all times and shall be charged and immediately available to extinguish the fire.
3. The individual responsible for the open burning shall be at least sixteen (16) years of age and in constant attendance of the open burning from the commencement of the fire until the fire is completely extinguished and has been drenched or saturated with water.

D. *Burning Limitations.*

1. The Director of Public Safety or his/her designee may issue a burn ban within the City limits at any time based on existing circumstances including weather, ground moisture and wind conditions after notifying the City Manager. This burn ban shall be publicized throughout the duration of the ban in a manner designed to provide information to the general public. No burning shall be authorized during such burn ban, notwithstanding any other provisions of this Section.
2. If any otherwise lawful burning is determined by the Maryville Public Safety Department or other City Official to be hazardous in nature, said open burning shall be immediately extinguished by the individual responsible for the open burning and shall be deemed an unlawful burning. The term hazardous shall be determined and documented by the official, but shall include dangers of secondary burning to individuals or property, as well as other hazardous situations including explosions and air contamination.
3. In the event any burning is instituted in violation of this Section, the Maryville Public Safety Department is authorized to require said open burning to

immediately cease. (R.O. 2008 §230.065; Ord. No. 6632 §1, 3-8-04; Ord. No. 7015 §1, 5-12-08; Ord. No. 7096 §1, 3-23-09)

SECTION 225.070: GENERAL PENALTY
Whenever in the Fire Code adopted herein or any provision of this Chapter or any ordinance of the City any act is prohibited or is made or declared to be unlawful or an offense, or whenever in this Code or such ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision by any person is hereby declared to be an ordinance violation; and, upon conviction, unless some other penalty is prescribed in this Code or such ordinance, such person may be punished by a fine not exceeding five hundred dollars ($500.00) or imprisonment for a term not exceeding three (3) months, or both such fine and imprisonment in the discretion of the court having jurisdiction. In any case wherein the penalty for an offense is fixed by any Statute, the Council shall affix the same penalty by ordinance for the punishment of such offense.

CHAPTER 230: FIREWORKS

SECTION 230.010: LEGISLATIVE INTENT
It is hereby declared to be the intent of City Council, in the exercise of its police powers to protect the public health, safety and welfare, to regulate the use, sale and public display of fireworks. (R.O. 2008 §235.010; Ord. No. 4890 §1, 7-9-90)

SECTION 230.020: ADMINISTRATION
This Chapter shall be administered by the City Manager or his/her authorized representative who shall take such action as may be reasonable and necessary to secure compliance therewith. (R.O. 2008 §235.020; Ord. No. 4890 §1, 7-9-90)

SECTION 230.030: INSPECTOR
The City Manager or his/her authorized representative shall inspect structures for the sale of fireworks and sites for public display of fireworks within the jurisdiction of the City to determine if said structure or site meets the requirements of the Chapter and to enforce the provisions of this Chapter. (R.O. 2008 §235.030; Ord. No. 4890 §1, 7-9-90)

SECTION 230.040: DEFINITIONS
The following words shall have the meanings set out below when used in this Chapter:
CONSUMER FIREWORKS: Explosive devices designed primarily to produce visible or audible effects by combustion and includes aerial devices and ground devices, all of which are classified as fireworks, UNO336, 1.4G by regulation of the United States Department of Transportation, as amended from time to time, and which were formerly

classified as class C common fireworks by regulation of the United States Department of Transportation.
FIREWORKS: Any composition or device for producing a visible, audible, or both visible and audible effect by combustion, deflagration, or detonation and that meets the definition of consumer, proximate, or display fireworks as set forth by 49 CFR Part 171 to end, United States Department of Transportation hazardous materials regulations, and American Pyrotechnics Association 87-1 standards.
FIREWORKS STAND: Any structure which is freestanding, solely intended only for the sale of *"Common fireworks"* and offers for sale to the public only those fireworks which are lawful to offer for sale to the general public within the State of Missouri. (R.O. 2008 §235.040; Ord. No. 4890 §1, 7-9-90)

SECTION 230.050: PERMIT REQUIRED
No person shall offer for sale or public display any fireworks or common fireworks without first securing a permit therefor from the City Clerk. (R.O. 2008 §235.050; Ord. No. 4890 §1, 7-9-90)

SECTION 230.060: APPLICATION FOR PERMIT FOR THE SALE OF FIREWORKS
Any person, firm, or corporation desiring to secure a permit for the sale of fireworks shall make written application to the City Clerk on forms provided therefor, stating the name, address, state sales tax number, telephone number of the person requesting the permit and the address where the fireworks stand is to be located, together with such additional information concerning the site of the stand as may be reasonably required. (R.O. 2008 §235.060; Ord. No. 4890 §1, 7-9-90)

SECTION 230.070: APPLICATION FOR PERMIT FOR PUBLIC DISPLAY OF FIREWORKS

A. Application for permit to operate a display of fireworks in conformance with the terms of the National Fire Protection Association, Standard for Public Display of Fireworks, NFPA 1123, current edition, and of the general laws of the City of Maryville and the State of Missouri shall be made in writing on forms provided by the office of the City Clerk.
B. Such application shall set forth:
    1. The name of the organization sponsoring the display together with the names of persons actually in charge of the firing of the display.
    2. Evidence of financial responsibility.
    3. The date and time of date at which the display is to be held.
    4. A description setting forth the age, experience, and physical characteristics of persons who are to do the actual discharging of the fireworks.
    5. The number and kinds of fireworks to be discharged.
    6. The manner and place of storage of such fireworks prior to display.
    7. A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways

and other lines of transportation, the lines behind which the audience will be restrained, and the location of all nearby trees, telegraph or telephone lines or other overhead obstructions.

C. Upon receipt of such application at least fifteen (15) days in advance of the date set for this display, the City Manager or his/her authorized representative shall make or cause to be made, an investigation of the site of the proposed display for the purpose of determining whether the provisions of these regulations are complied with in the case of the particular display. He/she shall confer with the Director of Public Safety about the application and whether issuance of a permit would be consistent with public safety. Being satisfied that the display is properly lawful, the City Manager or his/her authorized representative shall endorse the application, stating that the display is in conformance with all parts of the law and these regulations. Failure to receive approval on said application shall be sufficient cause for the office of the City Clerk to deny the permit.

D. The applicant, following endorsement by the City Manager or his/her authorized representative, shall submit said application to the office of the City Clerk who shall then, upon receipt of financial responsibility as required by ordinance, collect the permit fee as set by resolution and adopted by the City Council, and issue a non-transferable permit authorizing the said public fireworks display. (R.O. 2008 §235.070; Ord. No. 4890 §1, 7-9-90)

SECTION 230.080: ISSUANCE OF PERMIT -- FEE

The City Clerk shall issue to any person who is in conformity with Section 230.060, "Application for Permit for the Sale of Fireworks" or Section 230.070, "Application for Permit for Public Display of Fireworks", upon payment of the permit fee. Those applying for permits for the public display of fireworks or public sale of fireworks may be issued a permit contingent upon proof of financial responsibility in the following amounts:

1. In any case the insurance required by this Section shall insure the person, persons or organization holding a public display of fireworks against loss from the liability imposed by law for injury to, or death of any person, or damage to any property arising out of such a public display of fireworks to the amount of one hundred thousand dollars ($100,000.00), exclusive of interest and costs, on account of injury to, or death of any one (1) person, and subject to the same limit as respects injury to or death of one (1) person, of five hundred thousand dollars ($500,000.00), exclusive of interest and costs, on account of the any one (1) public display of fireworks resulting in injury to or death of more than one (1) person, and of three hundred thousand dollars ($300,000.00) for property damage to property of others resulting from the public display of fireworks as outlined by this Section.
2. In any case, the insurance required under this Section shall insure the person(s) selling fireworks or displaying fireworks against loss from liability imposed by law for injury to, or death of any person, or damage to any property growing out of the sale or public display of fireworks to the amount or limit of one hundred thousand dollars ($100,000.00), exclusive of interest and costs, on account of injury to, or death of any one (1) person, and subject to the same limit as respects injury to or death of one (1) person, of five hundred thousand dollars

($500,000.00), exclusive of interest and costs, on account of the sale of or public display of fireworks resulting in injury to or death of more than one (1) person, and of three hundred thousand dollars ($300,000.00) for damage to property of others resulting from the sale or public display of fireworks on any one (1) structure. (R.O. 2008 §235.080; Ord. No. 4890 §1, 7-9-90)

SECTION 230.090: INSPECTION OF SITE OF SALE OR SITE FOR PUBLIC DISPLAY OF FIREWORKS

Upon completion of the set up of a stand for the public sale of fireworks, the permittee shall notify the City Manager or his/her authorized representative who shall cause to be made an inspection of the site within twenty-four (24) hours of such notice, or as soon thereafter as practicable. The inspection of a site for the public display of fireworks shall be completed as outlined in Section 230.070. (R.O. 2008 §235.090; Ord. No. 4890 §1, 7-9-90)

SECTION 230.100: REGULATIONS FOR SITES OFFERING PUBLIC SALE OF FIREWORKS

The following regulations shall be considered as minimum requirements and shall be upheld in all cases involving any site within the cities which offer fireworks for sale to the public.

1. No fireworks shall be offered for sale or sold to the public except from 8:00 A.M., June twentieth (20th) through 11:00 P.M. July fourth (4th), provided however, that there shall not be offered for sale or sold at any time within the City limits any aerial device with the common trade name of *"bottle rocket"* or *"sky rocket"* and defined as any device containing a wooden stick for guidance and stability, rising into the air upon ignition, and producing a burst of color or noise or both at the height of its flight.
2. All firework stands offering fireworks for sale to the public shall be free standing and shall offer for sale at such site or within such structure those fireworks as are lawful for sale to the general public by Missouri State law.
3. Any fireworks stand shall be located a minimum of fifty (50) feet from any inhabited structure or within fifty (50) feet from any public walk, street or thoroughfare nor shall any such stand be located within five hundred (500) feet from any hospital, school, bulk storage of flammable liquids or flammable gases.
4. No fireworks stand shall contain any more than five hundred (500) pounds of pyrotechnic material at any one time.
5. All fireworks stands shall be kept clean; orderly; free of accumulation of dust or rubbish; dry and free of grit, paper, empty used packages and debris, brooms and other cleaning utensils shall not have spark-producing metal parts. Sweepings from the structure shall be disposed of properly.
6. The area surrounding the stand shall be kept clean of brush, dried vegetation, leaves and similar combustibles for a distance of at least twenty-five (25) feet.
7. Smoking, matches, open flames, spark producing devices and firearms shall not be permitted inside or within twenty-five (25) feet of any fireworks stand.
8. Smoking shall not be permitted inside of or within twenty-five (25) feet of any

fireworks stand. Signs reading *"Fireworks - No Smoking"*, in letters at least two (2) inches high shall be conspicuously posted.

9. All artificial lighting at a fireworks stand shall be electrically powered. A master electrical disconnect shall be provided at the point where the electrical service enters the stand; this master disconnect shall be arranged such that all electrical power to the structure is simultaneously interrupted when the disconnect is in the *"off"* position.
10. All openings to any fireworks stand shall be equipped with a means of locking. *Exception:* If locking of the structure is not possible (i.e., the structure being a tent), the structure shall be attended continuously to comply with the intent of this Section.
11. All doors shall open outward and be free from any obstruction. (R.O. 2008 §235.100; Ord. No. 4890 §1, 7-9-90)

SECTION 230.110: USE OF FIREWORKS WITHIN CITY LIMITS

A. No person shall use or cause to be used any other common fireworks at any time except during the hours from 8:00 A.M. to 11:00 P.M. on the date of July fourth (4th); no person shall at any time use any aerial device with the common trade name of *"bottle rocket"* or *"sky rocket"* and defined as any device which contains a wooden stick for guidance and stability and rises into the air upon ignition. A burst of color or noise or both is produced at the height of flight.
B. Any other use of fireworks or common fireworks except such as outlined by this Chapter shall be a direct violation of this Chapter. (R.O. 2008 §235.110; Ord. No. 4890 §1, 7-9-90)

SECTION 230.120: VIOLATIONS AND PENALTIES

Any person, whether individually or as a member or employee of a partnership or as an officer, agent or employee of a corporation, who directs or knowingly permits any violation of any of the provisions of this Chapter, or who aids or assists therein, or who shall violate any prohibition or mandate of this Chapter, shall be guilty of an ordinance violation, and upon conviction thereof, shall be punished by a fine not to exceed five hundred dollars ($500.00) or be imprisoned in jail for not more than three (3) months, or both such fine and imprisonment. A separate offense shall be deemed committed upon each day during or upon which a person violates any provision of this Chapter. (R.O. 2008 §235.120; Ord. No. 4890 §1, 7-9-90; Ord. No. 5429 §1, 6-25-96)

CHAPTER 235: MARYVILLE CLEAN INDOOR AIR ACT

SECTION 235.010: DEFINITIONS

As used in this Chapter, the following terms shall have the following definitions:
ATTACHED BAR: The bar area of a restaurant. An attached bar shall not include any area where full meals are served but may include the service of appetizers and snacks.

Although a restaurant may contain a bar, the term "bar" shall not include the restaurant dining area.
BAR: An area which is devoted to the serving of alcoholic beverages for consumption by guests on the premises, deriving at least sixty percent (60%) of their gross revenue from the sale of alcohol and in which the serving of food is only incidental to the consumption of such beverages. A bar, for the purpose of this definition, does not include any establishment where smoke can filter through a passageway, ventilation system, or any other means into any area where smoking is prohibited.
ENCLOSED AREA: All space between a floor and ceiling that is enclosed on all sides by solid walls or windows (exclusive of doorways) which extend from the floor to the ceiling.
RESTAURANT: Any eating establishment, including coffee shops, cafeterias, sandwich stands and private and public school cafeterias, which gives or offers for sale food to the public, guests or employees, as well as kitchens and catering facilities in which food in prepared on the premises for serving elsewhere. The term "restaurant" shall include any attached bar.
SMOKING: Inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, weed, plant or other combustible substance in any manner or in any form. (R.O. 2008 §241.010; Ord. No. 6550 §1, 6-9-03)

SECTION 235.020: SMOKING PROHIBITION DEFINED

A. Except as otherwise provided in this Chapter, the possession of lighted smoking materials in any form, including, but not limited to, the possession of lighted cigarettes, cigars, pipes or other tobacco products, shall be unlawful in the following places of business which are used or open to the public.
    1. The City Council Chamber of City Hall.
    2. The City Hall Conference Chambers.
    3. Any portion of the Maryville Public Library.
    4. All open office space that is accessed by the public.
    5. City public restrooms.
    6. Restaurants, including restaurants with attached bars.
    7. Cafeterias.
    8. Kitchens and dining areas located or associated with an educational institution.
    9. Conference rooms when meals are being catered.
B. A person commits an offense if the person:
    1. Knowingly smokes in an area in which smoking is prohibited by this Chapter; or
    2. Knowingly or by criminal negligence fails to post any signage required by this Chapter; or
    3. Knowingly or by criminal negligence designates or maintains a smoking area in violation of the requirements of this Chapter; or
    4. Knowingly or by criminal negligence violates any other provision of this Chapter. (R.O. 2008 §§240.020(1--5), 241.020; Ord. No. 4890 §1, 7-9-90; Ord. No. 6550 §1, 6-9-03)

SECTION 235.030: SMOKING PROHIBITION EXEMPTIONS

The smoking prohibitions in this Chapter shall not be applicable to:

1. Private residences.
2. Any bar, including any bar which exists under license by the Maryville Municipal Code at the time of the enactment of this Chapter, which shall be deemed to be Burny's, Lucky's, Molly's, Murphy's, The Palms, The Pub and The Outback. (R.O. 2008 §241.030; Ord. No. 6550 §1, 6-9-03)

SECTION 235.040: DECLARATION OF ESTABLISHMENT AS NON-SMOKING

A. Notwithstanding any other provision herein, an owner, operator, manager or other person in control of a restaurant or any other facility may declare that entire establishment, facility or area as a non-smoking place.
B. If such non-smoking designation is made, smoking shall be prohibited in any place in which signage conforming to the requirements of this Chapter is posted. (R.O. 2008 §241.040; Ord. No. 6550 §1, 6-9-03)

SECTION 235.050: POSTING OF SIGNS

A. The owner, operator, manager or other person in control of the building, facility or area shall clearly and conspicuously post in every building or other area where smoking is prohibited by this Chapter signs which read "No Smoking" which state that the facility is a smoke-free establishment or by posting the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette in a red circle with a red bar across it).
B. Signage shall be clearly and conspicuously posted in every restaurant or other facility where smoking is prohibited by this Chapter by the owner, operator, manager or other person in control of said facility. (R.O. 2008 §241.050; Ord. No. 6550 §1, 6-9-03)

SECTION 235.060: RESPONSIBILITIES IN NON-SMOKING AREA

A. The owner, operator, manager or other person having control of the area in which smoking is prohibited shall remove all ashtrays and other smoking paraphernalia from any area where smoking is prohibited by this Chapter.
B. An owner, manager, operator or employee of an establishment regulated by this Chapter shall inform persons violating this Chapter of the appropriate provisions thereof.
C. The owner, manager, operator or employee of an establishment regulated by the provisions hereof shall make reasonable efforts to prevent smoking upon observing a person smoking in violation of this Chapter and shall request that the person stop smoking. (R.O. 2008 §241.060; Ord. No. 6550 §1, 6-9-03)

SECTION 235.070: NON-RETALIATION

No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant or customer exercises any right afforded by this Chapter or reports or attempt to prosecute a violation of this Chapter. (R.O. 2008 §241.070; Ord. No. 6550 §1, 6-9-03)

SECTION 235.080: ENFORCEMENT

A. This Chapter may be enforced through the Municipal Court of the City of Maryville.
B. In addition to the remedies provided by the provisions of this Chapter, the City Attorney may apply to any court of competent jurisdiction for injunctive relief to enforce those provisions.
C. Notwithstanding any other provision of this Chapter, an employee or private citizen may bring private legal action to enforce rights under this Chapter.
D. This Chapter shall not limit the authority of any governmental entity to enforce similar smoke-free regulations applicable to any business or person discussed herein. (R.O. 2008 §241.080; Ord. No. 6550 §1, 6-9-03)

SECTION 235.090: OTHER APPLICABLE LAWS

This Chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws. (R.O. 2008 §241.090; Ord. No. 6550 §1, 6-9-03)

SECTION 235.100: VIOLATIONS AND PENALTIES

A. It shall be unlawful for any person to violate any provision herein including smoking in an area where smoking is prohibited by the provisions of this Chapter.
B. It shall be unlawful for any person who owns, manages, operates or otherwise controls a restaurant or other place regulated by this Chapter to fail to comply with the provisions of this Chapter.
C. Any person who violates any provision of this Chapter shall be punished by a fine not exceeding three hundred dollars ($300.00).
D. Each day on which a violation of this Chapter occurs shall be considered a separate and distinct offense.
E. Violation of this Chapter by a person who owns, mangers, operates or otherwise controls a restaurant of or other place regulated by this Chapter may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred. (R.O. 2008 §241.100; Ord. No. 6550 §1, 6-9-03)

CHAPTER 240: FAIR HOUSING

ARTICLE I. DISCRIMINATORY PRACTICES

SECTION 240.010: UNLAWFUL HOUSING PRACTICES

A. It shall be an unlawful housing practice:
    1. To refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, to deny or otherwise make unavailable a dwelling to any person because of race, color, religion, national origin, ancestry, sex, disability or familial status.

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

B. For purposes of Sections 240.010, 240.020 and 240.030, 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 240.020: DISCRIMINATION IN COMMERCIAL REAL ESTATE LOANS

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

SECTION 240.030: DISCRIMINATION IN SELLING OR RENTING BY REAL ESTATE AGENCIES PROHIBITED

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

SECTION 240.040: DISCRIMINATION IN PUBLIC ACCOMMODATIONS PROHIBITED -- EXCEPTIONS

A. All persons within the City of Maryville are free and equal and shall be entitled to the full and equal use and enjoyment within this State of any place of public accommodation, as hereinafter defined, without discrimination or segregation on the grounds of race, color, religion, national origin, sex, ancestry or disability.
B. It is an unlawful discriminatory practice for any person, directly or indirectly, to refuse, withhold from or deny any other person or to attempt to refuse, withhold from or deny any other person any of the accommodations, advantages, facilities, services or privileges made available in any place of public accommodation, as defined in Section 213.010, RSMo., and this Section, or to segregate or discriminate against any such person in the use thereof on the grounds of race, color, religion, national origin, sex, ancestry or disability.
C. The provisions of this Section shall not apply to a private club, a place of accommodation owned by or operated on behalf of a religious corporation, association or society or other establishment which is not in fact open to the public, unless the facilities of such establishments are made available to the customers or patrons of a place of public accommodation as defined in Section 213.010, RSMo., and this Section.

SECTION 240.050: ADDITIONAL UNLAWFUL DISCRIMINATORY PRACTICES

It shall be an unlawful discriminatory practice:

1. To aid, abet, incite, compel or coerce the commission of acts prohibited under this Chapter or to attempt to do so;
2. To retaliate or discriminate in any manner against any other person because such person has opposed any practice prohibited by this Chapter or because such person has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or hearing conducted pursuant to this Chapter;
3. For the City to discriminate on the basis of race, color, religion, national origin, sex, ancestry, age, as it relates to employment, disability or familial status as it relates to housing; or
4. To discriminate in any manner against any other person because of such person's association with any person protected by this Chapter.

SECTION 240.060: 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 240.010, 240.020 and 240.030:
    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 240.010, 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.

TITLE III. TRAFFIC CODE

CHAPTER 300: GENERAL PROVISIONS

SECTION 300.010: DEFINITIONS

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

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

ALL-TERRAIN VEHICLE: Any motorized vehicle manufactured and used exclusively

for off-highway use which is fifty (50) inches or less in width, with an unladen dry weight of six hundred (600) pounds or less, traveling on three (3), four (4) or more low pressure tires, with a seat designed to be straddled by the operator and handlebars for steering control.

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

BUSINESS DISTRICT: The territory contiguous to and including a highway when within any six hundred (600) feet along the highway there are buildings in use for business or industrial purposes including, but not limited to, hotels, banks or office buildings, and public buildings which occupy at least three hundred (300) feet of frontage on one (1) side or three hundred (300) feet collectively on both sides of the highway.

CENTRAL BUSINESS (OR TRAFFIC) DISTRICT: All streets and portions of streets within the area described by City ordinance as such.

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

CONTROLLED ACCESS HIGHWAY: Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over the highway, street or roadway.

CROSSWALK:

1. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.
2. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

CURB LOADING ZONE: A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

DRIVER: Every person who drives or is in actual physical control of a vehicle.

EMERGENCY VEHICLE: Is a vehicle of any of the following types:

1. A vehicle operated by the State Highway Patrol, the State Water Patrol, the Missouri Capitol Police, a Conservation Agent or a State Park Ranger, those vehicles operated by enforcement personnel of the State Highways and Transportation Commission, Police or Fire Department, Sheriff, Constable or Deputy Sheriff, Federal Law Enforcement Officer authorized to carry firearms and to make arrests for violations of the laws of the United States, Traffic Officer or Coroner or by a privately owned emergency vehicle company;
2. A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;
3. Any vehicle qualifying as an emergency vehicle pursuant to Section 310.070 of this Title;
4. Any wrecker, or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;
5. Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle;

6. Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of Chapter 44, RSMo.;
7. Any vehicle operated by an authorized employee of the Department of Corrections who, as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;
8. Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of Sections 260.500 to 260.550, RSMo.

FREIGHT CURB LOADING ZONE: A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight (or passengers).

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

INTERSECTION:

1. The area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict; or
2. Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

LANED ROADWAY: A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

MOTOR VEHICLE: Any self-propelled vehicle not operated exclusively upon tracks, except farm tractors and motorized bicycles.

MOTORCYCLE: Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

MOTORIZED BICYCLE: Any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty (50) cubic centimeters which produces less than three (3) gross brake horsepower and is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level ground.

OFFICIAL TIME STANDARD: Whenever certain hours are named herein, they shall mean standard time or daylight-saving time as may be in current use in the City.

OFFICIAL TRAFFIC CONTROL DEVICES: All signs, signals, markings and devices not inconsistent with this Title placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

PARALLEL TO THE CURBING: When used in this Title shall mean that a vehicle so

parked shall be parked with the right-hand side of said vehicle parallel to the curbing and both the front and rear wheel on said right-hand side not more than eighteen (18) inches from the curbing or street line.
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.
PARKWAY: When used in this Title shall mean and include that portion of the public streets between the curbing, or traveled portion of the highway where there is no curbing, and the outside boundary line of the street right-of-way.
PASSENGER CURB LOADING ZONE: A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.
PEDESTRIAN: Any person afoot.
PERSON: Every natural person, firm, co-partnership, association or corporation.
POLICE OFFICER: Every officer of the Municipal Department of Public Safety 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.
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.
RESTRICTED ZONE: Includes any street or portion thereof where there is any time limit upon parking therein.
RIGHT-HAND SIDE: When used in this Title shall mean that side of any vehicle or street to the right of the driver of such vehicle facing the front of such vehicle.
RIGHT-OF-WAY: The right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.
ROADWAY: That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways, the term *"roadway"*, as used herein, shall refer to any such roadway separately but not to all such roadways collectively.
SAFETY ZONE: The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.
SIDEWALK: That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for use of pedestrians.
STAND OR STANDING: The halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.
STOP: When required, complete cessation from movement.
STOP OR STOPPING: When prohibited, any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in

compliance with the directions of a Police Officer or traffic control sign or signal.
STREET OR HIGHWAY: The entire width between the lines of every way publicly maintained when any part thereof is open to the uses of the public for purposes of vehicular travel. *"State highway"*, a highway maintained by the State of Missouri as a part of the State highway system.
THROUGH HIGHWAY: Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right-of-way to vehicles on such through highway in obedience to either a stop sign or a yield sign when such signs are erected as provided in this Title.
TRACTOR, TRUCK TRACTOR OR TRUCK-TRACTOR: A self-propelled motor vehicle designed for drawing other vehicles, but not for the carriage of any load when operating independently. When attached to a semitrailer, it supports a part of the weight thereof.
TRAFFIC: Pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for purposes of travel.
TRAFFIC CONTROL SIGNAL: Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.
TRAILER: Any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semi-trailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle. The term *"trailer"* shall not include cotton trailers as defined in Subdivision (8) of Section 301.010, RSMo., and shall not include manufactured homes as defined in Section 700.010, RSMo.
URBANIZED AREA: An area with a population of fifty thousand (50,000) or more designated by the Bureau of the Census within boundaries to be fixed by the State Highways and Transportation Commission and local officials in cooperation with each other and approved by the Secretary of Transportation. The boundary of an urbanized area shall, at a minimum, encompass the entire urbanized area as designed by the Bureau of the Census.
UTILITY VEHICLE: Any motorized vehicle manufactured and used exclusively for off-highway use which is sixty-three (63) inches or less in width, with an unladen dry weight of one thousand eight hundred fifty (1,850) pounds or less, traveling on four (4) or six (6) wheels, to be used primarily for landscaping, lawn care, or maintenance purposes.
VEHICLE: Any mechanical device on wheels designed primarily for use or used on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, cotton trailers, or motorized wheelchairs operated by handicapped persons. (R.O. 2008 §300.010; Ord. No. 4893 §1, 7-18-90)

CHAPTER 305: TRAFFIC ADMINISTRATION

SECTION 305.010: RECORDS OF TRAFFIC VIOLATIONS

A. The Department of Public Safety shall keep a record of all violations of the traffic ordinances of the City or of the State vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. Said record shall accumulate during at least a five (5) year period and from that time on the record shall be maintained complete for at least the most recent five (5) year period.
B. All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms.
C. All such records and reports shall be public records.

SECTION 305.020: DEPARTMENT OF PUBLIC SAFETY TO INVESTIGATE ACCIDENTS

It shall be the duty of the Department of Public Safety to investigate traffic accidents, to arrest and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.

SECTION 305.030: TRAFFIC ACCIDENT REPORTS

The Department of Public Safety shall maintain a suitable system of filing traffic accident reports. Such reports shall be available for the use and information of the City Manager.

SECTION 305.040: DEPARTMENT OF PUBLIC SAFETY TO SUBMIT ANNUAL TRAFFIC SAFETY REPORT

The Department of Public Safety 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 Department of Public Safety for future traffic safety activities.

SECTION 305.050: CITY TRAFFIC ENGINEER

A. The office of City Traffic Engineer is established. The City Manager or his/her authorized representative 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 Manager shall determine the installation and proper timing and maintenance of traffic control devices, conduct engineering analyses of traffic accidents and devise remedial measures, conduct engineering investigation of traffic conditions, plan the operation of traffic on the streets and highways of the City, and cooperate with other City Officials in the development of ways and means to improve traffic conditions, and carry

out the additional powers and duties imposed by ordinances of the City.

SECTION 305.060: EMERGENCY AND EXPERIMENTAL REGULATIONS

A. The Chief of Police by and with the approval of the City Manager is hereby empowered to make regulations necessary to make effective the provisions of the traffic ordinances of the City and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than ninety (90) days.
B. The City Manager may test traffic control devices under actual conditions of traffic.

CHAPTER 310: ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

SECTION 310.010: AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS

A. It shall be the duty of the officers of the Department of Public Safety or such officers as are assigned by the Chief of Police to enforce all traffic laws of the City and all of the State vehicle laws applicable to traffic in the City.
B. Officers of the Department of Public Safety or such officers as are assigned by the Chief of Police are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws; provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Department of Public Safety may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.
C. Officers of the Fire Department, when at the scene of an incident, may direct or assist the Police in directing traffic thereat or in the immediate vicinity.

SECTION 310.015: AUTHORITY TO PROMULGATE REGULATIONS, ETC.

The City Manager or his/her authorized representative is hereby authorized:

1. To designate and establish speed, safety and hazard zones of such kind, character and number, and at such places, as deemed warranted and necessary, and which will be of the greatest benefit to the general public.
2. To erect warning and informational signs or markings at a distance from certain locations which are deemed by them to be dangerous and hazardous, and such other informational signs deemed beneficial to the general public or as a warning to the general public.
3. To designate and mark lanes for traffic and no passing zones, as they are deemed warranted and beneficial to the general public, consistent with State laws and this Chapter.
4. To erect or place signs and markings establishing cross-overs or crosswalks or prohibiting or restricting the stopping, standing or parking of vehicles on any

highway where in their opinion such stopping, standing and parking of any vehicle or obstruction would unduly interfere with the free movement of traffic thereon. Every person shall legally observe such signs and markings as authorized hereunder or by State law.

5. To designate, establish and prescribe rules and regulations for the operating thereof, bus stops, loading and unloading zones and taxicab stands, and in such places and in such manner as they shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, loading and unloading zone and taxicab stand shall be designated by appropriate signs. Every person shall legally observe the rules so authorized hereunder.
6. To prescribe rules and regulations for the vending, display or sales of merchandise and other wares or products upon any portion of the highways, streets and alleys in this City, and when signs and markings are placed depicting *"No Vending"* or words to that effect, every person shall legally observe such signs, markings, rules, regulation or regulations.
7. To designate, post and mark one-way roadways, rotary traffic islands and City squares for one-way traffic to the right.
8. To designate State and Federal marked highways in this City as throughways or through streets and highways, and all traffic shall come to a complete stop before entering or crossing such, when properly sign-posted and marked. (R.O. 2008 §305.010; Ord. No. 4893 §1, 7-18-90)

SECTION 310.020: OBEDIENCE TO POLICE AND FIRE DEPARTMENT OFFICIALS

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

SECTION 310.030: PERSONS PROPELLING PUSHCARTS OR RIDING ANIMALS TO OBEY TRAFFIC REGULATIONS

Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this Title applicable to the driver of any vehicle, except those provisions of this Title which by their very nature can have no application.

SECTION 310.040: USE OF COASTERS, ROLLER SKATES 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.

SECTION 310.050: PUBLIC EMPLOYEES TO OBEY TRAFFIC

REGULATIONS

The provisions of this Title shall apply to the driver of any vehicle owned by or used in the service of the United States Government, this State, County or City and it shall be unlawful for any said driver to violate any of the provisions of this Title, except as otherwise permitted in this Title.

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

A. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one (1) lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle or a flashing blue light authorized by Section 310.070 of this Chapter, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

B. Upon approaching a stationary emergency vehicle displaying lighted red or red and blue lights, the driver of every motor vehicle shall:
   1. Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or
   2. Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

C. *Responsibilities Of Driver Of Emergency Vehicle.*
   1. The driver of any "emergency vehicle" defined in Section 300.010 of this Code shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator, or when responding to, but not upon returning from, a fire.
   2. The driver of an emergency vehicle may:
      a. Park or stand irrespective of the provisions of Sections 304.014 to 304.025, RSMo., and the provisions of this Code;
      b. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
      c. Exceed the prima facie speed limit so long as the driver does not endanger life or property;
      d. Disregard regulations governing direction of movement or turning in specified directions.
   3. The exemptions granted to an emergency vehicle pursuant to Subsection (C)(2) of this Section shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light or blue light visible under normal atmospheric conditions

from a distance of five hundred (500) feet to the front of such vehicle.

D. No person shall purchase an emergency light as described in this Section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes.

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

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

SECTION 310.080: IMMEDIATE NOTICE OF ACCIDENT WITHIN CITY

The driver of a vehicle involved in an accident within the City resulting in injury to or death of any person or total property damage to an apparent extent of five hundred dollars ($500.00) or more to one (1) person shall give or cause to be given notice of such accident to the Department of Public Safety as soon as reasonably possible.

SECTION 310.090: WRITTEN REPORT OF ACCIDENT

The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or total property damage to an apparent extent of five hundred dollars ($500.00) or more to one (1) person shall, within five (5) days after such accident, forward a written report of such accident to the Department of Public Safety. The provisions of this Section shall not be applicable when the accident has been investigated at the scene by a Police Officer while such driver was present thereat.

SECTION 310.100: WHEN DRIVER UNABLE TO REPORT

A. Whenever the driver of a vehicle is physically incapable of giving immediate notice of an accident as required in Section 310.080 and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall give or cause to be given the notice not given by the driver.

B. Whenever the driver is physically incapable of making a written report of an accident as

required in Section 310.090 and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall, within five (5) days after the accident, make such report not made by the driver.

SECTION 310.110: LEAVING THE SCENE OF A MOTOR VEHICLE ACCIDENT

A. A person commits the offense of leaving the scene of a motor vehicle accident when, being the operator or driver of a vehicle on the highways, streets or roads of the City or on any publicly or privately owned parking lot or parking facility within the City generally open for use by the public and knowing that an injury has been caused to a person or damage has been caused to property due to his/her culpability or to accident, he/she leaves the place of the injury, damage or accident without stopping and giving his/her name, residence, including City and street number, motor vehicle number and driver's license number, if any, to the injured party or to a Police Officer, or if no Police Officer is in the vicinity, then to the nearest Police station or judicial officer.

B. For the purposes of this Section, all Peace Officers shall have jurisdiction, when invited by an injured person, to enter the premises of any such privately owned parking lot or parking facility for the purpose of investigating an accident and performing all necessary duties regarding such accident.

CHAPTER 315: TRAFFIC CONTROL DEVICES

SECTION 315.010: AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES

The City Manager shall place and maintain traffic control signs, signals and devices when and as required under the traffic ordinances of the City to make effective the provisions of said ordinances and may place and maintain such additional traffic control devices as he/she may deem necessary to regulate traffic under the traffic ordinances of the City or under State law or to guide or warn traffic.

SECTION 315.020: MANUAL AND SPECIFICATIONS FOR TRAFFIC CONTROL DEVICES

All traffic control signs, signals and devices shall conform to the manual and specifications approved by the State Highways and Transportation Commission or resolution adopted by the City Council of the City. All signs or signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the City. All traffic control devices so erected and not inconsistent with the provisions of this Title shall be official traffic control devices.

SECTION 315.030: OBEDIENCE TO TRAFFIC CONTROL DEVICES

The driver of any vehicle shall obey the instructions of any official traffic control device

applicable thereto placed in accordance with the provisions of this Title, unless otherwise directed by a traffic or Police Officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this Title.

SECTION 315.040: WHEN OFFICIAL TRAFFIC CONTROL DEVICES REQUIRED FOR ENFORCEMENT PURPOSES

No provision of this Title for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular Section does not state that official traffic control devices are required, such Section shall be effective even though no devices are erected or in place.

SECTION 315.050: OFFICIAL TRAFFIC CONTROL DEVICES -- PRESUMPTION OF LEGALITY

A. Whenever official traffic control devices are placed in position approximately conforming to the requirements of this Title, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.
B. Any official traffic control device placed pursuant to the provisions of this Title and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this Title, unless the contrary shall be established by competent evidence.

SECTION 315.060: TRAFFIC CONTROL SIGNAL LEGEND -- RIGHT TURN ON RED LIGHT -- WHEN

Whenever traffic is controlled by traffic control signals exhibiting different colored lights or colored lighted arrows, successively one (1) at a time or in combination, only the colors green, red and yellow shall be used except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

1. *Green indication.*
    a. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
    b. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
    c. Unless otherwise directed by a pedestrian control signal as provided in

Section 315.070, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

2. *Steady yellow indication.*
   a. Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.
   b. Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian control signal as provided in Section 315.070, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.
3. *Steady red indication.*
   a. Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown except as provided in paragraph (b) of this Subsection.
   b. The driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection in obedience to a red signal may cautiously enter the intersection to make a right turn but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection, except that the State Highways and Transportation Commission with reference to an intersection involving a State highway, and local authorities with reference to an intersection involving other highways under their jurisdiction, may prohibit any such right turn against a red signal at any intersection where safety conditions so require, said prohibition shall be effective when a sign is erected at such intersection giving notice thereof.
   c. Unless otherwise directed by a pedestrian control signal as provided in Section 315.070, pedestrians facing a steady red signal alone shall not enter the roadway.
4. In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this Section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking, the stop shall be made at the signal.

SECTION 315.070: PEDESTRIAN CONTROL SIGNALS

Whenever special pedestrian control signals exhibiting the words *"Walk"* or *"Don't Walk"* or appropriate symbols are in place, such signals shall indicate as follows:

1. *"WALK":* Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.
2. *"WAIT"* or *"DON'T WALK":* No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his/her

crossing on the walk signal shall proceed to a sidewalk or safety zone while the wait signal is showing.

SECTION 315.080: 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 past such signal only with caution.

SECTION 315.090: LANE DIRECTION CONTROL SIGNALS

When lane direction control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown but shall not enter or travel in any lane over which a red signal is shown.

SECTION 315.100: DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS OR MARKINGS

No person shall place, maintain or display upon or in view of any highway an unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device.

SECTION 315.110: INTERFERENCE WITH OFFICIAL TRAFFIC CONTROL DEVICES

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down or remove any official traffic control device or any inscription, shield or insignia thereon or any other part thereof.

SECTION 315.120: AUTHORITY TO ESTABLISH PLAY STREETS

The City Manager shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

SECTION 315.130: PLAY STREETS

Whenever authorized signs are erected indicating any street or part thereof as a play

street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

SECTION 315.140: CITY MANAGER TO DESIGNATE CROSSWALKS AND ESTABLISH SAFETY ZONES

The City Manager is hereby authorized:

1. To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his/her opinion there is particular danger to pedestrians crossing the roadway and at such other places as he/she may deem necessary.
2. To establish safety zones of such kind and character and at such places as he/she may deem necessary for the protection of pedestrians.

SECTION 315.150: TRAFFIC LANES

A. The City Manager is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.
B. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

CHAPTER 320: SPEED REGULATIONS

SECTION 320.010: STATE SPEED LAWS APPLICABLE

The State traffic laws regulating the speed of vehicles shall be applicable upon all streets within the City, except that the City may by ordinance declare and determine upon the basis of engineering and traffic investigation that certain speed regulations shall be applicable upon specified streets or in certain areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared when signs are in place giving notice thereof.

SECTION 320.020: REGULATION OF SPEED BY TRAFFIC SIGNALS

The City Manager is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof.

SECTION 320.030: SPEED LIMITS

A. No vehicle shall be operated at a rate of speed in excess of the posted speed signs.
B. The speed regulations upon those highways and streets or parts of highways and streets where there are no posted speed limit signs, shall be twenty-five (25) m.p.h. The speed limitations upon these streets with a right-of-way of less than twenty (20) feet in width, commonly known as *"alleys"* shall be ten (10) m.p.h.
C. The following shall be specifically designated speed limits contrary to Subsection (B).

1. *First Street.*

From east City limits to 102 River	55 mph
From 102 River to east 1700 Block	45 mph
From east 1700 Block to Depot Street	35 mph
From Depot Street to Davis Street	30 mph
From centerline of Country Club Road eastward to one hundred fifty (150) feet west of Faustiana Place	45 mph
From one hundred fifty (150) feet west of Faustiana Place eastward to centerline of Ray Avenue	35 mph
From the centerline of Ray Avenue eastward to centerline of Mulberry Street	30 mph

2. *Third Street.*

From Depot Street to Davis Street	35 mph
From Davis Street to Vine Street	25 mph

3. *Seventh Street.*

From Depot Street to Davis Street	30 mph

4. *Sixteenth Street.*

From west City limits to Main Street	35 mph

5. *Buchanan Street.*

From Lincoln Street to Jenkins Street	30 mph

6. *College Avenue.*

From Country Club Road to Grand Street	30 mph

7. *Country Club Road.*

From First Street to north City limits	30 mph

8. *Depot Street.*

From north City limits to Third Street	35 mph
From Third Street to Halsey Street	30 mph

9. *Edwards Street.*

From Saunders Street to Vine Street	30 mph

10. *Main Street.*

From U.S. 71 at the south end of Main Street to Route V	40 mph
From Route V to South Avenue	35 mph
From South Avenue to Jenkins Street	30 mph
From north City limits to the point the extension of the southern boundary of the tract of real estate recorded and described in Book 359, Page 48, in the Recorder's Office of Nodaway County, Missouri, would intersect Main Street	55 mph
From the point the extension of the southern	

boundary of the tract of real estate recorded and described in Book 359, Page 48, in the Recorder's Office of Nodaway County, Missouri, would intersect Main Street to Sixteenth Street	45 mph
From Sixteenth Street to Sixth Street	35 mph
11. *Munn Avenue.*	
From Route V to First Street	30 mph
12. *Route V.*	
West City limits to Main Street	40 mph
West City limits east to Business Route 71	40 mph
13. *South Avenue.*	
From west City limits to Main Street	35 mph
From Main Street east to Lieber Street	25 mph
From Lieber Street east to U.S. 71 Highway	35 mph
14. *Business Route 71.*	
From Route V south to U.S. Highway 71	40 mph
15. *Second Street.*	
East Second Street, 300 block, 400 block and 500 block	20 mph
16. *U.S. 71 Bypass.*	
From the south City limits to the north City limits	60 mph

D. The City Manager or his/her duly authorized representative is hereby authorized to have erected speed limit signs in such places as said City Manager or his/her duly authorized representative shall deem necessary.

E. Violations of this Section shall be an ordinance violation. (R.O. 2008 §315.040; Ord. No. 4893 §1, 7-18-90; Ord. No. 5241 §1, 10-17-94; Ord. No. 5293 §1, 4-10-95; Ord. No. 5460 §1, 9-23-96; Ord. No. 6120 §1, 9-28-98; Ord. No. 6163 §1, 2-8-99; Ord. No. 6194 §1, 5-10-99; Ord. No. 6275 §1, 4-24-00; Ord. No. 6293 §1, 5-22-00; Ord. No. 6526 §1--2, 3-3-03)

SECTION 320.040: SLOW SPEED -- REGULATIONS

No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law. Peace Officers may enforce the provisions of this Section by directions to drivers, and in the event of apparent willful disobedience to this provision and refusal to comply with direction of an officer in accordance herewith, the continued slow operation by a driver is an ordinance violation.

SECTION 320.050: SPECIAL SPEED LIMITS ON ROADWAYS

No person shall operate a motor vehicle upon those portions of the roadways which are set forth and described in Section 320.030 at a rate of speed in excess of that speed limit set for such portions of the roadways by said Section.

CHAPTER 325: TURNING MOVEMENTS

SECTION 325.010: REQUIRED POSITION AND METHOD OF TURNING AT INTERSECTION

The driver of a vehicle intending to turn at an intersection shall do so as follows:

1. *Right turns.* Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway, except where multiple turn lanes have been established.
2. *Left turns on two-way roadways.* At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right-half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the centerline of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.
3. *Left turns on other than two-way roadways.* At any intersection where traffic is restricted to one (1) direction on one (1) or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered, except where multiple turn lanes have been established.
4. *Designated two-way left turn lanes.* Where a special lane for making left turns by drivers proceeding in opposite directions have been indicated by official traffic control devices:
   a. A left turn shall not be made from any other lane;
   b. A vehicle shall not be driven in the lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U-turn when otherwise permitted by law; and
   c. A vehicle shall not be driven in the lane for a distance more than five hundred (500) feet.

SECTION 325.020: AUTHORITY TO PLACE AND OBEDIENCE TO TURNING MARKERS

A. The City Manager is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.
B. When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

SECTION 325.030: AUTHORITY TO PLACE RESTRICTED TURN SIGNS

The City Manager is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn and shall place proper signs at such

intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

SECTION 325.040: OBEDIENCE TO NO-TURN SIGNS
Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

SECTION 325.050: "U" TURNS
No person driving any vehicle shall make a complete reverse turn, commonly called a "U" turn, except that such a turn is permitted at the termination of a dead-end street. (R.O. 2008 §320.020; Ord. No. 4893 §1, 7-18-90)

CHAPTER 330: ONE-WAY STREETS AND ALLEYS

SECTION 330.010: AUTHORITY TO SIGN ONE-WAY STREETS AND ALLEYS
Whenever any ordinance of the City designates any one-way street or alley, the City Manager shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

SECTION 330.020: ONE-WAY STREETS AND ALLEYS
Upon those streets and parts of streets and in those alleys described and designated by ordinance, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

SECTION 330.030: AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS

A. The City Manager is hereby authorized to determine and designate streets, parts of streets or specific lanes thereon upon which vehicular traffic shall proceed in one (1) direction during one (1) period and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The City Manager may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the roadway.
B. It shall be unlawful for any person to operate any vehicle in violation of such markings, signs, barriers or other devices so placed in accordance with this Section.

CHAPTER 335: STOP AND YIELD INTERSECTIONS

SECTION 335.010: THROUGH STREETS DESIGNATED
Those streets and parts of streets described by ordinances of the City are declared to be through streets for the purposes of Sections 335.010 to 335.090.

SECTION 335.020: SIGNS REQUIRED AT THROUGH STREETS
Whenever any ordinance of the City designates and describes a through street, it shall be the duty of the City Manager to place and maintain a stop sign, or on the basis of an engineering and traffic investigation at any intersection a yield sign, on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic control signals; provided however, that at the intersection of two (2) such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of said streets as may be determined by the City Manager upon the basis of an engineering and traffic study.

SECTION 335.030: OTHER INTERSECTIONS WHERE STOP OR YIELD REQUIRED
The City Manager is hereby authorized to determine and designate intersections where particular hazard exists upon other than through streets and to determine whether vehicles shall stop at one (1) or more entrances to any such intersection in which event he/she shall cause to be erected a stop sign at every such place where a stop is required, or whether vehicles shall yield the right-of-way to vehicles on a different street at such intersection as prescribed in Subsection (A) of Section 335.040 in which event he/she shall cause to be erected a yield sign at every place where obedience thereto is required.

SECTION 335.040: STOP AND YIELD SIGNS

A. The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.
B. Except when directed to proceed by a Police Officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

SECTION 335.050: VEHICLE ENTERING STOP INTERSECTION
Except when directed to proceed by a Police Officer or traffic control signal, every driver

of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by Subsection (B) of Section 335.040 and after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

SECTION 335.060: VEHICLE ENTERING YIELD INTERSECTION
The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection; provided however, that if such a driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his/her failure to yield right-of-way.

SECTION 335.070: EMERGING FROM ALLEY, DRIVEWAY OR BUILDING
The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

SECTION 335.080: STOP WHEN TRAFFIC OBSTRUCTED
No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he/she is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

SECTION 335.090: STOP SIGNS
At the following intersection all four (4) roadways at the intersection shall be controlled by a stop sign:

1. First and Buchanan Streets.
2. Third and Buchanan Streets.
3. Fourth and Buchanan Streets.
4. Fifth and Buchanan Streets.
5. Third and Market Streets.
6. Fourth and Market Streets.
7. Seventh and Walnut Streets. (R.O. 2008 §325.070(C); Ord. No. 4893 §1, 7-18-90; Ord. No. 5417 §1, 5-28-96; Ord. No. 6553 §1, 6-9-03)

CHAPTER 340: MISCELLANEOUS DRIVING RULES

SECTION 340.010: FOLLOWING EMERGENCY VEHICLE PROHIBITED
The driver of any vehicle other than one on official business shall not follow any emergency vehicle traveling in response to an emergency call closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

SECTION 340.020: CROSSING FIRE HOSE
No vehicle shall be driven over any unprotected hose of a Fire Department when laid down on any street or private driveway to be used at any fire or alarm of fire without the consent of the Fire Department official in command.

SECTION 340.030: FUNERAL PROCESSIONS

A. *Definitions.* As used in this Section, the following terms shall mean:
FUNERAL DIRECTOR: A person licensed as a funeral director pursuant to the provisions of Chapter 333, RSMo.
FUNERAL LEAD VEHICLE OR LEAD VEHICLE: Any motor vehicle equipped with at least one (1) lighted circulating lamp exhibiting an amber or purple light or lens or alternating flashing headlamps visible under normal atmospheric conditions for a distance of five hundred (500) feet from the front of the vehicle. A hearse or coach properly equipped may be a lead vehicle.
ORGANIZED FUNERAL PROCESSION: Two (2) or more vehicles accompanying the remains of a deceased person from a funeral establishment, church, synagogue or other place where a funeral service has taken place to a cemetery, crematory or other place of final disposition or a funeral establishment, church, synagogue or other place where additional funeral services will be performed if directed by a licensed funeral director from a licensed establishment.

B. *Driving Rules.*
    1. Except as otherwise provided for in this Section, pedestrians and operators of all other vehicles shall yield the right-of-way to any vehicle which is a part of an organized funeral procession.
    2. Notwithstanding any traffic control device or right-of-way provision prescribed by State or local law, when the funeral lead vehicle in an organized funeral procession lawfully enters an intersection, all vehicles in the procession shall follow the lead vehicle through the intersection. The operator of each vehicle in the procession shall exercise the highest degree of care toward any other vehicle or pedestrian on the roadway.
    3. An organized funeral procession shall have the right-of-way at all intersections regardless of any traffic control device at such intersections, except that operators of vehicles in an organized funeral procession shall yield the right-of-way to any approaching emergency vehicle pursuant to the provisions of law or when directed to do so by a Law Enforcement Officer.
    4. All vehicles in an organized funeral procession shall follow the preceding vehicle in the procession as closely as is practical and safe under the conditions.
    5. No person shall operate any vehicle as part of an organized funeral procession without the flashing emergency lights of such vehicle being lighted.

6. Any person who is not an operator of a vehicle in an organized funeral procession shall not:
   a. Drive between the vehicles comprising an organized funeral procession while such vehicles are in motion and have the flashing emergency lights lighted pursuant to Subsection (B)(5) above, except when required to do so by a Law Enforcement Officer or when such person is operating an emergency vehicle giving an audible or visual signal;
   b. Join a funeral procession for the purpose of securing the right-of-way; or
   c. Attempt to pass any vehicle in an organized funeral procession, except where a passing lane has been specifically provided.
7. When an organized funeral procession is proceeding through a red signal light as permitted herein, a vehicle not in the organized funeral procession shall not enter the intersection unless such vehicle may do so without crossing the path of the funeral procession.
8. No ordinance, regulation or any other provision of law shall prohibit the use of a motorcycle utilizing flashing amber lights to escort an organized funeral procession on the highway.

C. Any person convicted of violating any provision of this Section shall be punished by a fine not to exceed one hundred dollars ($100.00).

SECTION 340.040: DRIVING IN PROCESSION

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe.

SECTION 340.050: WHEN PERMITS REQUIRED FOR PARADES AND PROCESSIONS

No funeral, procession or parade containing two hundred (200) or more persons or fifty (50) or more vehicles except the forces of the United States Army or Navy, the military forces of this State, and the forces of the Police and Fire Departments shall occupy, march or proceed along any street except in accordance with a permit issued by the Chief of Police and such other regulations as are set forth herein which may apply.

SECTION 340.055: EMERGENCIES, PARADES, ETC.

On the occasion of any emergency, celebration, parade, extraordinary crowds or traffic, the City Manager or his/her authorized representative may suspend or change the traffic parking rules contained in this Chapter, or any part of them temporarily, for such time and in such manner as he/she may deem best for the safety and convenience of the public, and he/she may order such streets or parts thereof, as he/she may deem best, to be roped off or closed to traffic or parking. (R.O. 2008 §330.040; Ord. No. 4893 §1, 7-18-90)

SECTION 340.060: VEHICLE SHALL NOT BE DRIVEN ON A SIDEWALK -- PROHIBITION ON OBSTRUCTION OF BICYCLE LANES -

- DRIVERS TO YIELD TO BICYCLES IN DESIGNATED BICYCLE LANES

The driver of a motor vehicle shall not drive within any sidewalk area except on a permanent or temporary driveway. A designated bicycle lane shall not be obstructed by a parked or standing motor vehicle or other stationary object. A motor vehicle may be driven in a designated bicycle lane only for the purpose of a lawful maneuver to cross the lane or to provide for safe travel. In making an otherwise lawful maneuver that requires traveling in or crossing a designated bicycle lane, the driver of a motor vehicle shall yield to any bicycle in the lane. As used in this Section, the term *"designated bicycle lane"* shall mean a portion of the roadway or highway that has been designated by the Governing Body having jurisdiction over such roadway or highway by striping with signing or striping with pavement markings for the preferential or exclusive use of bicycles.

SECTION 340.070: LIMITATIONS ON BACKING

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

SECTION 340.080: OPENING AND CLOSING VEHICLE DOORS

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

SECTION 340.090: RIDING ON MOTORCYCLES -- ADDITIONAL PASSENGER -- REQUIREMENTS

A. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons or upon another seat firmly attached to the rear or side of the operator.
B. The operator of a motorized bicycle shall ride only astride the permanent and regular seat attached thereto and shall not permit more than one (1) person to ride thereon at the same time, unless the motorized bicycle is designed to carry more than one (1) person. Any motorized bicycle designed to carry more than one (1) person must be equipped with a passenger seat and footrests for the use of a passenger.

SECTION 340.100: RIDING BICYCLE ON SIDEWALKS -- LIMITATIONS -- MOTORIZED BICYCLES PROHIBITED

A. No person shall ride a bicycle upon a sidewalk within a business district.
B. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and

passing such pedestrian.

C. No person shall ride a motorized bicycle upon a sidewalk.

SECTION 340.110: ALL-TERRAIN VEHICLES -- PROHIBITED -- EXCEPTIONS -- OPERATION UNDER AN EXCEPTION -- PROHIBITED USES -- PENALTY

A. No person shall operate an all-terrain vehicle, as defined in Section 300.010, upon the streets and highways of this City, except as follows:
   1. All-terrain vehicles owned and operated by a governmental entity for official use; or
   2. All-terrain vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation.

B. No person shall operate an off-road vehicle, as defined in Section 304.001, RSMo., within any stream or river in this City, except that off-road vehicles may be operated within waterways which flow within the boundaries of land which an off-road vehicle operator owns, or for agricultural purposes within the boundaries of land which an off-road vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this State at such road crossings as are customary or part of the highway system. All Law Enforcement Officials or Peace Officers of this State and its political subdivisions shall enforce the provisions of this Subsection within the geographic area of their jurisdiction.

C. A person operating an all-terrain vehicle on a street or highway pursuant to an exception covered in this Section shall have a valid license issued by a State authorizing such person to operate a motor vehicle but shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than thirty (30) miles per hour. When operated on a street or highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not less than seven (7) feet above the ground, attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty (30) square inches and shall be dayglow in color.

D. No person shall operate an all-terrain vehicle:
   1. In any careless way so as to endanger the person or property of another;
   2. While under the influence of alcohol or any controlled substance; or
   3. Without a securely fastened safety helmet on the head of an individual who operates an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle, unless the individual is at least eighteen (18) years of age.

E. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes.

SECTION 340.115: UTILITY VEHICLES, OPERATION ON HIGHWAY AND IN STREAMS OR RIVERS PROHIBITED -- EXCEPTIONS -- PASSENGERS PROHIBITED -- VIOLATIONS, PENALTY

A. No person shall operate a utility vehicle, as defined in Section 300.010 of this Title, upon the highways of this City or State, except as follows:
   1. Utility vehicles owned and operated by a governmental entity for official use;

2. Utility vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation, unless equipped with proper lighting;
3. Utility vehicles operated by handicapped persons for short distances occasionally only on the State's secondary roads when operated between the hours of sunrise and sunset;
4. The City may issue special permits for utility vehicles to be used on highways within the City limits by licensed drivers. Fees of fifteen dollars ($15.00) may be collected and retained by the City for such permits.

B. No person shall operate a utility vehicle within any stream or river in this City or State, except that utility vehicles may be operated within waterways which flow within the boundaries of land which a utility vehicle operator owns, or for agricultural purposes within the boundaries of land which a utility vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this City or State at such road crossings as are customary or part of the highway system. All Law Enforcement Officials shall enforce the provisions of this Subsection within the geographic area of their jurisdiction.

C. A person operating a utility vehicle on a highway pursuant to an exception covered in this Section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle under Subparagraph (3) of Subsection (A) of this Section shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than forty-five (45) miles per hour.

D. No persons shall operate a utility vehicle:
   1. In any careless way so as to endanger the person or property of another; or
   2. While under the influence of alcohol or any controlled substance.

E. No operator of a utility vehicle shall carry a passenger, except for agricultural purposes. The provisions of this Subsection shall not apply to any utility vehicle in which the seat of such vehicle is designed to carry more than one (1) person.

F. A violation of this Section shall be an ordinance violation.

SECTION 340.120: RIDING BICYCLES, SLEDS, ROLLER SKATES BY ATTACHING TO ANOTHER VEHICLE, PROHIBITED -- PULLING A RIDER BEHIND VEHICLE PROHIBITED

No person riding upon any bicycle, motorized bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself/herself to any vehicle upon a roadway. Neither shall the driver of a vehicle knowingly pull a rider behind a vehicle.

SECTION 340.130: CONTROLLED ACCESS

No person shall drive a vehicle onto or from any controlled access roadway except at such entrances and exits as are established by public authority.

SECTION 340.140: CUTTING THROUGH TO AVOID INTERSECTIONS

No person shall drive any motor vehicle from a public street, highway or roadway onto any private roadway, driveway, parking lot or business establishment for the purpose of

avoiding an intersection.

SECTION 340.145: ENTERING PRIVATE DRIVEWAYS
No driver shall enter the driveway of any service station or other private driveway merely for the purpose of turning his/her vehicle around. (R.O. 2008 §330.170; Ord. No. 4893 §1, 7-18-90)

SECTION 340.150: DRIVING THROUGH SAFETY ZONE PROHIBITED
No vehicle shall at any time be driven through or within a safety zone.

SECTION 340.160: MANNER OF OPERATION OF MOTOR VEHICLES -- CAREFUL AND PRUDENT
Every person operating a motor vehicle on the highways of this City shall drive the vehicle in a careful and prudent manner and at a rate of speed so as not to endanger the property of another or the life or limb of any person and shall exercise the highest degree of care.

SECTION 340.165: DRAG RACING

A. No person shall operate a motor vehicle in the City so as to engage in the act of drag racing.
B. For the purpose of this Section, the term *"drag racing"* means the act of two (2) or more individuals competing or racing on any street, highway or other place open to the public in the City in a situation in which one of the motor vehicles is beside or to the rear of a motor vehicle operated by a competing driver and the one (1) driver attempts to prevent the competing driver from passing or overtaking him. (R.O. 2008 §330.110; Ord. No. 4893 §1, 7-18-90)

SECTION 340.170: DRIVING TO THE RIGHT

A. Upon all public roads or highways of sufficient width, a vehicle shall be driven upon the right-half of the roadway, except as follows:
    1. When overtaking and passing another vehicle proceeding in the same direction pursuant to the rules governing such movement;
    2. When placing a vehicle in position for and when such vehicle is lawfully making a left turn in compliance with the provisions of this Title;
    3. When the right-half of a roadway is closed to traffic while under construction or repair; or
    4. Upon a roadway designated by local ordinance as a one-way street and marked or signed for one-way traffic.
B. It is unlawful to drive any vehicle upon any highway or road which has been divided into two (2) or more roadways by means of a physical barrier or by means of a dividing section or delineated by curbs, lines or other markings on the roadway except to the right of such barrier or dividing section or to make any left turn or semi-circular or U-turn on

any such divided highway, except at an intersection or interchange or at any signed location designated by the State Highways and Transportation Commission or the Department of Transportation. The provisions of this Subsection shall not apply to emergency vehicles, law enforcement vehicles or to vehicles owned by the Commission or the Department.

C. Whenever any roadway has been divided into three (3) or more clearly marked lanes for traffic, the following rules in addition to all other consistent herewith shall apply:
    1. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
    2. Upon a roadway which is divided into three (3) lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway ahead is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.
    3. Upon all highways any vehicle proceeding at less than the normal speed of traffic thereon shall be driven in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb, except as otherwise provided in Sections 304.014 to 304.026, RSMo.
    4. Official signs may be erected by the State Highways and Transportation Commission or the Highway Patrol may place temporary signs directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign.
    5. Drivers of vehicles proceeding in opposite directions shall pass each other to the right and, except when a roadway has been divided into traffic lanes, each driver shall give to the other at least one-half (½) of the main traveled portion of the roadway whenever possible.

D. All vehicles in motion upon a highway having two (2) or more lanes of traffic proceeding in the same direction shall be driven in the right-hand lane except when overtaking and passing another vehicle or when preparing to make a proper left turn or when otherwise directed by traffic markings, signs or signals.

E. All trucks registered for a gross weight of more than forty-eight thousand (48,000) pounds shall not be driven in the far left-hand lane upon all interstate highways, freeways, or expressways within urbanized areas of the State having three (3) or more lanes of traffic proceeding in the same direction. This restriction shall not apply when:
    1. It is necessary for the operator of the truck to follow traffic control devices that direct use of a lane other than the right lane; or
    2. The right half of a roadway is closed to traffic while under construction or repair.

F. As used in Subsection (E) of this Section, *"truck"* means any vehicle, machine, tractor, trailer, or semitrailer, or any combination thereof, propelled or drawn by mechanical power and designed for or used in the transportation of property upon the highways. The term *"truck"* also includes a commercial motor vehicle as defined in Section 300.010 of this Title.

SECTION 340.180: PASSING REGULATIONS

A. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations and exceptions hereinafter stated:
    1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle; and
    2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of such driver's vehicle until completely passed by the overtaking vehicle.

B. The driver of a motor vehicle may overtake and pass to the right of another vehicle only under the following conditions:
    1. When the vehicle overtaken is making or about to make a left turn;
    2. Upon a City street with unobstructed pavement of sufficient width for two (2) or more lanes of vehicles in each direction; or
    3. Upon a one-way street.

    The driver of a motor vehicle may overtake and pass another vehicle upon the right only under the foregoing conditions when such movement may be made in safety. In no event shall such movement be made by driving off the paved or main traveled portion of the roadway. The provisions of this Subsection shall not relieve the driver of a slow-moving vehicle from the duty to drive as closely as practicable to the right-hand edge of the roadway.

C. Except when a roadway has been divided into three (3) traffic lanes, no vehicle shall be driven to the left side of the centerline of a highway or public road in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.

D. No vehicle shall at any time be driven to the left side of the roadway under the following conditions:
    1. When approaching the crest of a grade or upon a curve of the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.
    2. When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct, tunnel or when approaching within one hundred (100) feet of or at any intersection.

SECTION 340.190: HAND AND MECHANICAL SIGNALS

No person shall stop or suddenly decrease the speed of or turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety and then only after the giving of an appropriate signal in the manner provided herein.

1. An operator or driver when stopping, or when checking the speed of the operator's vehicle if the movement of other vehicles may reasonably be affected by such checking of speed, shall extend such operator's arm at an angle below horizontal so that the same may be seen in the rear of the vehicle.

2. An operator or driver intending to turn the vehicle to the right shall extend such operator's arm at an angle above horizontal so that the same may be seen in front of and in the rear of the vehicle and shall slow down and approach the intersecting highway as near as practicable to the right side of the highway along which such operator is proceeding before turning.
3. An operator or driver intending to turn the vehicle to the left shall extend such operator's arm in a horizontal position so that the same may be seen in the rear of the vehicle and shall slow down and approach the intersecting highway so that the left side of the vehicle shall be as near as practicable to the centerline of the highway along which the operator is proceeding before turning.
4. The signals herein required shall be given either by means of the hand and arm or by a signal light or signal device in good mechanical condition of a type approved by the State Highway Patrol; however, when a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle, then such signals shall be given by such light or device. A vehicle shall be considered as so constructed or loaded that a hand and arm signal would not be visible both to the front and rear when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereon exceeds fourteen (14) feet, which limit of fourteen (14) feet shall apply to single vehicles or combinations of vehicles. The provisions of this Subsection shall not apply to any trailer which does not interfere with a clear view of the hand signals of the operator or of the signaling device upon the vehicle pulling such trailer; provided further, that the provisions of this Section as far as mechanical devices on vehicles so constructed that a hand and arm signal would not be visible both to the front and rear of such vehicle as above provided shall only be applicable to new vehicles registered within this State after the first (1st) day of January, 1954.

SECTION 340.200: STOPPING FOR SCHOOL BUS

A. The driver of a vehicle upon a highway upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children and whose driver has in the manner prescribed by law given the signal to stop shall stop the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion or until signaled by its driver to proceed.
B. Every bus used for the transportation of school children shall bear upon the front and rear thereon a plainly visible sign containing the words *"School Bus"* in letters not less than eight (8) inches in height. Each bus shall have lettered on the rear in plain and distinct type the following: *"State Law: Stop While Bus is Loading and Unloading"*. Each school bus subject to the provisions of Sections 304.050 to 304.070, RSMo., shall be equipped with a mechanical and electrical signaling device approved by the State Board of Education which will display a signal plainly visible from the front and rear and indicating intention to stop.
C. Every school bus operated to transport students in the public school system which has a gross vehicle weight rating of more than ten thousand (10,000) pounds, which has the

engine mounted entirely in front of the windshield and the entrance door behind the front wheels, and which is used for the transportation of school children shall be equipped with a crossing control arm. The crossing control arm, when activated, shall extend a minimum of five (5) feet six (6) inches from the face of the front bumper. The crossing control arm shall be attached on the right side of the front bumper and shall be activated by the same controls which activate the mechanical and electrical signaling devices described in Subsection (B) of this Section. This Subsection may be cited as "Jessica's Law" in commemoration of Jessica Leicht and all other Missouri school children who have been injured or killed during the operation of a school bus.

D. Except as otherwise provided in this Section, the driver of a school bus in the process of loading or unloading students upon a street or highway shall activate the mechanical and electrical signaling devices, in the manner prescribed by the State Board of Education, to communicate to drivers of other vehicles that students are loading or unloading. A public school district has the authority pursuant to Section 304.050, RSMo., to adopt a policy which provides that the driver of a school bus in the process of loading or unloading students upon a divided highway of four (4) or more lanes may pull off of the main roadway and load or unload students without activating the mechanical and electrical signaling devices in a manner which gives the signal for other drivers to stop and may use the amber signaling devices to alert motorists that the school bus is slowing to a stop; provided that the passengers are not required to cross any traffic lanes and also provided that the emergency flashing signal lights are activated in a manner which indicates that drivers should proceed with caution and, in such case, the driver of a vehicle may proceed past the school bus with due caution. No driver of a school bus shall take on or discharge passengers at any location upon a highway consisting of four (4) or more lanes of traffic, whether or not divided by a median or barrier, in such manner as to require the passengers to cross more than two (2) lanes of traffic; nor shall any passengers be taken on or discharged while the vehicle is upon the road or highway proper unless the vehicle so stopped is plainly visible for at least five hundred (500) feet in each direction to drivers of other vehicles in the case of a highway with no shoulder and a speed limit greater than sixty (60) miles per hour and at least three hundred (300) feet in each direction to drivers of other vehicles upon other highways, and on all highways, only for such time as is actually necessary to take on and discharge passengers.

E. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or overtaking a school bus which is on a different roadway, which is proceeding in the opposite direction on a highway containing four (4) or more lanes of traffic, or which is stopped in a loading zone constituting a part of, or adjacent to, a limited or controlled access highway at a point where pedestrians are not permitted to cross the roadway.

SECTION 340.210: RIGHT-OF-WAY AT INTERSECTION -- SIGNS AT INTERSECTIONS

A. The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway, provided however, there is no form of traffic control at such intersection.

B. When two (2) vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of

the vehicle on the right. This Subsection shall not apply to vehicles approaching each other from opposite directions when the driver of one (1) of such vehicles is attempting to or is making a left turn.

C. The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

D. The driver of a vehicle intending to make a left turn into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction when the making of such left turn would create a traffic hazard.

E. The City may, on any section of road where construction or major maintenance operations are being effected, fix a speed limit in such areas by posting of appropriate signs, and the operation of a motor vehicle in excess of such speed limit in the area so posted shall be deemed prima facie evidence of careless and imprudent driving and a violation of Section 340.160.

State Law Reference--This Section has additional penalties based on certain circumstances, §304.351, RSMo.

SECTION 340.220: DISTANCE AT WHICH VEHICLE MUST FOLLOW

The driver of a vehicle shall not follow another vehicle more closely than is reasonably safe and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the roadway. Vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated, except in a funeral procession or in a duly authorized parade, so as to allow sufficient space between each such vehicle or combination of vehicles as to enable any other vehicle to overtake or pass such vehicles in safety. This Section shall in no manner affect Section 304.044, RSMo., relating to distance between trucks traveling on the highway.

SECTION 340.230: EXCESSIVE ACCELERATION

No person shall operate a motor vehicle in the City at a rate of acceleration greater than is reasonably necessary to safely enter flow of traffic or obtain the maximum speed limit. Tire friction marks or squealing of tires shall be evidence of such excessive acceleration. (R.O. 2008 §330.120; Ord. No. 4893 §1, 7-18-90)

CHAPTER 342: ALCOHOL-RELATED TRAFFIC OFFENSES

Cross Reference--As to reimbursement of certain costs related to arrest under this chapter, §115.293 of this code.

SECTION 342.010: DEFINITIONS

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

DRIVE, DRIVING, OPERATES OR OPERATING: Physically driving or operating a motor vehicle.
INTOXICATED CONDITION: A person is in an *"intoxicated condition"* when he/she is under the influence of alcohol, a controlled substance or drug, or any combination thereof.
LAW ENFORCEMENT OFFICER OR ARRESTING OFFICER: Includes the definition of Law Enforcement Officer in Subdivision (17) of Section 556.061, RSMo., and military Policemen conducting traffic enforcement operations on a Federal military installation under military jurisdiction in the State of Missouri.

SECTION 342.020: DRIVING WHILE INTOXICATED
A person commits the offense of *"driving while intoxicated"* if he/she operates a motor vehicle while in an intoxicated or drugged condition. No person convicted of or pleading guilty to the offense of driving while intoxicated shall be granted a suspended imposition of sentence for such offense, unless such person shall be placed on probation for a minimum of two (2) years.

SECTION 342.030: DRIVING WITH EXCESSIVE BLOOD ALCOHOL CONTENT

A. A person commits the offense of *"driving with excessive blood alcohol content"* if such person operates a motor vehicle in this City with eight-hundredths of one percent (.08%) or more by weight of alcohol in such person's blood.
B. As used in this Section, *"percent by weight of alcohol"* in the blood shall be based upon grams of alcohol per one hundred (100) milliliters of blood or two hundred ten (210) liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this Section, the test shall be conducted in accordance with the provisions of Sections 577.020 to 577.041, RSMo.

SECTION 342.040: CHEMICAL TEST FOR ALCOHOL CONTENT -- CONSENT IMPLIED -- ADMINISTERED -- WHEN -- HOW -- VIDEOTAPING OF CHEMICAL OR FIELD SOBRIETY TEST ADMISSIBLE EVIDENCE

A. This Section and Section 577.021, RSMo., shall be known as the Alan Woods Law.
B. Any person who operates a motor vehicle upon the public highways of this City shall be deemed to have given consent to, subject to the provisions of Sections 577.020 to 577.041, RSMo., a chemical test or tests of the person's breath, blood, saliva or urine for the purpose of determining the alcohol or drug content of the person's blood pursuant to the following circumstances:
    1. If the person is arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was driving a motor vehicle while in an intoxicated or drugged condition;
    2. If the person is under the age of twenty-one (21), has been stopped by a Law Enforcement Officer, and the Law Enforcement Officer has reasonable grounds to

believe that such person was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent (.02%) or more by weight;

3. If the person is under the age of twenty-one (21), has been stopped by a Law Enforcement Officer, and the Law Enforcement Officer has reasonable grounds to believe that such person has committed a violation of the traffic laws of the State or any political subdivision of the State, and such officer has reasonable grounds to believe, after making such stop, that such person has a blood alcohol content of two-hundredths of one percent (.02%) or greater;
4. If the person is under the age of twenty-one (21), has been stopped at a sobriety checkpoint or roadblock, and the Law Enforcement Officer has reasonable grounds to believe that such person has a blood alcohol content of two-hundredths of one percent (.02%) or greater;
5. If the person, while operating a motor vehicle, has been involved in a motor vehicle collision which resulted in a fatality or a readily apparent serious physical injury as defined in Section 565.002, RSMo., and has been arrested as evidenced by the issuance of a uniform traffic ticket for the violation of any State law or County or municipal ordinance with the exception of equipment violations contained in Chapter 307, RSMo., or similar provisions contained in County or municipal ordinances; or
6. If the person, while operating a motor vehicle, has been involved in a motor vehicle collision which resulted in a fatality or serious physical injury as defined in Section 565.002, RSMo.

The test shall be administered at the direction of the Law Enforcement Officer whenever the person has been arrested or stopped for any reason.

C. The implied consent to submit to the chemical tests listed in Subsection (B) of this Section shall be limited to not more than two (2) such tests arising from the same arrest, incident or charge.
D. Chemical analysis of the person's breath, blood, saliva or urine to be considered valid pursuant to the provisions of Sections 577.020 to 577.041, RSMo., shall be performed according to methods approved by the State Department of Health by licensed medical personnel or by a person possessing a valid permit issued by the State Department of Health for this purpose.
E. The person tested may have a physician, or a qualified technician, chemist, registered nurse or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a Law Enforcement Officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a Law Enforcement Officer.
F. Upon the request of the person who is tested, full information concerning the test shall be made available to such person. Full information is limited to the following:
    1. The type of test administered and the procedures followed;
    2. The time of the collection of the blood or breath sample or urine analyzed;
    3. The numerical results of the test indicating the alcohol content of the blood and breath and urine;
    4. The type and status of any permit which was held by the person who performed the test;

5. If the test was administered by means of a breath testing instrument, the date of performance of the most recent required maintenance of such instrument.

Full information does not include manuals, schematics or software of the instrument used to test the person or any other material that is not in the actual possession of the State. Additionally, full information does not include information in the possession of the manufacturer of the test instrument.

G. Any person given a chemical test of the person's breath pursuant to Subsection (B) of this Section or a field sobriety test may be videotaped during any such test at the direction of the Law Enforcement Officer. Any such video recording made during the chemical test pursuant to this Subsection or a field sobriety test shall be admissible as evidence for a violation of any municipal ordinance or any license revocation or suspension proceeding pursuant to the provisions of Chapter 302, RSMo.

SECTION 342.050: CONSUMPTION OF ALCOHOLIC BEVERAGES IN MOVING MOTOR VEHICLE -- PROHIBITED WHEN

A. No person shall consume any alcoholic beverage while operating a moving motor vehicle upon the highways.
B. Any person found guilty of violating the provisions of this Section is guilty of an infraction.
C. Any infraction under this Section shall not reflect on any records with the Department of Revenue.

CHAPTER 345: PEDESTRIANS' RIGHTS AND DUTIES

SECTION 345.010: PEDESTRIANS SUBJECT TO TRAFFIC CONTROL DEVICES

Pedestrians shall be subject to traffic control signals as heretofore declared in Sections 315.060 and 315.070 of this Title, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this Chapter.

SECTION 345.020: PEDESTRIANS' RIGHT-OF-WAY IN CROSSWALKS

A. When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.
B. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.
C. Subsection (A) shall not apply under the conditions stated in Subsection (B) of Section 345.050.
D. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle

approaching from the rear shall not overtake and pass such stopped vehicle.

SECTION 345.030: PEDESTRIANS TO USE RIGHT-HALF OF CROSSWALKS
Pedestrians shall move, whenever practicable, upon the right-half of crosswalks.

SECTION 345.040: CROSSING AT RIGHT ANGLES
No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk.

SECTION 345.050: WHEN PEDESTRIAN SHALL YIELD

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.

SECTION 345.060: PROHIBITED CROSSING

A. Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.
B. No pedestrian shall cross a roadway other than in a crosswalk in any business district.
C. No pedestrian shall cross a roadway other than in a crosswalk upon any street designated by ordinance.
D. No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

SECTION 345.070: 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.

SECTION 345.080: DRIVERS TO EXERCISE HIGHEST DEGREE OF CARE
Notwithstanding the foregoing provisions of this Title, every driver of a vehicle shall exercise the highest degree of care to avoid colliding with any pedestrian upon any

roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

SECTION 345.090: DISTANCE TO BE MAINTAINED WHEN OVERTAKING A BICYCLE

The operator of a motor vehicle overtaking a bicycle proceeding in the same direction on the roadway, as defined in Section 300.010, shall leave a safe distance when passing the bicycle, and shall maintain clearance until safely past the overtaken bicycle.

CHAPTER 350: METHOD OF PARKING

SECTION 350.010: STANDING OR PARKING CLOSE TO CURB

Except as otherwise provided in this Chapter, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen (18) inches of the right-hand curb.

SECTION 350.020: SIGNS OR MARKINGS INDICATING ANGLE PARKING

A. The City Manager shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets but such angle parking shall not be indicated upon any Federal-aid or State highway within the City unless the State Highways and Transportation Commission has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.
B. Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street.

SECTION 350.030: OBEDIENCE TO ANGLE PARKING SIGNS OR MARKERS

On those streets which have been signed or marked by the City Manager for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

SECTION 350.040: PERMITS FOR LOADING OR UNLOADING AT AN ANGLE TO THE CURB

A. The City Manager is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein.
B. It shall be unlawful for any permittee or other person to violate any of the special terms

or conditions of any such permit.

SECTION 350.050: LAMPS ON PARKED VEHICLES

A. Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half (½) hour after sunset and a half (½) hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of five hundred (500) feet upon such street or highway, no lights need be displayed upon such parked vehicle.
B. Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half (½) hour after sunset and a half (½) hour before sunrise and there is not sufficient light to reveal any person or object within a distance of five hundred (500) feet upon such highway, such vehicle so parked or stopped shall be equipped with one (1) or more lamps meeting the following requirements: At least one (1) lamp shall display a white or amber light visible from a distance of five hundred (500) feet to the front of the vehicle, and the same lamp or at least one (1) other lamp shall display a red light visible from a distance of five hundred (500) feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one (1) lamp or combination of lamps meeting the requirements of this Section is installed as near as practicable to the side of the vehicle which is closer to passing traffic. The foregoing provisions shall not apply to a motor-driven cycle.
C. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

SECTION 350.060: VEHICLE PARKING -- PROCEDURE

No person shall park or store any vehicle at any place on any public street or alley for a period exceeding seventy-two (72) hours, or so park or store such vehicle and then remove the same within said time and again replace such vehicle for the purpose of so parking the same temporarily for personal use. (R.O. 2008 §340.040; Ord. No. 4893 §1, 7-18-90)

CHAPTER 355: PARKING PROHIBITIONS

SECTION 355.010: DEFINITIONS

As used in this Chapter, the following terms shall be understood to have the following meanings:

CITY: The City of Maryville, Missouri.

FRONT YARD: An open space extending the full width of the zoning lot, between the main building and the front lot line, unoccupied and unobstructed by buildings or structures in excess of thirty (30) inches in height, the depth of which shall be measured as the least distance between the front lot line and the front of such main building.

MOTOR VEHICLE OR VEHICLE: Any self-propelled vehicle not operated exclusively upon tracks, and not including motorized bicycles, vehicles propelled or drawn by horses or human powers or motorized wheelchairs operated by handicapped person.

PHYSICALLY DISABLED: Shall be defined as set forth in Section 301.142, RSMo.

SIDE YARD: An open space extending from the front yard to the rear yard, between the main building and the side lot line, unoccupied and unobstructed by buildings or structures in excess of thirty (30) inches in height, except as provided herein, the depth of which shall be measured at the least distance between the side lot line and the side of such main building. (R.O. 2008 §345.010; Ord. No. 5499 §1, 2-24-97)

SECTION 355.015: PARKING PROHIBITED -- GENERAL

A. Except when necessary to avoid conflict with other traffic, or in compliance with the lawful direction of a Public Safety Officer or a traffic control device, it shall be unlawful for any owner, operator or possessor of a vehicle to stop, stand or park said vehicle unattended within the City limits of Maryville, except in authorized parking areas.

B. Authorized parking areas shall include the following:
   1. Authorized parking areas on City streets and roadways;
   2. Authorized parking areas on parking lots;
   3. Private driveways on which parking is authorized by City ordinance;
   4. Other areas authorized by City ordinance.

C. The following shall be understood to be areas at which or manners in which no individual or person shall stop, stand or park a vehicle:
   1. On a sidewalk;
   2. Within five (5) feet of the line of a public or private driveway;
   3. Within five (5) feet of the line of any alley;
   4. Within twenty-five (25) feet of the curb line or the driveable surface of an intersecting street, except where a sign stating otherwise has been erected;
   5. Within ten (10) feet of a fire hydrant;
   6. On a crosswalk;
   7. Within fifteen (15) feet of a crosswalk at an intersection;
   8. Within an intersection;
   9. On the roadway side of any vehicle stopped or parked at edge of a highway or street;
   10. On any roadway which is designated for parallel parking and on which adjacent curbs exist, other than stopping, standing or parking with the right-hand wheels of such vehicle parallel to and within eighteen (18) inches of the right-hand curb;
   11. On any roadway which is designated for parallel parking and on which adjacent curbs do not exist, other than stopping, standing or parking in such a manner as to leave the necessary paved travelway plus one (1) foot on each side available as a freeway;
   12. On those streets which have been signed or marked for angle parking, other than stopping, standing or parking at the angle to the curb or edge of the roadway as indicated by such signs or marking;
   13. At any place where official signs prohibit stopping, standing or parking;
   14. In or on a front or side yard, unless otherwise authorized by ordinance. Nothing in this enumerated Subsection shall prohibit the parking of motor vehicles in a front yard for a reasonable period of time for the purpose of washing, waxing, cleaning or polishing said motor vehicle. Additionally, nothing in this enumerated Subsection shall prohibit an individual from parking a motor vehicle on a private yard if necessary for ingress and egress from the residence, and if that

person is defined under Missouri law as a physically disabled person or temporarily disabled person, and such vehicle bears either a disabled person license plate or windshield placard properly displayed in accordance with the law;

15. On any street, alley or other public place within the City for the purpose of washing, cleaning and/or repairing any vehicle;
16. In such a manner as to interfere with or obstruct the traffic or the easy ingress and egress to or from any street, alley or public or private driveway;
17. In front of a public or private driveway. (R.O. 2008 §345.020; Ord. No. 5499 §1, 2-24-97)

SECTION 355.020: PARKING NOT TO OBSTRUCT TRAFFIC

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic.

SECTION 355.030: PARKING IN ALLEYS

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

SECTION 355.040: PARKING FOR CERTAIN PURPOSES PROHIBITED

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.

SECTION 355.050: PARKING ADJACENT TO SCHOOLS

A. The City Manager is hereby authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his/her opinion, interfere with traffic or create a hazardous situation.
B. When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.

SECTION 355.060: PARKING PROHIBITED ON NARROW STREETS

A. The City Manager is authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty (20) feet or upon one (1) side of a street as indicated by such signs when the width of the roadway does not exceed thirty (30) feet.
B. When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.

SECTION 355.070: STANDING OR PARKING ON ONE-WAY STREETS
The City Manager is authorized to erect signs upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle upon such left-hand side in violation of any such sign.

SECTION 355.080: STANDING OR PARKING ON ONE-WAY ROADWAYS
In the event a highway includes two (2) or more separate roadways and traffic is restricted to one (1) direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking. The City Manager is authorized to determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof.

SECTION 355.090: NO STOPPING, STANDING OR PARKING NEAR HAZARDOUS OR CONGESTED PLACES

A. The City Manager is hereby authorized to determine and designate by proper signs places not exceeding one hundred (100) feet in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.
B. When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand or park a vehicle in any such designated place.

SECTION 355.100: PARKING PROHIBITED -- CERTAIN BLOCKS
In order to maintain the safety and welfare for the citizens of the City, the stopping, standing or parking of a vehicle in the following blocks at any time along the roadway or curb is hereby prohibited:

1. Main Street (Business U.S. 71) from U.S. 71 By-Pass (south junction) to U.S. 71 By-Pass (north junction) except parking is allowed:
    a. On the west side of Main Street from one hundred thirty-five (135) feet north of First Street to Fifth Street;
    b. On the east side of Main Street from one hundred thirty (130) feet north of First Street to Sixth Street;
    c. On the west side of Main Street from First Street to one hundred thirty-five (135) feet south of First Street.
2. Missouri State Highway 136 (East Third Street), except vehicles may be parked between Main Street and Dewey Street.
3. Missouri State Highway 46 (West First Street), except vehicles may be parked from Main Street to Buchanan Street.
4. U.S. Highway 71, in its entirety, including upon the highway or any part of the area of the highway right-of-way.
5. Missouri Route V, in its entirety, including upon the highway or any part of the area of the highway right-of-way.
6. The north curb of College Avenue from a point thirty-eight (38) feet east of North

Munn Avenue east curb line to a point two hundred eighteen (218) feet west of the west curb of Ray Avenue (or nineteen (19) feet west of the Bearcat Arena/Bearcat Stadium service drive).

7. No vehicle shall be parked on either side of:
   a. Second Street from Dunn Street to Frederick Street;
   b. Eighth Street from Mulberry Street to one hundred thirty-two (132) feet west of Walnut Street;
   c. Ninth Street from Walnut Street to the Northwest Missouri State University property boundary line;
   d. Eleventh Street from Main Street to one hundred thirty-two (132) feet west of Walnut Street;
   e. Sixteenth Street from North College Drive to City limits west;
   f. Country Club Road, in its entirety;
   g. Depot Street from Third Street to north City limits;
   h. Dunn Street from Second Street to College Avenue;
   i. South Avenue, in its entirety;
   j. Walnut Street from Twelfth Street to Lincoln Street;
   k. Munn Avenue from Route V to Edwards Street;
   l. U.S. Highway 71, in its entirety, including upon the highway or any part of the area of the highway right-of-way;
   m. Missouri Route V, in its entirety, including upon the highway or any part of the area of the highway right-of-way.
8. No vehicles shall be parked on the south side of those streets running generally east and west, except parking is allowed as otherwise provided in this Section and on the south side of the following:
   a. First Street from a point one hundred thirty (130) feet west of Main Street to Market Street and from Saunders Street to Davis Street;
   b. Second Street from Buchanan Street to Market Street;
   c. Third Street from Fillmore Street to Dewey Street;
   d. Fourth Street from Fillmore Street to Vine Street;
   e. Fifth Street from Market Street to Buchanan Street;
   f. Sixth Street from Main Street to Market Street;
   g. The south side of Seventh Street from Depot Street to Laura Street;
   h. Jenkins Street from Main Street to one hundred thirty-five (135) feet east of Main Street, providing the vehicle is angle parked.
9. No vehicles shall be parked on the east side of those streets running generally north and south except parking is allowed as otherwise provided in this Section and on the east side of the following:
   a. Saunders Street from First Street to Jenkins Street;
   b. Vine Street from Second Street to Fourth Street;
   c. Market Street from Second Street to Sixth Street;
   d. Buchanan Street from Second Street to Fifth Street;
   e. Fillmore Street from Fifth Street to Sixth Street. (R.O. 2008 §345.030; Ord. No. 5499 §1, 2-24-97; Ord. No. 6385 §1, 6-25-01; Ord. No. 6528 §§1--2, 3-3-03; Ord. No. 6721 §§1--2, 1-10-05)

SECTION 355.105: RESERVED

Editor's Note--At the city's request, section 355.105 was removed from the code prior to adoption. Section 355.105 "no parking streets" was a duplication of section 355.100 "parking prohibited--certain blocks". At the editor's discretion, this section has been reserved for the city's future use.

SECTION 355.107: NO PARKING ZONES

Where signs are duly posted "No Parking Here to Corner", it shall be unlawful for any person to stop, stand or park a motor vehicle in the following places:

1. North curb of West Third Street beginning at a point sixty-one (61) feet from the west curb line of Munn Avenue and extending westward a distance of sixty-one (61) feet.
2. Beginning at the east curb line of North Seventh Street and extending eastward a distance of sixty (60) feet.
3. Beginning at the west curb line of North Seventh Street and extending westward a distance of sixty (60) feet. (R.O. 2008 §310.120; Ord. No. 5258 §1, 11-28-94; Ord. No. 6292 §1, 5-22-00)

SECTION 355.110: PROHIBITED PARKING -- CERTAIN HOURS

In order to maintain the safety and welfare of the citizens of the City, and in order to allow for street cleaning, the stopping, standing or parking of a vehicle in the following blocks is hereby prohibited between the hours of 2:00 A.M. and 6:00 A.M., Monday through Friday:

1. 2nd Street from Vine Street to Fillmore Street;
2. 3rd Street from Vine Street to Fillmore Street;
3. 4th Street from Vine Street to Fillmore Street;
4. 5th Street from Vine Street to Fillmore Street;
5. Market Street from 2nd Street to 6th Street;
6. Main Street from 1st Street to 6th Street;
7. Buchanan Street from 2nd Street to 5th Street. (R.O. 2008 §345.040; Ord. No. 5499 §1, 2-24-97)

SECTION 355.120: PARKING PROHIBITED -- EMERGENCY SNOW ROUTE

A. During the term of a snow emergency, in order to maintain the safety and welfare for the citizens of the City, the stopping, standing or parking of a vehicle is prohibited on or along any street or roadway designated as an emergency snow route.
B. The following are designated as emergency snow routes within the City of Maryville:
    1. Jenkins Street from Buchanan Street to Market Street;
    2. 1st Street from Buchanan Street to Depot Street;
    3. 2nd Street from Fillmore Street to Vine Street;
    4. 3rd Street from Fillmore Street to Vine Street;
    5. 4th Street from Dunn Street to Vine Street;
    6. 5th Street from Fillmore Street to Vine Street;

7. 6th Street from Fillmore Street to Vine Street;
8. 7th Street from Depot Street to four hundred fifteen (415) feet west of Walnut Street;
9. Fillmore Street from 2nd Street to 7th Street;
10. Buchanan Street from Lincoln Street to 7th Street;
11. Vine Street from 1st Street to 5th Street;
12. College Avenue from Dunn Street to Country Club Road;
13. Prather Avenue from Walnut Street to North College Drive;
14. Edwards Street from Munn Street to Laura Street;
15. Halsey Street from Laura Street to Depot Street;
16. Lincoln Street from Main Street to Walnut Street;
17. Country Club Drive from 1st Street to College Avenue;
18. Munn Avenue from College Drive to Route V;
19. Market Street from South Avenue to 7th Street;
20. North College Drive from 16th Street to Northwest Missouri State University;
21. Laura Street from 7th Street to Halsey Street;
22. Depot Street from 1st Street to Halsey Street;
23. Davis Street from Edwards Street to 7th Street;
24. Market Street from South Avenue to 7th Street;
25. Main Street, in its entirety;
26. South Avenue, in its entirety;
27. Walnut Street from Lincoln Street to South Avenue.

C. Whenever in the sole discretion of the City Manager or designated agent, it is determined that snow has accumulated or it is probable that snow will accumulate to such a depth that snow removal operations will be required, the City Manager or designated agent may declare a snow emergency for such term or duration as deemed appropriate. (R.O. 2008 §345.050; Ord. No. 5499 §1, 2-24-97; Ord. No. 6527 §§1--2, 3-3-03)

SECTION 355.130: PARKING PROHIBITED -- PHYSICALLY DISABLED

A. There shall be one (1) parking space designed for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to Sections 301.071 or 301.142, RSMo., in each of the following:
   1. 100 block of East Third Street, south side of street.
   2. 200 block of West Third Street, south side of street.
   3. 100 block of East Fourth Street, north side of street.
   4. 200 block of East Fourth Street, north side of street.
   5. 300 block of North Market Street, east side of street.
   6. 400 block of North Market Street, east side of street.
   7. 100 block of East Jenkins Street, south side of street.
   8. 100 block of East Jenkins Street, north side of street.
   9. 100 block of South Market Street, west side of street.

   Such spaces shall be indicated by a sign upon which shall be inscribed the international symbol of accessibility, and shall also include any appropriate wording to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card. The sign shall also state, or an additional sign shall be posted below or adjacent to the sign stating the following: "$50.00 to $300.00 fine". The specific

location of the parking spaces within the blocks noted and the location of appropriate signage is deemed to be a ministerial act to be determined by the City Manager, or his/her agent, in consultation with the Director of Public Safety.

B. Any person or corporation in lawful possession of a public off-street parking facility may designate reserved parking spaces for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to Sections 301.071 or 301.142, RSMo., as close as possible to the nearest accessible entrance. Such designation shall be made either by posting immediately adjacent to and visible from each space, a sign upon which is inscribed the international symbol of accessibility, and may also include any appropriate wording to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card.

C. It shall be unlawful for any person to park in a parking space reserved under authority of this Section without displaying a valid distinguishing license plate or card issued pursuant to Sections 301.071 or 301.142, RSMo.

D. It shall be unlawful for any person, without authorization, to use a distinguishing license plate or card issued pursuant to Sections 301.071 or 301.142, RSMo., to park in a parking place reserved under authority of this Section.

E. Law Enforcement Officials may enter upon private property open to public use to enforce the provisions of this Section, including entry upon private property designated by the owner of such property for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to Sections 301.071 or 301.142, RSMo.

F. Violation of this Section shall be punished by a fine of not less than fifty dollars ($50.00) and not to exceed three hundred dollars ($300.00).

G. Non-conforming signs or spaces otherwise required pursuant to this Section which are in use prior to the effective date of this Section (October 27, 1997) shall not be in violation of this Section during the useful life of such signs or spaces. Under no circumstances shall the useful life of the non-conforming signs or spaces be extended by means other than those means used to maintain any sign or space on the owner's property which is not used for vehicles displaying a disabled license plate. (R.O. 2008 §345.060; Ord. No. 5499 §1, 2-24-97; Ord. No. 5599 §1, 10-27-97)

SECTION 355.140: PARKING VEHICLES -- PRECAUTIONS

All vehicles shall be parked with all adequate precautions taken to prevent the same from moving. (R.O. 2008 §345.070; Ord. No. 5499 §1, 2-24-97)

SECTION 355.150: PARKING PROHIBITED -- PRIVATE PROPERTY

A. It shall be unlawful to park any vehicle upon any privately owned land, parking lot or driveway or upon any public parking lot, after notice has been posted which prohibits, restricts or limits such parking without the express or implied consent of such owner, occupant, lessee or licensee of such land by the owner, occupant, lessee or licensee, as hereinafter provided.

B. Notice shall include a sign or signs each with dimensions not less than eighteen (18) inches by twenty-four (24) inches and bearing the words *"No Parking"*, together with any qualifications or reservations on such parking, if any. Said sign(s) shall be conspicuously displayed on such land, parking lot or driveway by the owner, occupant, lessee or

licensee.

C. Upon the complaint being made by any such owner, occupant, lessee or licensee of any parking of a vehicle in violation of this Section, the Director of Public Safety or any Public Safety Officer shall remove or cause to be removed such vehicle and shall impound and store such vehicle at the expense of the driver or owner thereof. The towing of such vehicle shall be regulated by Section 217.040. (R.O. 2008 §345.080; Ord. No. 5499 §1, 2-24-97)

SECTION 355.160: PARKING PROHIBITED -- EXCEPTIONS

A. *Load/Unloading.* Nothing in this Chapter shall be construed to prohibit any stopping, standing or parking of a vehicle for such period of time as is reasonably necessary to load or unload personal property from or into vehicles. Said stopping, standing or parking shall occur in such a manner as not to obstruct traffic and the vehicle being actively loaded or unloaded shall not be double parked.

B. *Repair.* Nothing in this Chapter shall be construed to prohibit the stopping, standing or parking of a vehicle upon a roadway for such time as is necessary for the making of emergency repairs. However, due diligence shall be used to remove such vehicle from the streets.

C. *Recreational Vehicles/Pleasure Boats.* Nothing in this Chapter shall be construed to prohibit parking or storage as authorized by Sections 405.210(3) and 405.210(4).

D. *Fairs/Festivals.* Upon petition by any person, when special circumstances exist such as fairs, festivals and other similar events, the City Council of the City of Maryville may waive the provisions of any ordinance in this Chapter for such period of time deemed appropriate by it. Before waiving any such provision, the City Council of the City of Maryville shall conclude that the public interest will be served by such action. (R.O. 2008 §345.090; Ord. No. 5499 §1, 2-24-97)

SECTION 355.170: PARKING PROHIBITED -- TO SELL OR SOLICIT

It shall be unlawful to park in any vehicle for the purpose of selling, displaying for sale, soliciting for sale or storing any machinery, goods, wares or merchandise. (R.O. 2008 §345.100; Ord. No. 5499 §1, 2-24-97)

CHAPTER 360: STOPPING FOR LOADING OR UNLOADING ONLY

SECTION 360.010: CITY MANAGER TO DESIGNATE CURB LOADING ZONES

The City Manager is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this Section are applicable.

SECTION 360.020: PERMITS FOR CURB LOADING ZONES

The City Manager shall not designate or sign any curb loading zone upon special request of any person unless such person makes application for a permit for such zone and for two (2) signs to indicate the ends of each such zone. The City Manager upon granting a permit and issuing such signs shall collect from the applicant and deposit in the City Treasury a service fee of ten dollars ($10.00) per year or fraction thereof and may by general regulations impose conditions upon the use of such signs and for reimbursement of the City for the value thereof in the event of their loss or damage and their return in the event of misuse or upon expiration of permit. Every such permit shall expire at the end of one (1) year.

SECTION 360.030: STANDING IN PASSENGER CURB LOADING ZONE

No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three (3) minutes.

SECTION 360.040: STANDING IN FREIGHT CURB LOADING ZONES

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect.

SECTION 360.050: CITY MANAGER TO DESIGNATE PUBLIC CARRIER STOPS AND STANDS

The City Manager is hereby authorized and required to establish bus stops, bus stands, taxicab stands and stands for other passenger common carrier motor vehicles on such public streets, in such places and in such number as he/she shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs.

SECTION 360.060: STOPPING, STANDING AND PARKING OF BUSES AND TAXICABS REGULATED

A. The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.
B. The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated as provided herein, except in case of an emergency.
C. The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not further than eighteen (18) inches from the curb and the bus approximately parallel to the curb so as

not to unduly impede the movement of other vehicular traffic.

D. The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

SECTION 360.070: RESTRICTED USE OF BUS AND TAXICAB STANDS

No person shall stop, stand or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

CHAPTER 365: STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS

SECTION 365.010: APPLICATION OF CHAPTER

The provisions of this Title prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a Police Officer or official traffic control device.

SECTION 365.020: REGULATIONS NOT EXCLUSIVE

The provisions of this Title imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

SECTION 365.030: PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described by ordinance.

SECTION 365.040: PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS

When signs are erected in each block giving notice thereof, no person shall park a vehicle between the hours specified by ordinance of any day except Sunday and public holidays within the districts or upon any of the streets described by ordinance.

SECTION 365.050: STOPPING, STANDING OR PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS

When signs are erected in each block giving notice thereof, no person shall stop, stand or park a vehicle between the hours specified by ordinance of any day except Sundays and public holidays within the district or upon any of the streets described by ordinance.

SECTION 365.060: PARKING SIGNS REQUIRED

Whenever by this Title or any ordinance of the City any parking time limit is imposed or parking is prohibited on designated streets, it shall be the duty of the City Manager to erect appropriate signs giving notice thereof and no such regulations shall be effective unless said signs are erected and in place at the time of any alleged offense.

SECTION 365.070: COMMERCIAL VEHICLES PROHIBITED FROM USING CERTAIN STREETS

In cases where an equally direct and convenient alternate route is provided, an ordinance may describe and signs may be erected giving notice thereof that no persons shall operate any commercial vehicle upon streets or parts of streets so described except those commercial vehicles making deliveries thereon.

CHAPTER 370: VEHICLE EQUIPMENT

ARTICLE I. LIGHT REGULATIONS

SECTION 370.010: WHEN LIGHTS REQUIRED

A. *"When lighted lamps are required"* means at any time from a half (½) hour after sunset to a half (½) hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred (500) feet ahead. Lighted lamps shall also be required any time the weather conditions require usage of the motor vehicle's windshield wipers to operate the vehicle in a careful and prudent manner as defined in Section 304.012, RSMo. The provisions of this Section shall be interpreted to require lighted lamps during periods of fog even if usage of the windshield wipers is not necessary to operate the vehicle in a careful and prudent manner.

B. *When Lights Required--Violation--Penalty.*

1. No person shall drive, move, park or be in custody of any vehicle or combination of vehicles on any street or highway during the times when lighted lamps are required unless such vehicle or combination of vehicles displays lighted lamps and illuminating devices as hereinafter in this Article required. No person shall use on any vehicle any approved electric lamp or similar device unless the light source of such lamp or device complies with the conditions of approval as to

focus and rated candlepower.

2. Notwithstanding the provisions of Section 307.120, RSMo., or any other provision of law, violation of this Section shall be deemed an infraction and any person who violates this Section as it relates to violations of the usage of lighted lamps required due to weather conditions or fog shall only be fined ten dollars ($10.00) and no court costs shall be assessed.

SECTION 370.020: HEADLAMP ON MOTOR VEHICLES

Except as in this Article provided, every motor vehicle other than a motor-drawn vehicle and other than a motorcycle shall be equipped with at least two (2) approved headlamps mounted at the same level with at least one (1) on each side of the front of the vehicle. Every motorcycle shall be equipped with at least one (1) and not more than two (2) approved headlamps. Every motorcycle equipped with a sidecar or other attachment shall be equipped with a lamp on the outside limit of such attachment capable of displaying a white light to the front.

SECTION 370.030: MULTIPLE-BEAM HEADLAMPS -- ARRANGEMENT

Except as hereinafter provided, the headlamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles other than motorcycles or motor-driven cycles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

1. There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred fifty (350) feet ahead for all conditions of loading.
2. There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred (100) feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

SECTION 370.040: DIMMING OF LIGHTS -- WHEN

Every person driving a motor vehicle equipped with multiple-beam road lighting equipment, during the times when lighted lamps are required, shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations: Whenever the driver of a vehicle approaches an oncoming vehicle within five hundred (500) feet or is within three hundred (300) feet to the rear of another vehicle traveling in the same direction, the driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the other driver, and in no case shall the high-intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of twenty-five (25) feet ahead, and in no

case higher than a level of forty-two (42) inches above the level upon which the vehicle stands at a distance of seventy-five (75) feet ahead.

SECTION 370.050: TAILLAMPS -- REFLECTORS

A. Every motor vehicle and every motor-drawn vehicle shall be equipped with at least two (2) rear lamps, not less than fifteen (15) inches or more than seventy-two (72) inches above the ground upon which the vehicle stands, which when lighted will exhibit a red light plainly visible from a distance of five hundred (500) feet to the rear. Either such rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration marker and render it clearly legible from a distance of fifty (50) feet to the rear. When the rear registration marker is illuminated by an electric lamp other than the required rear lamps, all such lamps shall be turned on or off only by the same control switch at all times.
B. Every motorcycle registered in this State, when operated on a highway, shall also carry at the rear, either as part of the rear lamp or separately, at least one (1) approved red reflector which shall be of such size and characteristics and so maintained as to be visible during the times when lighted lamps are required from all distances within three hundred (300) feet to fifty (50) feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps.
C. Every new passenger car, new commercial motor vehicle, motor-drawn vehicle and omnibus with a capacity of more than six (6) passengers registered in this State after January 1, 1966, when operated on a highway shall also carry at the rear at least two (2) approved red reflectors, at least one (1) at each side, so designed, mounted on the vehicle and maintained as to be visible during the times when lighted lamps are required from all distances within five hundred (500) to fifty (50) feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps. Every such reflector shall meet the requirements of this Article and shall be mounted upon the vehicle at a height not to exceed sixty (60) inches nor less than fifteen (15) inches above the surface upon which the vehicle stands.
D. Any person who knowingly operates a motor vehicle without the lamps required in this Section in operable condition is guilty of an infraction.

SECTION 370.060: AUXILIARY LAMPS -- NUMBER -- LOCATION

Any motor vehicle may be equipped with not to exceed three (3) auxiliary lamps mounted on the front at a height not less than twelve (12) inches nor more than forty-two (42) inches above the level surface upon which the vehicle stands.

SECTION 370.070: COWL, FENDER, RUNNING BOARD AND BACKUP LAMPS

Any motor vehicle may be equipped with not more than two (2) side cowl or fender lamps which shall emit a white or yellow light without glare. Any motor vehicle may be equipped with not more than one (1) running board courtesy lamp on each side thereof which shall emit a white or yellow light without glare. Any motor vehicle may be equipped with a backup lamp either separately or in combination with another lamp,

except that no such backup lamp shall be continuously lighted when the motor vehicle is in forward motion.

SECTION 370.080: SPOTLAMPS

Any motor vehicle may be equipped with not to exceed one (1) spotlamp but every lighted spotlamp shall be so aimed and used so as not to be dazzling or glaring to any person.

SECTION 370.090: COLORS OF VARIOUS LAMPS -- RESTRICTION OF RED LIGHTS

Headlamps, when lighted, shall exhibit lights substantially white in color; auxiliary lamps, cowllamps and spotlamps, when lighted, shall exhibit lights substantially white, yellow or amber in color. No person shall drive or move any vehicle or equipment, except a school bus when used for school purposes or an emergency vehicle, upon any street or highway with any lamp or device thereon displaying a red light visible from directly in front thereof.

SECTION 370.100: LIMITATIONS ON LAMPS OTHER THAN HEADLAMPS -- FLASHING SIGNALS PROHIBITED EXCEPT ON SPECIFIED VEHICLES

Any lighted lamp or illuminating device upon a motor vehicle other than headlamps, spotlamps, front direction signals or auxiliary lamps which projects a beam of light of an intensity greater than three hundred (300) candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five (75) feet from the vehicle. Alternately flashing warning signals may be used on school buses when used for school purposes and on motor vehicles when used to transport United States mail from post offices to boxes of addressees thereof and on emergency vehicles as defined in Section 300.010 of this Title and on buses owned or operated by churches, mosques, synagogues, temples or other houses of worship and on commercial passenger transport vehicles that are stopped to load or unload passengers, but are prohibited on other motor vehicles, motorcycles and motor-drawn vehicles except as a means for indicating a right or left turn.

SECTION 370.110: LIMITATION ON TOTAL OF LAMPS LIGHTED AT ONE TIME

At the times when lighted lamps are required, at least two (2) lighted lamps shall be displayed, one (1) on each side of the front of every motor vehicle except a motorcycle and except a motor-drawn vehicle except when such vehicle is parked subject to the provisions governing lights on parked vehicles. Whenever a motor vehicle equipped with headlamps as in this Article required is also equipped with any auxiliary lamps or a spotlamp or any other lamp on the front thereof projecting a beam of an intensity greater than three hundred (300) candlepower, not more than a total of four (4) of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

SECTION 370.120: OTHER VEHICLES -- HOW LIGHTED

All vehicles, including agricultural machinery or implements, road machinery, road rollers, traction engines and farm tractors not in this Article specifically required to be equipped with lamps, shall be equipped during the times when lighted lamps are required with at least one (1) lighted lamp or lantern exhibiting a white light visible from a distance of five hundred (500) feet to the front of such vehicle and with a lamp or lantern exhibiting a red light visible from a distance of five hundred (500) feet to the rear, and such lamps and lanterns shall exhibit lights to the sides of such vehicle.

SECTION 370.130: ANIMAL-DRIVEN VEHICLES -- LIGHTING REQUIREMENTS -- PENALTY

A. Any person who shall place or drive or cause to be placed or driven upon or along any State highway of this City any animal-driven vehicle whatsoever, whether in motion or at rest, shall after sunset to one-half (½) hour before sunrise have attached to every such vehicle at the rear thereof a red taillight or a red reflecting device of not less than three (3) inches in diameter of effective area or its equivalent in area. When such device shall consist of reflecting buttons, there shall be no less than seven (7) of such buttons covering an area equal to a circle with a three (3) inch diameter. The total subtended effective angle of reflection of every such device shall be no less than sixty degrees (60°) and the spread and efficiency of the reflected light shall be sufficient for the reflected light to be visible to the driver of any motor vehicle approaching such animal-drawn vehicle from the rear of a distance of not less than five hundred (500) feet.
B. In addition, any person who operates any such animal-driven vehicle during the hours between sunset and one-half (½) hour before sunrise shall have at least one (1) light flashing at all times the vehicle is on any highway of this City. Such light or lights shall be amber in the front and red in the back and shall be placed on the left side of the vehicle at a height of no more than six (6) feet from the ground and shall be visible from the front and the back of the vehicle at a distance of at least five hundred (500) feet.
C. Any person operating an animal-driven vehicle during the hours between sunset and one-half (½) hour before sunrise may, in lieu of the requirements of Subsection (B) of this Section, use lamps or lanterns complying with the rules promulgated by the Director of the Department of Public Safety.
D. Any person violating the provisions of this Section shall be guilty of an infraction.

SECTION 370.135: PENALTY FOR VIOLATIONS

Any person violating any of the provisions of this Article shall upon conviction thereof, be deemed guilty of an infraction. The terms *"person"* as used in this Article shall mean and include any individual, association, joint stock company, copartnership or corporation.

ARTICLE II. OTHER VEHICLE EQUIPMENT

SECTION 370.140: OTHER EQUIPMENT OF MOTOR VEHICLES

A. *Signaling Devices.* Every motor vehicle shall be equipped with a horn, directed forward, or whistle in good working order capable of emitting a sound adequate in quantity and volume to give warning of the approach of such vehicle to other users of the highway and to pedestrians. Such signaling device shall be used for warning purposes only and shall not be used for making any unnecessary noise, and no other sound-producing signaling device shall be used at any time.

B. *Muffler Cutouts.* Muffler cutouts shall not be used and no vehicle shall be driven in such manner or condition that excessive and unnecessary noises shall be made by its machinery, motor, signaling device, or other parts, or by any improperly loaded cargo. The motors of all motor vehicles shall be fitted with properly attached mufflers of such capacity or construction as to quiet the maximum possible exhaust noise as completely as is done in modern gas engine passenger motor vehicles. Any cutout or opening in the exhaust pipe between the motor and the muffler on any motor vehicle shall be completely closed and disconnected from its operating lever and shall be so arranged that it cannot automatically open, or be opened or operated, while such vehicle is in motion.

C. *Brakes.* All motor vehicles, except motorcycles, shall be provided at all times with two (2) sets of adequate brakes kept in good working order, and motorcycles shall be provided with one (1) set of adequate brakes kept in good working order.

D. *Mirrors.* All motor vehicles which are so constructed or loaded that the operator cannot see the road behind such vehicle by looking back or around the side of such vehicle shall be equipped with a mirror so adjusted as to reveal the road behind and be visible from the operator's seat.

E. *Projections On Vehicles.* All vehicles carrying poles or other objects, which project more than five (5) feet from the rear of such vehicle, shall, during the period when lights are required by this Chapter, carry a red light at or near the rear end of the pole or other object so projecting. At other times a red flag or cloth, not less than sixteen (16) inches square, shall be displayed at the end of such projection.

F. *Towlines.* When one vehicle is towing another, the connecting device shall not exceed fifteen (15) feet. During the time that lights are required by Sections 307.020 to 307.120, RSMo., the required lights shall be displayed by both vehicles. Every towed vehicle shall be coupled to the towing vehicle by means of a safety chain, cable or equivalent device in addition to the primary coupling device, except that such secondary coupling device shall not be necessary if the connecting device is connected to the towing vehicle by a center-locking ball located over or nearly over the rear axle and not supported by the rear bumper of the towing vehicle. Such secondary safety connecting devices shall be of sufficient strength to control the towed vehicle in the event of failure of the primary coupling device. The provisions of this Subsection shall not apply to wreckers towing vehicles or to vehicles secured to the towing vehicle by a fifth-wheel type connection. The provisions of this Subsection shall also not apply to farm implements or to any vehicle which is not required to be registered.

G. *Commercial Motor Vehicles And Trailers.* When being operated on any highway, street or road of this City, commercial motor vehicles and trailers shall be equipped with adequate and proper brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control devices, fuel tank and any other safety equipment required by the State in such

condition so as to obtain a certificate of inspection and approval as required by the provisions of Section 307.360, RSMo.

H. Devices attached to or towed by motor vehicles for the purpose of transporting hay shall have the protruding parts raised or retracted when not in use to a position which will not cause injury or damage to persons or property in the vicinity of such device when on the highways, streets or roads of this City.

SECTION 370.150: LOADS WHICH MIGHT BECOME DISLODGED TO BE SECURED -- FAILURE -- PENALTY

A. All motor vehicles and every trailer and semi-trailer operating upon the public highways, streets or roads of this City and carrying goods or material or farm products which may reasonably be expected to become dislodged and fall from the vehicle, trailer or semi-trailer as a result of wind pressure or air pressure and/or by the movement of the vehicle, trailer or semi-trailer shall have a protective cover or be sufficiently secured so that no portion of such goods or material can become dislodged and fall from the vehicle, trailer or semi-trailer while being transported or carried.

B. Operation of a motor vehicle, trailer or semi-trailer in violation of this Section shall be an infraction, and any person who pleads or is found guilty thereof shall be punished as provided by law.

SECTION 370.160: SEAT BELTS

A. As used in this Section, the term *"truck"* means a motor vehicle designed, used or maintained for the transportation of property.

B. As used in this Section, the term *"passenger car"* means every motor vehicle designed for carrying ten (10) persons or less and used for the transportation of persons; except that the term "passenger car" shall not include motorcycles, motorized bicycles, motortricycles and trucks with a licensed gross weight of twelve thousand (12,000) pounds or more.

C. Each driver, except persons employed by the United States Postal Service while performing duties for that Federal agency which require the operator to service postal boxes from their vehicles or which require frequent entry into and exit from their vehicles, and front seat passengers of a passenger car manufactured after January 1, 1968, operated on a street or highway in the City, and persons less than eighteen (18) years of age operating or riding in a truck, as defined in Subsection (A) of this Section, on a street or highway of this City shall wear a properly adjusted and fastened safety belt that meets Federal National Highway, Transportation and Safety Act requirements. No person shall be stopped, inspected or detained solely to determine compliance with this Subsection. The provisions of this Section and Section 370.170 of this Chapter, shall not be applicable to persons who have a medical reason for failing to have a seat belt fastened about their body, nor shall the provisions of this Section be applicable to persons while operating or riding a motor vehicle being used in agricultural work-related activities. Non-compliance with this Subsection shall not constitute probable cause for violation of any other provision of law. The provisions of this Subsection shall not apply to the transporting of children under sixteen (16) years of age, as provided in Section 370.170 of this Chapter.

D. Each driver of a motor vehicle transporting a child less than sixteen (16) years of age shall secure the child in a properly adjusted and fastened restraint under Section 370.170 of this Chapter.
E. Except as otherwise provided for in Section 370.170 of this Chapter, each person found guilty of violating the provisions of Subsection (B) of this Section is guilty of an infraction for which a fine not to exceed ten dollars ($10.00) may be imposed. All other provisions of law and court rules to the contrary notwithstanding, no court costs shall be imposed on any person due to a violation of this Section.
F. If there are more persons than there are seat belts in the enclosed area of a motor vehicle, then the passengers who are unable to wear seat belts shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front-seated area. The passenger or passengers occupying a seat location referred to in this Subsection is not in violation of this Section. This Subsection shall not apply to passengers who are accompanying a driver of a motor vehicle who is licensed under Section 302.178, RSMo.

SECTION 370.170: TRANSPORTING CHILDREN UNDER SIXTEEN YEARS OF AGE -- RESTRAINT SYSTEMS

A. As used in this Section, the following terms shall have these prescribed meanings:
CHILD BOOSTER SEAT: A seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R 571.213, as amended, that is designed to elevate a child to properly sit in a Federally approved safety belt system.
CHILD PASSENGER RESTRAINT SYSTEM: A seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, and which is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system.
DRIVER: A person who is in actual physical control of a motor vehicle.
B. Every driver transporting a child under the age of sixteen (16) years shall be responsible, when transporting such child in a motor vehicle operated by that driver on the streets or highways of this City, for providing for the protection of such child as follows:
    1. Children less than four (4) years of age, regardless of weight, shall be secured in a child passenger restraint system appropriate for that child.
    2. Children weighing less than forty (40) pounds, regardless of age, shall be secured in a child passenger restraint system appropriate for that child.
    3. Children at least four (4) years of age but less than eight (8) years of age, who also weigh at least forty (40) pounds but less than eighty (80) pounds, and who are also less than four (4) feet nine (9) inches tall, shall be secured in a child passenger restraint system or booster seat appropriate for that child.
    4. Children at least eighty (80) pounds or children more than four (4) feet, nine (9) inches in height shall be secured by a vehicle safety belt or booster seat appropriate for that child.
    5. A child who otherwise would be required to be secured in a booster seat may be transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat of the motor vehicle is not equipped with a combination lap and shoulder belt for booster seat installation.
    6. When transporting children in the immediate family when there are more children than there are seating positions in the enclosed area of a motor vehicle, the

children who are not able to be restrained by a child safety restraint device appropriate for the child shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front seat area. The driver transporting children referred to in this Subsection is not in violation of this Section.

This Subsection shall only apply to the use of a child passenger restraint system or vehicle safety belt for children less than sixteen (16) years of age being transported in a motor vehicle.

C. Any driver who violates Subdivision (1), (2) or (3) of Subsection (B) herein, is guilty of an infraction and upon conviction may be punished by a fine of not more than fifty dollars ($50.00) and court costs. Any driver who violates Subdivision (4) of Subsection (B) herein, is guilty of an infraction and, upon conviction, may be punished by a fine of not more than fifty dollars ($50.00) and court costs. Any driver who violates Subdivision (4) of Subsection (B) herein, shall be subject to the penalty in Subsection (E) of Section 370.160 of this Chapter. If a driver receives a citation for violating Subdivision (1), (2) or (3) of Subsection (B) herein, the charges shall be dismissed or withdrawn if the driver prior to or at his/her hearing provides evidence of acquisition of a child passenger restraint system or child booster seat which is satisfactory to the Court or the party responsible for prosecuting the driver's citation.

D. The provisions of this Section shall not apply to any public carrier for hire. The provisions of this Section shall not apply to students four (4) years of age or older who are passengers on a school bus designed for carrying eleven (11) passengers or more and which is manufactured or equipped pursuant to Missouri Minimum Standards for School Buses as school buses are defined in Section 301.010, RSMo.

SECTION 370.180: VISION-REDUCING MATERIAL APPLIED TO WINDSHIELD OR WINDOWS WITHOUT PERMIT PROHIBITED -- PENALTY -- RULES -- PROCEDURE

A. Any person may operate a motor vehicle with front sidewing vents or windows located immediately to the left and right of the driver that have a sun-screening device, in conjunction with safety glazing material, that has a light transmission of thirty-five percent (35%) or more plus or minus three percent (3%) and a luminous reflectance of thirty-five percent (35%) or less plus or minus three percent (3%). Except as provided in Subsection (C) of this Section, any sun-screening device applied to front sidewing vents or windows located immediately to the left and right of the driver in excess of the requirements of this Section shall be prohibited without a permit pursuant to a physician's prescription as described below. A permit to operate a motor vehicle with front sidewing vents or windows located immediately to the left and right of the driver that have a sun-screening device, in conjunction with safety glazing material, which permits less light transmission and luminous reflectance than allowed under the requirements of this Subsection may be issued by the Department of Public Safety to a person having a serious medical condition which requires the use of a sun-screening device if the permittee's physician prescribes its use. The Director of the Department of Public Safety shall promulgate rules and regulations for the issuance of the permit. The permit shall allow operation of the vehicle by any titleholder or relative within the second degree of consanguinity or affinity, which shall mean a spouse, each grandparent, parent, brother,

sister, niece, nephew, aunt, uncle, child and grandchild of a person who resides in the household. Except as provided in Subsection (B) of this Section, all sun-screening devices applied to the windshield of a motor vehicle are prohibited.

B. This Section shall not prohibit labels, stickers, decalcomania or informational signs on motor vehicles or the application of tinted or solar-screening material to recreational vehicles as defined in Section 700.010, RSMo., provided that such material does not interfere with the driver's normal view of the road. This Section shall not prohibit factory-installed tinted glass, the equivalent replacement thereof or tinting material applied to the upper portion of the motor vehicle's windshield which is normally tinted by the manufacturer of motor vehicle safety glass.

C. Any vehicle licensed with a historical license plate shall be exempt from the requirements of this Section.

D. Any person who violates the provisions of this Section is guilty of an infraction.

SECTION 370.190: HEADGEAR REQUIRED -- MOTORCYCLES OR MOTORTRICYCLES

A. Every person operating or riding as a passenger on any motorcycle or motortricycle, as defined in this Title, upon any highway of this City shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the Director of Revenue.

B. The penalty for failure to wear protective headgear as required by Subsection (A) of this Section shall be deemed an infraction for which a fine not to exceed twenty-five dollars ($25.00) may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to Section 302.302, RSMo., for a failure to wear such protective headgear.

SECTION 370.200: STUDDED TIRES -- PROHIBITED WHEN

No person shall operate any motor vehicle upon any road or highway of this City between the first (1st) day of April and the first (1st) day of November while the motor vehicle is equipped with tires containing metal or carbide studs.

SECTION 370.210: RESTRICTION ON USE OF METAL-TIRED VEHICLES

A. No metal-tired vehicle shall be operated over any of the improved highways of this City, except over highways constructed of gravel or claybound gravel, if such vehicle has on the periphery of any of the road wheels any lug, flange, cleat, ridge, bolt or any projection of metal or wood which projects radially beyond the tread or traffic surface of the tire unless the highway is protected by putting down solid planks or other suitable material or by attachments to the wheels so as to prevent such vehicles from damaging the highway, except that this prohibition shall not apply to tractors or traction engines equipped with what is known as caterpillar treads when such caterpillar does not contain any projection of any kind likely to injure the surface of the road. Tractors, traction engines and similar vehicles may be operated which have upon their road wheels "V" shaped, diagonal or other cleats arranged in such manner as to be continuously in contact with the road

surface if the gross weight on the wheels per inch of width of such cleats or road surface, when measured in the direction of the axle of the vehicle, does not exceed eight hundred (800) pounds.

B. No tractor, tractor engine or other metal-tired vehicle weighing more than four (4) tons, including the weight of the vehicle and its load, shall drive onto, upon or over the edge of any improved highway without protecting such edge by putting down solid planks or other suitable material to prevent such vehicle from breaking off the edges of the pavement.

C. Any person violating this Section, whether operating pursuant to a permit or not, or who shall willfully or negligently damage a highway, shall be liable for the amount of such damage caused to any highway, bridge, culvert or sewer, and any vehicle causing such damage shall be subject to a lien for the full amount of such damage, which lien shall not be superior to any duly recorded or filed chattel mortgage or other lien previously attached to such vehicle; the amount of such damage may be recovered in any action in any court of competent jurisdiction.

SECTION 370.220: PASSENGERS IN TRUCKS

A. As used in this Section, the term *"truck"* means a motor vehicle designed, used or maintained for the transportation of property.

B. No person shall operate any truck, as defined in Subsection (A) of this Section, with a licensed gross weight of less than twelve thousand (12,000) pounds on any highway which is part of the State or Federal highway system or when such truck is operated within the corporate limits of the City when any person under eighteen (18) years of age is riding in the unenclosed bed of such truck. No person under eighteen (18) years of age shall ride in the unenclosed bed of such truck when the truck is in operation.

C. The provisions of this Section shall not apply to:
    1. Any employee engaged in the necessary discharge of the employee's duties where it is necessary to ride in the unenclosed bed of the truck;
    2. Any person while engaged in agricultural activities where it is necessary to ride in the unenclosed bed of the truck;
    3. Any person riding in the unenclosed bed of a truck while such truck is being operated in a parade, caravan or exhibition which is authorized by law;
    4. Any person riding in the unenclosed bed of a truck if such truck has installed a means of preventing such person from being discharged or such person is secured to the truck in a manner which will prevent the person from being thrown, falling or jumping from the truck;
    5. Any person riding in the unenclosed bed of a truck if such truck is being operated solely for the purpose of participating in a special event and it is necessary that the person ride in such unenclosed bed due to a lack of available seating. *"Special event"*, for the purposes of this Section, is a specific social activity of a definable duration which is participated in by the person riding in the unenclosed bed;
    6. Any person riding in the unenclosed bed of a truck if such truck is being operated solely for the purposes of providing assistance to, or ensuring the safety of, other persons engaged in a recreational activity; or
    7. Any person riding in the unenclosed bed of a truck if such truck is the only legally titled, licensed and insured vehicle owned by the family of the person riding in the

unenclosed bed and there is insufficient room in the passenger cab of the truck to accommodate all passengers in the truck. For the purposes of this Section, the term *"family"* shall mean any persons related within the first degree of consanguinity.

SECTION 370.230: ALTERING PASSENGER MOTOR VEHICLE BY RAISING FRONT OR REAR OF VEHICLE PROHIBITED, WHEN -- BUMPERS FRONT AND REAR REQUIRED, WHEN CERTAIN VEHICLES EXEMPT

A. No person shall operate any passenger motor vehicle upon the public streets or highways of this City, the body of which has been altered in such a manner that the front or rear of the vehicle is raised at such an angle as to obstruct the vision of the operator of the street or highway in front or to the rear of the vehicle.

B. Every motor vehicle which is licensed in this State and operated upon the public streets or highways of this City shall be equipped with front and rear bumpers if such vehicle was equipped with bumpers as standard equipment. This Subsection shall not apply to motor vehicles designed or modified primarily for off-highway purposes, while such vehicles are in tow, or to motorcycles or motor-driven cycles, or to motor vehicles registered as historic motor vehicles when the original design of such vehicles did not include bumpers nor shall the provisions of this Subsection prohibit the use of drop bumpers. Maximum bumper heights of both the front and rear bumpers of motor vehicles shall be determined by weight category of gross vehicle weight rating (GVWR) measured from a level surface to the highest point of the bottom of the bumper when the vehicle is unloaded and the tires are inflated to the manufacturer's recommended pressure. Maximum bumper heights are as follows:

	Maximum front bumper height	Maximum rear bumper height
Motor vehicles except commercial motor vehicles	22 inches	22 inches
Commercial motor vehicles (GVWR) 4,500 lbs. and under	24 inches	26 inches
4,501 lbs. through 7,500 lbs.	27 inches	29 inches
7,501 lbs. through 9,000 lbs.	28 inches	30 inches
9,001 lbs. through 11,500 lbs.	29 inches	31 inches

C. Any person knowingly violating the provisions of this Section is guilty of an infraction.

CHAPTER 373: TRUCKS

SECTION 373.010: DEFINITION

The following word shall have the meaning set out below when used in this Chapter.
TRUCK: Any vehicle, machine, tractor, trailer or semi-trailer, or any combination thereof, propelled or drawn by mechanical power and designated or used in the transportation of property upon the highways. (R.O. 2008 §355.010; Ord. No. 4893 §1, 7-18-90)

SECTION 373.020: TRUCK ROUTES

A. No commercial vehicle or truck having a rate load capacity in excess of one (1) ton shall be driven on any street except:
   1. Route 71 from the North City Limits to the South City Limits.
   2. First Street from Main Street to the West City Limits.
   3. First Street from North Depot to the East City Limits.
   4. North Depot Street from First Street to the North City Limits.
   5. Third Street from Main Street East to North Depot Street.
   6. South Avenue from Main Street to the West City Limits.

B. Notice or sign reflecting this prohibition shall be required to be posted. (R.O. 2008 §355.020; Ord. No. 4893 §1, 7-18-90)

SECTION 373.030: TRUCKS PROHIBITED IN RESIDENTIAL AREAS

No person shall operate or drive or cause to be operated or driven any motor truck or any commercial vehicle in excess of one (1) ton weight upon any residential street in the City, however, nothing contained herein shall be construed to impair the right to cross such street within the limits at intersection points, nor to enter such street where it is desired to deliver goods, wares or merchandise to a person resident upon such street. (R.O. 2008 §355.030; Ord. No. 4893 §1, 7-18-90)

SECTION 373.040: PARKING OF TRUCKS AND VEHICLES TOWING TRAILERS

No person shall park any vehicle having a manufacturer's rated capacity of one (1) ton or greater, or any vehicle, trailer or combination thereof or any vehicle or trailer having a load projecting from said vehicle or trailer, which has an overall length greater than twenty (20) feet or overall width greater than six and one-half (6½) feet, upon any street, alley, public parking lot or other public place within the City limits except during the loading and unloading of freight, wares, goods or merchandise germane to the business or firm operating said vehicle. (R.O. 2008 §355.040; Ord. No. 4893 §1, 7-18-90)

SECTION 373.050: RESPONSIBILITY OF OWNER FOR PARKING, ETC., VIOLATION

If any vehicle is found upon a street in violation of any provisions of this Chapter relating to the stopping, standing, or parking and the identity of the operator cannot be determined, the owner or person in whose name such vehicle is registered, shall be held prima facie responsible for such violation. (R.O. 2008 §355.050; Ord. No. 4893 §1, 7-18-90)

CHAPTER 375: BICYCLES AND MOTORIZED BICYCLES

SECTION 375.010: BICYCLE AND MOTORIZED BICYCLE -- DEFINED

As used in this Chapter, the following terms shall mean:
BICYCLE: Every vehicle propelled solely by human power upon which any person may ride, having two (2) tandem wheels, or two (2) parallel wheels and one (1) or two (2) forward or rear wheels, all of which are more than fourteen (14) inches in diameter, except scooters and similar devices.
MOTORIZED BICYCLE: Any two- or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty (50) cubic centimeters, which produces less than three (3) gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level ground. A motorized bicycle shall be considered a motor vehicle for purposes of any homeowners' or renters' insurance policy.

SECTION 375.020: BRAKES REQUIRED
Every bicycle and motorized bicycle shall be equipped with a brake or brakes which will enable its driver to stop the bicycle or motorized bicycle within twenty-five (25) feet from a speed of ten (10) miles per hour on dry, level, clean pavement.

SECTION 375.030: LIGHTS AND REFLECTORS -- WHEN REQUIRED -- STANDARDS TO BE MET
Every bicycle and motorized bicycle when in use on a street or highway during the period from one-half (½) hour after sunset to one-half (½) hour before sunrise shall be equipped with the following:

1. A front-facing lamp on the front or carried by the rider which shall emit a white light visible at night under normal atmospheric conditions on a straight, level, unlighted roadway at five hundred (500) feet;
2. A rear-facing red reflector, at least two (2) square inches in reflective surface area, or a rear-facing red lamp on the rear which shall be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lower beams of vehicle headlights at six hundred (600) feet;
3. Reflective material and/or lights on any part of the bicyclist's pedals, crank arms, shoes or lower leg visible from the front and the rear at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at two hundred (200) feet; and
4. Reflective material and/or lights visible on each side of the bicycle or bicyclist and visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at three hundred (300) feet. The provisions of this Subsection shall not apply to motorized bicycles which comply with National Highway Traffic and Safety Administration regulations relating to reflectors on motorized bicycles.

SECTION 375.040: RIGHTS AND DUTIES OF BICYCLE AND MOTORIZED

BICYCLE RIDERS

Every person riding a bicycle or motorized bicycle upon a street or highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle as provided by Chapter 304, RSMo., and this Title, except as to special regulations in this Chapter, and except as to those provisions of Chapter 304, RSMo., and this Title, which by their nature can have no application.

SECTION 375.050: RIDING TO RIGHT -- REQUIRED FOR BICYCLES AND MOTORIZED BICYCLES -- MANDATORY USE OF BICYCLE PATH BY BICYCLES

Every person operating a bicycle or motorized bicycle at less than the posted speed or slower than the flow of traffic upon a street or highway shall ride as near to the right side of the roadway as safe, exercising due care when passing a standing vehicle or one proceeding in the same direction, except when making a left turn, when avoiding hazardous conditions, when the lane is too narrow to share with another vehicle, or when on a one-way street. Bicyclists may ride abreast when not impeding other vehicles.

SECTION 375.060: BICYCLE TO OPERATE ON THE SHOULDER ADJACENT TO ROADWAY, WHEN -- ROADWAY DEFINED

A. A person operating a bicycle at less than the posted speed or slower than the flow of traffic upon a street or highway may operate as described in Section 375.050 of this Chapter, or may operate on the shoulder adjacent to the roadway.
B. A bicycle operated on a roadway, or the shoulder adjacent to a roadway, shall be operated in the same direction as vehicles are required to be driven upon the roadway.
C. For purposes of this Section, and Section 375.050, *"roadway"* means that portion of a street or highway ordinarily used for vehicular travel, exclusive of the berm or shoulder.

SECTION 375.070: BICYCLE REQUIRED TO GIVE HAND OR MECHANICAL SIGNALS

The operator of a bicycle shall signal as required in Section 340.190 of this Title, except that a signal by the hand and arm need not be given continuously if the hand is needed to control or operate the bicycle. An operator of a bicycle intending to turn the bicycle to the right shall signal as indicated in Section 340.190 of this Title, or by extending such operator's right arm in a horizontal position so that the same may be seen in front and in rear of the vehicle.

SECTION 375.080: PENALTY FOR VIOLATION

Any person seventeen (17) years of age or older who violates any provision of this Chapter is guilty of an ordinance violation and, upon conviction thereof, shall be punished by a fine of not less than five dollars ($5.00) nor more than twenty-five dollars ($25.00). If any person under seventeen (17) years of age violates any provision of this Chapter in the presence of a Police Officer, said officer may impound the bicycle or

motorized bicycle involved for a period not to exceed five (5) days upon issuance of a receipt to the child riding it or to its owner.

SECTION 375.090: MOTORIZED BICYCLES -- LICENSE REQUIRED

A. No person shall operate a motorized bicycle on any highways, streets or roads in this City unless the person has a valid license to operate a motor vehicle.
B. No motorized bicycle may be operated on any public thoroughfare located within this City which has been designated as part of the Federal interstate highway system.
C. Violation of this Section shall be deemed an infraction.

SECTION 375.100: EQUIPMENT REQUIRED

No person shall operate a motorized bicycle on any highways, streets or roads in this City unless it is equipped in accordance with the minimum requirements for construction and equipment of MOPEDS, Regulation VESC-17, approved July, 1977, as promulgated by the Vehicle Equipment Safety Commission.

CHAPTER 377: SNOWMOBILES

SECTION 377.010: OPERATION UPON PUBLIC STREETS, HIGHWAYS AND AREAS

Snowmobiles may be operated upon the streets, highways, and areas not herein specified as restricted within the Municipal Limits of the City as follows:

1. By a person sixteen (16) years of age or older and holding a valid Missouri driver's license.
2. In a single file manner, in the proper lane of traffic but as close to the curb as possible under existing circumstances.
3. Snowmobiles traveling on public streets, highways and areas shall not exceed the posted speed limits and observe the other traffic regulations of the City.
4. All snowmobiles shall be operated in a manner as to yield the right-of-way to all other traffic which constitutes an immediate hazard.
5. All snowmobiles operated in permitted areas or streets shall be equipped with operable head and tail lights and a muffler in good working order to prevent excessive and unusual noise.
6. Any person operating a snowmobile or riding passenger must be wearing a helmet. (R.O. 2008 §365.010; Ord. No. 4893 §1, 7-18-90)

SECTION 377.020: RESTRICTED STREETS, HIGHWAYS AND AREAS

Snowmobiles may not be operated upon the following public streets, highways or areas within the Municipal Limits of the City:

1. All parks.
2. State highway system. (R.O. 2008 §365.020; Ord. No. 4893 §1, 7-18-90)

SECTION 377.030: RIDING ON CITY PARKWAYS AND SIDEWALKS PROHIBITED

Snowmobiles shall not be operated upon the public sidewalks within the Municipal Limits of the City, nor shall they be operated upon that portion of the public streets and highways located between the curb line and the sidewalk, commonly referred to as *"parkway"*. (R.O. 2008 §365.030; Ord. No. 4893 §1, 7-18-90)

SECTION 377.040: VIOLATIONS

Any person violating any provisions of this Chapter is guilty of an ordinance violation. Each occurrence of violation is a separate offense. (R.O. 2008 §365.040; Ord. No. 4893 §1, 7-18-90)

CHAPTER 379: SKATEBOARDS

SECTION 379.010: OPERATION UPON PUBLIC STREETS AND SIDEWALKS

Skateboards may be operated upon the public streets and sidewalks not herein specified as restricted within the Municipal Limits of the City as follows:

1. In a single file manner, in the proper lane of traffic but as close to the curb as possible under existing circumstances.
2. Skateboards traveling on public streets shall observe all traffic regulations of the City.
3. Skateboards in use on public streets during the period from one-half (½) hour after sunset to one-half (½) hour before sunrise shall be equipped with reflective tape outlining the edges of the skateboard so as to be visible at night under normal atmospheric conditions on straight, level, unlighted streets when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at two hundred (200) feet. (R.O. 2008 §370.010; Ord. No. 4893 §1, 7-18-90)

SECTION 379.020: RESTRICTED STREETS AND SIDEWALKS

A. No person shall ride a skateboard at any time upon any street specified in this Code as an emergency snow route.
B. No person shall ride a skateboard at any time upon a sidewalk within an area zoned commercial under the Zoning Ordinance of this City. (R.O. 2008 §370.020; Ord. No. 4893 §1, 7-18-90)

SECTION 379.030: PARENTS, GUARDIANS -- RESPONSIBILITY

The parent or guardian of any child shall not authorize or knowingly permit any such child to violate any of the provisions of this Chapter. (R.O. 2008 §370.030; Ord. No. 4893 §1, 7-18-90)

SECTION 379.040: COMPLIANCE WITH THIS CHAPTER, EFFECT OF
Operation of a skateboard in a manner complying with the provisions of this Chapter shall not constitute a violation of any other provision of the Maryville Municipal Code. (R.O. 2008 §370.040; Ord. No. 4893 §1, 7-18-90)

SECTION 379.050: VIOLATIONS
Each and every person violating any provision of Title III, Traffic Code, shall be guilty of an ordinance violation and, upon conviction thereof, shall be punished by a fine not to exceed five hundred dollars ($500.00) or be imprisoned in jail for not more than three (3) months, or both such fine and imprisonment. (R.O. 2008 §370.050; Ord. No. 4893 §1, 7-18-90; Ord. No. 5418 §1, 5-28-96)

CHAPTER 380: LICENSING REQUIREMENTS

ARTICLE I. OPERATOR'S LICENSES

SECTION 380.010: DRIVING WHILE LICENSE SUSPENDED OR REVOKED
A person commits the offense of driving while revoked if such person operates a motor vehicle on a highway when such person's license or driving privilege has been canceled, suspended or revoked under the laws of this State or any other State and acts with criminal negligence with respect to knowledge of the fact that such person's driving privilege has been canceled, suspended or revoked.

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

SECTION 380.020: OPERATION OF MOTOR VEHICLE WITHOUT PROPER LICENSE PROHIBITED -- MOTORCYCLES -- SPECIAL LICENSE
Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by Section 380.040, to:

1. Operate any vehicle upon any highway in this City unless the person has a valid license as required by Chapter 302, RSMo., or a temporary instruction permit issued in compliance with Section 302.130, RSMo., or an intermediate driver's license issued in compliance with Section 302.178, RSMo., in his/her possession;
2. Operate a motorcycle or motortricycle upon any highway of this City unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the Director of Revenue. The Director of Revenue may indicate such upon a valid license issued to such person or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration,

required by Section 302.173, RSMo., is conducted on such vehicle;

3. Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;
4. Operate a motor vehicle with an instruction permit, intermediate driver's license or license issued to another person;
5. Operate a motor vehicle in violation of the provisions of Sections 302.130 and 302.178, RSMo., regarding accompaniment by a qualified driver or stated hours of operation; or
6. Drive a commercial motor vehicle, unless fully licensed in compliance with Chapter 302, RSMo., except when operating under an instruction permit as provided for in Section 302.720, RSMo.

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

SECTION 380.025: EFFECT OF REVOCATION -- PENALTY

Any resident or non-resident whose license, right or privilege to operate a motor vehicle in this State has been suspended or revoked as provided in Sections 302.010--302.540, RSMo., shall not operate a motor vehicle in this State under a license, permit or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under Sections 302.010--302.540, RSMo. Violation of any provision of this Section is an ordinance violation and on conviction therefor a person shall be punished as prescribed by Section 302.321, RSMo.

SECTION 380.030: PROHIBITED USES OF LICENSE

It shall be unlawful for any person to:

1. Display or to permit to be displayed, or to have in his/her possession, any license knowing the same to be fictitious or to have been canceled, suspended, revoked, disqualified or altered;
2. Lend to or knowingly permit the use of by another any license issued to the person so lending or permitting the use thereof;
3. Display or to represent as one's own any license not issued to the person so displaying the same;
4. Fail or refuse to surrender to the Clerk of any Division of the Circuit Court or the Director any license which has been suspended, canceled, disqualified or revoked as provided by law;
5. Use a false or fictitious name or give a false or fictitious address on any application for a license, or any renewal or duplicate thereof, or knowingly to make a false statement;
6. Knowingly conceal a material fact or otherwise commit a fraud in any such application;
7. Authorize or consent to any motor vehicle owned by him/her or under his/her

control to be driven by any person, when he/she has knowledge that such person has no legal right to do so, or for any person to drive any motor vehicle in violation of any of the provisions of Sections 302.010 to 302.780, RSMo.;

8. Employ a person to operate a motor vehicle in the transportation of persons or property with knowledge that such person has not complied with the provisions of Sections 302.010 to 302.780, RSMo., or whose license has been revoked, suspended, canceled or disqualified or who fails to produce his/her license upon demand of any person or persons authorized to make such demand;
9. Operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license; or
10. Fail to carry his/her instruction permit, valid operator's license while operating a vehicle and to display instruction permit or said license upon demand of any Police Officer, court official or any other duly authorized person for inspection when demand is made therefor. Failure to exhibit his/her instruction permit or license as aforesaid shall be presumptive evidence that said person is not a duly licensed operator.

SECTION 380.040: EXEMPTIONS FROM LICENSE LAW

The following persons are exempt from license hereunder:

1. Any person while operating any farm tractor or implement of husbandry temporarily operated or moved on a highway;
2. A non-resident who is at least sixteen (16) years of age and who has in his/her immediate possession a valid license issued to him/her in his/her home State or country;
3. A non-resident who is at least eighteen (18) years of age and who has in his/her immediate possession a valid license issued to him/her in his/her home State or country which allows such person to operate a motor vehicle in the transportation of persons or property as classified in Section 302.015, RSMo.; or
4. Convicted offenders of the Department of Corrections who have not been convicted of a motor vehicle felony as follows--driving while intoxicated, failing to stop after an accident and disclosing his/her identity, or driving a motor vehicle without the owner's consent--may operate State-owned trucks for the benefit of the correctional facilities, provided that such offender shall be accompanied by a Correctional Officer or other staff person in such truck.

ARTICLE II. VEHICLE LICENSING

SECTION 380.050: STATE VEHICLE LICENSE PLATES REQUIRED

No person shall operate or park any motor vehicle or trailer upon any street or highway of this City unless such motor vehicle or trailer has properly displayed a valid license plate or plates or temporary permit issued to the lawful owner of the vehicle by the Department of Revenue of the State of Missouri, except that any person who is a non-resident of the State of Missouri may operate or park any motor vehicle or trailer upon any street or

highway of this City, provided the motor vehicle or trailer has been duly registered for the current year in the State, country or other place of which the owner is a resident, provided that at all times such motor vehicle or trailer is being operated or parked upon the streets or highways of this City, the valid license plate or plates or temporary permit is properly displayed on such vehicle or trailer.

SECTION 380.055: REGISTRATION OF MOTOR VEHICLES OPERATED FOR FIRST TIME IN STATE

Application for registration of a motor vehicle not previously registered in Missouri, operated for the first time on the public highways of this State, and previously registered in another State shall be made within thirty (30) days after the owner of such motor vehicle has become a resident of this State.

SECTION 380.060: METHOD OF DISPLAYING LICENSE PLATES

No motor vehicle or trailer shall be operated on any highway of this City unless it shall have displayed thereon the license plate or set of license plates issued by the Director of Revenue or the State Highways and Transportation Commission and authorized by Section 301.140, RSMo. Each such plate shall be securely fastened to the motor vehicle or trailer in a manner so that all parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not impaired. License plates shall be fastened to all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand (12,000) pounds on the front and rear of such vehicles not less than eight (8) nor more than forty-eight (48) inches above the ground, with the letters and numbers thereon right side up. The license plates on trailers, motorcycles, motortricycles and motor scooters shall be displayed on the rear of such vehicles, with the letters and numbers thereon right side up. The license plate on buses, other than school buses, and on trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand (12,000) pounds shall be displayed on the front of such vehicles not less than eight (8) nor more than forty-eight (48) inches above the ground, with the letters and numbers thereon right side up, or if two (2) plates are issued for the vehicle pursuant to Subsection (3) of Section 301.130, RSMo., displayed in the same manner on the front and rear of such vehicles. The license plate or plates authorized by Section 301.140, RSMo., when properly attached, shall be prima facie evidence that the required fees have been paid.

SECTION 380.070: UNAUTHORIZED PLATES, TAGS, STICKERS, SIGNS

No person shall operate a motor vehicle or trailer on which there is displayed on the front or rear thereof any other plate, tag or placard bearing any number except the plate furnished by the Director of Revenue or the placard herein authorized and the official license tag of any municipality of this State, nor shall there be displayed on any motor vehicle or trailer a placard, sign or tag bearing the words "license lost", "license applied for" or words of similar import as a substitute for such number plates or such placard.

SECTION 380.080: LICENSE PLATES ON VEHICLES DISPLAYED FOR SALE

No person shall show, exhibit, display or have in possession for the purpose of sale any motor vehicle bearing or displaying thereon any number or license plates except those of the dealer or owner so displaying said motor vehicle; provided however, that where the motor vehicle is placed on consignment with a dealer by the owner thereof, there may be displayed a number or license plate issued to the owner thereof.

SECTION 380.090: CERTIFICATE OF OWNERSHIP REQUIRED FOR REGISTERED VEHICLE

It shall be unlawful for any person to operate in this City a motor vehicle or trailer required to be registered as provided by law unless a certificate of ownership has been applied for as provided in Section 301.190, RSMo.

SECTION 380.100: TRANSFER OF CERTIFICATE OF OWNERSHIP UPON SALE OF VEHICLE

It shall be unlawful for any person to buy or sell in this City any motor vehicle or trailer registered under the laws of this State unless at the time of delivery thereof there shall pass between the parties a certificate of ownership with an assignment thereof as provided in Section 301.210, RSMo., as amended, and the sale of any motor vehicle or trailer registered under the laws of this State, without the assignment of such certificate of ownership, shall be fraudulent and void.

SECTION 380.110: REMOVAL OF PLATES ON TRANSFER OF VEHICLE -- USE BY PURCHASER

Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the number plates shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than the person to whom such number plates were originally issued to have the same in his/her possession whether in use or not, unless such possession is solely for charitable purposes; except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach the license plates from the trade-in motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than thirty (30) days. As used in this Section, the term *"trade-in motor vehicle or trailer"* shall include any single motor vehicle or trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or trailer are still valid.

SECTION 380.120: SALE BY DEALER

Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made application for registration, by mail or otherwise, may operate the same for a period of thirty (30) days after taking possession thereof if during such period the motor vehicle or trailer shall have attached thereto, in the manner required by Section 301.130, RSMo., number plates issued to the dealer. Upon application and presentation of proof of financial responsibility as required under Subsection (5) of Section 301.140, RSMo., and

satisfactory evidence that the buyer has applied for registration, a dealer may furnish such number plates to the buyer for such temporary use. In such event, the dealer shall require the buyer to deposit the sum of ten dollars fifty cents ($10.50), to be returned to the buyer upon return of the number plates, as a guarantee that said buyer will return to the dealer such number plates within thirty (30) days.

SECTION 380.130: FALSE INFORMATION BY DEALER

No dealer shall advise any purchaser of a motor vehicle or trailer that such purchaser may drive such a motor vehicle or trailer without compliance with the foregoing license requirements.

ARTICLE III. FINANCIAL RESPONSIBILITY

SECTION 380.140: FINANCIAL RESPONSIBILITY REQUIRED

A. No owner of a motor vehicle registered in this State or required to be registered in this State shall operate the vehicle, or authorize any other person to operate the vehicle registered, or maintain registration of a motor vehicle, or permit another person to operate such vehicle upon the streets or the alleys of this City unless the owner maintains the financial responsibility as required in this Section which conforms to the requirements of the laws of this State. Furthermore, no person shall operate a motor vehicle owned by another with the knowledge that the owner has not maintained financial responsibility unless such person has financial responsibility which covers the person's operation of the other's vehicle. However, no owner shall be in violation of this Subsection if he/she fails to maintain financial responsibility on a motor vehicle which is inoperable or being stored and not in operation.

B. For purposes of this Section, the term *"financial responsibility"* shall mean the ability to respond in damages for liability on account of accidents occurring after the effective date of proof of said financial responsibility, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of twenty-five thousand dollars ($25,000.00) because of bodily injury to or death of one (1) person in any one (1) accident and, subject to said limit for one (1) person, in the amount of fifty thousand dollars ($50,000.00) because of bodily injury to or death of two (2) or more persons in any one (1) accident and in the amount of ten thousand dollars ($10,000.00) because of injury to or destruction of property of others in any one (1) accident.

C. Proof of financial responsibility may be shown by any of the following:

    1. A current insurance identification card issued by a motor vehicle insurer or by the Director of Revenue of the State of Missouri for self-insurance. A motor vehicle liability insurance policy, a motor vehicle liability insurance binder, or receipt which contains the name and address of the insurer, the name and address of the named insured, the policy number, the effective dates of the policy and a description by year and make of the vehicle, or at least five (5) digits of the vehicle identification number or the word "Fleet" if the insurance policy covers five (5) or more motor vehicles shall be satisfactory evidence of insurance in lieu

of an insurance identification card.

2. A certificate of the State Treasurer of a cash or security deposit according to Section 303.240, RSMo.
3. A surety bond according to Section 303.230, RSMo.

D. Proof of financial responsibility shall be carried at all times in the insured motor vehicle or by the operator of the motor vehicle if the proof of financial responsibility is effective as to the operator rather than to the vehicle. The operator of an insured motor vehicle shall exhibit the insurance identification card on the demand of any Peace Officer, commercial vehicle enforcement officer or commercial vehicle inspector who lawfully stops such operator or investigates an accident while that officer or inspector is engaged in the performance of the officer's or inspector's duties.

E. However, no person shall be found guilty of violating this Section if the operator demonstrates to the court that he/she met the financial responsibility requirements of Section 303.025, RSMo., at the time the Peace Officer wrote the citation.

F. Any person who violates any provisions of this Section shall be guilty of an ordinance violation and shall, upon conviction thereof, be punished by a fine of not less than ten dollars ($10.00) nor more than three hundred dollars ($300.00) for each and every violation.

SECTION 380.150: DISPLAY OF FALSE EVIDENCE OF INSURANCE -- PENALTY -- CONFISCATION OF FALSE EVIDENCE

No person shall display evidence of insurance to a Law Enforcement Officer knowing there is no valid liability insurance in effect on the motor vehicle as required pursuant to this Article or knowing the evidence of insurance is illegally altered, counterfeit or otherwise invalid as evidence of insurance. If the Law Enforcement Officer issues a citation to a motor vehicle operator for displaying invalid evidence of insurance, the officer shall confiscate the evidence for presentation in court. Any person convicted of violating this Section is guilty of an ordinance violation.

SECTION 380.160: ALTERATION, PRODUCTION OR SALE OF INVALID INSURANCE CARD

No person shall alter an invalid insurance card to make it appear valid. No person knowingly shall make, sell or otherwise make available an invalid or counterfeit insurance card. Any person who violates this Section is guilty of an ordinance violation.

CHAPTER 385: ABANDONED VEHICLES

SECTION 385.010: ABANDONED VEHICLES OR TRAILERS PROHIBITED

No person shall abandon any motor vehicle or trailer on the right-of-way of any public road or State highway as set out in Section 217.020 of this Code.

State Law Reference--For similar provisions, §577.080, RSMo.

SECTION 385.020: OBSTRUCTING THE FLOW OF TRAFFIC PROHIBITED

Except in the case of an accident resulting in the injury or death of any person, the driver of a vehicle which for any reason obstructs the regular flow of traffic on the roadway of any public road or State highway shall make every reasonable effort to move the vehicle or have it moved so as not to block the regular flow of traffic. Any person who fails to comply with the requirements of this Section is guilty of an ordinance violation and, upon conviction thereof, shall be punished by a fine of not less than ten dollars ($10.00) nor more than fifty dollars ($50.00).

State Law Reference--For similar provisions, §304.151, RSMo.

SECTION 385.030: TOWING OF ABANDONED PROPERTY ON PUBLIC REAL PROPERTY

A. Any Law Enforcement Officer, or an official of the City where the City's real property is concerned, may authorize a towing company to remove to a place of safety:
   1. Any abandoned property on the right-of-way of:
      a. Any interstate highway or freeway in an urbanized area of the City left unattended for ten (10) hours, or immediately if a Law Enforcement Officer determines that the abandoned property is a serious hazard to other motorists;
      b. Any interstate highway or freeway outside of an urbanized area of the City left unattended for twenty-four (24) hours, or after four (4) hours if a Law Enforcement Officer determines that the abandoned property is a serious hazard to other motorists;
      c. Any State highway other than an interstate highway or freeway outside of an urbanized area, left unattended for more than twenty-four (24) hours; provided that commercial motor vehicles referred to in Subsections (a--c) not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this Section to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice; or
      d. Any State highway other than an interstate highway or freeway in an urbanized area, left unattended for more than ten (10) hours.
   2. Any unattended abandoned property illegally left standing upon any highway or bridge if the abandoned property is left in a position or under such circumstances as to obstruct the normal movement of traffic where there is no reasonable indication that the person in control of the property is arranging for its immediate control or removal.
   3. Any abandoned property which has been abandoned under Section 385.010 herein or Section 577.080, RSMo.
   4. Any abandoned property which has been reported as stolen or taken without consent of the owner.
   5. Any abandoned property for which the person operating such property is arrested for an alleged offense for which the officer takes the person into custody and where such person is unable to arrange for the property's timely removal.
   6. Any abandoned property which due to any other State law or City ordinance is subject to towing because of the owner's outstanding traffic or parking violations.
   7. Any abandoned property left unattended in violation of a State law or City

ordinance where signs have been posted giving notice of the law or where the violation causes a safety hazard.

8. Any abandoned property illegally left standing on the waters of this State as defined in Section 306.010, RSMo., where the abandoned property is obstructing the normal movement of traffic, or where the abandoned property has been unattended for more than ten (10) hours or is floating loose on the water.
9. Any abandoned property for which the person operating such property or vehicle eludes arrest for an alleged offense for which the officer would have taken the offender into custody.

B. When the City Department of Public Safety authorizes a tow pursuant to this Section in which the abandoned property is moved from the immediate vicinity, it shall complete a crime inquiry and inspection report.

C. Any City agency other than the City Department of Public Safety authorizing a tow under this Section where property is towed away from the immediate vicinity shall report the tow to the City Department of Public Safety within two (2) hours of the tow, along with a crime inquiry and inspection report.

State Law References--For similar provisions, §§304.155.1(2009), 304.155.3, RSMo.

SECTION 385.040: GENERAL PROVISIONS AND PROCEDURES

A. *Payment Of Charges.* The owner of abandoned property removed as provided in this Chapter shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in Section 385.050.

B. *Crime Inquiry And Inspection Report.* Upon the towing of any abandoned property pursuant to Section 385.030 or under authority of a Law Enforcement Officer or local governmental agency pursuant to Section 217.040, the City Department of Public Safety, where it authorized such towing or was properly notified by another governmental agency of such towing, shall promptly make an inquiry with the National Crime Information Center (NCIC) and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen and shall enter the information pertaining to the towed property into the statewide law enforcement computer system. If the abandoned property is not claimed within ten (10) working days of the towing, the tower who has online access to the Department of Revenue's records shall make an inquiry to determine the abandoned property owner and lienholder, if any, of record. In the event that the records of the Department of Revenue fail to disclose the name of the owner or any lienholder of record, the tower shall comply with the requirements of Subsection (3) of Section 304.156, RSMo. If the tower does not have online access, the City Department of Public Safety shall submit a crime inquiry and inspection report to the Missouri Director of Revenue. The City Department of Public Safety shall also provide one (1) copy of the report to the storage facility and one (1) copy to the towing company. A towing company that does not have online access to the department's records and that is in possession of abandoned property after ten (10) working days shall report such fact to the City Department of Public Safety. The crime inquiry and inspection report shall be designed by the Director of Revenue and shall include the following:

1. The year, model, make and property identification number of the property and the

owner and any lienholders, if known;

2. A description of any damage to the property noted by the Law Enforcement Officer authorizing the tow;
3. The license plate or registration number and the State of issuance, if available;
4. The storage location of the towed property;
5. The name, telephone number and address of the towing company;
6. The date, place and reason for the towing of the abandoned property;
7. The date of the inquiry of the National Crime Information Center, any statewide Missouri law enforcement computer system, and any other similar system which has titling and registration information to determine if the abandoned property had been stolen. This information shall be entered only by the City Department of Public Safety;
8. The signature and printed name of the Law Enforcement Officer authorizing the tow;
9. The name of the towing company, the signature and printed name of the towing operator, and an indicator disclosing whether the tower has online access to the department's records; and
10. Any additional information the Missouri Director of Revenue deems appropriate.

C. *Reclaiming Property.* The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges for the towing and storage of the abandoned property.

D. *Lienholder Repossession.* If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel without the knowledge or cooperation of the owner, then the repossessor shall notify the City Department of Public Safety within two (2) hours of the repossession and shall further provide the Department of Public Safety with any additional information the Department of Public Safety deems appropriate. The City Department of Public Safety shall make an inquiry with the National Crime Information Center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.

E. *Notice To Owner/Tow Lien Claim.* Any towing company which comes into possession of abandoned property pursuant to this Chapter and who claims a lien for recovering, towing or storing abandoned property shall give notice to the title owner and to all persons claiming a lien thereon, as disclosed by the records of the Missouri Department of Revenue or of a corresponding agency in any other State. The towing company shall notify the owner and any lienholder within ten (10) business days of the date of mailing indicated on the notice sent by the Missouri Department of Revenue pursuant to Section 304.156, RSMo., by certified mail, return receipt requested. The notice shall contain the following:

1. The name, address and telephone number of the storage facility;
2. The date, reason and place from which the abandoned property was removed;
3. A statement that the amount of the accrued towing, storage and administrative costs are the responsibility of the owner, and that storage and/or administrative costs will continue to accrue as a legal liability of the owner until the abandoned property is redeemed;
4. A statement that the storage firm claims a possessory lien for all such charges;

5. A statement that the owner or holder of a valid security interest of record may retake possession of the abandoned property at any time during business hours by proving ownership or rights to a secured interest and paying all towing and storage charges;
6. A statement that, should the owner consider that the towing or removal was improper or not legally justified, the owner has a right to request a hearing as provided in this Section to contest the propriety of such towing or removal;
7. A statement that if the abandoned property remains unclaimed for thirty (30) days from the date of mailing the notice, title to the abandoned property will be transferred to the person or firm in possession of the abandoned property, free of all prior liens; and
8. A statement that any charges in excess of the value of the abandoned property at the time of such transfer shall remain a liability of the owner.

F. *Physical Search Of Property.* In the event that the Missouri Department of Revenue notifies the towing company that the records of the Department of Revenue fail to disclose the name of the owner or any lienholder of record, the towing company shall attempt to locate documents or other evidence of ownership on or within the abandoned property itself. The towing company must certify that a physical search of the abandoned property disclosed no ownership documents were found and a good faith effort has been made. For purposes of this Section, *"good faith effort"* means that the following checks have been performed by the company to establish the prior State of registration and title:
   1. Check of the abandoned property for any type of license plates, license plate record, temporary permit, inspection sticker, decal or other evidence which may indicate a State of possible registration and title;
   2. Check the law enforcement report for a license plate number or registration number if the abandoned property was towed at the request of a law enforcement agency;
   3. Check the tow ticket/report of the tow truck operator to see if a license plate was on the abandoned property at the beginning of the tow, if a private tow; and
   4. If there is no address of the owner on the impound report, check the law enforcement report to see if an out-of-state address is indicated on the driver license information.

G. *Petition In Circuit Court.* The owner of the abandoned property removed pursuant to this Chapter or any person claiming a lien, other than the towing company, within ten (10) days after the receipt of notification from the towing company pursuant to Subsection (E) of this Section may file a petition in the Associate Circuit Court in the County where the abandoned property is stored to determine if the abandoned property was wrongfully taken or withheld from the owner. The petition shall name the towing company among the defendants. The petition may also name the agency ordering the tow or the owner, lessee or agent of the real property from which the abandoned property was removed. The Missouri Director of Revenue shall not be a party to such petition but a copy of the petition shall be served on the Director of Revenue.

H. *Notice To Owner.* Notice as to the removal of any abandoned property pursuant to this Chapter shall be made in writing within five (5) working days to the registered owner and any lienholder of the fact of the removal, the grounds for the removal, and the place to which the property has been removed by either:

1. The public agency authorizing the removal; or
2. The towing company, where authorization was made by an owner or lessee of real property.

If the abandoned property is stored in any storage facility, a copy of the notice shall be given to the operator of the facility. The notice provided for in this Section shall include the amount of mileage if available shown on the abandoned property at the time of removal.

I. *Tow Truck Requirements.* Any towing company which tows abandoned property for hire shall have the towing company's name, City and State clearly printed in letters at least three (3) inches in height on the sides of the truck, wrecker or other vehicle used in the towing.

J. *Storage Facilities.* Persons operating or in charge of any storage facility where the abandoned property is stored pursuant to this Chapter shall accept cash for payment of towing and storage by a registered owner or the owner's agent claiming the abandoned property.

K. *Disposition Of Towed Property.* Notwithstanding the provisions of Section 301.227, RSMo., any towing company who has complied with the notification provisions in Section 304.156, RSMo., including notice that any property remaining unredeemed after thirty (30) days may be sold as scrap property, may then dispose of such property as provided in this Subsection. Such sale shall only occur if at least thirty (30) days have passed since the date of such notification, the abandoned property remains unredeemed with no satisfactory arrangements made with the towing company for continued storage, and the owner or holder of a security agreement has not requested a hearing as provided in Section 304.156, RSMo. The towing company may dispose of such abandoned property by selling the property on a bill of sale as prescribed by the Director of Revenue to a scrap metal operator or licensed salvage dealer for destruction purposes only. The towing company shall forward a copy of the bill of sale provided by the scrap metal operator or licensed salvage dealer to the Director of Revenue within two (2) weeks of the date of such sale. The towing company shall keep a record of each such vehicle sold for destruction for three (3) years that shall be available for inspection by law enforcement and authorized Department of Revenue officials. The record shall contain the year, make, identification number of the property, date of sale, and name of the purchasing scrap metal operator or licensed salvage dealer and copies of all notifications issued by the towing company as required in this Chapter. Scrap metal operators or licensed salvage dealers shall keep a record of the purchase of such property as provided in Section 301.227, RSMo. Scrap metal operators and licensed salvage dealers may obtain a junk certificate as provided in Section 301.227, RSMo., on vehicles purchased on a bill of sale pursuant to the Section.

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

SECTION 385.050: MAXIMUM CHARGES

A. A towing company may only assess reasonable storage charges for abandoned property towed without the consent of the owner. Reasonable storage charges shall not exceed the charges for vehicles which have been towed with the consent of the owner on a negotiated basis. Storage charges may be assessed only for the time in which the towing

company complies with the procedural requirements of this Chapter.

B. The City Council may from time to time establish maximum reasonable towing, storage and other charges which can be imposed by towing and storage companies operating within the City, and which are consistent with this Chapter and with Sections 304.155 to 304.158, RSMo. Any violation of said established maximum charges shall be deemed a violation of this Section of the Code and shall be punishable pursuant to Section 100.120.

C. A towing company may impose a charge of not more than one-half (½) of the regular towing charge for the towing of abandoned property at the request of the owner of private real property or that owner's agent pursuant to this Chapter if the owner of the abandoned property or the owner's agent returns to the abandoned property before it is removed from the private real property. The regular towing charge may only be imposed after the abandoned property has been removed from the property and is in transit.

State Law References--For similar provisions, §§304.156.2, 304.158.6, 304.158.10, RSMo.

SECTION 385.060: SALE OF ABANDONED PROPERTY BY CITY

When the City has physical possession of the abandoned property, it may sell the abandoned property, in accordance with its established provisions and regulations and may transfer ownership by means of a bill of sale signed by the City Clerk and sealed with the official City Seal. Such bill of sale shall contain the make and model of the abandoned property the complete abandoned property identification number, and the odometer reading of the abandoned property, if available and shall be lawful proof of ownership for any dealer registered under the provisions of Section 301.218, RSMo., or Section 301.560, RSMo., or for any other person.

State Law Reference--For similar provisions, §304.156, RSMo.

TITLE IV. ZONING

CHAPTER 400: ZONING COMMISSION

ARTICLE I. GENERAL PROVISIONS

SECTION 400.010: COMMISSION CREATED

In order for the City to avail itself of the powers conferred by Sections 89.010 to 89.140, RSMo., there is hereby created and appointed a commission to be known as the Zoning Commission. (R.O. 2008 §400.010; Ord. No. 4984 §1, 6-10-91)

SECTION 400.020: COMPOSITION, APPOINTMENTS, TERM, COMPENSATION

The Planning Commission shall consist of not more than fifteen (15) nor less than seven (7) members, including:

1. The Mayor, if the Mayor chooses to be a member;
2. A member of the Council selected by the Council, if the Council chooses to have a member serve on the Commission; and
3. Not more than fifteen (15) nor less than five (5) citizens appointed by the Mayor and approved by the Council. All citizen members of the Commission shall serve without compensation. The term of each of the citizen members shall be for four (4) years, except that the terms of the citizen members first appointed shall be for varying periods so that succeeding terms will be staggered. Any vacancy in a membership shall be filled for the unexpired term by appointment as aforesaid. The Council may remove any citizen member for cause stated in writing and after public hearing.

SECTION 400.030: MEETINGS, QUORUM, RECORD, OFFICERS

The members of the Zoning Commission shall meet the third Wednesday of each month. They shall select one (1) of their citizen members as Chairman, one (1) as Vice Chairman, and a Secretary each of whom shall serve one (1) year from the first (1st) day of May of the year in which they are selected or until their successors have been selected by the Commission. Special meetings may be called at any time by the Chairman or, in his/her absence, by the Vice Chairman. A majority of the Commission shall constitute a quorum for the transaction of business. The Commission shall cause a proper record to be kept of its proceedings and prepare and adopt rules for the transaction of its business. (R.O. 2008 §400.030; Ord. No. 4984 §1, 6-10-91)

ARTICLE II. AMENDMENTS

SECTION 400.040: PROCEDURE FOR ZONING CHANGES

All requests, from whatever source, for any amendment, supplement, change, modification or repeal of such regulations and restrictions as may be contained in the Zoning Ordinance, including amendments to the boundaries of the Zoning Districts or classifications indicated on the Official Zoning Map, shall be made in accordance with the requirements and procedures as provided in this Chapter. (R.O. 2008 §400.040; Ord. No. 4984 §1, 6-10-91)

SECTION 400.050: REZONING DEFINED

The term *"rezoning"* shall mean the proposed amendment, change or modification of the boundaries of zoning districts or classifications indicated on the Official Zoning Map. (R.O. 2008 §400.050; Ord. No. 4984 §1, 6-10-91)

SECTION 400.060: APPLICATION FOR REZONING

A. All applications for rezoning shall be made by written application to the Administrative Secretary, Public Works, on forms provided therefor. Unless the application shall conform in all respects to the requirements of this Chapter, it shall not be accepted by the Administrative Secretary, Public Works.

B. *Information Required.* An application for rezoning shall contain the following information:

1. Plot plan of the property affected by the proposed rezoning drawn to a scale of not smaller than one (1) inch equals fifty (50) feet and indicating thereon the dimensions of the property, the dimensions and locations of any buildings or structures, driveway access to public right-of-way, on-site drives and off-street parking areas located thereon and all public and private rights-of-way including utility easements bounding or intersecting the property;
2. List the names and current mailing address of owners, together with the street address and legal description of all property (exclusive of streets and alleys) within one hundred eighty-five (185) feet distance from the boundary of the property effected by the proposed rezoning. This list shall be prepared and certified by a qualified abstractor or by the Nodaway County Assessor's Office;
3. Present zoning classification and use of the property affected by the rezoning;
4. Requested zoning classification and desired use of the property affected by the rezoning; and
5. Justification for the zoning requested.

C. *Application Fee.* The application shall be accompanied by a filing fee based on the area of property for which rezoning is requested, computed as follows:

For the first 10,000 square feet	$ 125.00
For the next 60,000 square feet per each 1,000 square feet or fraction thereof	1.00
For the next 130,000 square feet per each 1,000 square feet or fraction thereof	.50

D. *Postage Fee.* In addition to the non-refundable application fee described above, the application shall also be accompanied by a non-refundable postage fee which shall be computed by the Administrative Secretary, Public Works, by multiplying the number of certified mailings required to landowners within a one hundred eighty-five (185) foot distance from the boundary of the property affected by the proposed rezoning by the then applicable postal rates for such certified mail. The number of mailings shall be computed based upon the information provided in accordance with Subsection (B) above.

E. *Time Of Application.* The Administrative Secretary, Public Works, shall note the date of filing of the application. (R.O. 2008 §400.060; Ord. No. 4984 §1, 6-10-91; Ord. No. 6023 §1, 1-26-98; Ord. No. 6585 §§1--2, 9-15-03; Ord. No. 6690 §§1--2, 9-27-04)

SECTION 400.070: APPLICATION FOR ZONING ORDINANCE AMENDMENT

All requests for an amendment of the text of the Zoning Ordinance shall be made by written application to the City Clerk and shall state the wording of the proposed amendment of the Zoning Ordinance including the portions thereof to be repealed or modified and the reasons therefor. (R.O. 2008 §400.070; Ord. No. 4984 §1, 6-10-91)

SECTION 400.080: ZONING COMMISSION ACTION

Upon acceptance of an application by the Director of Public Works or his/her designee, a public hearing thereon shall be held by the Zoning Commission at the next regular meeting thereof which occurs at least three (3) weeks following the date of acceptance.

1. *Notice of rezoning hearing.* Prior to the public hearing before the Zoning Commission as required pursuant to this Section, notice thereof shall be given in compliance with the following provisions:
   a. The owners of all property within a one hundred eighty-five (185) feet distance from the boundary of the property affected by a rezoning application shall be furnished written notice by certified mail at least ten (10) days prior to the hearing. Said notice shall set forth the nature of the proposed rezoning and the date, time and location of the hearing before the Zoning Commission. The hearing under this Section may be held irrespective of the actual receipt of the notice by all property owners if the notices were mailed by certified mail at least twelve (12) days prior to the hearing.
   b. All members of the Zoning Commission shall be furnished written notice at least ten (10) days prior to the hearing. Said notice shall set forth the nature of the proposed rezoning and the date, time and location of the hearing before the Zoning Commission.
2. *Zoning Commission hearing.* The Zoning Commission shall conduct a hearing at which parties in interest and citizens shall have an opportunity to be heard. The Commission may require the applicant to furnish such additional information as may be necessary for a full understanding of the proposed rezoning.
   Prior to any vote by the Zoning Commission to either approve or disapprove the application, the Zoning Commission shall first specifically consider and answer the following as they relate to the property for which rezoning is sought.
   a. A specific description of the zoning request, including both the current zoning of the property and the proposed new zoning.
   b. How the proposed rezoning relates to the current zoning map of the City of Maryville, including whether there are similar or contiguous zones to the property to be sought to be rezoned and/or whether the rezoning would provide a transitional buffer zone.
   c. The anticipated use of the property including the changes in density, both as to structures and number of people, based upon the applicant's stated intended use of the property.
   d. The maximum use to which the property could be subjected under the allowable limits of the rezoning designation sought by the applicant, including maximum density of number of structures, maximum density of people and a description of the maximum types of other uses allowable under the proposed zoning designation.
   e. Citation to any other zone(s) to which the property could be rezoned which would allow the use of the property as stated by the applicant but which would be a lower density or use designation than the rezoning designations sought by the applicant.
3. *Continuance of the hearing.* For good cause shown by the application, by the City or upon its own motion, the Zoning Commission may recess or continue a hearing to a date certain. Notice shall be posed advising the public of such

continuance.

4. *Withdrawal of application.* The applicant may withdraw his/her application by filing a written request with the City Clerk at any time. However, no refund of the deposit shall be made upon such withdrawal.
5. *Zoning Commission finding and recommendation.* At the conclusion of the hearing, after fully considering the application, any input from citizens and City staff, and the discussion regarding the issues set forth in Subparagraph (2) above, the Zoning Commission shall vote to either approve or disapprove the application. In its discretion, the Zoning Commission may recommend approval of rezoning to a zoning classification other than that requested in the application, if the desired use of the applicant would be permissible in that zone and the applicant files written concurrence. The Zoning Commission shall immediately forward its recommendation for disposition of the application to the City Clerk, which recommendation shall be accompanied by the answers as determined by the Zoning Commission to the property use questions enumerated in Subparagraph (2) above. (R.O. 2008 §400.080; Ord. No. 4984 §1, 6-10-91; Ord. No. 5567 §1, 7-28-97; Ord. No. 6015 §1, 12-15-97; Ord. No. 6508 §1, 10-28-02)

SECTION 400.090: COUNCIL ACTION

Following action by the Zoning Commission, the City Clerk shall transmit the application to the Council together with the recommendations and findings of the Zoning Commission and shall include a copy of the determination by the Zoning Commission as to the property use questions enumerated in Section 400.080. The Council shall hold a public hearing at which parties in interest and citizens shall have an opportunity to be heard. The City Clerk shall schedule the public hearing on the agenda for the next regular Council meeting following the final action of the Zoning Commission for which publication requirements can be satisfied.

1. *Notice of hearing before the Council.* At least fifteen (15) days prior to the hearing, the City Clerk shall publish notice of the time and place of the public hearing before the Council in a newspaper of general circulation in the City. Additionally, said notice shall describe the nature of the proposed rezoning and the property affected by the rezoning by both legal description and location by address or other general description.
2. *Decision of the Council.* Following the public hearing, the Council shall vote to approve or deny the application. The decision of the Council to approve or deny the application shall be by introduction of a bill in the form of an ordinance on the agenda following the public hearing. The ordinance shall provide that it shall be effective upon passage and adoption.
3. *Effect of protest petition.* In case of a protest against a change in zoning regulations or boundaries by petition as provided by Section 89.060, RSMo., such amendment shall not become effective except by the favorable vote of two-thirds (2/3) of all the members of the Council.
4. *Reconsideration of application.* Once denied by the Council, no subsequent application for rezoning of a particular parcel of land to the zone which was denied will be accepted until one (1) full year shall have elapsed from the date of the previous denial by the Council. (R.O. 2008 §400.090; Ord. No. 4984 §1, 6-

10-91; Ord. No. 6508 §1, 10-28-02)

CHAPTER 405: ZONING CODE

ARTICLE I. GENERAL PROVISIONS

SECTION 405.010: ESTABLISHMENT OF ZONES
In carrying out the provisions of Sections 89.010 through 89.140, RSMo., the Planning Commission of Maryville, Missouri, have divided the City into districts and have prepared regulations pertaining to such districts in accordance with a comprehensive plan and designated to accomplish the purposes set forth in Section 89.030, RSMo., as amended to accomplish the general and specific purposes of this Title. (R.O. 2008 §405.010; Ord. No. 4984 §1, 6-10-91)

SECTION 405.020: ZONES LISTED
Symbols, titles, and a brief description of each of the zones established by this Chapter are as follows:

1. *Residential zones.*
   a. *"AG"--Agricultural Zone.* Provides for agriculture, very low density residential development, and interim uses under specific conditions.
   b. *"R-1"--Single-Family Residence.* 8,800 square foot zone. Provides for low density residential uses.
   c. *"R-2"--Single-Family Residence.* 6,600 square foot zone. Provides for single-family residences on moderate size lots.
   d. *"R-2" Modified Residence Zone.* 6,600 square foot zone. Provides for single-family residences in a duplex unit.
   e. *"R-3"--Multi-Family.* 8,000 square foot minimum lot size. Provides for multiple family dwellings.
   f. *"R-4"--Multi-Family Residence.* 8,000 square foot minimum lot size. Provides for multiple family dwellings.
2. *Commercial zones.*
   a. *"C-O"--Office Building District.* To provide areas for professional buildings and offices to be used only for administrative or professional functions.
   b. *"C-1"--Restricted Business District.* To provide a zone for a wide range of non-offensive retail establishments and services.
   c. *"C-2"--General Business District.* To provide a zone which will take into account the special characteristics of the Central Business District.
   d. *"C-3"--Commercial District.* To provide for the efficient use of business land near major thoroughfares.
3. *Industrial zones.*
   a. *"M-1"--Light Industrial District.* To provide for non-offensive industrial and manufacturing uses which can meet rigid performance standards.

b. *"M-2"--General Industrial District.* To provide for greater latitude in meeting performance standards than the "M-1" Zone, but limiting retail and service business. (R.O. 2008 §405.020; Ord. No. 4984 §1, 6-10-91)

SECTION 405.030: PLANNED DISTRICTS

Each of the districts hereinbefore set forth shall have a separate and distinct counterpart known and herein referred to as a Planned District. A "Planned District" shall be for the purpose of permitting and regulating the uses heretobefore permitted in the equivalent district and further provide for and encourage latitude and flexibility in the location of buildings, structures, roads, drives, variations in yards and open spaces all subsequent to approval of the plan by local officials. The purpose is to allow development of tracts of land to their fullest extent and at the same time observe the general intent and spirit of these regulations. Planned Districts shall be as follows:

1. *"RP-1"--Planned Single-Family Residence District.*
2. *"RP-2"--Planned Single-Family Residence District.*
3. *"RP-4"--Planned Multi-Family Residence District.*
4. *"CP-O"--Planned Non-Retail Business District.*
5. *"CP-1"--Planned Restricted Business District.*
6. *"CP-2"--Planned General Business District.*
7. *"CP-3"--Planned Commercial District.*
8. *"MP-1"--Planned Light Industrial District.*
9. *"MP-2"--Planned Heavy Industrial District.*

(R.O. 2008 §405.030; Ord. No. 4984 §1, 6-10-91)

SECTION 405.040: OFFICIAL ZONING MAP

The location, size, shape, and boundaries of the zones to which the provisions of the text of this Chapter are applicable, shall be indicated on the atlas of maps which is entitled "Official Zoning Map" incorporated herein and by this reference made a part hereof and such maps, after being adopted by reference as a part of this Chapter and so certified by the City Clerk together with the text; shall be maintained by the City Clerk and such atlas shall be the Official Zoning Map, for purposes of enforcement of this Title. Any amendment to the zoning classifications on the Official Zoning Map shall include the legal description of the land involved including appropriate adjacent public rights-of-way on public property and such amendments shall be promptly and permanently noted on the face of the maps in the custody of the City Clerk. (R.O. 2008 §405.040; Ord. No. 4984 §1, 6-10-91)

SECTION 405.050: INTERPRETATION OF MAP

The following rules shall govern interpreting the boundaries of zones as portrayed on the Official Zoning Map:

1. The boundaries of the zones, except where otherwise referenced, are intended to follow the lines of platted lots, center lines of streets and alleys, and when lines appear to be not more than ten (10) feet from the line of a platted lot, the boundary shall be interpreted as being coincidental therewith.

2. When boundaries cross unplatted property or platted lots otherwise than set forth above, and their distances are not clearly marked, their location shall be determined by use of the scale of the map and every such line shall be interpreted to fall on the nearest multiple of ten (10) feet.
3. Boundaries indicated as approximately following City limits shall be construed as following City limits.
4. Boundaries indicated as following railroad tracks shall be construed to be midway between the rails of the main tracks.
5. Boundaries indicated as following shore lines shall be construed to follow shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, reservoirs, flood control channels or other bodies of water shall be construed to follow such center lines and shall move with such center lines in case of shifting.
6. In case of doubt or dispute, the boundary lines shall be determined by the Board of Adjustment upon receiving of an appeal from a ruling of the Building Official. (R.O. 2008 §405.050)

SECTION 405.060: ANNEXATION

Upon such annexation, all territory that is annexed into the City of Maryville shall upon such annexation be classified and zoned in accordance with the following:

1. *No previous zoning ordinance in effect.* If at the time of annexation the newly annexed land is not subject to a valid zoning ordinance duly imposed by a properly authorized governmental subdivision of this State, the following regulations shall apply:
   a. Immediately upon annexation, the property shall automatically receive a zoning designation of the most restrictive zone which allows the use to which the property was being subjected at the time of annexation;
   b. In the event portions of the tract are being subjected to different uses which would require different zoning designations, the property shall be automatically divided into zoning sections based upon the actual use of the areas of the property at the time of annexation and shall automatically receive a zoning designation of the most restrictive zone which allows the use to which that portion of the property was being subjected at the time of annexation;
   c. Notwithstanding the foregoing paragraphs, in the event such automatic zoning designation would result in "spot-zoning" in violation of the ordinances of the City of Maryville, the automatic zoning shall instead be zoning consistent with the zoning of the adjoining property at the time of annexation. In the event the property is adjoined by tracts with different zoning designations, the property shall immediately be referred to the Planning and Zoning Commission and no development shall be allowed upon said property until the property is assigned a zone pursuant to the regulations of this Chapter and the laws of the State of Missouri.
   d. Thereafter the City of Maryville shall adopt such zoning regulations for the land as are appropriate in accordance with the procedures prescribed by this

Chapter and the laws of the State of Missouri.

2. *Pre-existing zoning ordinance in effect.* If at the time of the annexation the newly annexed land is subject to a valid zoning ordinance duly imposed by a properly authorized governmental subdivision of the State, upon annexation said land shall remain subject to the zoning designations in effect prior to annexation until such time as the City of Maryville shall adopt zoning regulations for the annexed territory in accordance with the procedures prescribed by this Chapter and the laws of the State of Missouri.
3. *Timing of action.* The Planning and Zoning Commission and the City Council of the City of Maryville shall adopt the regulations envisioned herein in a timely manner. (R.O. 2008 §405.060; Ord. No. 4984 §1, 6-10-91; Ord. No. 6723 §§1--2, 1-13-05)

SECTION 405.070: ZONING LOTS TO BE DESIGNATED

In order to facilitate the enforcement of this Chapter, the device of zoning lots as defined herein shall be used. A parcel of land shall be designated and suitably recorded by the Building Official as forming the site of each new building, structure or use of land or the site of any building structure or use of land designated for any alteration or modification requiring a building permit or certificate of occupancy. Said parcel shall conform in dimensions and area to the provisions of this Chapter. A zoning lot may or may not coincide with platted lot lines. (R.O. 2008 §405.070; Ord. No. 4984 §1, 6-10-91)

SECTION 405.080: APPLICABILITY TO LAND AND BUILDING

No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located. (R.O. 2008 §405.080; Ord. No. 4984 §1, 6-10-91)

SECTION 405.090: APPLICABILITY, OPEN SPACE

A. No open space surrounding any building shall be encroached upon or reduced in any manner, except in conformity with the yard, lot area and building location regulations herein designed for the zone in which such building or open space is located. No yard, off-street parking space, off-street loading space, or other open space surrounding any building for the purpose of complying with the provisions of this Chapter except as otherwise specified herein, shall be considered as providing a yard or open space for any other building, and no yard or other open space on one (1) platted lot shall be considered as the required open space on another platted lot unless the other platted lot is in the same ownership and is declared as a single zoning lot in applying for a building permit, and provided no land so considered as part of a required building site or zoning lot in the application for a building permit for an existing building. The required yard or open space for any use, building or structure shall be contained in the same zone as required for the principal use, its buildings or accessory buildings.
B. No lot, yard, off-street loading space, off-street parking space or other open space required for an existing building by the regulations contained herein shall be hereafter

reduced in dimension or area below the minimum requirements set forth herein for said building or structure, except to provide for the extension, establishment or widening of a public street or highway. (R.O. 2008 §405.090; Ord. No. 4984 §1, 6-10-91)

SECTION 405.100: INTERPRETATION -- PRIORITY OF CONTRACTS

A. It is not the intention of this Chapter to defeat the purposes of any contract, deed restriction or protective covenant when such instrument is not inconsistent with this Title or contains stricter requirements. In the event this Title conflicts with other ordinances, rules and regulations adopted pursuant to law, or State or Federal law, then the more strict provisions shall apply.
B. Areas which are included within the boundaries of an Urban Renewal Plan or other area plan which has been officially adopted and approved by the Council and a contract with the Federal or other government consummated as a consequence thereof, shall not be the subject of any zoning change which will defeat the purposes of such contract. (R.O. 2008 §405.100; Ord. No. 4984 §1, 6-10-91)

SECTION 405.110: AIRPORT APPROACH AND TURNING ZONES -- HEIGHT RESTRICTIONS

Notwithstanding height restrictions specified for any specific zone set forth herein, no building, structure, vegetation, or use of land shall be constructed or permitted to grow to a height exceeding the limits indicated on the zoning district maps entitled "Airport Approach and Turning Zone" which are a part of this Title, or may hereafter be adopted as a part of this Title. (R.O. 2008 §405.110; Ord. No. 4984 §1, 6-10-91)

SECTION 405.120: DEFINITIONS

For the purpose of this Title, certain words and terms used herein shall be defined and interpreted as follows:

All words used in the present tense include the future tense. All words in the plural number include the singular number, and all words in the singular number include the plural number, unless the natural construction of the wording indicates otherwise. The word *"shall"* is mandatory and not directory. The word *"used"* shall be deemed also to include *"designed, intended or arranged to be used"*.

ALLEY: A minor way, dedicated to public use, which is primarily for vehicular access to the back side of the properties otherwise abutting on a street.

APARTMENT HOTEL: An apartment house which furnishes service for the use of its tenants which are ordinarily furnished by hotels, but the privilege of which is not primarily available to the public.

AUTO WRECKING: The collection, burning out, dismantling or wrecking of used motor vehicles, wheeled or track equipment, or trailers, or the storage, sale of, dumping or dismantled, partially dismantled, obsolete or wrecked motor vehicles, wheeled or track equipment, or trailers of their parts. The dismantling and rebuilding other than customer repair of more than one (1) motor vehicle, piece of wheeled or track equipment, or trailer at a time even though not for profit or a principal use of a parcel of land shall be defined as *"auto wrecking"*. The storage of a partially dismantled motor vehicle, piece of

wheeled or track equipment or trailer shall be considered *"auto wrecking"*.
BLOCK: A piece or parcel of land entirely surrounded by public highway, streets, streams, railroad rights-of-way, parks, or a combination thereof. There may be more than one (1) numbered "block" as shown on a plat, falling within a single block as herein defined.
BOARD: The Board of Zoning Adjustment of the City of Maryville, Missouri.
BUILDING: Any structure having a roof or partial roof supported by columns, posts or walls for the enclosure of persons, animals, equipment or chattels of any kind. A residential building within the meaning of this Chapter shall include a building enclosed by a continuous wall, regardless of the existence of platted lot lines through the area occupied by such building. A commercial or industrial structure may, within the meaning of this Chapter, consist of separate buildings where party walls or ownership lines exist in such a manner as to indicate the intent that they be separate buildings. A "tent" shall be defined as a building for the purposes of this Chapter.
BUILDING ACCESSORY: Any structure erected or constructed, including buildings as herein defined, the use of which required location on the ground or attachment to something located on the ground and which is incidental and customarily appurtenant to a principal use permitted on the zoning lot, but not including fences and walls of less than six (6) feet in height, or bank protection structures, regardless of height, provided they do not project more than one (1) foot above the surface of the ground on high side.
BUILDING HEIGHT: The distance measured from the mean elevation of the grade at the front face of the building to the highest point on the roof or parapet of said building.
BUILDING OFFICIAL: The official appointed by the administration or the City Council of Maryville, Missouri, and charged with the responsibility of enforcing this Title.
BUILDING PRINCIPAL: A building in which is conducted the primary use of the site on which it is situated. In any residential district any dwelling shall be deemed to be the principal building of the site on which it is located.
CERTIFICATE OF OCCUPANCY: A permit issued by the Building Official indicating that the use of the building or land in question is in conformity with this Chapter or that there has been a legal variance therefrom as provide by this Chapter.
CLINIC, MEDICAL: A building or portion of a building containing the offices and associated facilities of one (1) or more practitioners providing medical, dental, psychiatric, osteopathic, chiropractic, physical therapy or similar services for outpatients only, with or without shared or common spaces and equipment. A common area pharmacy or drug dispensary available to persons other than patients being treated therein or making charges separate from bills for professional services of said practitioners shall not be considered as a medical clinic use.
CLUB: "Club" shall include clubhouse and shall mean a voluntary association of persons organized for cultural, recreational, fraternal, civic, charitable or similar purpose but shall not include an organization or premises, the chief activity of which is a service or activity customarily carried on as business even though it may be chartered and named for purposes herein defining a club.
COMMISSION: The Planning and Zoning Commission of the City of Maryville, Missouri.
COUNCIL: The City Council of the City of Maryville, Missouri.
COUNTRY CLUB: For the purposes of this Chapter, "country club" shall include golf

courses, par-3 courses, swimming pools, tennis clubs, and neighborhood clubhouses, any and each of which shall be located on a site of not less than one (1) acre and open only to membership subscribing for the use of all facilities for a term of not less than one (1) year and members non-paying guests. Sleeping facilities other than for one (1) caretaker or manager and his/her family shall be prohibited. "Clubs" operated as restaurants, cocktail lounges, card rooms, beer taverns, bowling alleys, pool and billiard parlors and similar activities normally carried on as a business shall be construed to limit the method of operation of such facilities enumerated in this definition when owned or operated by a governmental agency.

DAY CARE CENTER: A dwelling or other facility conducted or maintained for any part of the twenty-four (24) hour day to provide care for hire for more than ten (10) children not related to the day care provider, except those operated in connection with a business establishment as a convenience for its customers and except boarding homes for children.

DAY CARE HOME: A dwelling occupied by a day care provider and conducted or maintained for any part of the twenty-four (24) hour day to provide care for hire for seven (7) but not more than ten (10) children not related to the day care provider.

DRIVE-IN: May be used as a noun or adjective and shall refer to a business which is designed to serve patrons while they are reposed in vehicles or by means of service windows with the intent that products be consumed in automobile. This shall not be construed to include places for making deposits from automobiles such as drive-in bank windows, post office drop boxes or laundry or cleaning drop boxes.

DWELLING: A building or portion thereof designed exclusively for residential occupancy, excluding hotels, motels, boarding, rooming and lodging houses, travel trailers/recreational vehicles and tourist courts.

DWELLING, ATTACHED (ROW): A multi-family dwelling in which each dwelling unit has a separate outdoor entrance and is either:

1. Joined to one (1) other dwelling unit at one (1) side by one (1) party wall; or
2. Joined to two (2) other dwelling units by one (1) party wall on each side;
3. Under one (1) roof.

DWELLING, DETACHED: A dwelling that is completely surrounded by open space on the same lot.

DWELLING, MOBILE: A vehicle used or so constructed as to permit its being used as a conveyance upon a public street or highway and duly licensable as such, and shall include self-propelled vehicles so designed, constructed, reconstructed, or added to by any means, in such a manner as will permit the occupancy thereof as a dwelling or sleeping place of one (1) or more persons and supported by wheels, jacks or similar supports. Transportable dwellings not meeting "Building Code" requirements for dwelling shall be treated as mobile dwellings.

DWELLING, MULTI-FAMILY: A building or portion thereof containing two (2) or more dwelling units under one (1) roof.

DWELLING, SINGLE-FAMILY: A building containing one (1) dwelling unit only.

DWELLING, TWO-FAMILY: A building containing two (2) dwelling units only, referred to as duplex dwelling units.

DWELLING UNIT: Any building or portion thereof which provides complete and independent living facilities for one (1) or more persons, having permanent provisions for living, eating, sleeping, cooking and sanitation and which has a separate entrance/exit and

separate utility metering.
FAMILY: One (1) or more persons related by blood, marriage or adoption, living together as a single housekeeping unit; or a group of not more than four (4) unrelated persons living together as a single housekeeping unit; plus, in either case, usual domestic servants. A family shall under no circumstances be construed as a boarding house, fraternity or sorority house, club, lodging house, hotel or motel.
FLAMMABLE LIQUIDS: Any liquid which gives off flammable vapors, as determined by the flash point from an open-cup tester as used for test of burning oils, at or below a temperature of eighty degrees Fahrenheit (80°F), is flammable.
FLOOR AREA: The "floor area" of a building, as used in calculating the gross floor area ratio or as otherwise used in this Chapter, shall include all areas having headroom of seven (7) feet or more, including basement areas where they are used as a dwelling unit for sleeping accommodations, or other family eating or living purposes, but not include basement floor areas used for utility and storage purposes. "Floor area" for business and industrial buildings shall include all useable floor space above grade and that portion of basements used for the conduct of business or industry, but not including utility areas of said basements. Measurements shall be made at the outside of outside walls. An area may be surfaced with natural earth and still be considered a floor.
GOLF COURSE: Standard sized layouts of at least nine (9) holes and shall not include miniature golf courses, par-3 golf courses, pitch and putt courses or driving ranges.
GRADE: The mean elevation of the ground measured along the wall of a building, or lot line, or the top of a street curb not yet constructed, or an official grade of an alley surface, as appropriate to the context in which the term is used.
GROSS FLOOR AREA RATIO (G.F.A.R.): The floor area of a building divided by the area of the zoning lot as defined herein. (For example, a building one (1) story high covering an entire lot would have a G.F.A.R. of 1.0 where as a building two (2) stories high covering an entire lot would have a G.F.A.R. of 2.0 while a building one (1) story high covering half a lot would have a G.F.A.R. of 0.5.) Both principal and accessory buildings shall be considered in calculating gross floor area.
GROUND COVERAGE: The area of a zoning lot occupied by all buildings expressed as a percentage of the gross area of the zoning lot.
GROUP HOME: Any home in which eight (8) or fewer unrelated 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.
HEIGHT, BUILDING: See BUILDING HEIGHT.
HOME OCCUPATION, GENERAL: A business occupation or profession carried on within a residential dwelling by the resident thereof, and which shall have the following characteristics:

1. There shall not be external evidence of the occupation with the exception of one (1) unlighted name plate of not more than one (1) square foot in area attached flat against the building. Advertising displays and advertising devices displayed through a window of the building shall not be permitted.
2. There shall be no emission of smoke, dust, odor, fumes, glare, noise, vibration, electrical or electronic disturbance detectible at the zoning lot line.
3. The activity shall employ only members of the immediate family of the resident

of the dwelling.

4. There shall not be a stock of goods on the premises in excess of thirty (30) cubic feet in volume, none of which shall be of a flammable nature.
5. There shall be no signs, radios, television, newspapers, handbill or similar types of advertising linking the address of the premises with the home occupation.
6. Said home occupation shall not involve continual visits by the general public, except that music lessons may be given to four (4) pupils at a time and a dressmaker may have two (2) customers at a time. A beauty shop or barber shall not be considered a home occupation.
7. The above listed characteristics of a home occupation shall not be construed to restrict the sale of garden produce grown on the premises.
8. Said occupation may include the caring for not more than six (6) children at one time for hire.
9. Room or board for hire, but not for more than two (2) persons. Any business, occupation or profession, the operation of which does not meet the aforesaid characteristics, shall not be interpreted to be a home operation despite the fact that it may attempt to operate in a residential building.

HOME OCCUPATION, LIMITED: A business, occupation or profession carried on within a residential dwelling by the resident thereof, and which have the following characteristics:

1. There shall be no external or externally visible evidence of the occupation, business or profession whatsoever.
2. There shall be no emission of smoke, dust, odor, fumes, glare, noise, vibration, electrical or electronic disturbance detectable at the zoning lot line.
3. The activity shall employ only members of the immediate family of the resident of the dwelling.
4. There shall be no stock of goods on the premises.
5. There shall be no machinery other than that normally found in a home.
6. There shall be no contact at the premises with customers or clients other than by telephone or mail, except that music lessons may be given to one (1) pupil at a time and cultural, art or dance instruction may be given to four (4) pupils at one time.
7. Said occupation may include the care for of not more than six (6) children at one time for hire.
8. There shall be no signs, radio, television, newspaper, handbill or similar types of advertising linking the address of the premises with the home occupation.
9. The above listed characteristics of a limited home occupation shall not be construed to restrict the sale of garden produce grown on the premises, provided this exception shall not extend to allow the operation of a commercial greenhouse or nursery or the existence of stands or booths for display of said produce.
   Any business, occupation or profession, the operation of which does not meet the aforesaid characteristics of a limited home occupation, shall not be interpreted to be a limited home occupation despite the fact that it may attempt to operate in a residential building.

JUNK: 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 non-ferrous material.
LOT: A zoning lot unless the context shall clearly indicate a lot of record, in which case a "lot" is a lot of record.
LOT, CORNER: A zoning lot situated at the intersection of two (2) streets, or bounded on two (2) or more adjacent sides by street right-of-way lines or in the case of curved right-of-way lines, when the extension of tangents at the side lot lines yields an internal angle which does not exceed one hundred thirty-five degrees (135°).
LOT, INTERIOR: A zoning lot other than a corner lot.
LOT LINE: A boundary of a zoning lot. "Lot line" is synonymous with property line.
LOT OF RECORD: Land designated as a separate and distinct parcel in a subdivision, the plat of which has been recorded in the office of the County Recorder of Nodaway County, Missouri, the deed to which was recorded in the office of said Recorder prior to the adoption of this Chapter (June 10, 1991).
LOT, REVERSE CORNER: A corner zoning lot, the side street line of which is substantially a continuation of the front lot line of the zoning lot to its rear.
LOT, THROUGH: A zoning lot having frontage on two (2) parallel or approximately parallel diverging or converging streets, but not including a corner lot as defined herein.
LOT WIDTH: The horizontal distance between side lot lines measured at the front building line.
LOT, ZONING: See *"ZONING LOT"*.
MINOR REPAIR, AUTOMOBILE: The replacement of minor assemblies or parts and tune-up of automobiles, or trucks of less than fifteen thousand (15,000) pounds gross license weight, but not including body and fender work, painting, engine overhaul or similar type of work.
MODIFYING ZONE: A zone which is dependent upon a primary zone and which is designed to add to the primary zone a specific restriction or liberalization to meet specific locational needs which if accomplished by an additional series of primary zones would make the ordinance unnecessarily lengthy and complicated.
MOTOR HOTEL OR HOTEL: A group of attached or detached living units with individual toilet facilities designed primarily for transient guests and which may include restaurant and other similar related services. Not more than forty percent (40%) of the units in a motor hotel may be occupied as residential units, provided each such unit must first be approved by City Code Officials as to adequate life-safety conditions, occupants per room, off-street parking spaces and other conditions protecting the occupants and the public.
NON-CONFORMING BUILDING: A building or structure or portion thereof lawfully existing at the time this Chapter (June 10, 1991) or an amendment thereto becomes effective, which does not meet the bulk, height, yard, parking, loading or other requirements of this Chapter or any amendment thereto.
NON-CONFORMING USE: A use which lawfully occupies building or land at the time this Chapter (June 10, 1991) or an amendment thereto becomes effective but does not meet the requirements of this Chapter or any amendment thereto.
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.

PAR-3 GOLF COURSE: A golf course other than a miniature golf course and other than a golf course defined herein and having greens similar to a golf course and fairways of not less than fifty (50) yards in length. A par-3 golf course may not be lighted unless so specified as permitted in the text of this Chapter.
PRIMARY ZONE: A zoning classification which can stand alone as a classification of a parcel of property.
PRINCIPAL PERMITTED USE: That use of a zoning lot which is among the uses allowed as a matter or right as the exclusive use of a lot under the zoning classification.
ROOMING HOUSE: A dwelling containing one (1) or more lodging rooms that accommodate one (1) or more persons who are not members of the keeper's family; provided however, that the letting of rooms for hire, to the extent permitted by this Chapter as a home occupation, shall not in itself cause a dwelling to be a "rooming house". In a rooming house, lodging or meals are provided for compensation on a weekly or monthly basis. "Rooming house" includes boarding house.
SPECIAL USE PERMIT: A use which is not allowed in a zone as a matter or right, but which is permitted by the Council based on findings and recommendations of the Planning and Zoning Commission.
SPOT ZONE: Any area which is less than one-half (½) of a City block. A one-half (½) City block shall consist of an area equal to the size of four (4) "R-2" standard lots or an area of not less than twenty-eight thousand eight hundred (28,800) square feet (60 ft. x 120 ft. x 4 = 28,800).
STORY: That portion of a building included between the upper surface of a floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or crawl space is more than six (6) feet above grade, as defined herein, for more than fifty percent (50%) of the total perimeter, or is more than twelve (12) feet above grade at any point, such basement, cellar or crawl space shall be considered a "story".
STREET: The entire width between property lines dedicated or acquired for the purpose of public use for vehicular traffic or access other than an alley. Where a way or place exists by virtue or consent agreement or an established public right, then for the purpose of this Chapter the way or place shall be considered to be fifty (50) feet in width falling half on each side of the centerline of the traveled way. Where the dimensions, set out in a consent agreement, exceed fifty (50) feet, then the larger dimension shall govern.
STRUCTURAL ALTERATIONS: Any change in the structural members of a building, such as walls, columns, beams or girders. Vehicles duly licensed for operation upon public streets or highway shall not be considered structures.
STRUCTURE: Anything constructed or erected with a fixed location on the ground or attached to or resting on something having a fixed location on the ground. Moreover, the following shall always be considered structures: buildings, walls, fences, signs and billboards.
UNRELATED PERSONS: Persons who are not related within the third degree of consanguinity or affinity.
USE: The purpose for which land or a building is designed, arranged or intended or to which said land or building is occupied, maintained or leased.
USE, ACCESSORY: A use customarily incident to a principal permitted use or building

and located on the same zoning lot with such principal use of building.
USE, SPECIFICALLY EXCLUDED: A use of land or a structure which is excluded from a zone by the operation of other regulations of the zone, and which is specifically enumerated as excluded for purposes of clarity of intent and ease of reference.
YARD, FRONT: An open space extending the full width of the zoning lot, between the main building and the front lot line, unoccupied and unobstructed by buildings or structures in excess of thirty (30) inches in height except as provided herein, the depth of which shall be measured as the least distance between the front lot line and the front of such main building.
YARD, REAR: An open space extending the full width of the zoning lot, between the main building and the rear lot line, unoccupied and unobstructed by buildings or structures in excess of thirty (30) inches in height except as provided herein, the depth of which shall be measured as the least distance between the rear lot line and the rear of such main building.
YARD, SIDE: An open space extending from the front yard to the rear yard, between the main building and the side lot line, unoccupied and unobstructed by buildings or structures in excess of thirty (30) inches in height except as provided herein, the depth of which shall be measured as the least distance between the side lot line and the side of such main building.
ZONING LOT: A single tract of land, located within a single block which at the time of filing for a building permit or certificate of occupancy is designated by the owner or developer as a tract to be used, developed or built upon as a unit, under single or unified ownership or control, and assigned to the particular use, building or structure for which the building permit or certificate of occupancy are issued and including such area of land as may be required by the provisions of this Chapter for such use, building or structure. (R.O. 2008 §405.120; Ord. No. 4984 §1, 6-10-91; Ord. No. 5255 §1, 11-28-94; Ord. No. 5292 §1, 4-10-95; Ord. No. 6689 §§1--2, 9-27-04)

SECTION 405.125: VIOLATION AND PENALTY
Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this Title shall be deemed guilty of a ordinance violation. Each day that the violation is permitted to exist after notification in writing by the Building Official and the expiration of time designated in said notice shall constitute a separate offense. (R.O. 2008 §405.125; Ord. No. 4984 §1, 6-10-91; Ord. No. 5255 §1, 11-28-94; Ord. No. 5292 §1, 4-10-95)

ARTICLE II. EXCEPTIONS AND ENCROACHMENTS

SECTION 405.130: HEIGHT EXCEPTIONS
A. *General Rule.* Any structure hereafter erected or altered shall comply with the height limitations of the zone in which it is located except as specified below. However, no exception listed below shall exceed the height restrictions of an aircraft approach and turning zone.

B. *Appurtenances.* The following appurtenances may exceed the prescribed height limit except when they would violate the height restrictions of an aircraft approach and turning zone, provided they are normally required for a use permitted in the zone in which they are erected or constructed: flagpoles, chimneys, cooling towers, elevator bulkheads, silos, storage towers, observation towers, ornamental towers, monuments, cupolas, domes, spires, standpipes and other necessary mechanical appurtenances and their protective housing; provided however, that any of the above except flagpoles and chimneys, when located in any zone with a height limit of forty (40) feet or less shall be allowed only upon finding of the Board of Adjustment that such appurtenances will not be unduly detrimental to the surrounding property.

C. *Public And Semi-Public Buildings.* Public and semi-public buildings and structures such as hospitals, churches, sanitariums, schools and water reservoir towers may exceed the height limits of the zone in which they are located, provided that such buildings and structures shall provide at least one (1) additional foot of yard space on each side for each additional foot that such building or structure exceeds the specified height limit of the zone in which it is located and further provided, that a finding is made by the Board of Zoning Adjustment that such additional height will not be materially detrimental to surrounding property. (R.O. 2008 §405.130; Ord. No. 4984 §1, 6-10-91)

SECTION 405.140: YARD SPACE

A. *General Rule.* Any building, structure or use hereafter erected, altered or established shall comply with the yard space requirements of the zone in which it is located except as specified below. The required yard space for any building, structure or use shall and such required yard space shall fall entirely upon land in a zone or zones which the principal use is permitted. Any required yard space shall be open from thirty (30) inches above the ground to the sky except as specified herein.

B. *Yard Space Encroachments*.

1. *Eaves.* Eaves, cornices and similar features may extend one (1) foot into a required yard space except that eaves may encroach three (3) feet into a yard space when such yard space is ten (10) feet or more in width.
2. *Chimneys.* Chimneys, when not more than four (4) feet wide, may extend one (1) foot into any required yard space. Chimneys including those in excess of four (4) feet wide may extend two (2) feet into any yard space when such yard is ten (10) feet or more in width.
3. *Rear yard.* Accessory buildings or structure shall be permitted to occupy a required yard with the following restrictions:
   a. No such accessory structure shall be greater than fifteen (15) feet in height nor be closer than twenty (20) feet from any street line.
   b. An accessory structure may be constructed within two (2) feet of an inside lot line when the entire structure is within forty (40) feet of the rear property line, or on the rear half of a lot if the adjacent lot is built upon and the accessory building will be entirely to the rear of the line of any principal building on the said neighboring lot.
   c. Adjoining property owners may construct accessory buildings with party walls in lieu of the two (2) foot side yard, but in compliance with the general location rules of (b) above, provided such walls conform with the

requirements of the Building Code and a finding is made by the Board of Adjustment that such party wall development will be appropriate to the topographic conditions and in harmony with the character of development of the neighborhood.

4. *Canopies.* Canopies and overhangs on any side of a business building may extend four (4) feet into a required yard space. Signs mounted on the face of any such canopy or overhang shall not exceed eight (8) inches in height in any zone in which flat wall signs are specified. Canopies and awnings on a residential building may extend four (4) feet into any required side yard or seven (7) feet into any required front or rear yard when they are attached to and supported entirely by or from a wall of the building.

C. *Yard Space Exception--Steep Slopes.* Automobile storage garages may be allowed within a required front or side yard when such garage will be entirely below the grade of the lot and after a finding by the Board of Zoning Adjustment that topographic conditions make such a location necessary, that such orientation will not create a hazard to automobile or pedestrian traffic in the street, and that such orientation will be in harmony with the character of development of the neighborhood. (R.O. 2008 §405.140; Ord. No. 4984 §1, 6-10-91; Ord. No. 6691 §§1--2, 9-27-04)

SECTION 405.150: LOT AREA EXCEPTION -- EXISTING PLATTING

A. A dwelling may be built on any platted lot of record containing seventy-five percent (75%) of the required lot area for the district to which the lot is located if said lot was in separate ownership and separate control at the effective date of this Chapter (June 10, 1991) provided the front, side and rear yard requirements for the district in which the lot is located are met and provided dwellings are permitted in the district in which the lot of record is located. It is not the intention of this exception to allow buildings as a matter of right on a platted parcel which was never intended as a building site, but rather was numbered on a plat for identification purposes under a scheme in which multiple lots were intended to provide one (1) building site.

B. If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage (June 10, 1991) or amendment of this Chapter, and if all or part of the lots do not meet the requirements established for lot width and area, the land involved shall be considered to be an undivided parcel for the purposes of this Chapter, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width requirements established by this Chapter, nor shall any division of any parcel be made which creates a lot width or area below the requirements stated in this Chapter. (R.O. 2008 §405.150; Ord. No. 4984 §1, 6-10-91; Ord. No. 5352 §1, 10-16-95)

SECTION 405.160: FENCES AND HEDGES

A. *Corner Visibility.* Except in zones allowing the construction of buildings or structures to the property line, there shall be provided an unobstructed view across the triangle formed by joining points measured a twenty (20) feet distance along the property line from the intersection of two (2) streets or fifteen (15) feet along both the street and alley line from the intersection of a street and an alley. Within said triangle there shall be no sight

obscuring or partly obscuring wall, fence or foliage higher than thirty (30) inches above grade or in the case of trees, foliage lower than five (5) feet. Vertical measurement shall be made at the top of the curb on the street or alley adjacent to the nearest side of the triangle or if no curb exists, from the edge of the nearest traveled way.

B. *Other Than Corner.* On portions of a lot not covered by street or alley intersection restrictions, the height of fences of any length and foliage continuous for five (5) feet or more shall be limited to forty-eight (48) inches on any street line and the front fifty (50) feet on any side lot line. On all other portions of lot lines, hedges and continuous foliage barriers may not exceed a height of eighty (80) inches.

C. *Within Building Lines.* Fences and hedges erected within a portion of a zoning lot on which a principal building, but not an accessory building, may be erected may conform with height limits of buildings which may be erected on such lot, but shall be subject to any building code provisions which may be applicable.

D. *Measurement Rule.* Heights of fences, hedges and other continuous foliage shall be measured from the adjacent top of the street curb, surface of an alley or the official established grade thereof, whichever is the higher. On inside lot lines, the measurement shall be from the average grade of the lot line of the parcel or property having the lower elevation.

E. *Exception--Board Of Zoning Adjustment.* The Board of Zoning Adjustment may approve, or may direct as a condition for granting an appeal, that fences or plantings of a height in excess of these regulations be placed as shieldings between different uses, or between like uses upon agreement between the parties affected thereby, provided that no such approval shall have the effect of reducing corner visibility as provided for herein. (R.O. 2008 §405.160; Ord. No. 4984 §1, 6-10-91; Ord. No. 6109 §1, 8-24-98)

SECTION 405.170: STREET WIDTH -- EXCEPTIONS

In general, on the east side of Main Street (Highway 71) City street rights-of-way tend to be wider than the average for the City as a whole (See Chapter 410, Subdivision Regulations). In such areas, development of property, where structures already exist and owners wish to extend terraces, patios, garages, eaves, and other such improvements, these improvements shall be allowed for front and rear yard areas, where they are in conformance with the rest of the neighborhood (block). Such additions or changes may be requested through a building permit and may be evaluated by the Building Official for conformance with neighborhood norms and where, in his/her opinion, this change would not interfere with the general condition of the neighborhood, it may be approved. Any person being denied a building permit for such improvements may appeal to the Board of Code of Appeals. (R.O. 2008 §405.170; Ord. No. 4984 §1, 6-10-91)

SECTION 405.180: EXISTING HALF LOT

A problem exists that on a half lot situation property owners should be allowed to demolish existing structures on said lot and reconstruct a new building in conformity with this Chapter and all appropriate building codes. Said reconstruction shall not exceed the previous level of non-conformity for space requirements. Property owners seeking to utilize this Section of the Code, must apply for an appropriate demolition permit and building permits. If denied by the Building Official, the property owner may seek a

hearing with the Board of Code of Appeals. (R.O. 2008 §405.180; Ord. No. 4984 §1, 6-10-91)

ARTICLE III. DISTRICT REGULATIONS

SECTION 405.190: USES COMMON TO ALL RESIDENTIAL ZONES

The following use shall be common to all residential zones:

Group homes. No group home shall be located within two thousand five hundred (2,500) feet of another group home. The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. Group homes shall be eleemosynary or not-for-profit in nature. (R.O. 2008 §405.190; Ord. No. 4984 §1, 6-10-91)

SECTION 405.200: PRINCIPAL PERMITTED USES

The following uses are permitted in all residential zones subject to further restrictions or liberalizations which are imposed by a specific zone.

1. Off-street parking shall be provided for all uses established in the residential zones.
2. Only one (1) building for living purposes shall be permitted on one (1) zoning lot except as otherwise provided herein.
3. Single-family detached dwellings as defined in Section 405.120 of this Chapter.
4. Public, parochial and private schools and colleges offering courses of general instruction when located on sites of at least five (5) acres, and including convents, monasteries, dormitories and other related living structures when located on the same site as the school or college.
5. Churches, synagogues, chapels and similar places of religious worship and instruction of a quiet nature when located in a substantial structure on not less than two (2) acres.
6. Crop and tree farming but not including the raising of animals or fowl for commercial purposes, or the sale of any products at retail on the premises.
7. Parks and recreation areas operated by the City or other political subdivision.
8. Public and quasi-public buildings for cultural use.
9. Country clubs as defined in Section 405.120 of this Chapter.
10. Day care centers when conducted or maintained within a school, place of religious worship or public or quasi-public building for educational, cultural or recreational use. (R.O. 2008 §405.200; Ord. No. 4984 §1, 6-10-91)

SECTION 405.210: PERMITTED ACCESSORY USES

Subject to further restrictions or liberalizations which are imposed by a specific zone, the following accessory uses are permitted in all residential zones:

1. Private garages and private parking areas.
2. Subject to any other regulations or ordinances of the City, private swimming

pools exclusively for the use of residents of the premises and their non-paying guests.

3. The parking of one (1) unoccupied trailer or recreational vehicle designed for recreational use or similar self-propelled recreational vehicle within a building or in the open in a rear or side yard, subject to any permits required by law or ordinance and the following restrictions:
   a. On a corner lot no such trailer or self-propelled vehicle shall be parked closer than twenty-five (25) feet to the intersection of the right-of-way lines of the streets adjacent thereto; and
   b. No such trailer or self-propelled recreational vehicle shall be used as living quarters while so parked.
4. The storage of one (1) pleasure boat on or off a trailer, within a building or in the open in a rear or side yard, except that no boat shall be so stored on a corner lot closer than twenty-five (25) feet to the intersection of the right-of-way lines of the streets adjacent thereto.
5. Other accessory uses and structures customarily appurtenant to a permitted use. (R.O. 2008 §405.210; Ord. No. 4984 §1, 6-10-91; Ord. No. 5381 §1, 2-5-96)

SECTION 405.220: "AG" AGRICULTURAL ZONE

A. *Purpose.* This Zone is designed to preserve lands best suited for agricultural use from encroachment of incompatible uses, and to preserve in agricultural use, land suited to eventual development in other uses pending proper timing for practical and economical provision of utilities, major streets, schools and other facilities so that reasonably compact development will occur and the fiscal integrity of the City preserved. A change of zoning from "AG" to any other classification shall be in accordance with planning practices established by the Commission.

B. *Principal Permitted Uses.*
   1. The principal permitted uses common to all residential zones.
   2. Agricultural including the raising of field crops, horticulture, and animal husbandry subject to rules and regulations of the City and other ordinances, including kennels but excluding feed lots and poultry farms.
   3. Ranch and farm dwellings pertaining to agricultural operations.
   4. Riding academies.
   5. Recreational camps operated by public, charitable or religious organizations.
   6. Greenhouses.

C. *Permitted Accessory Uses.*
   1. The permitted accessory uses common to all residential zones.
   2. Living quarters for persons regularly employed on the premises, but not including labor camps or dwellings for transient labor.
   3. Guest houses, not rented or otherwise conducted as a business.
   4. General home occupations.
   5. Offices incidental to and necessary for conducting a permitted use.
   6. Private garages, stables and barns, provided that structures for the shelter of animals shall be at least three hundred (300) feet distance from any residential building on a separate zoning lot.

D. *Space Limits.*

1. Minimum lot area--Ten (10) acres.
2. Minimum width of lot--One hundred fifty (150) feet.
3. Maximum height of building--Thirty-five (35) feet.
4. Minimum front yard--Sixty (60) feet from the front lot line.
5. Minimum rear yard--Thirty-five (35) feet.
6. Minimum side yard--Twenty (20) feet.
7. Minimum side yard on street side of corner--Sixty (60) feet from the side lot line.
8. Maximum ground coverage including accessory buildings--Ten percent (10%). (R.O. 2008 §405.220; Ord. No. 4984 §1, 6-10-91)

SECTION 405.230: "R-1" SINGLE-FAMILY RESIDENCE ZONE

The following requirements for uses shall exist in "R-1" Single-Family Residence Zones:

1. *No accessory rentals.*
2. *Family unit.* Maximum of two (2) unrelated persons.
3. *Minimum lot size.* 8,800 square feet. Two (2) off-street parking spaces.
4. *Principal permitted uses.* The principal permitted uses common to all residential zones.
5. *Principal accessory uses*.
   a. The permitted accessory uses common to all residential zones.
   b. Limited home occupations.
6. *Space limits.*
   a. Two (2) acres for religious and cultural uses.
   b. *Minimum width of lot.* Seventy-five (75) feet.
   c. *Maximum height of building.* Thirty-five (35) feet.
   d. *Minimum front yard.* Twenty-five (25) feet.
   e. *Minimum rear yard.* Twenty-five (25) feet.
   f. *Minimum side yard.* Six (6) feet.
   g. *Minimum side yard on street side of corner.* Twenty-five (25) feet.
   h. *Maximum gross floor area ratio.* 0.3.
   i. *Maximum ground coverage including accessory buildings.* Forty percent (40%).
   j. *Minimum street frontage.* A minimum street frontage of seventy-five (75) feet, except on the curve of curbed streets and cul-de-sacs, in which case the minimum street frontage shall be fifty (50) feet. (R.O. 2008 §405.230; Ord. No. 4984 §1, 6-10-91; Ord. No. 5444 §1, 7-15-96)

SECTION 405.240: "R-2" SINGLE-FAMILY AND "R-2" MODIFIED RESIDENCE ZONES

The following requirements for uses shall exist in "R-2" Single-Family and "R-2" Modified Residence Zones:

1. *General provisions.*
   a. *Minimum lot size.* Six thousand six hundred (6,600) square feet.
   b. *Family unit.* Maximum of two (2) unrelated persons.
      (1) Include accessory rental for owner occupied structures--Maximum of two (2) bedrooms with one (1) person per bedroom.

(2) Must provide off-street parking--One (1) space per rented bedroom.

c. *Duplex units.* Duplex units are allowed only in the "R-2" Modified Zones as identified on the Official Zoning Map and not allowed in "R-2" Single-Family Residential Zones. Duplex units in the "R-2" Modified Zones are allowed only on open ground and in compliance with all other "R-2" ordinance requirements.

(1) *Off-street parking.* Two (2) spaces per unit.

2. *Principal permitted uses*. The principal permitted uses common to all residential zones.
3. *Permitted accessory uses*.
   a. The permitted accessory uses common to all residential zones.
   b. Limited home occupations.
4. *Space limits.*
   a. The permitted accessory uses common to all residential zones.
   b. Limited home occupations.
   c. *Minimum lot area.* Six thousand six hundred (6,600) square feet per dwelling unit for residential uses: One (1) acre for religious or cultural zone.
   d. *Minimum width lot.* Sixty-six (66) feet.
   e. *Maximum height of building.* Thirty-five (35) feet.
   f. *Minimum front yard.* Twenty-five (25) feet.
   g. *Minimum rear yard.* Twenty-five (25) feet.
   h. *Minimum side yard.* Six (6) feet.
   i. *Minimum side yard on street side of corner.* Twenty (20) feet.
   j. *Maximum gross floor area ratio.* 0.3.
   k. *Maximum ground coverage including accessory buildings.* Forty percent (40%).
   l. *Minimum street frontage.* A minimum street frontage of sixty-six (66) feet, except on the curve of curbed streets and cul-de-sacs, in which case the minimum street frontage shall be forty (40) feet. (R.O. 2008 §405.240; Ord. No. 4984 §1, 6-10-91; Ord. No. 5180 §1, 1-10-94; Ord. No. 5444 §1, 7-15-96)

SECTION 405.250: "R-3" MULTI-FAMILY RESIDENCE ZONE

The following requirements for uses shall exist in "R-3" Multi-Family Residence Zones:

1. Buffer zone.
2. *Include duplex unit.*
   a. *Minimum lot size.* Eight thousand (8,000) square feet.
   b. *Family unit.* Maximum of three (3) unrelated persons.
   c. *Off-street parking.* Two (2) spaces per unit.
3. *Three or four plex units.*
   a. *Minimum lot size.* Twelve thousand (12,000) square feet.
   b. *Family unit.* Maximum of three (3) unrelated persons.
   c. *Off-street parking--studio and one (1) bedroom.* Two (2) spaces per unit.
      (1) *Two (2) or more bedrooms.* Three (3) spaces per unit.
      (2) Allow "C-O" and "C-1" by special use at intersections only. Must be submitted as "PUD".
4. *Principal permitted use.* The principal permitted uses common to all residential

zones.

5. *Permitted accessory uses.*
   a. The permitted accessory uses common to all residential zones.
   b. General home occupations.
6. *Space limits.*
   a. *Minimum width of lot.* Seventy-five (75) feet.
   b. *Maximum height of building.* Thirty-five (35) feet.
   c. *Minimum front yard.* Twenty-five (25) feet.
   d. *Minimum rear yard*. Twenty-five (25) feet.
   e. *Minimum side yard.* Six (6) feet.
   f. *Minimum side yard on street side of corner lot.* Fifteen (15) feet.
   g. *Maximum gross floor area ratio.* 0.5.
   h. *Maximum ground coverage including accessory buildings*. Fifty percent (50%).
   i. *Minimum street frontage.* A minimum street frontage of sixty-six (66) feet, except on the curve of curbed streets and cul-de-sacs, in which case the minimum street frontage shall be forty (40) feet. (R.O. 2008 §405.250; Ord. No. 4984 §1, 6-10-91; Ord. No. 5444 §1, 7-15-96)

SECTION 405.260: "R-4" MULTI-FAMILY RESIDENCE ZONE

The following requirements for uses shall exist in "R-4" Multi-Family Residence Districts:

1. *Duplex unit.*
   a. *Minimum lot size*. Eight thousand (8,000) square feet.
   b. *Family unit--studio and one (1) bedroom.* Maximum two (2) unrelated persons.
   c. *Two (2) or more bedrooms.* Maximum four (4) unrelated persons.
   d. *Off-street parking--studio and one (1) bedroom.* Two (2) spaces per unit.
   e. *Two (2) or more bedrooms.* Three (3) spaces per unit.
2. *Three- and four-plex units.*
   a. *Minimum lot size.* Eight thousand five hundred (8,500) square feet.
   b. *Family unit--studio and one (1) bedroom.* Maximum two (2) unrelated persons.
   c. *Two (2) or more bedrooms*. Maximum four (4) unrelated persons.
   d. *Off-street parking--studio and one (1) bedroom.* Two (2) spaces per unit.
   e. *Two (2) or more bedrooms.* Three (3) spaces per unit.
3. *Five-plex and above.*
   a. *Minimum lot size.* Two thousand (2,000) square feet per unit.
   b. *Family unit--studio and one (1) bedroom.* Maximum two (2) unrelated persons.
   c. *Two (2) or more bedrooms.* Maximum four (4) unrelated persons.
   d. *Off-street parking--studio and one (1) bedroom.* Two (2) spaces per unit.
   e. *Two (2) or more bedrooms.* Three (3) spaces per unit.
4. *Principal permitted uses*.
   a. The principal permitted uses common to all residential zones.
   b. Multiple dwellings.

5. *Permitted accessory uses*.
   a. The permitted accessory uses common to all residential zones.
   b. General home occupations.
6. *Space limits*.
   a. *Minimum lot area*. Every dwelling hereafter erected shall be provided with a lot area per dwelling as follows:
      (1) *One (1) dwelling unit.* Minimum lot area six thousand six hundred (6,600) square feet.
      (2) *Two (2) and three (3) dwelling units.* Minimum lot area eight thousand (8,000) square feet.
      (3) *Four (4) dwelling units.* Minimum lot area two thousand (2,000) square feet.
      (4) *Five (5) dwelling units.* Minimum lot area two thousand (2,000) square feet.
      (5) *More than five (5) dwelling units.* Minimum lot area two thousand (2,000) square feet.
   b. *Maximum height of building.* Thirty-five (35) feet.
   c. *Minimum front yard.* Twenty-five (25) feet.
   d. *Minimum rear yard.* Twenty-five (25) feet.
   e. *Minimum side yard.* Six (6) feet for one (1) and two (2) story buildings, six (6) feet plus five (5) feet per story for each story over two (2).
   f. *Minimum side yard on street side of corner.* Fifteen (15) feet.
   g. *Maximum gross floor area ratio.* 0.5.
   h. *Maximum ground coverage including accessory buildings.* Fifty percent (50%).
   i. *Minimum street frontage.* A minimum street frontage of sixty-six (66) feet, except on the curve of curbed streets and cul-de-sacs, in which case the minimum street frontage shall be forty (40) feet. (R.O. 2008 §405.260; Ord. No. 4984 §1, 6-10-91; Ord. No. 5444 §1, 7-15-96; Ord. No. 6397 §1, 8-13-01)

SECTION 405.270: "C-O" OFFICE BUILDING DISTRICT

A. *Principal Permitted Uses*. In District "C-O", no building, structure, land or premises shall be used, and no building of structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one (1) or more the following uses:
   1. Any use permitted in Districts "R-1" to "R-4".
   2. Office buildings to be used only for the administrative functions of companies, corporations, social or philanthropic organizations or societies;
   3. Other offices limited to the following:
      a. Accountants
      b. Architects
      c. Brokers
      d. Engineers
      e. Dentists, dental laboratories
      f. Lawyers
      g. Physicians, osteopaths, chiropractors
      h. Real estate and insurance

i. Optometrists
4. Mortuaries.
5. Customary accessory uses.
6. Radio and television studios.

B. *Performance Standards.* No merchandise shall be handled or displayed except inside buildings and no equipment or vehicle other than motor passenger cars shall be stored outside a building in this District for more than twenty-four (24) hours in a thirty (30) day period. A pharmacy wherein retail sales only of prescription medicines, drugs, pharmaceuticals and orthopedic devices, customarily incident to the practice of medicine, and an optical dispensary wherein eye glasses, contact lenses and medicines, supplies and devices used in connection therewith, customarily incident to the practice of optometry, shall be allowed as accessory uses in office building provided, at least one (1) physician or optometrist occupies office within that building. No direct exterior entrance to the pharmacy or optical dispensary shall be permitted.

C. *Space Limits*. In District "C-O", the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows:
1. *Height.* Buildings or structures located in District "C-O" shall not exceed two (2) stories to thirty-five (35) feet in height.
2. *Front yard.* A front yard no less than twenty-five (25) feet shall be provided.
3. *Rear yard.* The depth of the rear yard shall be at least twenty-five (25) feet.

D. *Parking Regulations.* Four (4) off-street parking spaces shall be provided on the premises for each thousand (1,000) square feet of floor area.

E. *Noise Regulations.* In no case shall the noise level exceed 40dB (A) at repeated intervals or for a sustained length of time measured at any point along the property line. (R.O. 2008 §405.270; Ord. No. 4984 §1, 6-10-91)

SECTION 405.280: "C-1" RESTRICTED BUSINESS DISTRICT

A. *Principal Permitted Uses*. In District "C-1", no building, structure, land or premises shall be used; and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses:
1. Shops and stores for sale at retail of foods and beverages for human consumption; soft goods such as clothing and shoes; drugs and cosmetics; furniture and appliances; printed materials; notions; hardware and paint; kitchenware; toys; and sporting goods; jewelry, gifts and novelties; flowers; tobacco products; photographic equipment; antiques; artist and hobby supplies; music supplies and medical supplies; bicycles; newspapers; books; stationery; office supplies; package liquor stores.
2. Services such as professional offices; banks and savings and loan associations; insurance; barber and beauty shops; schools; optical shops; seamstress and tailoring; dry cleaning and laundry pick up or coin-operated dry cleaning operations classed as low hazard in the applicable codes; eating establishments; interior decorator; photographer; shoe repairs; clinics; small animal hospitals.
3. Offices of all types, including post office, public or privately owned utilities offices.

4. Accessory uses customarily incident to the normal operation of the above uses, including parking lots as provided in this Chapter.

B. *Performance Standards*. The following standards shall not be exceeded by any use in this District:
   1. No wholesale sales shall be conducted.
   2. No merchandise or equipment shall be stored or displayed outside a building.
   3. All products shall be sold and all services rendered inside a building except that banks and savings and loan establishments may have drive-up or walk-up service.
   4. No smoke, radiation, vibration or concussion, heat or glare shall be produced that is toxic, caustic or obviously injurious to humans or property.
   5. Alcoholic beverages and cereal malt beverages shall not be sold for consumption on the premises except that places serving food for consumption inside the building may serve cereal malt beverages provided the wholesale cost of the cereal malt beverages sold does not exceed fifty percent (50%) of gross sales on an annual basis.
   6. In no case shall the noise level exceed 60dB (A) at repeated intervals or for a sustained length of time measured at any point along the property line.

C. *Space Limits*. In District "C-1", the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot shall be as follows:
   1. *Height*. Buildings or structures shall not exceed two (2) stories, no building or structure shall exceed forty-five (45) feet in height.
   2. *Front yard*. A front yard of not less than fifteen (15) feet shall be provided for one (1) and two (2) story buildings, and a front yard of not less than fifteen (15) feet.
   3. *Side yard*. For one (1) and two (2) story buildings no side yard is required except that where a side line of a lot in this District abuts the side line of a lot in a District "R-1" to "C-O" inclusive, a side yard shall then be provided the same as required in the district it abuts. A side yard of fifteen (15) feet shall also be provided on the street side of a corner lot containing a one (1) or two (2) story building.
   4. *Rear yard*. No rear yard is required except that where a rear line of a lot in this District abuts upon land in Districts "R-1" to "C-O" inclusive, a rear yard of not less than ten (10) feet shall then be provided in this District.

D. *Parking Regulations*. Four (4) off-street parking spaces shall be provided on the premises for each one thousand (1,000) square feet of floor area. (R.O. 2008 §405.280; Ord. No. 4984 §1, 6-10-91)

SECTION 405.290: "C-2" GENERAL BUSINESS DISTRICT

A. *Principal Permitted Uses*. In District "C-2", no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses:
   1. Any use permitted in Districts "C-O" and "C-1".
   2. Shops and stores for the sale at retail or wholesale of department store merchandise, new automobiles and trucks, used car lots, automobile supplies, motorcycles; petroleum products (bulk plants not permitted), pets, hotel supplies.
   3. Services such as clubs, places where alcoholic beverages are consumed on the

premises, dry cleaning and laundries, appliance and small equipment repair, printing and publishing, custom maintenance and delivery services; radio and television broadcasting studios, public and private entertainment and recreation, charity and welfare services, vocational and trade schools, veterinarians, hotels, motels and motor hotels.

4. Accessory uses customarily incident to the normal operation of these uses, including parking lots and signs as provided in this Chapter.

B. *Performance Standards*.

1. Drive-up or drive-in service may be provided where ready-to-eat food, including beverages, except or where cereal malt beverages in any form are served, dispensed or otherwise change hands.
2. No smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.
3. Automobiles, boats and trucks for sale may be stored or displayed outside a building. Other merchandise which may appropriately be displayed or stored outside a building shall be kept off the public sidewalks and streets, shall not reduce the capacity of a parking lot below that required by this Chapter shall not occupy an area greater than twenty percent (20%) of ground floor area of the building.
4. In no case shall the noise level exceed 60dB (A) at repeated intervals or for a sustained length of time measured at any point along the property line.

C. *Space Limits*. In District "C-2", the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted upon any lot shall be as follows:

1. *Height.* Buildings or structures shall not exceed three (3) stories in height. No building or structure shall exceed fifty (50) feet in height.
2. *Front yard.* No front yard is required in this District.
3. *Side yard*. No side yard is required in this District.
4. *Rear yard.* No rear yard is required except that where a rear line of a lot in this District abuts upon land in a District "R-1" to "C-O" inclusive, a rear yard of not less than ten (10) feet shall then be provided in this District.

D. *Parking Regulations*. No off-street parking is required in the portion of this District bounded by Fifth, Vine, Second and Buchanan Streets. In all other areas, four (4) off-street parking spaces shall be provided on the premises for each one thousand (1,000) square feet of floor area. (R.O. 2008 §405.290; Ord. No. 4984 §1, 6-10-91)

SECTION 405.300: "C-3" COMMERCIAL DISTRICT

A. *Principal Permitted Uses*. In District "C-3", no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses:

1. Any use permitted in District "C-2".
2. Shops, stores and yards for the sale at retail or wholesale, or the rental of such items as automotive equipment, trucks, trailers, boats, camping accessories, tools, farm machinery and supplies, building supplies, ice, lawn accessories.
3. Services such as automobile repair and washing, farm machinery repair, pop

bottling, miniature golf and commercial recreation, drive-in theaters, general repair and fix-it shops, frozen foods, including lockers, swimming pools.
4. Nurseries and greenhouses, bakeries.
5. Manufacture or assembly of products to be sold only at retail on the premises.
6. Accessory uses customarily incident to the operation of these uses, including parking lots as provided in this Chapter.

B. *Performance Standards*.
1. Drive-up or drive-in service may be provided at any establishment, except where cereal malt beverages or liquor is sold.
2. Any manufacturing or assembly of products shall be entirely within a totally enclosed building.
3. No smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.
4. In no case shall the noise level exceed 60dB (A) at repeated intervals or for a sustained length of time measured at any point along the property lines.
5. Automobiles and trucks for sale may be stored or displayed outside a building but not within fifteen (15) feet of a street line, nor within six (6) feet of a side or rear property line. Other merchandise which may appropriately be displayed outside a building shall be kept off public sidewalks and streets and shall not reduce the capacity of a parking lot below that is required by this Chapter.

C. *Space Limits*. In District "C-3", the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows:
1. *Height.* Buildings or structures shall not exceed three (3) stories except buildings or structures shall not exceed one hundred forty-four (144) feet in height.
2. *Front yard.* Any building hereafter constructed and any vehicle parking, storage or display shall provide a front yard, the minimum depth of which shall be fifteen (15) feet.
3. *Side yard.* No side yard is required except that where a side line of a lot in this District abuts upon the side yard of a lot in a District "R-1" to "C-O" inclusive, a side yard shall then be provided the same as required in the district it abuts. Not less than fifteen (15) feet shall be provided on the street side of a corner lot for buildings up to three (3) stories in height. Buildings in excess of three (3) stories in height shall provide a side yard on the street side of a corner lot equal to half of the average height of the building above finished grade.
4. *Rear yard*. No rear yard required, except that when a rear lot line abuts a lot in a District "R-1" to "C-1" inclusive, a rear yard of not less than twenty (20) feet shall be provided.

D. *Parking Regulations*. Four (4) off-street parking spaces shall be provided on the premises for each one thousand (1,000) square feet of floor area. (R.O. 2008 §405.300; Ord. No. 4984 §1, 6-10-91)

SECTION 405.310: "M-1" LIGHT INDUSTRIAL DISTRICT

A. *Principal Permitted Uses*. In District "M-1", no building, structure, land or premises shall be used, no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses:

1. Manufacturing, processing, fabrication, or assembling of any commodity except junk or salvage.
2. Warehousing, wholesaling and storage of any commodity except junk or salvage.
3. Freight terminals.
4. Offices; laboratories.
5. Public utility facilities.
6. Restaurant and automatic food and beverage vending machines.
7. Structures and uses clearly accessory and necessary to the normal operation of the above uses, including signs as herein provided.
8. Recycling collection or processing facilities operating in accordance with all applicable ordinances.

B. *Performance Standards*.
   1. All operations shall be conducted within a fully enclosed building.
   2. All storage of materials, products or equipment shall be within a fully enclosed building or in an open yard so screened that the materials, products or equipment are not visible at eye level within three hundred (300) feet of the property line.
   3. No use shall be permitted or so operated as to produce or emit:
      a. Smoke or particular matter of a Number 1 or darker on the Ringlemann Chart.
      b. Dust, fly ash, radiation, gases, heat, glare, or other effects which are obviously injurious to humans at the property line.
      c. Vibration or concussion perceptible without instruments at the property line.
      d. In no case shall the noise level exceed 70dB (A) at repeated intervals or for a sustained length of time measured at any point along the property line.
      e. Industrial waste shall be such a quantity and nature as to not overburden the public sewage disposal facilities or to cause odor and unsanitary effects beyond the property line.

C. *Space Limits*. In District "M-1", the height of buildings and the minimum dimensions of lots and yards shall be as follows:
   1. *Height*. No building shall exceed three (3) stories or fifty (50) feet in height. A structure other than a building may be erected to a height not to exceed one hundred (100) feet, provided such structure is set back from all property lines a distance equal to or greater than its height.
   2. *Front yard.* A front yard of not less than fifty (50) feet shall be provided in District "M-1".
   3. *Side yard.* A side yard shall be provided on each side of a building or unit group of buildings, the total of which side yards shall be not less than forty (40) feet and no side yard shall be less than ten (10) feet. A side yard abutting a street in the case of a corner lot or a side yard abutting a zoned residential lot shall be not less than twenty (20) feet.
   4. *Rear yard.* A rear yard of not less than fifteen (15) feet shall be provided.

D. *Parking And Loading.* Each establishment shall provide sufficient off-street parking space for all employees, customers, visitors and others who may spend time at the establishment during working hours. Not less than one (1) space for each five hundred (500) square feet of floor area shall be provided. Each establishment shall also provide adequate loading space within a building or in a side or rear yard, in such a way that all storage, standing and maneuvering of trucks shall be off the public right-of-way. No portion of a parking area or loading space, except the necessary drives, shall be located

closer than ten (10) feet to a public street. No portion of a paved area shall be closer than six (6) feet to a property line. (R.O. 2008 §405.310; Ord. No. 4984 §1, 6-10-91; Ord. No. 6707 §1, 11-8-04)

SECTION 405.320: "M-2" GENERAL INDUSTRIAL DISTRICT

In District "M-2", no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Any use permitted in District "M-1".
2. Any use permitted in District "C-3".
3. Bakeries.
4. Bottling works.
5. Bus barns or lots.
6. Carpenter, cabinet or pattern shops.
7. Carpet cleaning establishments.
8. Chemical laboratories not producing noxious fumes or odors.
9. Cleaning, pressing and dyeing plants.
10. Cold storage plants.
11. Dog pounds and kennels if within an enclosed building.
12. Electro-plating works.
13. Freight terminals (rail or truck).
14. Grain handling, processing and storage.
15. Laundries.
16. Lumber yards and concrete and asphalt mixing plants.
17. Machine shops.
18. Moving, transfer or storage plants.
19. Plumbing and sheet metal shops.
20. Railroad yards.
21. Sales rooms, yards, and service for farm machinery, contractors' equipment and well supplies.
22. Sign painting plants.
23. Storage of materials and equipment outside a building provided such storage area is screened by a solid fence not less than six (6) feet in height.
24. Any other use of an industrial nature after approval of the City Council following recommendation of the Planning and Zoning Commission.

B. *Performance Standards*.

1. Vibration or concussion shall not be perceptible without instruments at the property line.
2. In no case shall the noise level exceed 70dB (A) at repeated intervals or for a sustained length of time measured at any point along the property line.

C. *Space Limits*. In District "M-2", the height of buildings, and minimum dimensions of lots and yards shall be as follows:

1. *Height*. Buildings or structures shall not exceed fifty (50) feet and shall not exceed three (3) stories in height. A structure other than a building may be erected to a height not to exceed one hundred (100) feet provided such structure is set back from all property lines a distance equal to or greater than its height.

2. *Front yard.* There shall be a front yard of not less than fifty (50) feet.
3. *Side yard.* A side yard shall be provided on each side of a building or unit group of buildings, the total of which side yards shall be not less than forty (40) feet and no side yard shall be less than ten (10) feet. A side yard abutting a street in the case of a corner lot or a side yard abutting a zoned residential lot shall be not less than twenty (20) feet.
4. *Rear yard.* There shall be a rear yard of not less than fifteen (15) feet.

D. *Parking And Loading Regulations.* Each establishment shall provide sufficient off-street parking space for all employees, customers, visitors and others who may spend time at the establishment during working hours. Not less than one (1) space for each five hundred (500) square feet of floor area shall be provided. Each establishment shall also provide adequate loading space in such a manner that all storage, standing and maneuvering of trucks shall be off the public right-of-way. No portion of a parking area or loading space, except the necessary drives, shall be located closer than five (5) feet to a public street or other property line. (R.O. 2008 §405.320; Ord. No. 4984 §1, 6-10-91)

ARTICLE IV. PLANNED DISTRICTS

SECTION 405.330: PLAN APPROVAL

All plans submitted in support of permit applications shall be approved by the Planning and Zoning Commission prior to issuance of a building permit. (R.O. 2008 §405.330; Ord. No. 4984 §1, 6-10-91)

SECTION 405.340: PLANNED ZONING DISTRICTS

A. Each of the districts hereinbefore set forth shall have a separate and distinct counterpart known and herein referred to as a Planned District. A "Planned District" shall be for the purpose of permitting and regulating the uses heretofore permitted in the equivalent district and further provide for and encourage latitude and flexibility in the location of buildings, structures, roads, drives, variations in yards and open spaces all subsequent to approval of the plan by local officials. Planned Districts require attention to buffers, drainage, street patterns, landscaping and architecture. Reference will be made to the City's Subdivision Ordinance (See Chapter 410 of this Title). The purpose is to allow development of tracts of land to their fullest extent and at the same time observe the general intent and spirit of these regulations.

B. Planned Districts shall be as follows:

Equivalent District	***Planned District***
District "R-1"	Planned Single-Family Residence
District "R-2"	Planned Single-Family and Duplex Residence
District "R-3"	Planned Multi-Family Residence
District "R-4"	Planned Multi-Family Residence
District "C-O"	Planned Non Retail Business
District "C-1"	Planned Restricted Business

District "C-2"	Planned General Business
District "C-3"	Planned Commercial
District "M-1"	Planned Light Industry
District "M-2"	Planned Heavy Industry

(R.O. 2008 §405.340; Ord. No. 4984 §1, 6-10-91)

SECTION 405.350: OBJECTIVES

The zoning of land in Maryville to one (1) of the planned districts ("RP-1" to "MP-2", inclusive) shall be for the purpose of requiring orderly development on a quality level generally equal to that of the equivalent standard zoning districts, but permitting variations from the normal and established development techniques. The use of planned zoning procedures is intended to encourage large scale development tracts, innovative and imaginative site planning, conservation of natural resources and minimum waste of land. The following are specific conditions of planned zoning:

1. A proposal to rezone land to a planned district shall be subject to the same criteria relative to compliance with master plans, land use policies, neighborhood compatibility, adequacy of streets and utilities and other elements, as is normal in rezoning deliberations.
2. The submittal by the Developer and the approval by the City of development plans represents a firm commitment by the Developer that development will indeed follow the approved plans in concept, intensity of use, aesthetic levels and quantities of open space.
3. Deviations in yard requirements, setbacks and relationship between buildings are acceptable and may be approved within the limits set out in "Standards of Development" in Section 405.360, if it is deemed that other amenities or conditions will be gained to the extent that an equal or higher quality of development will result than under standard zoning procedures.
4. Residential areas will be planned and developed in a manner that will produce more useable open space, better recreational opportunities, safer, more attractive neighborhoods than under standard zoning and development techniques.
5. Commercial areas will be planned and developed so as to result in attractive, viable and safe centers and clusters, as opposed to strip pattern along thoroughfares. Control of vehicular access, architectural quality, landscaping and signs will be exercised to soften the impact on nearby residential neighborhoods, and to assure minimum adverse effects on the street system and other services of the community.
6. The Developer will be given latitude in using innovative techniques in the development of land not feasible under application of standard zoning requirements.
7. Planned zoning shall not be used as a refuge from the requirements of the equivalent district as to intensity of land use, amount of open space or other established development criteria.
8. No use will be permitted in the planned district that is not clearly permitted in the equivalent district.
9. Any building or portion thereof may be owned in condominium under appropriate Missouri Statutes. (R.O. 2008 §405.350; Ord. No. 4984 §1, 6-10-91)

SECTION 405.360: STANDARDS OF DEVELOPMENT IN PLANNED ZONING DISTRICTS

A. The maximum height of buildings and structures shall be as set out in the equivalent district.
B. The intensity of land use, the floor area and bulk of buildings, the concentration of population, the percentage of lot coverage, the amount of open space, light and air shall be generally equal to that required in the equivalent zoning district.
C. The density of residential dwelling units, the parking requirements and the performance standards shall be the same as in the equivalent district.
D. The permitted uses shall be the same as those permitted in the equivalent district, provided that limitations may be placed on the occupancy of certain premises, if such limitations may be placed on the occupancy of certain premises, if such limitation is deemed essential to the health, safety or general welfare of the community.
E. The Planning and Zoning Commission may, in the process of approving preliminary and final plans, approve deviations from the minimum standards in Districts "C-O" through "M-2" as follows:
    1. Setbacks of buildings and paved areas from a public street may be reduced to seventy-five percent (75%) of the ordinance requirement.
    2. Setbacks of buildings and paved areas from a property line of the project (other than a street line) may be reduced to eight-five percent (85%) of the ordinance requirement.
    3. Side yards between buildings may be reduced to zero.
    4. Setbacks of buildings and paved areas from a freeway right-of-way may be reduced to five (5) feet.
    5. A portion of the parking area required under this Chapter may remain unimproved in proportion to area of building being used. As additional floor space is used, additional pavement must be installed.
    6. The foregoing deviations may be granted by the Planning and Zoning Commission only where there is ample evidence that said deviation will not adversely affect neighboring property, nor will it constitute the mere granting of a privilege. Reduction of setbacks or other open space shall be compensated by additional open space in other appropriate portions of the project. In all cases, such deviations shall be in keeping with good planning principles, and must be specifically set out in the minutes of the Commission, as well as on plans and other exhibits in the record. (R.O. 2008 §405.360; Ord. No. 4984 §1, 6-10-91)

SECTION 405.370: SPOT ZONING

A. Any parcel or group of parcels consisting of less than one-half (½) a City block in size constitutes a spot zone. Spot zones shall not be permitted.
B. A parcel of any size may be rezoned to a lower classification when it is adjacent to that classification. (R.O. 2008 §405.370; Ord. No. 4984 §1, 6-10-91)

ARTICLE V. SPECIAL USES

SECTION 405.380: SPECIAL USE PERMITS

A. The development and administration of the Zoning Ordinance is based on the division of the City into districts, within any one of which the use of land and buildings and the bulk and location of buildings or structures, as related to land, are essentially uniform. It is recognized, however, that there are special uses which, because of their unique character, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring lands and upon the public need for the particular use or the particular location. Such special uses fall into three categories:
    1. Uses operated by a public agency or public-regulated utilities, or uses traditionally affected with a public interest.
    2. Uses entirely private in character, but of such a nature that the operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
    3. Uses which are of a short duration and short range impact on the community.

B. *Procedure.* The approval of a special use permit shall require the same procedure as the rezoning of land, including published notice, public hearing, advisory decision of the Planning and Zoning Commission and final passage by the City Council. Final action shall be by resolution of the Council.

C. *Applicability Of permit.* A special permit granted under this Article is a permit issued to the individual applying for the special use. As such, said permit shall not run with the property, but shall be personal unto the applicant. Any applicant shall not have the right to assign, transfer, barter or sell said Special Use Permit and said Special Use Permit shall terminate upon any transfer of the property by the applicant including by sale or lease.

D. *Period Of Validity.*
    1. No special use permit granted by the City Council shall be valid for a period longer than one (1) year from the date of granting of the special use permit, unless within such period:
        a. A building permit is obtained and the erection or alteration of the structure is commenced, or
        b. A special use permit is obtained and the use commenced.
    2. The City Council may, upon written request of the applicant, grant extensions not exceeding one hundred eighty (180) days each, without notice of hearing. (R.O. 2008 §405.380; Ord. No. 4984 §1, 6-10-91; Ord. No. 5166 §1, 9-13-93)

SECTION 405.385: APPLICATION FOR SPECIAL USE PERMIT

A. All applications for a special use permit shall be made by written application to the Administrative Secretary, Public Works, on forms provided therefor. Unless the application shall conform in all respects to the requirements of this Chapter, it shall not be accepted by the Administrative Secretary, Public Works.

B. *Information Required.* An application for a special use permit shall contain the following information:
    1. Plot plan of the property affected by the proposed special use permit, drawn to a scale of not smaller than one (1) inch equals fifty (50) feet, and indicating thereon the dimensions of the property, the dimensions and locations of any buildings or

structures, driveway access to public rights-of-way, on-site drives, and off-street parking areas located thereon and all public and private rights-of-way including utility easements bounding or intersecting the property;

2. List of the names and current mailing address of owners, together with the street address and legal description of all property (exclusive of streets and alleys) within a one hundred eighty-five (185) feet distance from the boundary of the property affected by the proposed special use permit. This list shall be prepared and certified by a qualified abstractor;
3. Present zoning classification and use of the property affected by the special use permit;
4. Requested special use and desired use of the property affected by the special use permit; and
5. Justification for the special use requested.

C. *Application Fee.* The application shall be accompanied by a filing fee based on the area of property for which the special use permit is requested, computed as follows:
For the first 10,000 square feet per each 1,000
square feet or fraction thereof $125.00

D. *Postage Fee.* In addition to the non-refundable application fee described above, the application shall also be accompanied by a non-refundable postage fee which shall be computed by the Administrative Secretary, Public Works, by multiplying the number of certified mailings required to landowners within a one hundred eighty-five (185) feet distance from the boundary of the property affected by the proposed special use permit by the then-applicable postage rates for such certified mail. The number of mailings shall be computed based upon the information provided in accordance with Subsection (B), above.

E. *Time Of Application.* The Administrative Secretary, Public Works, shall note the date of filing of the application. (R.O. 2008 §405.385; Ord. No. 6584 §1, 9-15-03)

SECTION 405.390: STANDARDS

No special use shall be granted unless the use:

1. Is deemed necessary for the public convenience at that location.
2. Is so designed, located, and proposed to be operated that public health, safety, and welfare will be protected.
3. Will not cause substantial injury to the value of other property in the neighborhood in which it is located.
4. Will comply with the height and area regulations of the districts in which it is located unless specifically granted otherwise. (R.O. 2008 §405.390; Ord. No. 4984 §1, 6-10-91)

SECTION 405.400: CONDITIONS

The Planning and Zoning Commission may recommend, and the City Council may provide, such conditions and restrictions upon the construction, location, and operation of a special use including time limit, provisions for off-street parking and loading and other conditions as may be deemed necessary to promote the general objectives of this Title and to minimize any injury to the value of property in the neighborhood. Failure to

maintain such conditions or restrictions as may have been imposed shall constitute grounds for revocation of the permit for such special use. (R.O. 2008 §405.400; Ord. No. 4984 §1, 6-10-91)

SECTION 405.410: SHORT TERM SPECIAL USES

A. The City Council may authorize the issuance of a Short Term Special Use Permit for the use of a specific tract, parcel or section of the City for such temporary short term uses as:
   1. Trade shows.
   2. Street fairs.
   3. Expositions such as fairs, boat shows, etc.
   4. Promotional ventures.
   5. Entertainment and recreation including carnivals and circuses.
   6. Sidewalk, truckload sales.

B. Such activities may be of a non-profit, profit making, civic or public agency nature and may be on private or public property. A short-term special use permit may be approved by the City Council upon public hearing and without referral to the Planning and Zoning Commission provided the following criteria are met:
   The applicant shall submit in written form a complete description of the proposed activity, hours of operation, ability to accommodate fire and police services and access, need for special protection and other characteristics that may affect the public safety, convenience and welfare.

C. In the case of a public street or sidewalk, care shall be exercised in maintaining safe and convenient circulation for both vehicular and pedestrian traffic.

D. A short term Special Use Permit shall not exceed seven (7) calendar days. (R.O. 2008 §405.420; Ord. No. 4984 §1, 6-10-91)

ARTICLE VI. NON-CONFORMING USES

SECTION 405.420: NON-CONFORMING USES

A. The lawful use of land, structures or buildings existing on or before the adoption of this Chapter (June 10, 1991), although such use does not conform to the provisions hereof, may be continued except as provided herein, but if continuous operation is suspended, ceased or discontinued for one hundred ten (110) calendar days, any further use of said premises shall be in conformity with the provisions of this Chapter.

B. Any lawful structure or building existing at the time of the adoption of this Chapter (June 10, 1991), although such structure or building does not conform with the provisions hereof, may be continued.

C. No structural alterations shall be made to any such non-conforming structure or building which will increase its degree of non-conformity except as may be ordered or required by law or ordinance or regulations based on law or ordinance. This shall not be construed to prohibit maintenance and repair work necessary to keep a structure in sound condition.

D. *Abandonment Or Discontinuance.* When any non-conforming use has discontinued for a period of twelve (12) consecutive months, such use shall not thereafter be resumed and

any future use of the premises shall be in conformity with the provisions of this Chapter.

E. The lawful use of a building or land existing on the effective date of these regulations may not be changed to another non-conforming use. Whenever the lawful use of a building becomes non-conforming through an amendment to the Zoning Ordinance or Zoning District Map, such use may be continued, but it may not be changed to another non-conforming use.

F. Any non-conforming structure or building which has been damaged by fire, flood, explosion, wind, earthquake, war, riot or other calamity or act of God to an extent of more than fifty percent (50%) of the fair market value, exclusive of land and foundations at the time of such damage or destruction, shall not be reconstructed unless the building or structure and the use conform with this Chapter. If less than fifty percent (50%) damage above the foundation occurs, it may be restored, reconstructed or used as before, provided that such restoration is commenced within one hundred ten (110) days. If construction is not commenced within one hundred ten (110) days, the use of said land or structure shall thereafter conform with the provisions of this Chapter. Fair market value shall be determined by reference to current statutory provisions pertaining to real estate assessment and the records of the County Assessor. (R.O. 2008 §405.430; Ord. No. 4984 §1, 6-10-91; Ord. No. 5481 §1, 12-16-96)

SECTION 405.430: REGISTRATION OF ALL NON-CONFORMING USES

A. All property located within any zone that does not conform to the standards of that zone, must register with the City, on forms provided, in order that a record of non-conforming uses may be kept. From these records, non-conforming use property shall be grandfathered, if legal under existing ordinance. Grandfathered property shall be inspected on an annual basis to insure compliance with the provisions of this Code.

B. All non-conforming use property must register within one hundred twenty (120) days after June 10, 1991. Any property determined to be non-conforming after the one hundred twenty (120) day period shall be deemed non-conforming, and said property shall convert to the standards of the zone in which it is located. The City shall take all legal steps necessary to bring non-conforming use property found in any zone into compliance with this Chapter, where non-conforming use permits were not granted. (R.O. 2008 §405.440; Ord. No. 4984 §1, 6-10-91)

ARTICLE VII. PARKING AND LOADING REGULATIONS

SECTION 405.440: OFF-STREET PARKING AND LOADING

A. It is the intent of these ordinances that all buildings, structures, and use of land shall provide off-street parking and loading space in an amount sufficient to meet the needs caused by the building or use of land and that such parking and loading spaces be so oriented that they are in fact readily useable for such purpose.

B. Each use of land, each building or structure hereafter constructed or established, and each addition to a structure in excess of three hundred (300) square feet, except as herein provided, shall provide off-street parking and loading according to the standards set forth

herein. When an addition is made to a building non-conforming as to parking or loading, a conforming amount of parking shall be supplied based upon the size of the addition.

C. No addition to an existing building shall be constructed which reduces the number of spaces, area or usability of existing parking or loading space unless such building and its addition, conform with the regulations for parking and loading contained herein. Contractual agreements may be made between uses which generate parking demand at different times in such a manner that the requirements of more than one (1) use may be met by the same space provided the parking demand for each such use involved is in fact met.

D. All off-street parking and loading spaces and all drives leading thereto shall be paved with an asphaltic concrete surface, otherwise referred to as "hot mix", or portland cement concrete. The Board of Zoning Adjustment may, after public hearing grant a variance from this requirement where use of the parking lot will be only intermittent occasions such as in the case of fair grounds, athletic fields and the like.

E. Uses listed below shall provide parking and loading in the amounts specified and at locations specified for the group in which such use falls. For any use not listed, the Planning and Zoning Commission shall determine the proper requirement by classifying the proposed use among the uses specified herein so as to assure equal treatment. In making any such determination, the Commission shall follow the principles set forth in the statement of purpose for the parking and loading provisions. (R.O. 2008 §405.450; Ord. No. 4984 §1, 6-10-91)

SECTION 405.450: DIMENSIONS OF PARKING AREAS

Parking stall dimensions shall not be less than nine by twenty (9 x 20) feet, plus the necessary space for maneuvering into and out of the space. For standard parking lots, minimum cross dimensions shall be as follows:

1. Ninety degree (90°) pattern--Single loaded aisle--forty-two (42) feet--Wheel stop to opposite curb.
2. Ninety degree (90°) pattern--Double loaded aisle--sixty (60) feet--Wheel stop to wheel stop.
3. Sixty degree (60°) pattern--Single loaded aisle--forty (40) feet--Wheel stop to opposite curb.
4. Sixty degree (60°) pattern--Double loaded aisle--fifty-six (56) feet--Wheel stop to opposite curb.
5. Forty-five degree (45°) pattern--Single loaded aisle--thirty-four (34) feet--Wheel stop to opposite curb.
6. Forty-five degree (45°) pattern--Double loaded aisle--forty-seven (47) feet--Wheel stop to wheel stop.
7. Parallel Space--Nine by twenty-three (9 x 23) feet each space.
8. Minimum distance between wheel stops on bumper to bumper parking shall be seven (7) feet. (R.O. 2008 §405.460; Ord. No. 4984 §1, 6-10-91)

SECTION 405.460: GROUP "A" USES OF LAND OR BUILDINGS -- PARKING REQUIREMENTS

All uses of land, or buildings enumerated under Group "A" shall provide off-street

parking and loading on the same zoning lot as such building or use for all customers or patrons frequenting the establishment and said parking or loading space shall have convenient and unobstructed pedestrian access across said zoning lot to a principal entrance to the building or use. That portion of the parking requirement that is attributed to employees may be provided within three hundred thirty (330) feet of the use or building as hereinafter set forth in the following sections:

1. Hotel, apartment hotel, motel, club with guest room.
   a. *Parking required.* One (1) space for each unit for the first twenty (20) units, plus one (1) space for each two (2) units for those in excess or twenty (20) on site. Plus one (1) space for each two (2) employees on the largest shift.
   b. *Loading space required.* One (1) space for the first forty thousand (40,000) square feet of floor area or fraction thereof plus one (1) space for each additional one hundred fifty thousand (150,000) square feet of floor area or major fraction thereof.
2. Business, commercial and industrial uses.
   Parking required. As set out in the corresponding Districts "C-O" through "M-2".
3. Hospitals and rest homes.
   Parking required. One (1) space for each four (4) beds plus one (1) space for each staff physician on-site, plus one (1) space for each employee of all classes on the largest shift.
4. College fraternities, college sororities.
   Parking required. One (1) space for each bed.
5. Clubs, organization halls.
   Parking required. One (1) space for each one hundred (100) square feet of assembly space on site, plus one (1) space for each two (2) employees. (R.O. 2008 §405.470)

SECTION 405.470: GROUP "B" USES OF LAND AND BUILDINGS -- PARKING REQUIREMENTS

All uses of land and buildings enumerated under Group "B" shall provide off-street parking for customers, patrons, and employees within three hundred (300) feet of said building as hereinafter set forth in the following manner:

1. Auditoriums, stadiums, (except schools), theaters, community centers and similar places of public assembly.
   Parking required. One (1) space for each five (5) seats in the main assembly area, or where no fixed seats are provided, one (1) space for each fifty (50) square feet of main assembly area.
2. Churches.
   Parking required. One (1) space for each four (4) seats in the main assembly area.
3. Libraries, museums and similar uses.
   Parking required. One (1) space for each four hundred (400) square feet of gross space to which the public has access.
4. Senior high schools, junior high schools, elementary schools, (including public, parochial and private).
   Parking required. One (1) space for each teacher or employee, plus one (1) space

for each one hundred (100) square feet of seating space in the auditorium or multi-purpose room, whichever is larger. (R.O. 2008 §405.480; Ord. No. 4984 §1, 6-10-91)

CHAPTER 410: SUBDIVISION REGULATIONS

Editor's Note--Ord. no. 5354 §1, adopted October 16, 1995, repealed ch. 410 and enacted the provisions set out herein. Former ch. 410 derived from ord. no. 4971 §1, 5-13-91; ord. no. 5051 §1, 5-11-92.

SECTION 410.010: SHORT TITLE

This Chapter shall be known and may be cited as the "Subdivision Ordinance of the City of Maryville, Missouri". (R.O. 2008 §410.010; Ord. No. 5354 §1, 10-16-95)

SECTION 410.020: INTERPRETATION AND PURPOSE

In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements adopted for the protection of the public health, safety and welfare. The purpose of the Subdivision Regulations is to encourage the development of sound, healthful and economically stable residential neighborhoods and commercial and industrial areas; to provide for safe, convenient and efficient traffic circulation; to secure adequate drainage; to coordinate land development in order to assure that future urban growth will be orderly, efficient and conducive to minimum outlay of public and private expenditures for providing services to new growth areas; to minimize fire hazards and to provide for light and air in habitable structures; and to provide protection for owners and potential buyers of property. (R.O. 2008 §410.020; Ord. No. 5354 §1, 10-16-95)

SECTION 410.030: SCOPE

It is not intended by this Chapter to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Chapter, or with private restrictions placed upon property by deed, covenant or other private agreements, or with restrictive covenants running with the land to which the City is a part. Where this Chapter imposes a greater restriction upon land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this Chapter shall control. (R.O. 2008 §410.030; Ord. No. 5354 §1, 10-16-95)

SECTION 410.040: APPROVING AGENT

The provisions of this Chapter shall be administered by the Planning and Zoning Commission with the final approval of the City Council of the City of Maryville. (R.O. 2008 §410.040; Ord. No. 5354 §1, 10-16-95)

SECTION 410.050: DEFINITIONS

For the purpose of this Chapter, the following terms, phrases, words and their derivations shall have the meaning given herein:

ALLEY: A minor way, dedicated to the public use, which is used primarily for utilities and vehicular access to the back or the side of properties otherwise abutting on a street.

BLOCK: A piece or parcel of land entirely surrounded by public highways, streets, streams, railroad right-of-way, parks, etc., or a combination thereof. There may be more than one (1) lot within a single block.

BUILDING LINE: A line on a plat generally parallel to the street right-of-way, indicating the limit beyond which buildings or structures may not be erected.

CITY: The City of Maryville, Missouri.

CITY ENGINEER: An authorized representative of the City Manager responsible for the review and inspection of projects presented for approval.

CITY MANAGER: The City Official responsible for the administration of the City or his/her duly authorized representative.

COUNCIL: The Governing Body of the City of Maryville, Missouri.

CUL-DE-SAC: A minor street having one end open to traffic and being permanently terminated by a vehicular turnaround.

DAY: Day shall refer to a normal work day.

DEVELOPER: The owner or agent under legal authority of the owner or owners who undertakes to cause a parcel of land to be designed, constructed and recorded as a Subdivision. This term may be used interchangeably with the term *"Subdivider"*.

DIRECTOR OF PUBLIC WORKS: The individual designated by the City Manager to direct the operations of the Public Works Department.

DIVIDING LINE: Shall be a line dividing a lot or parcel of land. It may be a continuous line or a combination of lines.

EASEMENT: A grant by the property owner to the public, a corporation, or persons for the use of a parcel of land for a specific purpose.

FINAL IMPROVEMENT PLAN: Engineering drawings, for construction, of all improvements required by the Subdivision Chapter. Also, referred to as Construction Drawings or Engineering Drawings.

FINAL PLAT: A drawing to scale containing the items specified by these regulations indicating the layout of lots, blocks and public ways in a subdivision completed and improved or bonded for improvements along with legal documents required for recording. It is also the final map, drawing or chart on which the Subdivider's subdivision plan is presented to the City Council for approval and which, if approved, will be submitted to the County Recorder of Deeds for recording.

FULL FRONTAGE: Shall be not less than the minimum lot width allowed by Maryville City Code Chapter 405: ZONING CODE.

GENERAL PLAN: The plan or series of plans for the future development of the City of Maryville, Missouri, approved by the City Council as the guide for future development. Such plans may alternatively be referred to as Master Plan, Comprehensive Plan, or Development Plan.

IMPROVEMENTS: Shall include, but not be limited to, the changes and additions to land necessary to prepare it for building sites, including street paving, curbing, grading, monuments, drainage ways, sewers, fire hydrants, water mains, sidewalks, street lights,

pedestrian ways and other public works appurtenances.
LOT: A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map which is intended to be separately owned, rented, leased, developed or otherwise used as a unit, occupied or to be occupied by a building or group of buildings and accessory buildings, together with such yards and lot areas as required by the Zoning Code, and having its principal frontage upon a street, road or place approved by the Planning and Zoning Commission and City Council.
LOT SPLIT: The division of a platted lot into two (2) parcels not involving the dedication or vacation of a street or alley.
OFFICIAL MAP: The Zoning Map adopted by the City Council showing the zoning districts, streets, highways and parts theretofore laid out, adopted and established by law and any amendments thereto adopted by the City Council or additions thereto resulting from the approval of Subdivision Plats and the subsequent filing of such approved plats.
PARCEL: A continuous quantity of land in the possession of, owned by, or recorded as, the property of the same person or persons.
PEDESTRIAN WAY: A right-of-way dedicated to public use, which cuts across a block to facilitate pedestrian access to adjoining streets or properties.
PLANNED UNIT DEVELOPMENT (P.U.D.): A land development project comprehensively planned as an entity, via a unitary site plan, which permits flexibility in building sites, mixtures of housing types and land use, useable open spaces and may include the preservation of natural features.
PLANNING COMMISSION: The Planning and Zoning Commission of the City of Maryville, Missouri, a Board appointed by the Mayor and Council, whose purpose it is to develop plans and recommendations for development of the City of Maryville, Missouri and to recommend resolutions for zoning issues to the City Council. Referred to as the *"Commission"*.
PLAT: A map drawn to scale from an accurate survey including items set forth herein along with all certificates and statements required herein and by State Statute for the purpose of recording a subdivision of land. Without modifying adjectives it shall refer to land subdivision documents which have been officially recorded. In appropriate context, a plat may refer to the land represented by a recorded plat and may be synonymous with the word *"Subdivision"*. It may also be used as a verb referring to the act of preparing a plat.
PRELIMINARY DEVELOPMENT PLAN: A plan prepared and submitted with the preliminary plat for review, that shows the proposed improvements of the subdivision in enough detail for evaluation by the Commission and the City Council.
PRELIMINARY PLAT: A drawing with supporting documents which represents a proposal upon which a final plat is to be based. A preliminary plat is not intended as a document to be filed or recorded.
PUBLIC WORKS DEPARTMENT: The Department of Public Works established by the City Council of the City of Maryville, Missouri.
REPLAT, RESUBDIVISION: A plat representing land which has previously been included in a recorded plat.
RESERVE STRIP: Any section of land within or adjoining a Subdivision which, intentionally or otherwise, serves to control access to public streets, right-of-way or public facilities.

SPECIAL DRAINAGE AREA: The zoning of those areas which have been or are likely to be subjected to flooding. These areas shall be identified by the Public Works Department and recommended by the Commission to the City Council for approval before they are designated on the Official Map.

STREETS: A public way for vehicular traffic whether designed as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, place or however otherwise designated.

1. *Major streets and highways:* Those which are used primarily for fast heavy traffic.
2. *Arterial or collector street:* Those streets which carry traffic from minor streets to major streets or to other traffic generators.
3. *Minor street:* A street used primarily for access to the abutting properties.
4. *Marginal access street:* A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.
5. *Width of street:* The shortest distance between the lines delineating the right-of-way of a street.

STRUCTURE: Anything constructed which requires permanent or temporary location on the ground or is attached to something having a permanent or temporary location on the ground, an edifice or building of any kind or any piece of work artificially built or composed of parts joined together in some manner. A detention pond shall be a structure.

SUBDIVISION, MAJOR: Except for *"lot split"* as defined, shall be the division of a tract of land six (6) or more lots, tracts, sites, parcels or areas any one of which is less than three (3) acres in area and/or the division of a tract of land into any number of lots, tracts, sites, parcels or areas of any size which includes improvements, new streets, easements, rights-of-way, rights of ingress and egress or provision for a public area or public facility.

SUBDIVISION, MINOR: The division of land into not more than five (5) lots, tracts, sites, parcels or areas, for residential purposes or existing commercial development having a total aggregate area of ten (10) acres or less. Also applicable shall be the following in a proposed subdivision of land:

1. Does not include any new street, easement, rights-of-way, (except an approved sewer and water system);
2. Does not include a provision for a public area or public facility;
3. Conforms to the setback line requirements and other requirements contained in the zoning ordinances for the City of Maryville, Missouri;
4. Conveys the right-of-way necessary for road widening and maintenance of City roads, where the granting of such right-of-way can be given without undue hardship;
5. In the interest of smart growth, betterment of the community and citizens and development, the Public Works Director and City Manager may reach a consensus that the proposal does not merit a comprehensive review as a major subdivision.

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 himself\herself or for another.
OTHER TERMS: All other terms used in these regulations shall have their normal meaning, except that terms common to engineering and surveying shall be used in their professional sense. (R.O. 2008 §410.050; Ord. No. 5354 §1, 10-16-95; Ord. No. 6022 §1, 1-26-98; Ord. No. 7120 §1, 6-8-09)

SECTION 410.060: APPLICATION OF SUBDIVISION REGULATIONS
Except as provided in this Chapter, no person shall subdivide any tract of land which is located within the City limits except in conformity with the provisions of this Chapter. Any plat hereinafter made or any subdivision or any part thereof lying within the limits of the City of Maryville, Missouri, shall be prepared, presented for approval, approved and presented for recording as herein prescribed. These regulations are enacted under the authority of applicable Statutes of the State of Missouri.

1. *Subdivision, major procedure.* Any subdivision other than a minor subdivision shall comply with all procedures as set forth in this Chapter.
2. *Subdivision, minor procedure.* A person seeking to subdivide land as a minor subdivision shall file a written statement and a sketch indicating the nature of the proposed development with the Director of Public Works. If it is determined that said development qualifies as a minor subdivision, the subdivider may proceed with the project.
   a. *Lot splits, undeveloped subdivisions or subdivisions under development.*
      (1) A previously platted undeveloped lot in a subdivision under development or undeveloped shall be divided by replat.
      (2) The lots produced by replat need not be approved by the Commission, but shall be approved by resolution of the Council prior to recording.
      (3) Lots produced by replat shall conform to all minimum standards of this Title and other applicable Codes of the City.
   b. *Lot splits, developed subdivisions.*
      (1) A vacant parcel in a developed area may be divided as a lot split by either metes and bounds description or by replat. If such lot is to be divided by metes and bounds description, it may be so divided only one (1) time and by only one (1) new dividing lot line and shall not again be divided without replatting.
      (2) A lot to be divided more than one (1) time or involving more than one (1) new dividing lot shall be considered a replat and shall be subject to all procedures set out in this Title.
      (3) A lot split by either metes and bounds description or replat need not be approved by the Commission but shall be approved by resolution of the Council prior to recording.
      (4) In all cases, lots produced by a lot split shall conform to all minimum standards of this Title and other applicable codes of the City.
3. *Planned unit development (P.U.D).* Land under unified control to be developed as a whole in a single development operation shall require a Development Plan which includes, but is not limited to, the following requirements:
   a. A site plan showing the locations of all buildings, structures, streets and landscaping.

b. Detailed drawings complying with all State laws and local ordinances.
c. Pictorial drawing of the completed development.

4. *Agricultural land exemptions.*The division of land for agricultural use into parcels, all of which are ten (10) acres or more in area and have four hundred (400) feet or more of street or road frontage and which do not involve the creation of any new street or road, easement or other dedication, shall be exempt from the requirements of these regulations, provided however, that the provisions of applicable Statutes and regulations are complied with. (R.O. 2008 §410.060; Ord. No. 5354 §1, 10-16-95)

SECTION 410.070: ENFORCEMENT

A. *Recording Of Plat.* No plat of any subdivision shall be recorded in the County Recorder's Office or have any validity until it has been approved in the manner prescribed herein. In the event any such unapproved plat is recorded, it shall be considered invalid and the Director of Public Works shall institute proceedings to have the plat stricken from the records of Nodaway County, Missouri.
B. *Permits.* The Building Inspector shall not issue building or other 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.
C. *Public Improvements.* The City hereby defines its policy to be that the City will withhold all public improvements of whatsoever nature, including the maintenance of streets and the furnishing of sewage facilities and water service from all subdivisions which have not been approved and from all areas dedicated to the public which have not been accepted by the City Council in the manner prescribed herein.
D. *Revision Of Plat After Approval.* No changes, erasures, modifications or revisions shall be made in any plat of a subdivision after approval has been given by the City Council and endorsed in writing on the plat unless the said plat is first resubmitted to the Commission and the changes found acceptable. Except a *"minor subdivision"*, as defined in Section 410.060, shall be accepted by a Resolution of the City Council.
E. *Sale Of Land In Subdivision.* No owner or agent of the 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 for private development before such plan or plat has been approved and recorded in the manner prescribed therein.
F. *Fees.* The subdivider shall pay a fee for every preliminary plat submitted to the Commission for approval as required in Section 410.160 Fees. (R.O. 2008 §410.070; Ord. No. 5354 §1, 10-16-95)

SECTION 410.080: OVERVIEW OF SUBDIVISION DEVELOPMENT

A. *Planning Conference.* Developer meets with the Director of Public Works before development begins to learn of the general requirements and identify potential problems.
B. *Preliminary Plat.* Developer prepares preliminary layout and Preliminary Development Plans for improvements of the subdivision in sufficient detail to allow approval by the Commission after public hearing.
C. *Review Of Preliminary Plat.*

1. Check by utilities;
2. Check by Director of Public Works and Public Works Department Staff.

D. *Planning And Zoning Commission Action.* Recommendation for approval or disapproval by the Commission after a public hearing held pursuant to Section 410.115.

E. *City Council Action.* Approval or disapproval by the City Council after a public hearing pursuant to Section 410.115.

F. *Final Plat.* Developer prepares final plat and final development plans for submission for approval, and obtains bonding for required improvements.

G. *Final Plat Approval, Planning and Zoning Commission.* The Commission must recommend for approval the final plat and final improvement plan if it conforms with the approved preliminary plat and preliminary improvement plans as previously approved or bonded. After approval, the final plat is forwarded to the City Council.

H. *Final Plat Approval, City Council.* If the City Council finds the final plat conforms with the preliminary plat and the final improvement plans are installed or properly bonded, it shall approve the final plat.

I. *Filing.* The Director of Public Works has signatures affixed and confirms the filing of the plat with the County Recorder of Deeds at Subdivider's expense. Subdivider may sell lots and/or build. (R.O. 2008 §410.080; Ord. No. 5354 §1, 10-16-95; Ord. No. 5443 §1, 7-15-96)

SECTION 410.090: PROCEDURE

A. *Planning Conference.* Any owner, developer or agent wishing to subdivide a parcel of land shall contact the Director of Public Works and arrange for a Planning Conference. This conference shall be for the purpose of determining the general requirements to be met in developing the subdivision. If the subdivision does not involve new streets or utilities or other improvements required of the Subdivision Control Ordinance the Planning Conference may be waived by the Director of Public Works.

B. *Findings Of The Planning Conference.* The proceedings of the Planning Conference shall be informal. It shall be the responsibility of the subdivider to determine the areas of agreement among the conferees and the problems which must be explored further through individual conferences with departments charged with administering the provision of utilities, streets, drainage and other public facilities. During the conference it shall be the responsibility of the Director of Public Works to aid the subdivider in determining the general features to be required in the subdivision. All agreements arrived at by the conferees shall be subject to ratification by the Commission and the City Council. (R.O. 2008 §410.090; Ord. No. 5354 §1, 10-16-95)

SECTION 410.100: PRELIMINARY PLAT

A. *Plat.* After the subdivider has determined the general features desired in the subdivision, he/she may develop a preliminary plan and preliminary development plan for filing with the Director of Public Works for review and subsequent submittal to the Commission for review and recommendation.

B. *Filing.* Six (6) weeks prior to the meeting at which consideration is desired, the subdivider must file an application with the Director of Public Works including nine (9) copies of the preliminary plat. The preliminary plat and preliminary development plan

shall be considered officially filed after it is examined by the Director of Public Works and found to be in full compliance with the requirements of these regulations.

C. *Preparation.* The preliminary plat shall be prepared and certified by a Missouri-registered Land Surveyor.

D. *Form Of The Preliminary Plat.* The preliminary plat shall be prepared in accordance with current Missouri Department of Natural Resources Division of Geology and Land Survey, Minimum Standards for Property Boundary Surveys and shall show the following information:

1. The proposed name of the subdivision.
2. Contours with intervals of five (5) feet or less with 100-year floodplain identified.
3. The names of adjacent subdivisions or the names of record owners of adjoining parcels of unsubdivided land.
4. The location, widths, and names of all existing or platted streets or other public ways within or adjacent to the tract, existing permanent buildings, railroad right-of-way and other important features such as section lines, political subdivision or corporation lines and school district boundaries.
5. Existing sewers, water mains, culverts or other underground structures within the tract and immediately adjacent thereto with pipe sizes, grades and locations indicated.
6. All parcels of land intended to be dedicated to public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purpose of conditions or limitations of such reservation, if any.
7. The layout, names and widths of proposed streets, alleys and easements.
8. A plan of proposed water distribution system, sanitary sewers and storm sewers showing pipe sizes and the location of valves, fire hydrants and fittings, including total annual service loading projections on receiving systems, i.e., water, sewer and storm drainage based on a ten (10) year incident.
9. Planned locations of sidewalks and street lights.
10. The layout, numbers and scaled dimensions of proposed lots.
11. The building setback lines and dimensions for all front and side yards as stated in the Zoning Code.
12. Indication of any portion of the subdivision for which a final plat is to be proposed if the subdivision is to be developed in stages.
13. Proposed covenants or deed restrictions.
14. Designation of the proposed uses of the land within the subdivision and proposed changes in zoning district designation, if any. (R.O. 2008 §410.100; Ord. No. 5354 §1, 10-16-95)

SECTION 410.110: REVIEW AND APPROVAL OF PRELIMINARY PLAT

A. Upon receipt of the preliminary plat and preliminary improvement plan, the Director of Public Works shall cause copies thereof to be distributed to the representatives of any utility entities not under the control of the City of Maryville, Missouri. The Director of Public Works shall report the combined recommendations to the Public Safety Department, utility companies and other concerned entities to the Commission.

B. The City Manager or his/her authorized representative may recommend approval or disapproval of the preliminary plat and preliminary improvement plan or any features

thereof, but in expressing disapproval, the reasons for such action shall be set forth in writing.

C. The Commission shall recommend approval or disapproval of a preliminary plat and preliminary improvement plan within sixty (60) calendar days of its receipt unless a longer time is agreed upon with the subdivider.

D. Upon approval or disapproval by the Commission, the preliminary plat, the preliminary improvement plan and the Commission's recommendation shall be forwarded to the City Council along with the Director of Public Work's comments within thirty (30) calendar days.

E. The City Council shall review all items and approve, approve with modifications or disapprove the preliminary plat as presented. (R.O. 2008 §410.110; Ord. No. 5354 §1, 10-16-95)

SECTION 410.115: PUBLIC HEARING -- PRELIMINARY PLAN

A. When a preliminary plat is submitted to the Planning and Zoning Commission for its recommendation, a public hearing shall be held by the Commission prior to making its recommendation. The Commission shall cause notice of its proceedings to be given by regular mail, dispatched not less than seven (7) days prior to the date of the proceedings. Said notice shall be given to all owners of record of any property adjoining the property being considered by the Commission. Said adjoining property owners shall be given the opportunity to provide input during the proceedings of the Planning and Zoning Commission. A copy of said notice shall be transmitted to the Chairperson of the Commission. The Commission may adopt such other reasonable rules and regulations as may be required to facilitate such notice.

B. When a preliminary plat is submitted to the City Council for its approval, a public hearing will be held by the City Council prior to approval of the preliminary plat. Notice of this hearing will be provided by the City Clerk who shall publish said notice in the local newspaper of general circulation. Said publication shall occur not less than seven (7) days prior to the public hearing. A copy of the notice shall be retained by the City Clerk and provided to the City Council. The City Council may adopt such other reasonable rules and regulations as may be required to facilitate such notice. (Ord. No. 5443 §1, 7-15-96)

SECTION 410.120: EFFECT OF DISAPPROVAL OF THE PRELIMINARY PLAT AND/OR PRELIMINARY IMPROVEMENT PLAN

The subdivider may make modifications for presentation to the Director of Public Works for review and recommendations for further Commission/City Council consideration if deemed appropriate. (R.O. 2008 §410.120; Ord. No. 5354 §1, 10-16-95)

SECTION 410.130: EFFECT OF APPROVAL OF PRELIMINARY PLAT AND/OR PRELIMINARY IMPROVEMENT PLAN

A. Approval of the preliminary plat and preliminary improvement plan, as set forth herein, shall constitute authority to proceed with preparation of the final plat and final improvement plan.

B. The final plat shall be prepared in conformity with the approved preliminary plat and preliminary improvement plan including any and all changes required by the City Council.
C. Material deviation from such approved preliminary plat shall require resubmission for approval.
D. Approval of a preliminary plat shall not constitute authority to sell lots, record the plat, advertise the future or conditional sale of lots based on the preliminary plat or authority to construct permanent buildings in reliance upon the preliminary plat layout, nor shall it constitute final acceptance of the subdivision. (R.O. 2008 §410.130; Ord. No. 5354 §1, 10-16-95)

SECTION 410.140: RIGHT OF SUBDIVIDER AFTER APPROVAL

In the event there shall be any change in City ordinance or regulations relevant to the preliminary plat which was in existence at the time of the approval of the preliminary plat, said approval of the preliminary plat by the City Council shall remain effective for a period of two (2) years from the date of modification of the relevant ordinance or regulation. (R.O. 2008 §410.140; Ord. No. 5354 §1, 10-16-95; Ord. No. 5566 §1, 7-28-97)

SECTION 410.150: LARGE DEVELOPMENT STAGING PROCEDURE

In order to discourage premature subdivision and uneconomic improvements, the following procedure is provided for large development schemes:

1. When a developer or group of developers have in their control an area of land which they wish to plat, but of so large a size that the majority of the lots would take more than one (1) year to sell, they shall cause to be prepared a preliminary plat and a preliminary development plan for the entire area.
2. On such preliminary plat successive development divisions may be designated.
3. Upon approval of the preliminary plat and preliminary development plan the developer may prepare a final plat and final development plan for one (1) or more development divisions, provided the order of development allows for logical provision of streets and utilities.
4. Each development division shall be considered as a separate and individual unit. A final plat shall be prepared and approved for each division. The provisions of these regulations shall apply individually to each development division and be presented as a separate filing for recording. (R.O. 2008 §410.150; Ord. No. 5354 §1, 10-16-95)

SECTION 410.160: FEES

A. Before delivering the preliminary plat to the Commission for recommendation, the subdivider shall pay to the City Treasurer the following fees:
    1. *Processing fee.* Three (3) or more lots one hundred fifty dollars ($150.00) plus thirty dollars ($30.00) for each additional lot.
    2. *Engineering check fee.* Actual cost incurred by the City.
B. The processing fee and the engineering check fee shall not be refundable. The City

Treasurer shall receipt stamp proof of the payment of fees upon the face of each copy of the preliminary plat. Such fees shall not be considered payment for supervision of construction. (R.O. 2008 §410.160; Ord. No. 5354 §1, 10-16-95)

SECTION 410.170: APPROVAL OF FINAL PLAT -- DEVELOPMENT PLAN

A. *Filing.* Within two (2) years of approval by the City Council of the preliminary plat and preliminary development plan, the subdivider shall file a final plat and development plan for the entire subdivision or for a development division (stage), with the Office of Public Works. Sufficient copies, not to exceed nine (9), shall be submitted to facilitate review and approval. If a final plat and development plan is not filed within two (2) years of the City Council approval of the preliminary plat, the plat shall be subject to review, revision or cancellation of approval by the City Council.

B. The final plat and development plan shall have incorporated all changes or modifications required by the Commission and City Council. It may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time, provided that such portion conforms with all the requirements of this Chapter.

C. *Form Of Final Plat.* The final plat shall be drawn in accordance with the Missouri Department of Natural Resources Division of Geology and Land Survey Standards of Practice No. 1.

1. Name of subdivision, points of the compass, scale of the plat, name of subdivider, date and name and address and seal of the surveyor.
2. Location of boundary lines, in relation to section and quarter section, all of which comprise a legal description of the property. All locations shall be tied to a land survey corner.
3. The lines of all streets, alleys and other lands to be dedicated with their widths and names shall conform to existing street name patterns.
4. All lot lines, dimensions and numbering of lots and blocks shall be according to a uniform system.
5. Statutory systems shall be complied with if applicable.
6. Building lines with zoning set back dimensions.
7. Easements for any right-of-way provided for public use, drainage, services or utilities showing dimensions and purpose.
8. All dimensions, both linear and angular, necessary for locating the lines of lots, tracts, or parcels of land, streets, alleys, easements and the boundaries of the subdivision. The linear dimensions are to be expressed in feet and decimals of feet. The plat shall show all curve data necessary to reconstruct on the ground all curve linear boundaries and lines and radii of all rounded corners.
9. The perimeter and blocks of the plat shall close to an allowable unadjusted error of one (1) in five thousand (5,000).
10. The description, location and elevation of all bench marks.
11. The description and location of all permanent monuments set in the subdivision.
12. Names in contrasting text of adjacent plats with location of adjoining streets shown by dashed lines.
13. Legal description of the lands being subdivided.
14. Certificate of dedication signed and acknowledged by all parties having any title interest in the land subdivided and consenting to the preparation and recording of

the plat as submitted.

15. Land surveyor's certificate and seal.
16. Certificates of approval in legally correct form and places for the signatures of the following: Notary Public acknowledging dedication, the Chairman of the Planning and Zoning Commission, the Mayor and Clerk of the City of Maryville, Missouri. Other certificates as may be required by law may be recorded as separate instruments accompanying the plat.

D. Any zoning changes shall be recommended by the Commission and forwarded to the City Council with the final plat. (R.O. 2008 §410.170; Ord. No. 5354 §1, 10-16-95)

SECTION 410.180: SUBDIVISION DESIGN STANDARDS

The proposed subdivision shall conform to the master plan and official map.

1. *Streets.*The arrangement, character, extent, width, grade and location of all streets shall conform to the official map and master plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by such streets. When not shown on the official map or master plan, the arrangement and other design standards of streets shall conform to the provisions found herein.
2. *Relation to adjoining street system.* The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas within grade limits and in keeping with block length standards set out herein.
3. *Projection of streets.* Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets to the property line in keeping with block length standards set out herein.
4. *Street jogs prohibited.* Street jogs, with centerline offsets of less than one hundred twenty-five (125) feet are prohibited.
5. *Dead-end or cul-de-sac.* Permanent dead-end streets or cul-de-sacs, shall be no longer than five hundred (500) feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least ninety (90) feet and a street property line diameter of at least one hundred fifteen (115) feet. If a dead-end street is temporary, a similar turnaround may be required by the Commission. Provision must be made for future extension of the street into adjoining properties.
6. *Minor streets.* Minor streets shall be laid out so their use by through traffic will be discouraged.
7. *Street widths.* Street right-of-way widths shall be:

Street Type	***Right-of-Way***
Major	100 feet
Secondary	80 feet
Minor	50 feet

Paved street width, including curb and gutter, shall be:

Major	36 feet

Secondary	36 feet
Minor	28 feet

8. *Intersections.* The intersection of more than two (2) streets at one point shall be avoided except where it is otherwise impracticable to secure a proper street system. Streets shall intersect one another at an angle as near to a right angle as possible and no intersections of streets at angles less than sixty (60) degrees shall be approved. Street intersections shall be rounded with a radius of twelve (12) feet measured at the back of curbs when the said intersection occurs at right angles.
9. *Curved streets.* Curved streets are encouraged and shall relate to natural terrain so that minimum grading is necessary. No horizontal curve in a public street shall have a centerline radius of less than seventy-five (75) feet.
10. *Reverse curve.* Reverse curves (S-curves) shall have a tangent introduced between the curves of adequate length to allow smooth transition.
11. *Subdivision into tracts larger than ordinary building lots.* Where a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further resubdivision.
12. *Reserve strips.* Reserve strips controlling access to streets shall be prohibited except under conditions approved by the City Council.
13. *Street grades.* No street gradient shall be less than one-half of one percent (0.5%) and shall not exceed the following, with due allowance for reasonable vertical curves:

Street Type	***Percent Grade***
Major	7
Secondary	8
Minor	10

14. *Half-streets prohibited.* Half-streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and where the Commission and City Council find it will be practical to require the dedication of the other half when the adjoining property is subdivided.
15. *Street names and numbers.* Names of new streets and house numbers shall be assigned by the Department of Public Works.
16. *Access to streets across ditches.* The subdivider shall provide access to all proposed streets across all ditches in a standard method approved by the Director of Public Works.
17. *Private streets.* Private streets may be approved by the City Council and shall be built to all City specifications; public improvements and maintenance will not be provided for any private street.
18. *Hardship to owners of adjoining property avoided.* Streets shall be arranged to insure no hardships are caused to owners of adjoining property in platting their own land and developers must insure convenient access is allowed to adjoining property.
19. *Block length.* In general, provisions shall be made for through streets at intervals

of not less than one thousand three hundred twenty (1,320) feet.

20. *Alleys.*
    a. *Residential areas.* Alleys may be approved in residential areas only by the City Council upon recommendation of the Commission.
    b. *Commercial and industrial districts.* Alleys shall be provided in commercial and industrial districts. The City Council may waive this requirement where other definite and assured provisions are made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed.
    c. *Width.* The right-of-way width of residential and commercial alleys shall be twenty (20) feet.
21. *Dead-end.* Dead-end alleys shall not be permitted. The City Council may waive this requirement where such dead-end alley is unavoidable and where adequate turnaround facilities have been provided.
22. *Utility easements.* Easements with a right-of-way width of ten (10) feet on each side of all rear lot lines and along certain side lot lines where necessary for utilities shall be provided.
23. *Provisions for drainage.*
    a. All developments shall be provided with a drainage system that is adequate to prevent undue retention of surface water on the development site.
    b. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a stormwater easement conforming substantially with the lines of such water course, and such further width or construction or both as will be adequate for the purpose.
    c. An engineering study indicating floodplain requirements between developed and undeveloped land for 100-year storm frequency must accompany each preliminary and final plat.
    d. All necessary channels, retention structures, etc., must be designated.
    e. Drainage must conform to Chapter 415: Flood Plain Management and Chapter 560: Storm Water Management.
    f. Drainage easements shall be sufficient in width so that motorized equipment may be used in their maintenance.
    g. No surface water may be channeled or directed into a sanitary sewer.
    h. All developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface water as a result of such developments.
24. *Blocks.*
    a. *Factors governing dimensions.* Block length and width or acreage within bounding roads must be sufficient to accommodate the size of lot required in the area by the Zoning Code and to provide for convenient access, circulation and safety of street traffic.
    b. *Lengths.* Block length shall not be less than three hundred fifty (350) feet or exceed one thousand three hundred twenty (1,320) feet.
    c. *Arrangement.* A block shall be designed to provide two (2) tiers of lots except when lots may back onto an arterial street, highway or railroad.
    d. *Crosswalks.* In blocks over eight hundred (800) feet long, pedestrian crosswalks may be required by the Director of Public Works in locations

deemed necessary to public health, convenience and necessity. Crosswalks shall be six (6) feet wide, straight from street to street and shall contain a paved surface four (4) feet wide.

25. *Lots.*
    a. Lot dimensions and area shall not be less than the requirements of the Zoning Code.
    b. *Location.* All lots shall abut by their full frontage on a publicly dedicated street or a private 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 be at least twenty (20) feet wider on each side than the minimum street frontage width required for a lot within that residential zoning designation. (For illustration, in an "R-2" Zone where the minimum street frontage is sixty-six (66) feet, this provision shall require that no front, side or back line of a residential corner lot shall be less than eighty-six (86) feet in length.)
    e. *Uninhabitable lots.* Lots subject to flooding and lots deemed by the Commission to be uninhabitable shall not be platted for residential occupancy nor for other uses which may cause danger to health, life or property or aggravate the flood hazard. Such land within the plat will be set aside for uses that will not endanger the health and safety of the public or cause financial burden to the City.
    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. 2008 §410.180; Ord. No. 5354 §1, 10-16-95; Ord. No. 5426 §1, 6-25-96; Ord. No. 5507 §1, 3-24-97)

SECTION 410.190: IMPROVEMENT PLAN

A. The following improvements shall be in place before the subdivision or section of the subdivision is accepted by the City Council. Acceptance of improvements shall be by a written request of the subdivider and a resolution of the City Council accepting improvements, subject to a two (2) year guarantee period. However, no guarantee period shall commence between December fifteenth (15th) and April fifteenth (15th), thereby ensuring that the guarantee period encompasses two (2) complete winter seasons.
    1. *Monuments.* Monuments shall be placed at all block corners, angle points, points of curves in streets and at intermediate points as required by the Director of Public Works. The monuments shall be of material, size and length approved by the Director of Public Works.
    2. *Streets and grading.* All streets shall be constructed of concrete pavement in accordance with specifications designated by the Director of Public Works and the Street Specifications Appendix which is on file in the City offices. Such construction shall be subject to inspection and approval by the City Engineer and the Director of Public Works. Grading shall be completed to official grade on all streets for the full width of the right-of-way including sidewalks and fills and shall be compacted sufficiently to assure adequate support for permanent paving as set forth in the Street Specifications Appendix and approved by the City

Engineer and the Director of Public Works. Standard installations for sanitary sewer, storm drainage and water supply shall be installed before paving, even though private service can be provided at the time of approval of the final plat.

3. *Curbs, gutters and drainage.* Curbs, gutters and drainage structures shall be provided in accordance with Chapter 560: Storm Drainage Ordinance adopted by the City. Such construction shall be subject to the inspection and approval of the City Engineer and the Director of Public Works.
4. *Water supply.* The subdivider shall be required, at their own expense, to install eight (8) inch water mains in compliance with Title VII, "Utilities" to serve the lots within the subdivided area. Tapping fees shall not be incurred until such time as the lot is developed. Further, the subdivider shall be required to provide water to each lot by completion of any one (1) of the following:
   a. Locating upon the lot a water main which provides water to the subdivision; or
   b. Completing a water meter set upon the lot in accordance with Title VII, "Utilities" which provides water service from the water main to the lot; or
   c. Completing a curb box upon the lot in accordance with Title VII, "Utilities" which provides water service from the water main to the lot.
5. *Sanitary sewer system.* The subdivider shall be required, at his/her expense, to install a public sanitary sewer complying with Title VII, "Utilities". Service shall be installed to each lot terminating at the property line with an approved clean out according to Title VII, "Utilities". Tapping fees shall not be incurred until such time as the lot is developed.
6. *Sidewalks.*
   a. Concrete sidewalks shall be constructed along at least one (1) side of every minor street shown on the plat in accordance with applicable standards and specifications of the City. Concrete sidewalks shall be constructed along both sides of all arterial and collector streets, provided however, that where the property is platted in lots having an area of one (1) acre or more, the Council may waive this requirement.
   b. Sidewalks shall be completed upon each lot before a permanent certificate of occupancy is issued.
7. *Street signs.* Street signs made of aluminum with reflectorized lettering and mounted on metal posts shall be installed by the subdivider at all street intersections on diagonally opposite corners. Signs indicating the name of each street shall be erected at each location as close to the corner as practical, facing traffic on the cross street with the nearest portion of the sign not less than one (1) foot nor more than three (3) feet back from the curb line. The City shall approve street names and place street name signs.
8. *Lighting.* The minimum requirement for street lighting facilities shall be one (1) fourteen thousand four hundred (14,400) lumens one hundred fifty (150) watt high pressure sodium or equivalent at each street intersection within or abutting the subdivision. Light standards shall be approved by the Director of Public Works.
9. *Landscape development.* All unpaved or otherwise unimproved areas within the public right-of-way or public use areas shall be prepared and maintained with proper erosion control in a manner approved by the Director of Public Works.

10. *Fire hydrants.* Shall be installed in a pattern approved by the Director of Public Safety and Director of Public Works.

B. *As-Built Plans.* Upon completion of construction of utilities or improvements, one (1) set of reproducible tracings of complete as-built final plans, dated, signed and certified by the Engineer shall be filed with the Director of Public Works showing installed improvements including materials, size, location, depth or elevation, numbers, ends of lines, connection ways, valves, storm sewer drains, inlets and all other pertinent information. There shall be no connections made to utilities serving the subdivision until all foregoing requirements have been met. (R.O. 2008 §410.190; Ord. No. 5354 §1, 10-16-95; Ord. No. 5426 §1, 6-25-96; Ord. No. 5589 §1, 9-22-97; Ord. No. 6641 §§1--2, 4-12-04; Ord. No. 6678 §§1--2, 8-23-04)

SECTION 410.195: IMPROVEMENTS OR GUARANTEES PRIOR TO FINAL APPROVAL

Prior to approval of the final plat, the subdivider shall agree in writing on a form provided by the City that the subdivider will install the minimum improvements provided herein, except sidewalks, and that the subdivider understands no occupancy will be permitted by the City until the required improvements are available to each lot for which occupancy is requested or until satisfactory surety in the form of an irrevocable bank letter of credit, deposited to the credit of the City for one hundred percent (100%) of the cost of the public improvements, or a bond is furnished by the subdivider or its contractor guaranteeing the installation of the improvements to said lots. No such surety shall be accepted unless it is enforceable by or payable to the City or its agent in the sum at least equal to the cost of constructing the improvements as estimated by the City Engineer and in form with surety and conditions approved by the City Attorney. (R.O. 2008 §410.195; Ord. No. 5566 §1, 7-28-97)

SECTION 410.200: VIOLATIONS

The violation of any of the provisions of the Chapter or any Section thereof is declared a ordinance violation and subject to a fine of not more than five hundred dollars ($500.00) or by confinement in jail for not more than three (3) months, or by both such fine and imprisonment. A separate violation shall be deemed committed upon each day during or on which violation occurs or continues. (R.O. 2008 §410.200; Ord. No. 5354 §1, 10-16-95)

SECTION 410.210: VARIANCES

A. *Generally.* The Commission may recommend to the City Council a variance from these regulations when, in its opinion, undue hardship may result from strict compliance. Upon recommending any variance, the Commission shall prescribe only conditions that it deems necessary to or desirable for the public interest. In making its findings, as required herein below, the Commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be recommended unless the

Commission finds:

1. There are special circumstances or conditions affecting said property such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of his/her land.
2. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
3. The recommending of the variance will not be detrimental to the public welfare or injurious to other property in the City of Maryville.

B. *Application Required.* Application for any variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Commission. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner. (R.O. 2008 §410.210; Ord. No. 5354 §1, 10-16-95)

SECTION 410.215: GENERAL PROVISIONS

A. *Modification Of Requirements.* The strict application of the terms of these regulations may be modified by the City Council and/or upon the recommendation of the Planning and Zoning Commission in the event any specific provision is determined impractical in its application to a specific parcel of land because of characteristics peculiar to said parcel and the intent of these regulations will not be compromised.

B. *Enforcement.* The City Manager shall be responsible for the enforcement of regulations and to this end all employees and officials of the City shall report in writing any violation or suspected violation of these regulations.

C. *Severability.* The provisions of these regulations are severable and if any provision, sentence, clause, Section or part thereof shall be held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, Sections or parts of these regulations or their application to other persons and circumstances. It is hereby declared to be the legislative intent, that these regulations would have been adopted if such illegal, invalid or unconstitutional provisions, sentence, clause, Section or part had not been included therein and if the person or circumstances to which these regulations or any part thereof is inapplicable had been specifically exempted therefrom. (R.O. 2008 §410.215; Ord. No. 5354 §1, 10-16-95)

CHAPTER 415: ESTABLISHMENT OF THE BOARD OF ZONING ADJUSTMENT

SECTION 415.010: ESTABLISHMENT AND GENERAL PROVISIONS

A. A Board of Zoning Adjustment is hereby established and shall hereinafter be referred to as the "Board". The Board shall consist of five (5) members who shall be residents of the City, serving without compensation, appointed by the Mayor, subject to the approval of the Council, for a term of five (5) years, excepting that when the Board shall first be

created, one (1) member shall be appointed for a term of four (4) years, one (1) for a term of two (2) years, and one (1) for a term of one (1) year.

B. Any vacancy shall be filled by appointment by the City Council for the unexpired portion of the term. Should any member be absent from the City or become incapacitated, or is disqualified, the Mayor with the approval of the Council, shall appoint a substitute to serve as a member of the Board with the same powers and authority as the regular members of the Board until the regular member has returned or is able to serve on the Board. (R.O. 2008 §415.010; Ord. No. 5144 §1, 7-12-93)

SECTION 415.020: MEETINGS

A. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. Business of the Board shall be conducted in accordance with the regulations set forth herein and with the provisions of Missouri Statutes and shall adopt its own rules of procedure in harmony with said provisions.

B. The Chairperson, or in his/her absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses. (R.O. 2008 §415.020; Ord. No. 5144 §1, 7-12-93)

SECTION 415.030: RECORD

The affirmative vote of two-thirds (2/3) of all present and voting members of the Board of Zoning Adjustment, shall be necessary to reverse any order, requirement, decision or determination of the Building Official or to decide in favor of the applicant. (R.O. 2008 §415.030; Ord. No. 5144 §1, 7-12-93)

SECTION 415.040: APPEAL BEFORE THE BOARD OF ZONING ADJUSTMENT

Appeal to the Board may be taken within thirty (30) days after an order becomes effective, by any person or persons aggrieved, by any neighborhood organization as defined in Section 32.105, RSMo., representing such person or affected by a decision of the Building Official. (R.O. 2008 §415.040; Ord. No. 5144 §1, 7-12-93)

SECTION 415.050: JURISDICTION

The Board of Zoning Adjustment shall have jurisdiction to make decision and rulings in accordance with the following:

1. The Board may hear appeals where it is alleged there is an error in any order, requirement, decision or interpretation made by an Administrative Official in the enforcement of this Title.
2. Upon receipt of the appeal, if it is determined that the request by appellant is only for a change or exception to the generally understood wording or application of an ordinance of the City of Maryville, then this Board shall be without jurisdiction to further proceed. The appellant shall be informed, with or without a hearing, that the request is in terms of a request for a general exception, and that this Board is without jurisdiction to proceed. The Board may recommend that appellant make his/her request known to the City Council of the City of Maryville and/or the

Board may make a recommendation for change to any Building Official for consideration and presentation to the City Council.

3. If the Board determines that the request is in the nature of requesting a variance from the terms of this Title as would not be contrary to the public interests, that said variance is based upon special conditions unique to Appellant and that a literal enforcement of the provisions of this Title would result in unnecessary hardship; or if the Board finds that there has been an error by the Administrative Official in the interpretation or application of an ordinance in this Title, then the Board may proceed to a decision, all subject to the provisions of Findings of Variance in Section 415.060. The Board of Adjustment shall not have any authority to waive the requirement of this Title absent showing of undue hardship which is specific and unique to Appellant. (R.O. 2008 §415.050; Ord. No. 5144 §1, 7-12-93)

SECTION 415.055: DEFINITION

As used in this Chapter, the term *"undue hardship"* shall mean a situation where an existing ordinance or zoning law unreasonably limits the normally accepted use of the property. The sole fact that the property could be used more profitably for variances granted is not sufficient to meet the tests of undue hardship. (R.O. 2008 §415.055; Ord. No. 5144 §1, 7-12-93; Ord. No. 5386 §1, 2-5-96)

SECTION 415.060: FINDING OF VARIANCE

Before making a ruling on such a request for a variance, the Board shall make the following determinations and shall record such determinations in its proceedings:

1. The appeal falls within the jurisdiction of the Board;
2. Notice of the proceedings has been given as required;
3. Application of the provisions of the ordinance or zoning law unreasonably limits the normally accepted use of such property;
4. The undue hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public;
5. The undue hardship relates directly to the applicant's property;
6. The undue hardship is unique to the applicant, or nearly so, rather than one shared by the many surrounding properties;
7. The undue hardship is not the result of applicant's own actions; and
8. The variance will neither result in the extension of a non-conforming use nor authorize the initiation of a non-conforming use. (R.O. 2008 §415.060; Ord. No. 5144 §1, 7-12-93; Ord. No. 5386 §1, 2-5-96)

SECTION 415.070: GRANTING VARIANCE

A. Before granting a variance, the Board shall take a separate vote with at least two-thirds (2/3) of those present and voting, voting in favor of each of the required findings stated in Section 415.060. Insofar as practicable, the motion to make an affirmative finding on each of the requirements shall include a statement of specific reasons or findings of fact supporting such motion.

B. In exercising the above-mentioned powers such Board may, in conformity with the provisions of Sections 89.010 to 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. (R.O. 2008 §415.070; Ord. No. 5144 §1, 7-12-93; Ord. No. 5386 §1, 2-5-96)

SECTION 415.080: EVALUATION SHEET

All voting members shall have a recorded vote on all items listed on the evaluation sheet as presented by the Code Enforcement Officer. The evaluation sheet will become a recognized record in the permanent file. (R.O. 2008 §415.080; Ord. No. 5144 §1, 7-12-93)

SECTION 415.090: FEES

The filing fee for appeals and application for variances shall be one hundred twenty-five dollars ($125.00) plus the cost of public notification and mailing. The filing fee shall accompany the appeal or the application for a variance and shall not be refundable. (R.O. 2008 §415.090; Ord. No. 5144 §1, 7-12-93; Ord. No. 6587 §§1--2, 9-15-03)

SECTION 415.100: NOTICE

With respect to any proceedings which may adversely affect the rights or property of a person, other than the parties before the Board, it shall cause notice of its proceedings to be given in the following manner:

1. Owners of record of property adjoining the property involved shall be given notice by certified mail not less than seven (7) days prior to the proceedings.
2. All other persons shall be given notice by publishing a notice of hearing once in a newspaper of general circulation in the community not less than seven (7) days prior to the proceedings.
3. A copy of the notice shall be transmitted to the City Clerk and to the Chairperson of the Board. The Board shall adopt such other reasonable rules and regulations as may be required to facilitate such notice. (R.O. 2008 §415.100; Ord. No. 5144 §1, 7-12-93; Ord. No. 6580 §§1--2, 8-18-03)

SECTION 415.110: TERMINATION OF VARIANCE

Where property is in use under the terms of a variance and such use ceases or in the case of a structure such structure ceases to exist, then the variance shall terminate unless the terms of the variance specify otherwise. (R.O. 2008 §415.110; Ord. No. 5144 §1, 7-12-93)

SECTION 415.120: ENFORCEMENT
It shall be the duty of the Building Official to enforce the provisions of this Title and enforce such decisions as shall be duly passed by the Board of Zoning Adjustment. (R.O. 2008 §415.120; Ord. No. 5144 §1, 7-12-93)

SECTION 415.130: STRUCTURES DECLARED NUISANCE WHEN IN VIOLATION OF PROVISIONS -- ABATEMENT
Any structure erected, raised, or converted, of land or premises used in violation of any of the provisions of this Title or the requirements thereof, is hereby declared to be a common nuisance and such common nuisance may be abated in the manner as nuisances are now or may hereafter be abated under existing law. (R.O. 2008 §415.130; Ord. No. 5144 §1, 7-12-93)

SECTION 415.140: PENALTIES FOR NON-COMPLIANCE
Any person failing to comply with the notice of declaration of a nuisance given by the Board of Zoning Adjustment within thirty (30) days, or otherwise violates the provisions of this Chapter, shall be guilty of a ordinance violation and, upon conviction thereof, shall be punished by a fine not to exceed one thousand dollars ($1,000.00) or be imprisoned in the County Jail for not more than one (1) year, or be both fined and imprisoned. (R.O. 2008 §415.140; Ord. No. 5144 §1, 7-12-93)

SECTION 415.150: AMENDMENTS
The Council of the City of Maryville may, from time to time, make amendments to the text and maps of this Title in accordance with the Statutes of Missouri. (R.O. 2008 §415.150; Ord. No. 5144 §1, 7-12-93)

CHAPTER 420: FLOOD PLAIN MANAGEMENT

ARTICLE I. FINDING OF FACT, PURPOSE AND OBJECTIVES

SECTION 420.010: FINDINGS OF FACT

A. The flood hazard areas of Maryville, Missouri, are subject to periodic inundation which, results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
B. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazards to other lands which are inadequately elevated,

floodproofed or otherwise unprotected from flood damages. (R.O. 2008 §425.010; Ord. No. 4972 §1, 5-13-91)

SECTION 420.020: STATEMENT OF 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:

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 floodplains;
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;
7. To insure that potential home buyers are notified that property is in a flood area; and
8. To insure that those who occupy the areas of special flood hazard assume responsibility for their actions. (R.O. 2008 §425.020; Ord. No. 4972 §1, 5-13-91)

SECTION 420.030: METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this Chapter includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion or to flood heights or velocities.
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
3. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which are involved in the accommodation of floodwaters.
4. Controlling, filling, grading, dredging, and other development which may increase erosion of flood damage.
5. Preventing or regulating the construction of flood barriers which will unnaturally divert floodway waters or which may increase flood hazards in other areas. (R.O. 2008 §425.030; Ord. No. 4972 §1, 5-13-91)

ARTICLE II. DEFINITIONS

SECTION 420.040: DEFINITIONS

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

ACTUARIAL OR RISK PREMIUM RATES: Those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the Federal Flood Plain Act and the accepted actuarial principles. Risk premium rates include provisions for operating costs and allowances.
APPEAL: A designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
AREA OF SPECIAL FLOOD HAZARD: Land in the floodplain within a community subject to one percent (1%) or greater chance of flooding in any given year.
BASE FLOOD: The flood having one percent (1%) chance of being equalled or exceeded in any given year.
DEVELOPMENT: Any man-made 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.
EXISTING CONSTRUCTION: (for the purpose of determining rates) Structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. *"Existing construction"* may also be referred to as *"existing structures"*.
FLOOD INSURANCE RATE MAP (FIRM): An official map of a community, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the community.
FLOOD INSURANCE STUDY: The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary/Floodway Map and the water surface elevation of the base flood.
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; or (2) the unusual and rapid accumulation or runoff of surface waters from any source.
FLOODWAY FRINGE: The area of the floodplain, outside of the floodway, that on the average is likely to be flooded once every one hundred (100) years (i.e., that has a one percent (1%) chance of flood occurrence in any one (1) year.)
FLOODWAY OR REGULATORY FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
FREEBOARD: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.
HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
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 floodplain 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) consecutive 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.
NEW CONSTRUCTION: Structures for which the "start of construction" or substantial improvement is commenced on or after the effective date of the FIRM.
START OF CONSTRUCTION: (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement, and means the date the building permit was issued, or other improvement was within one hundred eighty (180) days of the permit date. The *"actual start"* means the first 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: A walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.
SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either,

1. Before the improvement or repair is started, or
2. If the structure has been damaged and is being restored, before the damage occurred.

For the purpose of this definition *"substantial improvement"* is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either

1. Any project for improvement of a structure to comply with existing, State or local health, sanitary, or Safety Code specifications which are solely necessary to assure safe living conditions, or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

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. 2008 §425.040; Ord. No. 4972 §1, 5-13-91)

ARTICLE III. GENERAL PROVISIONS

SECTION 420.050: LANDS TO WHICH THIS CHAPTER APPLIES

This Chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Maryville, Missouri. (R.O. 2008 §425.050; Ord. No. 4972 §1, 5-13-91)

SECTION 420.060: BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARDS

The areas of special flood hazards identified by the Federal Emergency Management Agency through a scientific and engineering report entitled "The Flood Insurance Study for the City of Maryville, Missouri", dated September 18, 1985, with accompanying Flood Insurance Rate Maps (and Flood Boundary and Floodway Maps) with any revision thereto are hereby adopted by reference and declared to be a part of this Chapter. The Flood Insurance Study is on file at City Hall, 415 North Market Street, Maryville, Missouri. (R.O. 2008 §425.060; Ord. No. 4972 §1, 5-13-91)

SECTION 420.070: PENALTIES FOR NON-COMPLIANCE

A. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter and other applicable regulations.
B. 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 ordinance violation. Any person who violates this Chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred dollars ($500.00), or imprisoned for not more than three (3) months, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
C. Nothing herein contained shall prevent the City of Maryville or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation. (R.O. 2008 §425.070; Ord. No. 4972 §1, 5-13-91)

SECTION 420.080: ABROGATION AND GREATER RESTRICTIONS

This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and another conflict or overlap, whichever imposes the most stringent restrictions shall prevail. (R.O. 2008 §425.080; Ord. No. 4972 §1, 5-13-91)

SECTION 420.090: INTERPRETATION

In the interpretation and application of this Chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body and,
3. Deemed neither to limit nor repeal any other powers granted under State Statutes. (R.O. 2008 §425.090; Ord. No. 4972 §1, 5-13-91)

SECTION 420.100: WARNING AND DISCLAIMER OF LIABILITY
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 man-made 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 of Maryville or by any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder. (R.O. 2008 §425.100; Ord. No. 4972 §1, 5-13-91)

ARTICLE IV. ADMINISTRATION

SECTION 420.110: ESTABLISHMENT OF A DEVELOPMENT PERMIT
A Development Permit shall be obtained before construction or development begins with any area of special flood hazard established in Section 420.060. No person, firm, or corporation or unit of government shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate permit for each development as defined in Section 420.040. Application for a Development Permit shall be made and forms furnished by the Code Enforcement Officer and may include, but not be limited to; 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 is to be floodproofed.
3. Certification from a registered professional engineer or architect that the non-residential floodproofed structure will meet the floodproofing criteria in Section 420.170(2).
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (R.O. 2008 §425.110; Ord. No. 4972 §1, 5-13-91)

SECTION 420.120: DESIGNATION OF THE LOCAL ADMINISTRATOR
The City Manager or designated representative is hereby appointed to administer and implement the provisions of this Chapter, by granting or denying development permit applications in accordance with its provisions. (R.O. 2008 §425.120; Ord. No. 4972 §1, 5-13-91)

SECTION 420.130: DUTIES AND RESPONSIBILITIES OF CITY MANAGER

Duties of the City Manager or designated representative shall include, but not be limited to:

1. Review all development permits to assure that sites are reasonably safe from flooding and that the permit requirements of this Chapter have been satisfied.
2. Review 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. When base flood elevation data has not been provided in accordance with Section 420.060 then the City Manager or designated representative 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 Article V.
4. Verify, record and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
5. Verify, record and maintain record of the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed.
6. When floodproofing is utilized for a particular structure the City Manager or designated representative shall obtain certification from a registered professional engineer or architect.
7. Notify adjacent communities and the State of Missouri Department of Natural Resources prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Emergency Management Agency.
8. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
9. 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 City Manager or designated representative 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 this Article. (R.O. 2008 §425.130; Ord. No. 4972 §1, 5-13-91)

SECTION 420.140: VARIANCE PROCEDURES

A. The Board of Adjustment as established by this Code shall hear and decide appeals and requests for variances from the requirements of this Chapter.
B. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the City Manager or designated representative in the enforcement or administration of this Chapter.
C. Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the Circuit Court of Nodaway County, Missouri, as provided in Sections 536.100 through 536.140, RSMo.
D. In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other Sections of this Chapter, and
    1. The danger that materials maybe swept onto other lands to the injury of others;
    2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of 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 to a waterfront location, where applicable;
6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, 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 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 Subparagraphs (2) through (6) below, have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical jurisdiction 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 or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Section.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base 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. Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (R.O. 2008 §425.140; Ord. No. 4972 §1, 5-13-91)

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION 420.150: GENERAL STANDARDS

In all areas of special flood hazards (Zones A, AE, A1-30, AO, AH) 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 construed with materials resistant to flood damage.
3. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
4. All new construction and 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.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
6. 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.
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
8. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
9. 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.
10. That until a floodway has been designated, no development, including landfill, may be permitted within Zones A1-30 and AE on the City's FIRM unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood more than one (1) foot on the average cross-section of the reach in which the development or landfill is located as shown on the Flood Insurance Rate Study incorporated by reference; Section 420.060 of this Chapter. (R.O. 2008 §425.150; Ord. No. 4972 §1, 5-13-91)

SECTION 420.160: STANDARDS FOR SUBDIVISION PROPOSALS

A. All subdivision proposals and other proposed new developments, including manufactured home parks or subdivisions, 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 other proposed development (including proposals for manufactured home parks and subdivisions), which

is greater than either fifty (50) lots or five (5) acres. (R.O. 2008 §425.160; Ord. No. 4972 §1, 5-13-91)

SECTION 420.170: SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 420.060 or Section 420.150, (Zones A1-30, AE and AH) 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 at or 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 at or above the level of the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below such a 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 are satisfied. Such certification shall be provided to the official as set forth in Section 420.130(6).
3. *Required 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. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding shall be provided.
    b. The bottom of all openings shall be no higher than one (1) foot above grade.
    c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
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 FIRM 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 side at 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; and

4. Any additions to the manufactured home be similarly anchored.

b. Require that all manufactured homes to be placed within the Zones A1-30, AH, and AE on the community's FIRM, be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevations; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Subsection (4)(a) hereof. (R.O. 2008 §425.170; Ord. No. 4972 §1, 5-13-91)

SECTION 420.180: FLOODWAYS

Located within areas of special flood hazards established in Section 420.060 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. Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification by a registered professional 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 (1) hereof 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 reasonable utilize any floodway data available through Federal, State or other sources of Section 420.160(D) of this Chapter in meeting the standards of this Section. (R.O. 2008 §425.180; Ord. No. 4972 §1, 5-13-91)

SECTION 420.190: AREAS OF SHALLOW FLOODING (AO AND AH ZONES)

Located within the areas of special flood hazard established in Section 420.060 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. *Within AO Zones.*
   a. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as base flood level, the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified).
   b. All new construction and substantial improvements of non-residential structures shall:
      1. Have the lowest floor (including basement elevated above the highest adjacent grade at least as high as base flood level, the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified), or

2. 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 hydro-dynamic loads and effects of buoyancy.

c. Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

d. The anchoring requirements for manufactured homes as established in Section 420.170(4)(a) shall be required.

2. *Within AH Zones.*

a. The specific standards for all areas of special flood hazards where base flood elevation data has been provided shall be required as set forth in Section 420.170.

b. Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures. (R.O. 2008 §425.190; Ord. No. 4972 §1, 5-13-91)

SECTION 420.200: NON-CONFORMING USE

A. A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance, 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 ninety (90) consecutive days, any future use of the building premises shall conform to this Chapter. The Utility Department shall notify the Code Enforcement Officer in writing of instances of non-conforming uses where utility services have been discontinued for a period of ninety (90) days.

2. Uses or adjuncts thereof which are or become nuisances shall not be entitled 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 except if 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 or 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. 2008 §425.200; Ord. No. 4972 §1, 5-13-91)

SECTION 420.210: AMENDMENTS

A. The regulations, restrictions, boundaries set forth in this Chapter may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Maryville, Missouri.

B. At least twenty (20) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Federal Emergency Management Agency. 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. 2008 §425.210; Ord. No. 4972 §1, 5-13-91)

CHAPTER 425: TAX INCREMENT FINANCING

SECTION 425.010: RELOCATION POLICY

A. The City Council of the City of Maryville, Missouri, adopts this Relocation Policy to be applicable to any Tax Increment Financing Plan, Chapter 353 Plan or similar redevelopment plan approved by the City. This Relocation Policy shall conform at all times to the requirements of Section 523.205, RSMo.

B. *Definitions.* The following terms shall have the meanings set forth below for purposes of the Relocation Policy.

ACQUIRING ENTITY: Any public agency, developer or the City which is acquiring property pursuant to any Tax Increment Financing Plan, Chapter 353 Plan or similar redevelopment plan approved by the City.

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; or
2. Primarily for the sale of services to the public.

CHAPTER 353 PLAN: Any Chapter 353 Plan created pursuant to the Urban Redevelopment Corporation Act and approved by the City.

CITY: City of Maryville, Missouri.

DECENT, SAFE AND SANITARY DWELLING: A dwelling which meets all applicable 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 displaced person, be free of any barriers which would preclude reasonable ingress, egress or use of the dwelling.

DEVELOPER: Any person selected as a developer of a particular redevelopment project under a Tax Increment Financing Plan, Chapter 353 Plan or similar redevelopment plan.

DISPLACED PERSON: Any person that moves from real property which is within a redevelopment area or moves such person's personal property from real property which is within a redevelopment area permanently and voluntarily as a direct result of acquisition, rehabilitation of, or the written notice of intent to acquire such real property, in whole or in part, for a public purpose.

ELIGIBLE DISPLACED PERSONS: Any displaced person who occupied the real property to be acquired or not less than ninety (90) days prior to the initiation of

negotiations and who is required to vacate such real property.
HANDICAPPED DISPLACED PERSON: Any displaced person who deaf, legally blind or orthopedically disabled to the extent that acquisition of another residence presents a greater burden than other persons encounter or to the extent that modifications to the replacement residence would be necessary.
INITIATION OF NEGOTIATIONS: The delivery of the initial written offer of just compensation by the acquiring entity, to the owner of the real property, to purchase such real property for the redevelopment project, or the notice to the person that he or she will be displaced by rehabilitation or demolition.
PERSON: Any individual, family, partnership, limited liability company, corporation or association.
REDEVELOPMENT AREA: That area defined as the redevelopment area pursuant to a Tax Increment Financing Plan, Chapter 353 Plan or similar redevelopment plan.
REDEVELOPMENT PROJECT: Any construction project defined as a redevelopment project pursuant to a Tax Increment Financing Plan, Chapter 353 Plan or similar redevelopment plan.
REFERRAL SITE NOTICE: The written notice of referral sites to be provided to displaced persons by the developer pursuant to Subsection (E) of this Relocation Policy.
RELOCATION PAYMENT: The payment to be made by the developer to an eligible displaced person pursuant to Subsection (F) of this Relocation Policy.
TAX INCREMENT FINANCING PLAN: Any tax increment financing plan approved by the City.
TIF COMMISSION: The Tax Increment Financing Commission of Maryville, Missouri.

C. *Eligibility.* Any displaced person shall have the right to receive relocation assistance in accordance with the terms of this Relocation Policy. In no event shall relocation assistance be provided to any person who purposely resides or locates such person's business in the redevelopment area solely for the purpose of obtaining relocation benefits.

D. *Notice.* Developer shall give to every displaced person a ninety (90) day written notice to vacate prior to the date such displaced person is required to vacate its premises.

E. *Referrals.* Developer shall provide each residential displaced person with three (3) decent, safe and sanitary dwelling referrals and shall provide each displaced business with three (3) suitable referral sites. Developer shall provide to each handicapped displaced person ninety (90) days prior written notice of referral sites and shall provide to each other displaced person sixty (60) days prior written notice of referral sites, determined with reference to the date such displaced person is required to vacate that person's respective premise. Concurrently, with the referral site notice, the developer shall provide to each eligible displaced person written notice of the availability of benefits under this Relocation Policy. The developer shall make arrangements for transportation to inspect referral sites for displaced persons upon a written request for transportation made to the City by the displaced person. Contemporaneous with the provision of a referral site notice, the developer shall notify such displaced person in writing of the availability of relocation payments and assistance under this Relocation Policy.

F. *Relocation Payments.* Each eligible displaced person shall be entitled to the following relocation payment from the developer.

1. *Residential displaced persons.* Each residential eligible displaced person shall be

provided with the option of such eligible displaced person, either:

a. A five hundred dollar ($500.00) fixed payment; or
b. Actual reasonable costs of relocation, including 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.

G. *Special Needs.* Any eligible displaced person who believes that such eligible displaced person has any special needs as the result of such eligible displaced person's income, age, size of family, nature of business, availability of suitable replacement facilities and vacancy rates of affordable facilities may advise the developer of such needs and such needs shall be given specific consideration with respect to the relocation benefits offered to such eligible displace person. To notify the developer of such special needs, the eligible displaced person having such needs must deliver written notice to the developer in care of the City. Such notice must identify the special needs and the basis of the special needs. The developer reserves the right to require from any eligible displaced person claiming special needs reasonable evidence of the alleged facts upon which a claim for special needs is based (by way of example, copies of income tax returns if income is an issue).

H. *Deadlines For Claims And Payments.* All claims for relocation payments shall be filed with the developer within six (6) months after:

1. For tenants, the date of displacement; or
2. For owners, the date of displacement or the final payment for the acquisition of the real property, whichever is later. Payment for a satisfactory claim for relocation payments shall be made by the developer within thirty (30) days following the developer's receipt of sufficient documentation to support the claim.

I. *Advance Payment.* If any eligible displaced person demonstrates the need for an advance payment of the relocation payment in order to avoid or reduce a hardship, the developer shall issue the relocation payment in order to avoid or reduce a hardship. The developer shall issue the relocation payment subject to such safeguards as the developer may reasonably establish and are appropriate to ensure that the objective of the relocation payment is accomplished.

J. *Waiver Of Payment.* Any eligible displaced person, who is also the owner of the applicable premises, may waive relocation payments as part of the negotiations for acquisition of the interest held by such eligible displaced person. Such waiver shall be in writing, shall disclose the eligible displace person's knowledge of the provisions of this relocation plan and Section 523.205, RSMo., and knowledge of entitlement to relocation payments under this relocation policy and shall be filed with the developer. (R.O. 2008 §430.010; Ord. No. 6634 §1, 3-8-04)

TITLE V. BUILDING AND CONSTRUCTION

CHAPTER 500: GENERAL PROVISIONS

SECTION 500.010: PURPOSE

The provisions of this Code shall delete the administrative organization and enforcement rules and regulations for the technical codes and demolition code and substitute in lieu thereof, those codes which regulate the site preparation and construction, alteration, moving, demolition, repair, use and occupancy of buildings, structures and building service equipment within this jurisdiction. (R.O. 2008 §500.020; Ord. No. 5073 §1, 7-13-92)

SECTION 500.020: LICENSE REQUIREMENTS

A. *Electrician License Required.* No person shall install, repair or remove any electrical wiring or equipment or otherwise engage in the practice or business of electrical work without first securing a license therefor from the City Clerk.

B. *Mechanical Installer's License Required.* No person shall install, repair or remove any mechanical equipment or an integral part thereof or otherwise engage in the practice or business of mechanical work without first securing a license from the City Clerk.

C. *Plumbing License Required.* No person shall engage in the practice of plumbing or otherwise engage in the practice of business of plumbing without first securing a license from the City Clerk.

D. *Contractor's License Required.* No person or firm shall engage in the practice of building, roofing, siding or concrete work without first securing a license from the City Clerk. A contractor's license shall also be required for any person or firm engaging in any land disturbing activity, including, but not limited to, bulldozing, grading or any land-disturbing activity where the area of land actually disturbed by the activity is in excess of three thousand (3,000) square feet.

E. *Exception Single-Family Dwelling Owner.* No license shall be required for a bona fide owner/ occupant of a single-family dwelling which is to be occupied exclusively for living purposes, to do any work regulated by the Plumbing Code, Electrical Code, Mechanical Code or Building Code of the said dwelling and any of its accessory buildings and quarters on the condition that the said owner personally occupies the structure for one (1) year and purchases all material and permits, call for proper inspection, and perform all labor in connection therewith. No more than one (1) permit will be issued within a five (5) year period unless the owner/occupant has occupied the structure at least one (1) year after the issuance of a certificate of occupancy.

F. *Responsibility Of Licensed Professional.* All electrical, plumbing, building and mechanical work performed by any partnership, firm or corporation engaged in the business of performing such work shall be supervised by one (1) or more licensed professionals who shall be responsible for all work performed, and said licensed professional shall be a partner, member or officer of such partnership, firm or corporation. (R.O. 2008 §500.030; Ord. No. 5073 §1, 7-13-92; Ord. No. 5098 §1, 11-9-92; Ord. No. 6024 §1, 1-26-98; Ord. No. 6692 §§1--2, 9-27-04)

SECTION 500.030: LICENSING PROCEDURE

A. *Application For License.* Any person, firm or corporation desiring to secure an electrician's, plumber's, mechanical or contractor's license shall make written application to the City Clerk on forms provided therefore stating the name and address of said person or employee in whose name said license is to be issued, together with such additional information concerning his/her qualifications that may be reasonably required. Any person, firm or corporation holding an electrician, plumber, mechanical or contractor's license from the City upon the effective date of this Chapter (November 26, 2007), those holding a valid trade or business license are "grandfathered" in.

B. *Term Of License.* All licenses issued during any year, unless sooner revoked, shall expire on December thirty-first (31st) of that year and may be renewed during the month of January of the year following its issuance upon payment of the renewal fee herein specified. No electrician, plumber or mechanical license shall be renewed more than six (6) months after its expiration, but may be reissued by examination. Such license shall not be transferable.

C. *Code Updates.* At such time the City accepts the Code updates, the City shall conduct seminars one (1) day a week for one (1) month on alternate days. All contractors shall be required to attend their respective trade seminar. Failure to attend will result in the mandatory retesting for their respective license. (R.O. 2008 §500.040; Ord. No. 5073 §1, 7-13-92; Ord. No. 6956 §1, 11-26-07)

SECTION 500.040: LICENSE FEE

A. *Annual License.* The annual license fee shall be paid to the City Clerk before any license or renewal thereof is issued. Every license holder must maintain a place of business known to the City Clerk.

License	Annual Fee
Electrical	$ 175.00
Plumbing	175.00
Mechanical	175.00
Contractors	175.00

B. *Examination.* The applicant shall be examined by a written objective examination in compliance with State Statutes and approved by the City Manager to determine that the applicant is knowledgeable of the practice of electrical, plumbing or mechanical work and the provisions of the applicable building codes of the City. If the applicant correctly answers at least seventy percent (70%) of the questions, he/she shall be promptly certified as passing.

1. Before any first (1st) time license is issued, the applicant shall possess the appropriate, code book and make payment for examination as follows:

Trade	Fee
Electrical	$ 50.00
Plumbing	50.00
Mechanical	50.00

2. Any person who fails to pass a written examination may be re-examined twice at intervals of at least thirty (30) days. If an applicant fails after three (3) attempts to obtain a passing score on the written examination, no further examination shall be made except upon payment of a new examination fee.

3. The City Clerk shall not issue a license without examination passage for the electrical, plumbing and mechanical licenses. (R.O. 2008 §500.050; Ord. No. 5073 §1, 7-13-92; Ord. No. 5081 §1, 8-10-92; Ord. No. 6956 §1, 11-26-07)

SECTION 500.050: INSURANCE REQUIREMENTS

A. All contractors shall show proof of general liability insurance of no less than three hundred thousand dollars ($300,000.00) prior to issuance of license.

B. Such insurance coverage shall indemnify the City and save it harmless against any and all claims, demands or causes of action whatsoever which might arise or accrue against it by reason of the granting of such permit or the exercise of any privilege thereby conferred and to repay all damages which may be suffered by the City or by any other person by reason of the exercise of the permit. (R.O. 2008 §500.070; Ord. No. 5073 §1, 7-13-92; Ord. No. 5081 §1, 8-10-92; Ord. No. 6956 §1, 11-26-07)

SECTION 500.060: REVOCATION OF LICENSE

A. The City Manager or his/her appointed representative shall have the power and authority to suspend or revoke any license issued pursuant to this Chapter for any violation, upon written notice containing grounds therefor, which notice shall be by certified mail to the licensee. Licenses may be removed if the license was obtained through error or fraud; or the licensee shall have been found by the Code Enforcement Officer to have willfully violated any provisions of the Electrical, Mechanical, Plumbing or Building Codes of this Chapter; or shall have forfeited the bond required herein; or shall refuse or neglect, within a reasonable time, after notification to make such corrections to electrical, mechanical, plumbing or construction work as ordered by the inspector; or shall have permitted the use of his/her name by another person to obtaining permits for doing electrical, mechanical, plumbing or construction work under the license; or for any other good or sufficient cause. A person or firm whose license has been revoked shall not be permitted to apply for a new license within one (1) year from the date of revocation. A person whose license has been revoked and who is reapplying for a new license shall be re-examined and pay such fees as required for a new license.

B. *Appeal.* Any individual aggrieved by the actions of the City Manager or his/her appointed representative pursuant to the authority set forth in Section 500.060 of the Municipal ordinances of the City of Maryville shall be entitled to appeal said determination in accordance with the procedures set forth in this Section. Said appeal shall be filed within thirty (30) days from the date of service of the suspension or revocation of license pursuant to this Chapter.

1. *Form of appeal.* The appeal filed pursuant to this Section shall be instituted by filing at the office of the City Clerk a written appeal containing the following:
   a. A heading in the words: "Appeal of ..... of..... "
   b. A caption reading: "Appeal of ....." giving the names of all appellants participating in the appeal.
   c. A brief statement setting forth the legal interests of each of the appellants as it relates to the determination of the City Manager or his/her appointed representative in suspending or revoking the license.
   d. A brief statement in ordinary and concise language of the specific order or

action protested, together with any material facts claimed to support the contentions of the appellant.

e. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.

f. The signatures of all parties named as appellants and their official mailing addresses.

g. The verification (by declaration under penalty of perjury) of at least one (1) appellant as to the truth of the matters stated in the appeal.

2. *Processing of appeal.* Upon receipt of any appeal filed pursuant to this Section, the City Clerk shall present it at the next regular or special meeting of the Board of Appeals.
3. *Scheduling and noticing appeal for hearing.* As soon as practicable after receiving the written appeal, the Board of Appeals shall fix a date, time and place for the hearing of the appeal by the Board. Such date shall not be less than ten (10) days nor more than sixty (60) days from the date the appeal was filed with the City Clerk. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to each appellant by the Secretary of the Board either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.
4. *Effect of failure to appeal.* Failure of any person to file an appeal in accordance with the provisions of this Section shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.
5. *Scope.* Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.
6. *Enforcement.* Enforcement of any order of revocation or suspension pursuant to this Section shall be stayed during the pendency of an appeal therefrom which is properly and timely filed. (R.O. 2008 §500.080; Ord. No. 5073 §1, 7-13-92)

SECTION 500.070: VIOLATION AND PENALTIES

Whether individually or as a member or employee of a partnership or as an officer, agent or employee of a corporation who directs or knowingly permits any violation of any of the provisions of the Electrical, Plumbing, Mechanical or Building Code of this Chapter, or who aids or assists therein or so violates any prohibition or mandate of this Chapter, shall upon conviction thereof in Municipal Court, be guilty of a ordinance violation punishable as provided in this Municipal Code. The practice of said work on each separate job or at separate premises in violation of this Code shall constitute a separate offense. (R.O. 2008 §500.090; Ord. No. 5073 §1, 7-13-92)

SECTION 500.080: INSPECTION REPORT CARD

New construction work requiring a permit shall not be commenced until the permit holder or his/her authorized agent shall have posted or otherwise made available a weatherproof depository adjacent to the public right-of-way with the proper street

addresses thereon in which inspection record cards (inspection work orders) will be deposited with the required entries thereon regarding the inspection work. This depository shall be maintained by the permit holder until the final approval has been granted by the Code Enforcement Officer. (R.O. 2008 §500.100; Ord. No. 5073 §1, 7-13-92)

SECTION 500.090: BUILDING PERMIT FEES

A. *Building Permit Fees.*

Minimum fee	$ 15.00
All areas for new construction or addition (includes garage, unfinished basements and commercial buildings)	.05/sq. ft.
Alterations to existing (remodeling, etc.)	15.00
All siding	15.00
Repair or shingling existing structure	.75 per 100 sq. ft.
Swimming pools	1.00/1,000 gallons or fraction thereof.
Minimum pool fee	20.00

B. *Electrical Permit Fees.*

New residential construction or addition (including unfinished basements)	$ 0.03/sq. ft.
Minimum fee	15.00
New commercial construction or addition	.01/sq. ft.
Service disconnecting equipment all amps	25.00
Additions to existing wiring and service	15.00
Temporary service	15.00
Signs and outline lighting	15.00

C. *Mechanical Permit Fees.*

Electric, gas or oil-fired heating furnace (floor mounted air handler--all fuels)	$ 20.00
A/C or heat pump	15.00
Ceiling suspended furnace (all fuels)	15.00
Boiler unit	15.00
Roof-mounted heating or A/C unit	15.00
Cooling tower unit	50.00
Air or fluid circulating solar panel	15.00
Water heater	(see Plumbing)
Refrigeration unit	15.00

D. *Plumbing Permit Fees.*

Sewer tap inspection	$ 20.00
Water meter inspection	20.00
Dig permit	25.00
Installation or replacement Each plumbing fixture	5.00
Alteration of DWV/potable water system	5.00

Water heater	5.00	
Installation, repair or replacement	5.00	
Water treatment equipment		
Lawn sprinkler system		25.00
Backflow prevention devices	15.00	
Double-check and reduced pressure		
Waste pretreatment interceptor		12.00
Private sewage disposal system		45.00
Sewer tap/potable water main taps--See Section 705.730		

E. *Miscellaneous Fees.*

Building moving over 120 square feet	$ 50.00
Building demolition:	
Minimum	25.00
First floor	0.01/sq. ft.
All additional floors	0.015/sq. ft.
Water/sewer disconnect deposit:	
Water	400.00
Sewer	300.00
Driveway permits:	
Residential	15.00
Other	20.00
Sidewalk repair and/or construction	15.00
Fence	10.00
Excavation/street cuts:	
Subgrade fill 0.46/cu. ft.	
Surface repair (asphalt permanent street)	$ 4.50/sq. ft.
Non-permanent street	3.00/sq. ft.
If the City performs street cleanup and materials removal, charge is	88.00 per hour
Minimum charge	50.00
Investigation fee	50.00
(Added to permit application for work performed without proper permit)	

F. An electrical, plumbing, mechanical or building installation or repair that involves total labor and materials less than one hundred fifty dollars ($150.00) shall not require a permit. However, use of this exception to the permit requirement shall be limited to only one (1) such use at any one (1) address within any thirty (30) day time period. In the event a second (2nd) electrical, plumbing, mechanical or building installation or repair shall occur at said address within a thirty (30) day time period, a permit shall be required even if said second (2nd) repair involves less than one hundred fifty dollars ($150.00) in total labor and material. (R.O. 2008 §500.110; Ord. No. 5073 §1, 7-13-92; Ord. No. 5167 §1, 9-13-93; Ord. No. 6590 §1, 9-29-03; Ord. No. 6617 §1, 2-9-04)

SECTION 500.100: PAYMENT OF PERMIT FEES

A. Any individual, business, company, corporation or organization which files for permits under the ordinances of the City of Maryville, Missouri, shall be responsible for

satisfying the applicable costs of said use as established by the City of Maryville, Missouri. Unless the entity using said facility has complied with the further provisions of this Section and has been granted periodic billing status, the costs incurred shall be satisfied at the time the permit is requested.

B. A user may apply for periodic billing status by filing an application for periodic billing status with the City Treasurer of the City of Maryville, Missouri.
C. Within seven (7) days of the receipt of said application, the City Treasurer or his/her designated assistant shall notify applicant of the granting or denial of period billing status.
D. Periodic billing status shall be granted only to applicants who meet at least one (1) of the following:
    1. The applicant has incurred charges at the City of Maryville, Missouri, in a cumulative amount of at least two hundred fifty dollars ($250.00) during the eighteen (18) months immediately preceding the filing of the application, provided that said applicant has satisfied the charges when incurred and does not have any financial balance with the City of Maryville, Missouri, which is past due; or
    2. The applicant deposits with the City Treasurer an irrevocable cash deposit, payable to the City of Maryville, Missouri, in the amount set forth by this Section, or files an irrevocable letter of credit in favor of the City of Maryville, Missouri, as approved by the City Attorney, in an amount not less than two hundred fifty dollars ($250.00).
E. In the event an applicant is granted periodic billing status, the debts incurred shall be billed to the applicant by the City Treasurer or his/her designated agent on not less than a monthly basis and shall be satisfied by the applicant within thirty (30) days of the date of the billing statement.
F. The periodic billing status granted to an applicant may be revoked, withdrawn or terminated by the City Manager of the City of Maryville, Missouri, upon occurrence of any of the following:
    1. Failure to satisfy any billing statement for debts incurred at the City of Maryville, Missouri, within thirty (30) days of the date of the billing statement.
    2. Incurring charges equal to or in excess of the irrevocable cash deposit or irrevocable letter of credit.
    3. Good cause as documented by the Director of Public Works, City Treasurer or City Manager.
G. Any entity whose periodic billing status is revoked, withdrawn or terminated shall be notified of said act by certified mail to the entity at their last known address or the address on their application for periodic billing status, whichever is more recent. Said notice shall be mailed within five (5) days of the revocation, withdrawal or termination of said status.
H. Any entity, including any individual, business, company, corporation or organization which has been denied periodic billing status or has had its periodic billing status revoked, withdrawn or terminated pursuant to this Section may appeal said decision to the Council of the City of Maryville, Missouri, by filing a Notice of Appeal with the City Clerk within thirty (30) days of said denial, revocation, withdrawal or termination. The Council of the City of Maryville, Missouri, shall then hold a hearing, receive evidence

under oath, and render a decision either affirming or reversing the decision to deny, revoke, withdraw or terminate periodic billing status. Said hearing shall be rendered within thirty (30) days thereafter, unless said times are extended by mutual agreement or for good cause shown.

I. Subject to limitation of Subsection (D) above, the maximum accrued credit allowed under this Section shall be the sum of five thousand dollars ($5,000.00). (R.O. 2008 §500.120; Ord. No. 5374 §1, 1-15-96)

CHAPTER 505: HOUSING CODE

SECTION 505.010: SUBSTANDARD BUILDING -- DEFINED

Any building or structure which fails to meet the minimum standards as promulgated by the International Property Maintenance Code as established in Chapter 511 of this Code. (R.O. 2008 §505.010; Ord. No. 6845 §§1--2, 7-10-06)

SECTION 505.020: SUBSTANDARD BUILDINGS DECLARED NUISANCES

Each "substandard building" is hereby declared to be a public nuisance and shall be repaired, vacated and/or demolished as further provided for herein. (R.O. 2008 §505.020; Ord. No. 6845 §§1--2, 7-10-06)

SECTION 505.030: STANDARDS FOR REPAIR, VACATION AND/OR DEMOLITION

The following standards shall be followed in substance by the Code Enforcement Officer and the Board of Code of Appeals in the ordering repair, vacation and/or demolition of a substandard building:

1. If the substandard building can reasonably be repaired so that it will no longer exist in violation of the terms of this Chapter, it shall be ordered repaired and all design, construction and workmanship shall conform with accepted industry standards or the Housing Code of the City of Maryville, whichever is most stringent. The order shall require that all required permits be secured therefor and the work physically commenced within such time (not to exceed thirty (30) days from the date of the order) and completed within such time as the Code Enforcement Officer shall determine as reasonable in all of the circumstances (not to exceed one hundred eighty (180) days from the date of the order).
2. If the substandard building is in such condition as to make it dangerous to the health, safety or welfare of its occupants, it shall be ordered to be vacated and either repaired or demolished, as is appropriate under the circumstances. The order shall require that the building or structure shall be vacated within a certain time from the date of the order as determined by the Code Enforcement Officer to be reasonable, not to exceed thirty (30) days from the date of the order.
3. If the substandard building is damaged, decayed or deteriorated by fifty percent (50%) or more based upon value of the structure and it cannot be restored or

repaired so that it will no longer exist in violation of the terms of this Chapter, it shall be demolished.

4. If both the owner and all other persons having an interest in the substandard building are unwilling to restore or repair the building or structure, it shall be demolished.
5. If the substandard building is a fire hazard existing or erected in violation of any code or ordinance of the City or any Statute of the State of Missouri, it shall be demolished. (R.O. 2008 §505.030; Ord. No. 6845 §§1--2, 7-10-06)

SECTION 505.040: EMERGENCY SITUATIONS

In any case where it reasonably appears that there is immediate danger to the health, life or safety of any person or to any adjacent property unless the substandard building, as defined herein, is immediately repaired, vacated or demolished, the Code Enforcement Officer shall report such facts to the Board of Code Appeals and such Board, by resolution, may cause the immediate repair, vacation or demolition of such substandard building. The costs of such emergency repair, vacation or demolition of such substandard building shall be collected in the same manner as provided by law. (R.O. 2008 §505.040; Ord. No. 6845 §§1--2, 7-10-06)

SECTION 505.050: DUTIES OF CODE ENFORCEMENT OFFICER

The Code Enforcement Officer shall have and perform the following duties:

1. *Notice of inspection.* In the event the inspection to be undertaken by the Code Enforcement Officer is an inspection limited to the exterior of the building or structure, prior notice to the owner of the building of the inspection shall not be required. However, in the event said inspection includes an inspection of the interior of the building or structure, notice in accordance with the procedures of this Subsection shall be provided.
    a. Prior to conducting the interior inspection pursuant to this Section, the Code Enforcement Officer shall make reasonable, diligent efforts to provide the record owner of the building to be inspected forty-eight (48) hours' notice in advance of the inspection and to inform the owner of their right to accompany the Code Enforcement Officer during the inspection. In the event the Code Enforcement Officer is unable to provide the notice envisioned herein, the Code Enforcement Officer may proceed to inspect the interior premises. However, the Code Enforcement Officer shall document all attempts to provide notice to the owner.
    b. In the event an inspection involves an "emergency situation", wherein it reasonably appears there is immediate danger to health, life or safety of any person or any adjacent property, said inspection may occur without the forty-eight (48) hours' notice in advance of the inspection to the property owner. As used in this Section, the term *"emergency situation"* shall include the following:
        (1) Structural failure, including a roof, floor, stairs, foundation having collapsed or in danger of collapse;
        (2) Electrical wiring failure, including complaints of "hot" wires, sparks,

shock, repetitive failure of fuses or repetitive failure of circuit breakers;

(3) Sewage back-ups, including chronic problems of sewage backing up into the premises or the collection of methane gas in the dwelling or noxious odors emanating from the sewer system;

(4) Gas leaks, including natural gas odors in the premises or gas appliances which are suspected of malfunction;

(5) Mechanical failures, including elevators, which have malfunctioned or which are in danger of malfunction;

(6) Possession, maintenance or retention of hazardous materials on the premises, including explosives and toxic chemicals;

(7) A complaint which has been prompted by a serious injury occurring on the premises;

(8) Excessive infestation of rodents and/or insects;

(9) Excessive accumulation of garbage or debris.

In each instance, the Code Enforcement Officer shall document the basis for concluding the existence of the emergency situation.

2. *Inspection.* The Code Enforcement Officer shall:
   a. Inspect or cause to be inspected, as often as may be necessary, all residential, commercial, industrial institution, accessory, garage, assembly, special or miscellaneous occupancy buildings for the purpose of determining whether any conditions exist which render such place to be a substandard building.
   b. Inspect any building, wall or structure about which complaints are filed by any person alleging that such building, wall or structure is or may be existing in violation of this Chapter.
3. *Determination and order.*
   a. The Code Enforcement Officer shall set forth a description of the building or structure deemed to be dangerous and a statement of the particulars which made the building or structure a "substandard building".
   b. If the Code Enforcement Officer determines that the building or structure is a substandard building which must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within a specific time not to exceed thirty (30) days from the date of the order unless, in the judgment of the Code Enforcement Officer, it is determined to be necessary to extend such time to commence the required work. The order shall further require that the work proceed continuously without unnecessary delay, so as to complete said work within a reasonable time, but not to exceed one hundred eighty (180) days.
   c. If the Code Enforcement Officer determines that the building or structure is a substandard building which must be vacated, the order shall require that the building or structure shall be vacated within a certain time from the date of the order as determined to be reasonable by the Code Enforcement Officer.
   d. If the Code Enforcement Officer determines that the building or structure is a substandard building which must be demolished, the order shall require that the building be demolished within such time as the Code Enforcement Officer shall determine reasonable, but not to exceed thirty (30) days from the date of the order and that all required permits be secured therefor within thirty (30) days from the date of the order.

   e. If the Code Enforcement Officer determines that the building or structure is not a substandard building, then no order shall be issued.
4. *Posting of notice.* Upon completion of the inspection of a building or structure and upon making a determination that said building or structure is a substandard building as defined in Section 505.010 herein, the Code Enforcement Officer shall post a notice on such building or structure which shall be substantially in the following form, but may include other information.
   "This building has been found to be a substandard building by the Code Enforcement Officer. This notice is to remain on this building until it is repaired, vacated and repaired or vacated and demolished in accordance with the notice which has been given the known owner, occupant, lessee, mortgagee or agent of this building and all other persons having an interest in such building as shown by the land records of the Recorder of Deeds of Nodaway County. It is unlawful to remove this notice until such notice is complied with. All persons are hereby notified to keep out as long as this notice remains posted. Any persons) willfully destroying, mutilating or removing this notice or entering this structure will be prosecuted to the full extent of the law."
   Provided however, that the posting of such notice shall not be construed to deprive any person entitled thereto by this Chapter to the notice and hearing as prescribed herein.
5. *Service of notice and order.* The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner of the substandard building and posted on the property. Additionally, one (1) copy shall be served on each of the following if known to the Code Enforcement Officer or disclosed from the land records of the Recorder of Deeds of Nodaway County, Missouri:
   a. The holder of any mortgage, deed of trust or other lien or encumbrance of record;
   b. The owner or holder of any lease of record;
   c. The holder of any other estate or legal interest of record in or to the building or the land on which it is located;
   d. Any tenant in possession of the premises.
6. *Method of service.*
   a. Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at their address as it appears on the last equalized assessment roll of Nodaway County or as known to the Code Enforcement Officer.
   b. If no address of any such person so appears or is known to the Code Enforcement Officer, then notice shall be had by publication in a newspaper qualified to publish legal notices at least fourteen (14) days in advance of any hearing date, specifically addressed to the person for whom no address is known and all other persons having an interest in said building that has been found to be a "substandard building" within the standards set forth in Section 505.020 of this Chapter and shall set forth the requirements of the determination and order of the Code Enforcement Officer.
   c. The Code Enforcement Officer shall ensure that each person entitled to notice

pursuant to this Section is advised in writing of their right to request a hearing and shall provide information concerning the procedure therefore.

7. *Proof of service.* If service is obtained by personal service, proof of service of the notice and order shall be certified as to the time of service by a written declaration executed by the person effecting service, declaring the time, date and manner in which service was made. This declaration, together with any receipt card returned in acknowledgment of receipt by certified mail, shall be affixed to the copy of the notice and order retained by the Code Enforcement Officer.
8. *Failure of service.* The failure of the Code Enforcement Officer to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served, nor shall it relieve any such person from any duty or obligation imposed by the provisions of this Section.
9. *Report.* The Code Enforcement Officer shall make a report in writing to the Board of Code Appeals for any non-compliance with the notice and order to vacate, repair and/or demolish.
10. *Appearance.* The Code Enforcement Officer shall appear at all hearings conducted by the Board of Code Appeals pursuant to this Chapter and shall testify as to the condition of substandard buildings. (R.O. 2008 §505.050; Ord. No. 6845 §§1--2, 7-10-06)

SECTION 505.060: APPEAL TO THE BOARD OF CODE APPEALS

A. *Appeal.* Any person entitled to service of the notice and order of the Code Enforcement Officer may appeal from any such notice and order or any other action of the Code Enforcement Officer under this Chapter by filing at the office of the Department of Public Works a written appeal containing:
   1. A heading in the words: "Before the Board of Code Appeals of the City of Maryville, Missouri . . ".
   2. A caption reading: "Appeals of. . . " giving the names of all appellants participating in the appeal.
   3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.
   4. A brief statement in ordinary and concise language of that specific order or action protested, together with any material facts claimed to support the contentions of the appellant. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.
   5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.
   6. The signatures of all parties named as appellants and their official mailing addresses.
   7. The verification by declaration under penalty of perjury of at least one (1) appellant as to the truth of the matters stated in the appeal.

B. *Fees.* The fee for such appeal shall be one hundred twenty-five dollars ($125.00) and shall accompany the application for appeal. The application fee shall not be refundable.

C. *Timing Of Appeal.* The appeal shall be filed within thirty (30) days from the date of the service of such notice and order or action of the Code Enforcement Officer. However, if

the building or structure is in such condition as to make it immediately dangerous to the health, life or safety of any person or any adjacent property as defined in Section 505.020 and is ordered vacated and is posted in accordance with Section 505.050(4), such appeal shall be filed within ten (10) days from the date of the service of the notice and order of the Code Enforcement Officer.

D. *Stay Of Order.* Except for orders to vacate the premises made pursuant to Section 505.040, enforcement of any notice and order of the Code Enforcement Officer issued under this Chapter shall be stayed during the pendency of a properly and timely filed appeal.

E. *Failure To Appeal.* Failure of any person to file an appeal in accordance with the provisions of this Section shall constitute a waiver of the right to request an administrative hearing and adjudication on the notice and order or to any portion thereof. (R.O. 2008 §505.060; Ord. No. 6845 §§1--2, 7-10-06)

SECTION 505.070: BOARD OF CODE APPEALS

The provisions of the Municipal Code of the City of Maryville, establishing a Board of Code Appeals, is hereby adopted by reference and made a part of this Section as completely as if fully set out herein, with the duties and powers as set forth in Section 505.080 herein in addition to all other powers, duties and responsibilities referred to in Chapter 110, Article III of Title I of the Municipal Code of the City of Maryville. (R.O. 2008 §505.070; Ord. No. 6845 §§1--2, 7-10-06)

SECTION 505.080: DUTIES OF BOARD OF CODE APPEALS

The Board of Code Appeals shall have and perform the following duties pursuant to this Chapter:

1. *Date of hearing.* As soon as practicable after receiving the written appeal under Section 505.060 or after the receipt of the report of the Code Enforcement Officer pursuant to Section 505.050, the Board of Code Appeals shall fix a date, time and place for the hearing. Such date shall be not less than ten (10) days nor more than sixty (60) days from the date the appeal was filed with the office of the Department of Public Works or from the date the Code Enforcement Officer filed the report with the Board, whichever is applicable, unless continued by the Board of Code Appeals for good cause shown.
2. *Notice.* The notice shall be substantially in the following form, but may include other information:
   "You are hereby notified that a hearing will be held before the Board of Code Appeals at . . . on the . . . day of. . . 20. ., at the hour. . ., related to the property described as. . . , to show cause why the building or structure reported to be a substandard building should not be repaired, vacated and/or demolished in accordance with the state of particulars set forth in the Code Enforcement Officer's notice as provided for in this Chapter. You maybe present at the hearing. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you."
   Said notice shall advise the recipient of the procedures involved in the hearing pursuant to this Section.

3. *Service of notice.* Written notice of the time and location of the hearing and any amended or supplemental notice shall be served upon each appellant and/or the record owner of the substandard building. Additionally, one (1) copy shall be served on each of the following if known to the Board of Code Appeals or disclosed from the land records of the Recorder of Deeds of Nodaway County, Missouri:
   a. The holder of any mortgage, deed of trust or other lien or encumbrance of record;
   b. The owner or holder of any lease of record;
   c. The holder of any other estate or legal interest of record in or to the building or the land on which it is located; and
   d. Any tenant in possession of the premises.
4. *Method of service.*
   a. Service of the notice of the hearing shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice by certified mail, postage prepaid, return receipt requested, to each such person at their address as it appears on the last equalized assessment roll of Nodaway County or as known to the Board of Code Appeals. Such notice shall be served or received at least fourteen (14) days prior to the hearing date.
   b. If no address of any such person so appears or is known to the Board of Code Appeals, then notice shall be given by publication in a newspaper qualified to publish legal notices at least fourteen (14) days prior to the hearing date, specifically addressed to the person for whom no address is known and other persons having an interest in said building, to appear before the Board of Code Appeals on the date specified and to show cause why the structure or building reported to be a "substandard building" should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the Code Enforcement Officer's notice or decision. Said notice shall notify the recipient of the procedures involved in the hearing pursuant to this Section.
5. *Proof of service.* If service is obtained by personal service, proof of service of the notice and order shall be certified as to the time of service by a written declaration executed by the person effecting service, declaring the time, date and manner in which service was made. This declaration, together with any receipt card returned in acknowledgment of receipt by certified mail, shall be affixed to the copy of the notice and order retained by the Board of Code Appeals.
6. *Failure of service.* The failure of the Board of Code Appeals to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this Section.
7. *Hearing.* Upon receipt of the report of the Code Enforcement Officer or a duly filed appeal and after having given the required notice, the Board of Code Appeals shall hold a full and adequate hearing and hear such relevant testimony as the Code Enforcement Officer, any appellant, the record owner and any other person entitled to service of notice shall offer relative to the substandard building.
8. *Decision.* Upon conclusion of the hearing, the Board of Code Appeals shall make written findings of fact based upon competent and substantial evidence offered at the hearing as to whether or not the building in question is a substandard building

and:

a. If the evidence supports a finding that the building or structure is a substandard building detrimental to the health, life or safety of any person or to any adjacent property, the Board of Code Appeals shall issue an order based upon the findings of fact commanding the appellant and/or record owner, as well as any other person entitled to notice of the hearing, to vacate and ordering the demolition of the building or structure.
b. The appellant and/or the record owner, as well as any other person entitled to notice of the hearing, shall have the privilege of either repairing or vacating and repairing said building, if such repair will bring such building into compliance with the ordinances and codes of the City of Maryville, provided that such repair is completed within sixty (60) days of the order being entered by the Board of Code Appeals.
c. The appellant and/or the record owner, as well as any other person entitled to notice of the hearing, shall have the privilege of vacating and demolishing said substandard building at their own risk to prevent the City of Maryville from acquiring a lien against said land on which the substandard building is located, provided that such demolition is completed within sixty (60) days of the order being entered by the Board of Code Appeals.
d. If the evidence does not support a finding that the building or structure is a substandard building, then no order shall be issued.
e. The findings of fact shall be in writing and shall contain findings, a determination of the issues presented and an order as to any requirements to be satisfied. A copy of the decision shall be personally delivered to the appellant and/or the record owner, as well as any other person entitled to notice of the hearing, or shall be sent by certified mail, postage prepaid, return receipt requested to each such person. The effective date of the decision shall be as stated therein. (R.O. 2008 §505.080; Ord. No. 6845 §§1--2, 7-10-06)

SECTION 505.090: RECORDING OF CERTIFICATE OF SUBSTANDARD BUILDING

A. *Non-Compliance.* If compliance is not had with the order of the Board of Code Appeals within the time provided and no appeal is properly and timely filed, a certificate shall be filed in the Recorder's office of Nodaway County, Missouri, certifying:
   1. The legal description and street address of the property;
   2. The building is a substandard building;
   3. The landowner and all other persons with known interests of record in the property have been so notified;
   4. The decision rendered by the Board of Code Appeals.

B. *Subsequent Compliance.* In the event that, subsequent to the filing of the certificate of substandard building, the corrections ordered shall be completed or the building demolished so that the building or structure no longer exists as a substandard building on the property described in the certificate, a new certificate shall be filed in the Recorder's office of Nodaway County, Missouri, certifying that the building is no longer a substandard building. (R.O. 2008 §505.090; Ord. No. 6845 §§1--2, 7-10-06)

SECTION 505.100: FAILURE TO COMPLY WITH BOARD DECISION -- LIEN

A. *Non-Compliance.* If within sixty (60) days, the record owner, appellant or any other person entitled to service of notice pursuant to Section 505.080(3) fails to comply with the decision and order of the Board of Code Appeals, the Code Enforcement Officer shall so advise the City Manager who shall cause such building or structure to be repaired, vacated and/or demolished as the facts may warrant.

B. *Tax Bill.*

1. Whenever the City shall have caused repair or demolition work to be completed as provided in Chapter 540 of the Municipal Code of the City of Maryville, the Director of Public Works shall certify the costs of the repair or demolition work to the City Clerk who shall cause a special tax bill to be issued against the lot, tract or parcel of land until paid and shall cause the same to be registered in the Office of the Recorder of Nodaway County and to be mailed by certified mail to all owners of record of the property. The tax bill shall be collected by the official collecting taxes.
2. Upon written request of the taxpayer delivered to the City Clerk within thirty (30) days after completion of the demolition or repair work, a tax bill for demolition of a building or structure may be paid in ten (10) equal, annual installments, which installments, with interest thereon to date on the unpaid balance, shall be due annually on the anniversary of the date of issuance of the bill. Interest shall be paid at the maximum rate per annum allowable by law on the unpaid balance of the special assessment computed from the date of issuance. If any annual payment of principal or interest shall not be paid within thirty (30) days of its due date, the entire remaining balance of the tax bill shall immediately become due and payable.
3. If said request for the payment plan is not made within thirty (30) days after the completion of the repair or demolition work, then the entire tax bill shall be payable within sixty (60) days of issuance with interest thereon.
4. Tax bills so issued shall be prima facie evidence of the validity of the bill, the doing of the work and the liability of the property for the damages stated in the bill if default should occur, said amounts shall be collected by suit brought in a court of competent jurisdiction by the City Attorney on behalf of the City. (R.O. 2008 §505.100; Ord. No. 6845 §§1--2, 7-10-06)

SECTION 505.110: APPEAL TO CIRCUIT COURT

Within thirty (30) days from their receipt of the order of the Board of Code Appeals, any person entitled to notice pursuant to Section 505.080 as to a substandard building may appeal such decision to the Circuit Court of Nodaway County pursuant to the procedure established in Chapter 536, RSMo. (R.O. 2008 §505.110; Ord. No. 6845 §§1--2, 7-10-06)

SECTION 505.120: VIOLATIONS AND PUNISHMENT

A. It shall be a violation of this Chapter to:

1. Fail to comply with an order to repair, vacate and/or demolish any building or structure which has been determined to be maintained in violation of the

provisions of this Chapter, issued by the Code Enforcement Officer, unless an active appeal is pending thereon; or

2. Fail to diligently and timely repair any building or structure which has been determined to be maintained in violation of the provisions of this Chapter, as determined by the Board of Code Appeals, unless an active appeal is pending thereon; or
3. Fail to proceed continuously with the repair or demolition of any building or structure determined to be in violation of this Chapter unless an active appeal is pending thereon; or
4. Fail to comply with an order to repair, vacate or demolish any building or structure issued by the Board of Code Appeals unless an active appeal is pending thereon; or
5. Remove, deface or mutilate the notice placed on any building or structure; or
6. Violate any provision of this Chapter.

B. Any person who shall violate any provision of this Chapter or fails to comply with any of the provisions or requirements thereof shall be punished by a fine not to exceed five hundred dollars ($500.00) or be imprisoned for a term not to exceed ninety (90) days or both such fine and imprisonment. Each day that a violation continues after notice has been issued shall be deemed a separate offense.

C. The imposition of the penalties herein prescribed shall not preclude the City from additionally instituting appropriate action to restrain, correct or abate a violation, to prevent illegal occupancy of a building, structure or premises, to stop an illegal act, conduct business or utilization of the building, structure or premises or take any other act as allowed by law in addition to the penalties prescribed herein. (R.O. 2008 §505.120; Ord. No. 6845 §§1--2, 7-10-06)

SECTION 505.130: DUTIES OF THE CITY ATTORNEY

The City Attorney shall prosecute all persons failing to comply with the terms of the notices and orders provided for herein; appear at all hearings before the Board of Code of Appeals pursuant to this Chapter; bring suit to collect all municipal liens, assessments or costs incurred by the City in the repairing or demolishing of substandard buildings; and take all such other legal actions as are necessary to carry out and enforce the terms and provisions of this Chapter. (R.O. 2008 §505.130; Ord. No. 6845 §§1--2, 7-10-06)

SECTION 505.140: ADMINISTRATIVE LIABILITY

No officer, agent, board, commission or employee of the City shall render themselves personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of their duties under this Chapter. Any suit brought against any officer, agent, board, commission or employee of the City as a result of any act required or permitted in the discharge of their duties under this Chapter shall be defended by the City Attorney until the final determination of the proceedings therein. (R.O. 2008 §505.140; Ord. No. 6845 §§1--2, 7-10-06)

CHAPTER 510: BUILDING CODE

SECTION 510.010: INTERNATIONAL BUILDING CODE

In order to establish minimum regulations governing the conditions and maintenance of all property, buildings and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure the structures are safe, sanitary and fit for occupation and use and to provide for the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures, except for such portions as are herein modified, added, deleted or amended within this Chapter, the International Building Code, 2006 Edition, is hereby adopted and shall be incorporated as if fully set forth herein and shall be hereafter known as the Building Code of the City of Maryville, Missouri, including the following appendices:

1. Appendix C--Agricultural Buildings;
2. Appendix F--Rodent Proofing;
3. Appendix I--Patio Covers. (R.O. 2008 §510.010; Ord. No. 6437 §1, 12-12-01; Ord. No. 7014 §1, 5-12-08)

SECTION 510.020: BUILDING CODE INSERTIONS

The International Building Code, 2006 Edition, as adopted as the Building Code of the City of Maryville, Missouri, is hereby subject to the following insertions:

1. *Section 101.1*. The term "City of Maryville" shall be inserted.
2. Wherever a reference is made to "jurisdiction" within the International Building Code, 2006 Edition, it shall be understood to mean the City of Maryville, Missouri. (R.O. 2008 §510.020; Ord. No. 6437 §1, 12-12-01; Ord. No. 7014 §1, 5-12-08)

SECTION 510.030: INTERNATIONAL BUILDING CODE -- DELETIONS

A. Appendix A--Employee Qualifications.
B. Appendix B--Board of Appeals.
C. Appendix D--Fire Districts.
D. Appendix E--Supplementary Accessibility Requirements.
E. Appendix G--Flood Resistant Construction.
F. Appendix H--Signs.
G. Appendix J--Grading.
H. Appendix K--ICC Electrical Code. (R.O. 2008 §510.030; Ord. No. 6437 §1, 12-12-01; Ord. No. 7014 §1, 5-12-08)

SECTION 510.040: FEE SCHEDULE

Section 108.2: Schedule of Permit Fees and Section 108.3: Building Permit Valuation of the International Building Code, 2006 Edition, are deleted in their entirety and in lieu thereof Section 500.090: Building Permit Fees of the Municipal Code of the City of Maryville is hereby adopted by reference as if set forth fully herein as the fee schedule

for the Building Code of the City of Maryville, Missouri. (R.O. 2008 §510.040; Ord. No. 6437 §1, 12-12-01; Ord. No. 7014 §1, 5-12-08)

SECTION 510.050: WORK EXEMPT FROM PERMIT

That portion of Section 105.2: Work Exempt from Permit of the International Building Code, 2006 Edition, which is the Subsection related to buildings, is deleted in its entirety and the following building exemptions shall be enacted:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed one hundred twenty (120) square feet.
2. Oil derricks.
3. Water tanks supported directly upon grade if the capacity does not exceed five thousand (5,000) gallons and the ratio of height to diameter or width does not exceed two (2) to one (1).
4. Platforms, decks and porches not more than thirty (30) inches above grade and not over any basement or story below and which are not part of an accessible route.
5. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
6. Temporary motion picture, television and theater stage sets and scenery.
7. Prefabricated swimming pools accessory to a Group R-3 occupancy, as applicable in Section 101.2, which are less than twenty-four (24) inches deep, do not exceed five thousand (5,000) gallons and are installed entirely above ground.
8. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
9. Swings and other playground equipment accessory to one- and two-family dwellings.
10. Window awnings supported by an exterior wall of Group R-3 as applicable in Section 101.2 and Group U occupancies.
11. Movable cases, counters and partitions not over five (5) feet nine (9) inches in height.

The balance of the exceptions relative to other work shall be as set forth in Section 105.2 of the International Building Code, 2006 Edition. (R.O. 2008 §510.050; Ord. No. 6437 §1, 12-12-01; Ord. No. 7014 §1, 5-12-08)

SECTION 510.060: UNSAFE STRUCTURES AND EQUIPMENT

Specific reference is made to Section 115: Unsafe Structures and Equipment of the International Building Code, 2006 Edition, dealing with the foregoing subject, which remains applicable. Additionally, cross-reference is made to Chapter 505: Housing Code of the Municipal Code of the City of Maryville and Chapter 530: Dangerous and Unsafe Buildings of the Municipal Code of the City of Maryville. Any conflicts between the International Building Code, 2006 Edition, and Chapters 505 and 530 shall be resolved in favor of the provisions contained in Chapter 505 and Chapter 530 of the Municipal Code of the City of Maryville and against the International Building Code, 2006 Edition. (R.O. 2008 §510.060; Ord. No. 6437 §1, 12-12-01; Ord. No. 7014 §1, 5-12-08)

SECTION 510.070: SIGNS
Section 3107. Signs of the International Building Code, 2006 Edition, is deleted in its entirety. The construction, installation, maintenance and removal of signs shall be in conformity with all other provisions of the Municipal Code of the City of Maryville applicable to signs, including specifically Chapter 555: Signs and Advertising. (R.O. 2008 §510.070; Ord. No. 6437 §1, 12-12-01; Ord. No. 7014 §1, 5-12-08)

SECTION 510.080: APPEALS
Section 112. Board of Appeals of the International Building Code, 2006 Edition, is deleted in its entirety. Any person aggrieved by a decision or action of the Code Enforcement Officer or other designee of the Department of Public Works under this Chapter may appeal such decision or action to the Board of Code Appeals. Such appeal shall be in accordance with the provisions of Sections 530.070, 530.080, 530.090 and 530.110 of the Municipal Code of the City of Maryville, all of which are adopted herein by reference as if set forth fully herein. (R.O. 2008 §510.080; Ord. No. 6437 §1, 12-12-01; Ord. No. 7014 §1, 5-12-08)

SECTION 510.090: PENALTY
Any person violating any of the provisions of this Chapter or any portion of the Code adopted in this Chapter shall be deemed guilty of an ordinance violation and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars ($500.00) or be imprisoned in the City or County Jail for a period of not exceeding ninety (90) days, or both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (R.O. 2008 §510.090)

CHAPTER 511: PROPERTY MAINTENANCE CODE

SECTION 511.010: INTERNATIONAL PROPERTY MAINTENANCE CODE
In order to establish minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards and for safe and sanitary maintenance of premises; defining the responsibility of owners, operators and occupants; and for administration and enforcement of penalties, except for such portions as are herein modified, added, deleted or amended within this Chapter, the International Property Maintenance Code, 2006 Edition, is hereby adopted and incorporated as if fully set forth herein and shall be known as the Property Maintenance Code of the City of Maryville, Missouri. (R.O. 2008 §511.010; Ord. No. 6791 §1, 10-10-05; Ord. No. 7014 §1, 5-12-08)

SECTION 511.020: PROPERTY MAINTENANCE CODE -- INSERTIONS

The International Property Maintenance Code, 2006 Edition, adopted as the Property Maintenance Code of the City of Maryville, Missouri, is subject to the following insertions:

1. *Section 101.1.* The term "City of Maryville, Missouri" shall be inserted.
2. Whenever reference is made to "jurisdiction" within the International Property Maintenance Code, 2006 Edition, it shall be understood to mean the City of Maryville, Missouri.
3. *Section 304.14.* Dates shall be inserted into this Section so as to be effective during the period from April first (1st) to November first (1st) each year.
4. *Section 602.3.* Dates shall be inserted into this Section so as to be effective during the period from October first (1st) to May first (1st) each year.
5. *Section 602.4.* Dates shall be inserted into this Section so as to be effective during the period from October first (1st) to May first (1st) each year. (R.O. 2008 §511.020; Ord. No. 6791 §1, 10-10-05; Ord. No. 7014 §1, 5-12-08)

SECTION 511.030: PROPERTY MAINTENANCE CODE -- DELETIONS

The International Property Maintenance Code, 2006 Edition, adopted as the Property Maintenance Code of the City of Maryville, Missouri, is subject to the following deletions:

1. Section 102.6: Historic Buildings.
2. Section 103: Department of Property Maintenance Inspection.
3. Section 104.6: Notices and Orders.
4. Section 106: Violations.
5. Section 107: Notices and Order.
6. Section 108: Unsafe Structures and Equipment.
7. Section 109: Emergency Measures.
8. Section 110: Demolition.
9. Section 111: Means of Appeals.
10. Section 302.4: Weeds.
11. Section 307: Rubbish and Garbage. (R.O. 2008 §511.030; Ord. No. 6791 §1, 10-10-05; Ord. No. 7014 §1, 5-12-08)

SECTION 511.040: PROPERTY MAINTENANCE CODE -- MODIFICATIONS

The International Property Maintenance Code, 2006 Edition, adopted as the Property Maintenance Code of the City of Maryville, Missouri, is subject to the following modifications:

1. Wherever a reference is made to the International Existing Building Code within the International Property Maintenance Code, 2006 Edition, it is understood to mean the Property Maintenance Code of the City of Maryville, Missouri.
2. *Section 102.3.* The reference to the ICC Electrical Code is deleted and the term National Electrical Code shall be inserted therefore.
   This code shall be construed to secure in its express intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Repairs, alterations and additions to and change of occupancy in existing buildings shall comply with the

International Building Code as adopted by the City of Maryville.

3. *Section 102.8.* The phrase "shall be determined by the Code Official" is deleted and the phrase "shall be determined by the City Manager or his or her designee" shall be inserted.
4. *Section 104.2.* This Section is modified to read as follows:
   The Code Official shall have authority as necessary in the interest of public health, safety and welfare to interpret and implement the provisions of this code and to secure the intent thereof. Such rule shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code or of violating accepted engineering methods involving public safety.
5. *Section 104.7.* The reference to "Code Official" within this Section is deleted and the term "City of Maryville, Missouri" inserted therefore.
6. *Section 201.3.* This Section shall be modified to read as follows:
   Where terms are not defined in this code and are defined by codes accepted by the City of Maryville including the International Building Code, International Fire Code, International Plumbing Code, International Mechanical Code or the National Electrical Code, such terms shall have the meanings ascribed to them as in those codes as accepted by the City of Maryville.
7. *Section 304.3.* The requirement that numbers shall be a minimum of four (4) inches (102 mm) high is deleted and the requirement that numbers be a minimum of three (3) inches (77 mm) high is inserted therefore.
8. *Section 304.18.1.* This Section is modified to read as follows:
   Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with an operable lock. Such lock shall be installed according to manufacturer's specifications and maintained in good working order.
9. *Section 403.2.* The last sentence of this Section beginning with the phrase "Air exhausted by a mechanical ventilation system . . ". is deleted in its entirety.
10. *Section 604.2.* The reference to the ICC Electrical Code is deleted and the term National Electrical Code shall be inserted therefore. (R.O. 2008 §511.040; Ord. No. 6791 §1, 10-10-05; Ord. No. 7014 §1, 5-12-08)

SECTION 511.050: PROPERTY MAINTENANCE CODE -- CROSS REFERENCES

The following provisions of the Maryville Municipal Code are referenced herein and made part of the Maryville Property Maintenance Code by reference:

1. Chapter 215: Nuisances.
2. Chapter 530: Dangerous and Unsafe Buildings. (R.O. 2008 §511.050; Ord. No. 6791 §1, 10-10-05; Ord. No. 7014 §1, 5-12-08)

SECTION 511.060: VIOLATIONS AND PUNISHMENT

A. It shall be a violation of this Chapter to:
   1. Fail to comply with an order to repair, vacate and/or demolish any building or structure which has been determined to be maintained in violation of the provisions of this Chapter, issued by the Code Enforcement Officer, unless an

active appeal is pending thereon; or
2. Fail to diligently and timely repair any building or structure which has been determined to be maintained in violation of the provisions of this Chapter, as determined by the Board of Code Appeals, unless an active appeal is pending thereon; or
3. Fail to proceed continuously with the repair or demolition of any building or structure determined to be in violation of this Chapter, unless an active appeal is pending thereon; or
4. Fail to comply with an order to repair, vacate or demolish any building or structure issued by the Board of Code Appeals, unless an active appeal is pending thereon; or
5. Remove, deface or mutilate the notice placed on any building or structure; or
6. Violate any provision of this Chapter.

B. Any person violating any of the provisions of this Chapter or any portion of the Code adopted in this Chapter shall be deemed guilty of an ordinance violation and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars ($500.00) or be imprisoned in the City or County Jail for a period of not exceeding ninety (90) days, or both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

C. The imposition of the penalties herein prescribed shall not preclude the City from additionally instituting appropriate action to restrain, correct or abate a violation, to prevent illegal occupancy of a building, structure or premises, to stop an illegal act, conduct business or utilization of the building, structure or premises or take any other act as allowed by law in addition to the penalties prescribed herein. (R.O. 2008 §511.060; Ord. No. 6791 §1, 10-10-05; Ord. No. 6843 §§1--2, 6-26-06; Ord. No. 7014 §1, 5-12-08)

CHAPTER 512: RESIDENTIAL CODE

SECTION 512.010: INTERNATIONAL RESIDENTIAL CODE

In order to regulate and control the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and town houses, except for such portions as are herein modified, added, deleted or amended within this Chapter, the International Building Code, 2006 Edition, is hereby adopted and shall be incorporated as if fully set forth herein and shall be hereafter known as the Residential Code of the City of Maryville, Missouri, including the following appendices:

1. Appendix A--Sizing and Capabilities of Gas Piping;
2. Appendix B--Sizing and Venting Systems Serving Appliances Equipped with Draft Hoods, Category One Appliances and Appliances Listed for Use in Type B Vents;
3. Appendix C--Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems;

4. Appendix D--Recommended Procedure for Safety Inspection of an Existing Appliance Installation;
5. Appendix E--Manufactured Housing Used as Dwellings;
6. Appendix F--Radon Control Method;
7. Appendix G--Swimming Pools, Spas and Hot Tubs;
8. Appendix H--Patio Covers;
9. Appendix J--Existing Buildings and Structures.
10. Appendix M--Home Day Care--R-3 Occupancy;
11. Appendix N--Venting Methods;
12. Appendix O--Gray Water Recycling System;
13. Appendix Q--ICC International Resident Code Electrical Provisions/National Electrical Code Cross-Reference. (R.O. 2008 §512.010; Ord. No. 6438 §1, 12-12-01; Ord. No. 7014 §1, 5-12-08)

SECTION 512.020: RESIDENTIAL CODE INSERTIONS

The International Building Code, 2006 Edition, as adopted as the Residential Code of the City of Maryville, is hereby subject to the following insertions:

1. *Section R101.1*. The term "City of Maryville" shall be inserted.
2. Wherever a reference is made to "jurisdiction" within the International Residential Code, 2006 Edition, it shall be understood to mean the City of Maryville, Missouri.
3. *Table R301.2(1)*. The following insertions shall be made in the chart which is contained in the foregoing Section of the International Residential Code, 2006 Edition:

   Ground Snow Load--20 lb./ft. ^{2}
   Wind Speed--90 miles per hour
   Seismic Design Category--A
   Weathering--Severe
   Frost Line Depth--36 inches
   Termite--Moderate to heavy
   Ice Barrier Underlayment Required--No
   Winter Design Temperature--0 degrees to 10 degrees Fahrenheit
   Flood Hazards--September 18, 1985
   Air Freezing Index--1,000 to 2,000
   Mean Annual Temperature--45° to 50°

   (R.O. 2008 §512.020; Ord. No. 6438 §1, 12-12-01; Ord. No. 7014 §1, 5-12-08)

SECTION 512.030: INTERNATIONAL RESIDENTIAL CODE -- DELETIONS

The following portions as set forth in the International Residential Code, 2006 Edition, shall be deleted in their entirety:

1. Chapter 11--Energy Efficiency;
2. Appendix I--Private Sewage Disposal;
3. Appendix K--Sound Transmission;
4. Appendix L--Permit Fees

5. Appendix P--Fire Sprinkler System
6. Section R313.2.1--Alterations, Repairs and Additions
7. Section AE503--Skirting and Perimeter Enclosure. (R.O. 2008 §512.030; Ord. No. 6438 §1, 12-12-01; Ord. No. 7014 §1, 5-12-08)

SECTION 512.040: FEE SCHEDULE

Section R108.2: Schedule of Permit Fees and Section R108.3: Building Permit Violations of the International Residential Code, 2006 Edition, are deleted in their entirety and in lieu thereof Section 500.090: Building Permit Fees of the Municipal Code of the City of Maryville is hereby adopted by reference, as if set forth fully herein, as the fee schedule for the Residential Code of the City of Maryville, Missouri. (R.O. 2008 §512.040; Ord. No. 6438 §1, 12-12-01; Ord. No. 7014 §1, 5-12-08)

SECTION 512.050: WORK EXEMPT FROM PERMIT

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed one hundred twenty (120) square feet.
2. Oil derricks.
3. Water tanks supported directly upon grade if the capacity does not exceed five thousand (5,000) gallons and the ratio of height to diameter or width does not exceed two (2) to one (1).
4. Platforms, decks and porches not more than thirty (30) inches above grade and not over any basement or story below and which are not part of an accessible route.
5. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
6. Temporary motion picture, television and theater stage sets and scenery.
7. Prefabricated swimming pools accessory to a Group R-3 occupancy, as applicable in Section 101.2, which are less than twenty-four (24) inches deep, do not exceed five thousand (5,000) gallons and are installed entirely above ground.
8. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
9. Swings and other playground equipment accessory to one- and two-family dwellings.
10. Window awnings supported by an exterior wall of Group R-3 as applicable in Section 101.2 and Group U occupancies.
11. Movable cases, counters and partitions not over five (5) feet nine (9) inches in height.

The balance of the exemptions relative to other work shall be as set forth in Section 105.2 of the International Residential Code, 2006 Edition. (R.O. 2008 §512.050; Ord. No. 6438 §1, 12-12-01; Ord. No. 7014 §1, 5-12-08)

SECTION 512.060: ADDITIONAL AMENDMENTS

A. Section M1501.1 Outdoor discharge shall be adopted except that the sentence, "All shall

not be exhausted into an attic, soffit, ridge vent or crawl space" shall be deleted thereof.

B. Section M1507.2 Recirculation of air is deleted in its entirety. Exhaust air from bathrooms and toilet rooms shall be discharged to the outdoors. (R.O. 2008 §512.060; Ord. No. 7014 §1, 5-12-08)

SECTION 512.070: WATER SERVICE

A. Section P2904.4 Water Service Pipe of the International Residential Code, 2006 Edition, is deleted in its entirety.

B. Table P2904.4. Water Service Supply and Distribution Piping shall be adopted except that the term "water service" shall be deleted therefrom and the Table shall not be applicable to water service installations.

C. *Water Service Pipe.* Water service pipe shall be only type K soft drawn copper pipe or Polyvinyl Chloride (PVC) plastic pipe of one and one-fourth (1¼) inches and larger, SDR-21 two hundred (200) psi shall be utilized for any underground installation of water piping. Two hundred (200) psi high density polyethylene pipe and tubing may be used as a water service pipe on the customer side of the water meter or valve. All plastic pipe and tubing shall be installed with a single strand No. 12 AWG tracer wire. Any installation of water service pipe shall comply with this paragraph and not the standards listed in Table 605.3 of the International Plumbing Code, 2006 Edition. (R.O. 2008 §512.070; Ord. No. 6438 §1, 12-12-01; Ord. No. 7014 §1, 5-12-08)

SECTION 512.080: APPEALS

Section R112: Board of Appeals of the International Residential Code, 2006 Edition, is deleted in its entirety. Any person aggrieved by a decision or action of the Code Enforcement Officer or other designee of the Department of Public Works under this Chapter may appeal such decision or action to the Board of Code Appeals. Such appeal shall be in accordance with the provisions of Sections 530.070, 530.080 and 530.090 and 530.110 of the Municipal Code of the City of Maryville and with Chapter 110 of the Municipal Code of the City of Maryville, all of which are adopted herein by reference as if set forth fully herein. (R.O. 2008 §512.080; Ord. No. 6438 §1, 12-12-01; Ord. No. 7014 §1, 5-12-08)

SECTION 512.090: PUNISHMENT

Any person violating any of the provisions of this Chapter or any portion of the Code adopted in this Chapter shall be deemed guilty of an ordinance violation and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars ($500.00) or be imprisoned in the City or County Jail for a period of not exceeding ninety (90) days, or both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (R.O. 2008 §512.090)

CHAPTER 515: PLUMBING CODE

SECTION 515.010: INTERNATIONAL PLUMBING CODE

In order to regulate the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems, and to provide for the issuance of permits and the collection of fees therefor, except for such portions as are herein modified, added, deleted or amended within this Chapter, the International Plumbing Code, 2006 Edition, is hereby adopted and shall be incorporated as if fully set forth herein and shall be hereafter known as the Plumbing Code of the City of Maryville, Missouri, including:

1. Appendix B--Rates of Rainfall for Various Cities;
2. Appendix C--Gray Water Recycling Systems;
3. Appendix D--Degree Day and Design Temperatures;
4. Appendix E--Sizing of Water Piping Systems;
5. Appendix F--Structural Safety;
6. Appendix G--Vacuum Drainage System. (R.O. 2008 §515.010; Ord. No. 6439 §1, 12-12-01; Ord. No. 7014 §1, 5-12-08)

SECTION 515.020: PLUMBING CODE INSERTIONS

The International Plumbing Code, 2006 Edition, as adopted as the Plumbing Code of the City of Maryville is hereby subject to the following insertions:

1. *Section 101.1*. The term "City of Maryville" shall be inserted,
2. Wherever a reference is made to "jurisdiction" within the International Plumbing Code, 2006 Edition, it shall be understood to mean the City of Maryville, Missouri.
3. *Section 904.1*. The measurement "12 inches" is inserted. (R.O. 2008 §515.020; Ord. No. 6439 §1, 12-12-01; Ord. No. 7014 §1, 5-12-08)

SECTION 515.030: INTERNATIONAL PLUMBING CODE -- DELETIONS

The following portions as set forth in the International Plumbing Code, 2006 Edition, shall be deleted in their entirety:

1. Section 305.6.1: Sewer Depth.
2. Appendix A--Plumbing Permit Fee Schedule. (R.O. 2008 §515.030; Ord. No. 6439 §1, 12-12-01; Ord. No. 7014 §1, 5-12-08)

SECTION 515.040: BACKFLOW PREVENTION

Specific reference is made to Section 705.430 of the Municipal Code of the City of Maryville dealing with backflow prevention. In the event that Section should conflict with any provision of the International Plumbing Code, 2006 Edition, the requirements of Section 705.430 of the Municipal Code of the City of Maryville shall prevail. (R.O. 2008 §515.040; Ord. No. 6439 §1, 12-12-01; Ord. No. 7014 §1, 5-12-08)

SECTION 515.050: WATER SERVICE PIPE

A. Table 605.3--Water Service Pipe of the International Plumbing Code, 2006 Edition, is deleted in its entirety.

B. Section 605.3--Water Service Pipe International Plumbing Code, 2006 Edition, is deleted in its entirety.
C. *Water Service Pipe.* Water service pipe shall be only type K soft drawn copper pipe or Polyvinyl Chloride (PVC) plastic pipe of one and one-fourth (1¼) inches and larger, SDR-21 two hundred (200) psi shall be utilized for any underground installation of water piping. Two hundred (200) psi high density polyethylene pipe and tubing may be used as a water service pipe on the customer side of the water meter or valve. All plastic pipe and tubing shall be installed with a single strand No. 12 AWG tracer wire. Any installation of water service pipe shall comply with this paragraph and not the standards listed in Table 605.3 of the International Plumbing Code, 2006 Edition. (R.O. 2008 §515.050; Ord. No. 6439 §1, 12-12-01; Ord. No. 6916 §1, 6-25-07; Ord. No. 7014 §1, 5-12-08)

SECTION 515.060: BUILDING DRAIN AND SEWERS

A. Section 710.1: Maximum Fixture Unit Load of the International Plumbing Code, 2006 Edition, is modified to include the following additional limitation.
B. Any building sewer leaving the building shall have a minimum pipe diameter of four (4) inches, unless it contains a grinder pump which is installed in accordance with all applicable manufacturer's installation instructions. (R.O. 2008 §515.060; Ord. No. 6439 §1, 12-12-01; Ord. No. 7014 §1, 5-12-08)

SECTION 515.070: FEE SCHEDULE

Section 106.6: Fees; and Section 106.6.3: Fee Refund of the International Plumbing Code, 2006 Edition, are deleted in their entirety and in lieu thereof Section 500.090: Building Permit Fees of the Municipal Code of the City of Maryville is hereby adopted by reference, as if set forth fully herein, as the fee schedule for the Plumbing Code of the City of Maryville, Missouri. (R.O. 2008 §515.070; Ord. No. 6439 §1, 12-12-01; Ord. No. 7014 §1, 5-12-08)

SECTION 515.080: APPEALS

Section 109: Means of Appeal of the International Plumbing Code, 2006 Edition, is deleted in its entirety. Any person aggrieved by a decision or action of the Code Enforcement Officer or other designee of the Department of Public Works under this Chapter may appeal such decision or action to the Board of Code Appeals. Such appeal shall be in accordance with the provisions of Sections 530.070, 530.080, 530.090 and 530.110 of the Municipal Code of the City of Maryville and with Chapter 110 of the Municipal Code of the City of Maryville, all of which are adopted herein by reference as if set forth fully herein. (R.O. 2008 §515.080; Ord. No. 6439 §1, 12-12-01; Ord. No. 7014 §1, 5-12-08)

SECTION 515.090: STOP WORK ORDER

Section 108.5 of the International Plumbing Code, 2006 Edition, is retained except that any reference to penalty contained therein is deleted and the Section shall be enforced in

accordance with any penalty available under civil law, including injunction, and/or the penalty provisions of this Chapter. (R.O. 2008 §515.090; Ord. No. 6439 §1, 12-12-01; Ord. No. 7014 §1, 5-12-08)

SECTION 515.100: PENALTY
Any person violating any of the provisions of this Chapter or any portion of the Code adopted in this Chapter shall be deemed guilty of an ordinance violation and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars ($500.00) or be imprisoned in the City or County Jail for a period of not exceeding ninety (90) days, or both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (R.O. 2008 §515.100)

CHAPTER 520: MECHANICAL CODE

SECTION 520.010: INTERNATIONAL MECHANICAL CODE
In order to regulate the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems and to provide for the issuance of permits and the collection of fees therefor, except for such portions as are herein modified, added, deleted or amended within this Chapter, the International Mechanical Code, 2006 Edition, is hereby adopted and shall be incorporated as if fully set forth herein and shall be hereafter known as the Mechanical Code of the City of Maryville, Missouri, including:

1. Appendix A--Combustion Air Openings and Chimney Connector Pass Throughs. (R.O. 2008 §520.010; Ord. No. 6440 §1, 12-12-01; Ord. No. 7014 §1, 5-12-08)

SECTION 520.020: MECHANICAL CODE INSERTIONS
The International Mechanical Code, 2006 Edition, as adopted as the Mechanical Code of the City of Maryville, is hereby subject to the following insertions:

1. *Section 101.1.* The term "City of Maryville" shall be inserted.
2. Wherever a reference is made to "jurisdiction" within the International Building Code, 2006 Edition, it shall be understood to mean the City of Maryville, Missouri. (R.O. 2008 §520.020; Ord. No. 6440 §1, 12-12-01; Ord. No. 7014 §1, 5-12-08)

SECTION 520.030: INTERNATIONAL MECHANICAL CODE -- DELETIONS
The following portions as set forth in the International Mechanical Code, 2006 Edition, shall be deleted in their entirety:

1. Appendix B--Recommended Permit Fee Schedule. (R.O. 2008 §520.030; Ord. No. 6440 §1, 12-12-01; Ord. No. 7014 §1, 5-12-08)

SECTION 520.040: FEE SCHEDULE
Section 106.5: Fees, Section 106.5.2: Fee Schedule and Section 106.5.3: Fee Refund of the International Mechanical Code, 2006 Edition, are deleted in their entirety and in lieu thereof Section 500.090: Building Permit Fees of the Municipal Code of the City of Maryville is hereby adopted by reference, as if set forth fully herein, as the fee schedule for the Mechanical Code of the City of Maryville, Missouri. (R.O. 2008 §520.040; Ord. No. 6440 §1, 12-12-01; Ord. No. 7014 §1, 5-12-08)

SECTION 520.050: APPEALS
Section 109: Means of Appeal of the International Mechanical Code, 2006 Edition, is deleted in its entirety. Any person aggrieved by a decision or action of the Code Enforcement Officer or other designee of the Department of Public Works under this Chapter may appeal such decision or action to the Board of Code Appeals. Such appeal shall be in accordance with the provisions of Sections 530.070, 530.080, 530.090 and 530.110 of the Municipal Code of the City of Maryville and with Chapter 110 of the Municipal Code of the City of Maryville, all of which are adopted herein by reference as if set forth fully herein. (R.O. 2008 §520.050; Ord. No. 6440 §1, 12-12-01; Ord. No. 7014 §1, 5-12-08)

SECTION 520.060: STOP WORK ORDER
Section 108.5 of the International Mechanical Code, 2006 Edition, is retained except that the reference to penalty contained therein is deleted, and the Section shall be enforced in accordance with any penalty available under civil law, including injunction, and/or the penalty provisions of this Chapter. (R.O. 2008 §520.060; Ord. No. 6440 §1, 12-12-01; Ord. No. 7014 §1, 5-12-08)

SECTION 520.070: PENALTY
Any person violating any of the provisions of this Chapter or any portion of the Code adopted in this Chapter shall be deemed guilty of an ordinance violation and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars ($500.00) or be imprisoned in the City or County Jail for a period of not exceeding ninety (90) days, or both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (R.O. 2008 §520.070)

CHAPTER 522: FUEL GAS CODE

SECTION 522.010: INTERNATIONAL FUEL GAS CODE
In order to establish the minimum regulations governing the conditions and maintenance of all property, buildings and structures, to provide the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are

safe, sanitary and fit for occupation and use, and to provide for the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures, except for such portions as are herein modified, added, deleted or amended within this Chapter, the International Fuel Gas Code, 2006 Edition, is hereby adopted and shall be incorporated as if fully set forth herein and shall be hereafter known as the Fuel Gas Code of the City of Maryville, Missouri, including the following Appendices:

1. Appendix A--Sizing and Capacities of Gas Piping (IFGS);
2. Appendix B--Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category 1 Appliances and Appliances Listed for Use and Type B Vents (IFGS);
3. Appendix C--Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems (IFGS);
4. Appendix D--Recommended Procedure for Safety Inspection of an Existing Appliance Installation (IFGS). (R.O. 2008 §522.010; Ord. No. 6441 §1, 12-12-01; Ord. No. 7014 §1, 5-12-08)

SECTION 522.020: FUEL GAS CODE INSERTIONS

The International Fuel Gas Code, 2006 Edition, as adopted as the Fuel Gas Code of the City of Maryville, is hereby subject to the following insertions:

1. *Section 101.1.* The term "City of Maryville" shall be inserted.
2. Wherever a reference is made to "jurisdiction" within the International Fuel Gas Code, 2006 Edition, it shall be understood to mean the City of Maryville, Missouri. (R.O. 2008 §522.020; Ord. No. 6441 §1, 12-12-01; Ord. No. 7014 §1, 5-12-08)

SECTION 522.030: FEE SCHEDULE

Section 106.5.2: Fee Schedule and Section 106.5.3: Fee Refunds of the International Fuel and Gas Code, 2006 Edition, are deleted in their entirety and in lieu thereof Section 500.090: Building Permit Fees of the Municipal Code of the City of Maryville is hereby adopted by reference, as if set forth fully herein, as the fee schedule for the Fuel Gas Code of the City of Maryville, Missouri. (R.O. 2008 §522.030; Ord. No. 6441 §1, 12-12-01; Ord. No. 7014 §1, 5-12-08)

SECTION 522.040: APPEALS

Section 109: Means of Appeal of the International Fuel Gas Code, 2006 Edition, is deleted in its entirety. Any person aggrieved by a decision or action of the Code Enforcement Officer or other designee of the Department of Public Works under this Chapter may appeal such decision or action to the Board of Code Appeals. Such appeal shall be in accordance with the provisions of Sections 530.070, 530.080, 530.090 and 530.110 of the Municipal Code of the City of Maryville and with Chapter 110 of the Municipal Code of the City of Maryville, all of which are adopted herein by reference as if set forth fully herein. (R.O. 2008 §522.040; Ord. No. 6441 §1, 12-12-01; Ord. No. 7014 §1, 5-12-08)

SECTION 522.050: STOP WORK ORDER
Section 108.5 of the International Fuel and Gas Code, 2006 Edition, is retained except that any reference to penalty contained therein is deleted, and the Section shall be enforced in accordance with any penalty available under civil law, including injunction, and/or the penalty provisions of this Chapter. (R.O. 2008 §522.050; Ord. No. 6441 §1, 12-12-01; Ord. No. 7014 §1, 5-12-08)

SECTION 522.060: PENALTY
Any person violating any of the provisions of this Chapter or any portion of the Code adopted in this Chapter shall be deemed guilty of an ordinance violation and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars ($500.00) or be imprisoned in the City or County Jail for a period of not exceeding ninety (90) days, or both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (R.O. 2008 §522.060)

CHAPTER 525: ELECTRICAL CODE

SECTION 525.010: ELECTRICAL CODE OF THE CITY OF MARYVILLE
The National Electrical Code, 2005 Edition, as adopted by the National Fire and Protection Association, Inc., is hereby adopted and shall hereafter be known as the Electrical Code of the City of Maryville, Missouri. Said code is adopted in its entirety except as hereinafter modified, deleted or amended and shall be incorporated as if fully set out herein. (R.O. 2008 §525.010; Ord. No. 6190 §1, 5-10-99; Ord. No. 7014 §1, 5-12-08)

SECTION 525.020: ELECTRICAL WIRING INSTALLATION CENTRAL BUSINESS DISTRICT

A. For the purposes of this Chapter, there is hereby established a Central Business District which shall be that area of the City of Maryville which is bounded on the north by Sixth Street, bounded on the west by Fillmore Street, bounded on the south by First Street and bounded on the east by Vine Street.
B. All of the electrical wiring installed within the Central Business District, except for wiring installed in a single-family dwelling, shall comply with one (1) of the following:
    1. The electrical wiring shall be installed in a metal raceway;
    2. The electrical wiring shall be installed in a non-metallic raceway;
    3. The electrical wiring shall be installed with type M-I cable; or
    4. The electrical wiring shall be installed with type M-C cable. (R.O. 2008 §525.020; Ord. No. 6191 §1, 5-10-99; Ord. No. 7014 §1, 5-12-08)

SECTION 525.030: PENALTY

Any person violating any of the provisions of this Chapter or any portion of the Code adopted in this Chapter shall be deemed guilty of an ordinance violation and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars ($500.00) or be imprisoned in the City or County Jail for a period of not exceeding ninety (90) days, or both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

CHAPTER 530: DANGEROUS AND UNSAFE BUILDINGS

SECTION 530.010: DANGEROUS BUILDINGS DEFINED

For the purpose of this Code, any building or structure which is detrimental to the health, safety or welfare of the public or the residents of the City of Maryville, Missouri, and that has any or all of the following defects shall be deemed a *"dangerous building"*:

1. Those with interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle one-third (1/3) of its base.
2. Those that, exclusive of the foundation, show thirty-three percent (33%) or more damage or deterioration of the supporting member or members, or fifty percent (50%) or more damage or deterioration of the non-supporting enclosing or outside walls or coverage.
3. Those that have improperly distributed loads upon the floors or roofs or in which the same are overloaded or that have insufficient strength to be reasonably safe for the purpose used.
4. Those that have been damaged by fire, wind or other causes so as to become dangerous to life, safety or the general health and welfare of the occupants or the people of this City.
5. Those that are so dilapidated, decayed, unsafe, unsanitary or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or welfare of those occupying such building or structure.
6. Those having light, air and sanitation facilities that are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.
7. Those having inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes or other adequate means of evacuation.
8. Those that have parts thereof that are attached so that they may fall and injure members of the public or property.
9. Any portion of a building or structure, remaining on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of ninety (90) days so as to constitute such building or portion thereof to be an attractive nuisance or hazard to the public.
10. Those that because of their condition are unsafe, unsanitary or dangerous to the

health, safety or general welfare of the people of this City. (R.O. 2008 §530.010; Ord. No. 5336 §1, 8-14-95)

SECTION 530.020: DANGEROUS BUILDINGS DECLARED NUISANCES

Each *"dangerous building"*, as defined in Section 530.010 of this Chapter, is hereby declared to be a public nuisance and shall be repaired, vacated and/or demolished as further provided for herein. (R.O. 2008 §530.020; Ord. No. 5336 §1, 8-14-95)

SECTION 530.030: STANDARDS FOR REPAIR, VACATION AND/OR DEMOLITION

The following standards shall be followed by the Code Enforcement Officer and the Board of Code of Appeals in ordering repair, vacation and/or demolition of a dangerous building:

1. If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this Chapter, it shall be ordered repaired and all design, construction and workmanship shall conform with accepted industry standards or the International Residential Code, 2006 Edition and the International Building Code, 2006 Edition.
2. If the dangerous building is in such condition as to make it dangerous to the health, safety or welfare of its occupants, it shall be ordered to be vacated and either repaired or demolished, as is appropriate under the circumstances.
3. If the dangerous building is damaged, decayed or deteriorated by fifty percent (50%) or more based upon value of the structure, and it cannot reasonably be restored or repaired so that it will no longer exist in violation of the terms of this Chapter, it shall be demolished.
4. If both the owner and any other persons having an interest in the dangerous building are unwilling to restore or repair the building or structure, it shall be demolished.
5. If the dangerous building is a fire hazard existing or erected in violation of any code or ordinance of the City or any Statute of the State of Missouri, it shall be demolished. (R.O. 2008 §530.030; Ord. No. 5336 §1, 8-14-95; Ord. No. 6579 §§1--2, 8-18-03)

SECTION 0530.040: EMERGENCY SITUATIONS

In any case where it reasonably appears that there is immediate danger to the health, life or safety of any person or to any adjacent property unless the *"dangerous building"*, as defined herein, is immediately repaired, vacated or demolished, the Code Enforcement Officer shall report such facts to the Board of Code Appeals, and such Board, by resolution, may cause the immediate repair, vacation or demolition of such dangerous building. The cost of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in Section 530.100 herein. (R.O. 2008 §530.040; Ord. No. 5336 §1, 8-14-95)

SECTION 530.050: INSURANCE PROCEEDS

If there are any insurance proceeds based upon a covered claim where payment is made for damage or loss to a building or other structure caused by or arising out of any fire, explosion, or other casualty loss, and if the covered claim payment is in excess of fifty percent (50%) of the face value of the policy covering the building or other structure, then the following procedure shall apply:

1. The insurer shall withhold from the covered claim payment twenty-five percent (25%) of the covered claim payment, and shall pay that amount to the City for deposit into an interest-bearing account.
2. As to said monies, any mortgagee or lienholder named on the insurance policy shall maintain priority superior to any obligation under this Chapter.
3. Within thirty (30) days after receipt of such insurance monies, the City shall release the proceeds and any interest which has accrued on such proceeds to the insured, or as the terms of the policy, including any endorsements thereto, provide, unless the City has instituted proceedings under the provisions of Section 530.060. In the event the City has proceeded under the provisions of Section 530.060, all monies in excess of that necessary to comply with the provisions of this Chapter for the removal of the building or structure, less salvage value, shall be paid to the insured, subject to the limitations of this Section.
4. If a special tax bill or assessment is issued by the City for the expenses of demolition of such building as a dangerous building, the monies held by the City shall be applied toward payment of a special tax bill or assessment. If there is any excess, it shall be paid by the City to the insured or as the terms of the policy, including any endorsements thereto, provide.
5. In lieu of payment of all or part of the covered claim payment under this Subsection, the City may certify that 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 and subject to the limitations of Subsection (2), the City may issue a certificate within thirty (30) days after receipt of said proof, allowing payment of the insurance monies to the insured without deduction. It shall be the obligation of the insured or other person making claim to the monies to provide the insurance company with the written certificate provided for in this Subsection.
6. No provision of this Section shall be construed to make the City a party to any insurance contract. (R.O. 2008 §530.050; Ord. No. 5336 §1, 8-14-95)

SECTION 530.060: DUTIES OF CODE ENFORCEMENT OFFICER

The Code Enforcement Officer shall have and perform the following duties.

1. *Notice of inspection.*
    a. Prior to conducting the inspection pursuant to this Section, the Code Enforcement Officer shall make reasonable, diligent efforts to provide the record owner of the building to be inspected, forty-eight (48) hours' notice in advance of the inspection, and to inform the owner of their right to accompany the Code Enforcement Officer during the inspection. In the event the Code Enforcement Officer is unable to provide the notice envisioned herein, the Code Enforcement Officer may proceed to inspect the premises. However, in

such event, the Code Enforcement Officer shall document all attempts to provide notice to the owner.

b. In the event an inspection involves an "emergency situation", wherein it reasonably appears there is immediate danger to health, life or safety of any person or any adjacent property, said inspection may occur without the forty-eight (48) hours' notice in advance of the inspection to the property owner. As used in this Section, the term *"emergency situation"* shall include the following:
   (1) Structural failure, including a roof, floor, stairs, foundation have collapsed or in danger of collapse;
   (2) Electrical wiring failure, including complaints of "hot" wires, sparks, shock, repetitive failure of fuses or repetitive failure of circuit breakers;
   (3) Sewage backups, including chronic problems of sewage backing up into the premises, or the collection of methane gas in the dwelling or noxious odors emanating from the sewer system;
   (4) Gas leaks, including natural gas odors in the premises of gas appliances which are suspected of malfunction;
   (5) Mechanical failures, including elevators, which have malfunctioned or which are in danger of malfunction;
   (6) Possession, maintenance or retention of hazardous materials on the premises, including explosives and toxic chemicals;
   (7) A complaint which has been prompted by a serious injury occurring on the premises;
   (8) Excessive infestation of rodents and/or insects;
   (9) Excessive accumulation of garbage or debris.

   In each instance the Code Enforcement Officer shall document the basis for concluding the existence of the emergency situation.

2. *Inspection.* The Code Enforcement Officer shall:
   a. Inspect or cause to be inspected as often as may be necessary, all residential, commercial, institutional, accessory, garage, assembly, special or miscellaneous occupancy buildings for the purpose of determining whether any condition exists which render such places to be a dangerous building within the terms of Section 530.010 of this Chapter.
   b. Inspect any building, wall or structure about which complaints are filed by any person alleging that such building, wall or structure is or may be existing in violation of this Chapter.

3. *Determination and order.*
   a. The Code Enforcement Officer shall set forth a description of the building or structure deemed to be dangerous, and a statement of the particulars which made the building or structure a dangerous building.
   b. If the Code Enforcement Officer determines that the building or structure is a dangerous building which must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within a specific time not to exceed thirty (30) days from the date of the order unless, in the judgment of the Code Enforcement Officer, it is determined to be necessary to extend such time to commence the required work. The order shall further require that the work proceed continuously without unnecessary

delay, so as to complete said work within a reasonable time, but not to exceed one hundred eighty (180) days.

c. If the Code Enforcement Officer determines that the building or structure is a dangerous building which must be vacated, the order shall require that the building or structure shall be vacated within a certain time from the date of the order as determined to be reasonable by the Code Enforcement Officer.

d. If the Code Enforcement Officer determines that the building or structure is a dangerous building which must be demolished, the order shall require that the building be demolished within such time as the Code Enforcement Officer shall determine reasonable, but not to exceed thirty (30) days from the date of the order and that all required permits be secured therefor within thirty (30) days from the date of the order.

e. If the Code Enforcement Officer determines that the building or structure is not a dangerous building, then no order shall be issued.

4. *Posting of notice.* Upon completion of the inspection of a building or structure and upon making a determination that said building or structure is a dangerous building as defined in Section 530.010 herein, the Code Enforcement Officer shall post a notice on such building or structure which shall be substantially in the following form, but may include other information:

   "This building has been found to be a dangerous building by the Code Enforcement Officer. This notice is to remain on this building until it is repaired, vacated and repaired, or vacated and demolished, in accordance with the notice which has been given the known owner, occupant, lessee, mortgagee or agent of this building, and all other persons having an interest in such building as shown by the land records of the Recorder of Deeds of Nodaway County. It is unlawful to remove this notice until such notice is complied with. All persons are hereby notified to keep out as long as this notice remains posted. Any person(s) willfully destroying, mutilating and removing this notice or entering this structure will be prosecuted to the full extent of the law."

   Provided however, that the posting of such notice shall not be construed to deprive any person, entitled thereto by this Chapter, to the notice and hearing as prescribed herein.

5. *Service of notice and order.* The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner of the dangerous building and posted on the property. Additionally, one (1) copy shall be served on each of the following if known to the Code Enforcement Office or disclosed from the land records of the Recorder of Deeds of Nodaway County, Missouri:

   a. The holder of any mortgage, deed of trust or other lien or encumbrance of record;

   b. The owner or holder of any lease of record;

   c. The holder of any other estate or legal interest of record in or to the building or the land on which it is located;

   d. Any tenant in possession of the premises.

6. *Method of service.*

   a. Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified

mail, postage prepaid, return receipt requested, to each such person at their address as it appears on the last equalized assessment roll of Nodaway County or as known to the Code Enforcement Officer.

b. If no address of any such person so appears or is known to the Code Enforcement Officer, then notice shall be had by publication in a newspaper qualified to publish legal notices at least fourteen (14) days in advance of any hearing date, specifically addressed to the person for whom no address is known and all other persons having an interest in said building that has been found to be a dangerous building within the standards set forth in Section 530.010 of this Chapter and shall set forth the requirements of the determination and order of the Code Enforcement Officer.

c. The Code Enforcement Officer shall ensure that each person entitled to notice pursuant to this Section is advised in writing of their right to request a hearing pursuant to Section 530.070 and shall provide information concerning the procedures therefore.

7. *Proof of service.* If service is obtained by personal service, proof of service of the notice and order shall be certified as to the time of service by a written declaration executed by the person effecting service, declaring the time, date and manner in which service was made. This declaration, together with any receipt card returned in acknowledgement of receipt by certified mail, shall be affixed to the copy of the notice and order retained by the Code Enforcement Officer.
8. *Failure of service.* The failure of the Code Enforcement Officer to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served, nor shall it relieve any such person from any duty or obligation imposed by the provisions of this Section.
9. *Report.* The Code Enforcement Officer shall made a report in writing to the Board of Code Appeals for any non-compliance with the notice and order to vacate, repair and/or demolish.
10. *Appearance.* The Code Enforcement Officer shall appear at all hearings conducted by the Board of Code Appeals pursuant to this Chapter and shall testify as to the condition of dangerous buildings. (R.O. 2008 §530.060; Ord. No. 5336 §1, 8-14-95; Ord. No. 5493 §1, 1-13-97)

SECTION 530.070: APPEAL TO THE BOARD OF CODE APPEALS

A. *Appeal.* Any person entitled to service of the notice and order of the Code Enforcement Officer may appeal from any such notice and order, or any other action of the Code Enforcement Officer under this Chapter by filing at the Office of the Department of Public Works a written appeal containing:

1. A heading in the words: "Before the Board of Code Appeals of the City of Maryville, Missouri . . ."
2. A caption reading: "Appeals of . . ." giving the names of all appellants participating in the appeal.
3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.
4. A brief statement in ordinary and concise language of that specific order or action protested, together with any material fact claimed to support the contentions of

the appellant. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.
6. The signatures of all parties named as appellants and their official mailing addresses.
7. The verification by declaration under penalty of perjury of at least one appellant as to the truth of the matters stated in the appeal.

B. *Fees.* The fee for such appeal shall be one hundred twenty-five dollars ($125.00) and shall accompany the application for appeal. The application fee shall not be refundable.

C. *Timing Of Appeal.* The appeal shall be filed within thirty (30) days from the date of the service of such notice and order or action of the Code Enforcement Officer. However, if the building or structure is in such condition as to make it immediately dangerous to the health, life, or safety of any person, or any adjacent property as defined in Section 530.040, and is ordered vacated and is posted in accordance with Section 530.060, such appeal shall be filed within ten (10) days from the date of the service of the notice and order of the Code Enforcement Officer.

D. *Stay Of Order.* Except for orders to vacate the premises made pursuant to Section 530.040, enforcement of any notice and order of the Code Enforcement Officer issued under this Chapter shall be stayed during the pendency of a properly and timely filed appeal.

E. *Failure To Appeal.* Failure of any person to file an appeal in accordance with the provisions of this Section shall constitute a waiver of the right to request an administrative hearing and adjudication on the notice and order or to any portion thereof. (R.O. 2008 §530.070; Ord. No. 5336 §1, 8-14-95)

SECTION 530.080: BOARD OF CODE APPEALS

Chapter 110, Article III of Title I of the Municipal Code of the City of Maryville, establishing a Board of Code Appeals, is hereby adopted by reference and made a part of this Section as completely as if fully set out herein, with the duties and powers as set forth in Section 530.090 herein to be in addition to all other powers, duties and responsibilities referred to in Chapter 110, Article III of Title I of the Municipal Code of the City of Maryville. (R.O. 2008 §530.080; Ord. No. 5336 §1, 8-14-95)

SECTION 530.090: DUTIES OF BOARD OF CODE APPEALS

The Board of Code Appeals shall have and perform the following duties pursuant to this Chapter:

1. *Date of hearing.* As soon as practicable after receiving the written appeal under Section 530.070, or after the receipt of the report of the Code Enforcement Officer pursuant to Section 530.060, the Board of Code Appeals shall fix a date, time and place for the hearing. Such date shall be not less than ten (10) days nor more than sixty (60) days from the date the appeal was filed with the Office of the Department of Public Works or from the date the Code Enforcement Officer filed the report with the Board, whichever is applicable, unless continued by the Board

of Code Appeals for good cause shown.

2. *Notice.* The notice shall be substantially in the following form, but may include other information:
   "You are hereby notified that a hearing will be held before the Board of Code Appeals at . . . on the . . . day of . . . 19. ., at the hour . . ., related to the property described as . . . , to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated and/or demolished in accordance with the state of particulars set forth in the Code Enforcement Officer's notice as provided for in this Chapter. You may be present at the hearing. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you."
   Said notice shall advise the recipient of the procedures involved in the hearing pursuant to this Section.
3. *Service of notice.* Written notice of the time and location of the hearing and any amended or supplemental notice, shall be served upon each appellant, and/or the record owner of the dangerous building. Additionally, one (1) copy shall be served on each of the following if known to the Board of Code Appeals or disclosed from the land records of the Recorder of Deeds of Nodaway County, Missouri:
   a. The holder of any mortgage, deed of trust or other lien or encumbrance of record;
   b. The owner or holder of any lease of record; and
   c. The holder of any other estate or legal interest of record in or to the building or the land on which it is located; and
   d. Any tenant in possession of the premises.
4. *Method of service.*
   a. Service of the notice of the hearing shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice by certified mail, postage prepaid, return receipt requested, to each such person at their address as it appears on the last equalized assessment roll of Nodaway County or as known to the Board of Code Appeals. Such notice shall be served or received at least fourteen (14) days prior to the hearing date.
   b. If no address of any such person so appears or is known to the Board of Code Appeals, then notice shall be given by publication in a newspaper qualified to publish legal notices at least fourteen (14) days prior to the hearing date, specifically addressed to the person for whom no address is known and all other persons having an interest in said building, to appear before the Board of Code Appeals on the date specified and to show cause why the structure or building reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the Code Enforcement Officer's notice or decision. Said notice shall notify the recipient of the procedures involved in the hearing pursuant to this Section.
5. *Proof of service.* If service is obtained by personal service, proof of service of the notice and order shall be certified as to the time of service by a written declaration executed by the person effecting service, declaring the time, date and manner in which service was made. This declaration, together with any receipt card returned in acknowledgement of receipt by certified mail, shall be affixed to the copy of

the notice and order retained by the Board of Code Appeals.

6. *Failure of service.* The failure of the Board of Code Appeals to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this Section.
7. *Hearing.* Upon receipt of the report of the Code Enforcement Officer or a duly filed appeal, and after having given the required notice, the Board of Code Appeals shall hold a full and adequate hearing, and hear such relevant testimony as the Code Enforcement Officer, any appellant, the record owner, and any other person entitled to service of notice, shall offer relative to the dangerous building.
8. *Decision.* Upon conclusion of the hearing, the Board of Code Appeals shall make written Findings of Fact based upon competent and substantial evidence offered at the hearing as to whether or not the building in question is a *"dangerous building"* as defined by Section 530.010 herein, and:
    a. If the evidence supports a finding that the building or structure is a dangerous building, detrimental to the health, life or safety of any person or to any adjacent property the Board of Code Appeals shall issue an order based upon the Findings of Fact, commanding the appellant and/or the record owner, as well as any other person entitled to notice of the hearing to vacate and ordering the demolition of the building or structure.
    b. It is further provided that the appellant and/or the record owner as well as any other person entitled to notice of the hearing shall have the privilege of either repairing or vacating and repairing said building, if such repair will bring such building into compliance with the ordinances and codes of the City of Maryville, provided that such repair is completed within sixty (60) days of the order being entered by the Board of Code Appeals.
    c. The appellant and/or the record owner, as well as any other person entitled to notice of the hearing, shall have the privilege of vacating and demolishing said dangerous building at their own risk, to prevent the City of Maryville from acquiring a lien against said land on which the dangerous building is located, provided that such demolition is completed within sixty (60) days of the order being entered by the Board of Code Appeals.
    d. If the evidence does not support a finding that the building or structure is a dangerous building, then no order shall be issued.
    e. The Findings of Fact shall be in writing and shall contain findings, a determination of the issues presented, and an order as to any requirements to be satisfied. A copy of the decision shall be personally delivered to the appellant and/or the record owner, as well as any other person entitled to notice of the hearing, or shall be sent by certified mail, postage prepaid, return receipt requested to each such person. The effective date of the decision shall be as stated therein. (R.O. 2008 §530.090; Ord. No. 5336 §1, 8-14-95)

SECTION 530.095: RECORDING OF CERTIFICATE OF DANGEROUS BUILDING

A. *Non-Compliance.* If compliance is not had with the Order of the Board of Code Appeals within the time provided, and no appeal is properly and timely filed, a certificate shall be

filed in the Recorder's Office of Nodaway County, Missouri, certifying:

1. The legal description and street address of the property;
2. The building is a dangerous building;
3. The landowner and all other persons with known interests of record in the property have been so notified; the decision rendered by the Board of Code Appeals.

B. *Subsequent Compliance.* In the event that subsequent to the filing of the certificate of dangerous building, the corrections ordered shall be completed or the building demolished, so that the building or structure no longer exists as a dangerous building on the property described in the certificate, a new certificate shall be filed in the Recorder's Office of Nodaway County, Missouri, certifying that the building is no longer a dangerous building. (R.O. 2008 §530.095; Ord. No. 5336 §1, 8-14-95)

SECTION 530.100: FAILURE TO COMPLY WITH BOARD DECISION -- LIEN

A. *Non-Compliance.* If within sixty (60) days, the record owner, appellant, or any other person entitled to service of notice pursuant to Section 530.090 fails to comply with the decision and Order of the Board of Code Appeals, the Board of Code Appeals or the Code Enforcement Officer shall so advise the City Manager who shall cause such building or structure to be repaired, vacated and/or demolished as the facts may warrant.

B. *Tax Bill.*

1. Whenever the City shall have caused repair or demolition work to be completed as provided in Chapter 540 of the Municipal Code of the City of Maryville, the Director of Public Works shall certify the costs of the repair or demolition work to the City Clerk who shall cause a special tax bill to be issued against the lot, tract or parcel of land until paid, and shall cause the same to be registered in the Office of the Recorder of Nodaway County and to be mailed by certified mail to all owners of record of the property. The tax bill shall be collected by the official collecting taxes.
2. Upon written request of the taxpayer delivered to the City Clerk within thirty (30) days after completion of the demolition or repair work, a tax bill for repair or demolition of a building or structure may be paid in ten (10) equal, annual installments, which installments with interest thereon to date on the unpaid balance shall be due annually on the anniversary of the date of issuance of the bill. Interest shall be paid at the maximum rate per annum allowable by law on the unpaid balance of the special assessment computed from the date of issuance. If any annual payment of principal or interest shall not be paid within thirty (30) days of its due date, the entire remaining balance of the tax bill shall immediately become due and payable.
3. If said request for the payment plan is not made within thirty (30) days after the completion of the repair or demolition work, then the entire tax bill shall be payable within sixty (60) days of issuance, with interest thereon.
4. Tax bills so issued shall be prima facie evidence of the validity of the bill, the doing of the work and the liability of the property for the damages stated in the bill. If default should occur, said amounts shall be collected by suit brought in a court of competent jurisdiction by the City Attorney on behalf of the City. (R.O. 2008 §530.100; Ord. No. 5336 §1, 8-14-95)

SECTION 530.110: APPEAL TO CIRCUIT COURT

Within thirty (30) days of the receipt of the decision of the Board of Code Appeals, any person entitled to notice pursuant to Section 530.090 as to a dangerous building, may appeal such decision to the Circuit Court of Nodaway County pursuant to the procedure established in Chapter 536, RSMo. (R.O. 2008 §530.110; Ord. No. 5336 §1, 8-14-95)

SECTION 530.120: VIOLATIONS AND PUNISHMENT

A. It is a violation of this Chapter to:
   1. Fail to comply with an order to repair, vacate and/or demolish any building or structure which has been determined to be maintained in violation of the provisions of this Chapter, issued by the Code Enforcement Officer, unless an active appeal is pending thereon; or
   2. Fail to diligently and timely repair any building or structure which has been determined to be maintained in violation of the provisions of this Chapter, as determined by the Board of Code Appeals, unless an active appeal is pending thereon;
   3. Fail to proceed continuously with the repair or demolition of any building or structure determined to be in violation of this Chapter unless an active appeal is pending thereon; or
   4. Fail to comply with an order to repair, vacate or demolish any building or structure issued by the Board of Code Appeals unless an active appeal is pending thereon; or
   5. Remove, deface or mutilate the notice placed on any building or structure; or
   6. Violate any provision of this Chapter.

B. Any person who shall violate any provision of this Chapter or fails to comply with any of the provisions or requirements thereof shall be punished by a fine not to exceed five hundred dollars ($500.00) or be imprisoned for a term not to exceed ninety (90) days or both such fine and imprisonment. Each day that a violation continues after notice has been issued shall be deemed a separate offense.

C. The imposition of the penalties herein prescribed shall not preclude the City from additionally instituting appropriate action to restrain, correct or abate a violation, to prevent illegal occupancy of a building, structure or premises, to stop an illegal act, conduct business or utilization of the building, structure or premises or take any other act as allowed by law in addition to the penalties prescribed herein. (R.O. 2008 §530.120; Ord. No. 5336 §1, 8-14-95; Ord. No. 6842 §§1--2, 6-26-06)

SECTION 530.130: DUTIES OF THE CITY ATTORNEY

The City Attorney shall prosecute all persons failing to comply with the terms of the notices and orders provided for herein; appear at all hearings before the Board of Code Appeals pursuant to this Chapter; bring suit to collect all municipal liens, assessments or costs incurred by the City in the repairing or demolishing of dangerous buildings; and take all such other legal actions as are necessary to carry out and enforce the terms and provisions of this Chapter. (R.O. 2008 §530.130; Ord. No. 5336 §1, 8-14-95)

SECTION 530.140: ADMINISTRATIVE LIABILITY
No officer, agent, Board, Commission or employee of the City shall render themselves personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of their duties under this Chapter. Any suit brought against any officer, agent, Board, Commission or employee of the City as a result of any act required or permitted in the discharge of their duties under this Chapter shall be defended by the City Attorney until the final determination of the proceedings therein. (R.O. 2008 §530.140; Ord. No. 5336 §1, 8-14-95)

CHAPTER 535: MOVING OF BUILDINGS

SECTION 535.010: LEGISLATIVE INTENT
It is hereby declared to be the intent of the City Council, in the exercise of its police powers to protect the public health, safety and welfare, to regulate the moving of buildings over the public streets and ways of the City. (R.O. 2008 §535.010; Ord. No. 4959 §1, 3-11-91)

SECTION 535.020: DEFINITIONS
For the purpose of this Chapter, the following words, terms and phrases and their derivatives shall have the meanings given herein unless the context otherwise indicates:
BUILDING: A house, commercial building, industrial building, garage, or any structure of a width exceeding fourteen (14) feet, or which would require a permit from the State for its movement over State highways or which otherwise is of a size or type, the moving of which over a public street or way would cause hazard or inconvenience to any person. A *"building"* does not include the movement of a structure by a person operating under a State permit for such movement solely over State roads or highways.
CODE ENFORCEMENT OFFICER: Building Official for the City of Maryville.
INTERFERING STRUCTURE: Any wire, cable, conduit, pipe, tree, pole, curb, sidewalk, pavement, or other structure or device located in or about a street which must be temporarily relocated or otherwise altered in order to facilitate the passage of a building.
PERMITTEE: The person or entity to which a permit is issued pursuant to the provisions of this Chapter.
PERSON: Any one (1) or more individuals, corporations, partnerships, associations, labor organizations, firms or enterprises.
STREET: Any public right-of-way in the City, including but not limited to streets, avenues, alleys, easements, and any and all public property owned or controlled by the City or public entities. (R.O. 2008 §535.020; Ord. No. 4959 §1, 3-11-91)

SECTION 535.030: PERMIT REQUIRED
A. It shall be unlawful for any person to move or cause to be moved any building in, into, through or from the City over any street without first obtaining a permit therefor from the Code Enforcement Officer.

B. Such permit shall be known as a "Permit for Moving Work" and shall not be assignable or transferable nor shall it be used by any person other than the permittee or his/her employees, contractors, or designated representatives.
C. If the moving work does not involve the use of a street, as defined in this Chapter, the Code Enforcement Officer may suspend, waive or modify certain requirements of this Chapter, but in no event shall waiver, suspension or modification jeopardize or be detrimental to adequate protection of private property rights or the public health, safety, welfare, convenience or comfort of the public. (R.O. 2008 §535.030; Ord. No. 4959 §1, 3-11-91)

SECTION 535.040: APPLICATION FOR PERMIT

Any person desiring a permit for moving work shall file with the City Clerk an application therefor in writing on a form to be furnished by the City for said purpose. Such application shall specify the following:

1. The name and address of the applicant;
2. The present location of the building to be moved;
3. The proposed new location of the building;
4. The character and size of the building to be moved, including its length, width and height;
5. The principal materials of construction of the building;
6. The reason for such moving;
7. The type of equipment to be used for the proposed work;
8. The estimated length of time required to do the proposed work;
9. The proposed route over which the building is to be moved;
10. The use, purpose and occupancy for which said building is to be used;
11. A plot plan showing the proposed location of the building upon the property to which said building is to be moved;
12. The necessity for the partial or complete removal or alteration of any actual or potentially interfering structure; and
13. The date and time proposed for the move. (R.O. 2008 §535.040; Ord. No. 4959 §1, 3-11-91)

SECTION 535.050: INVESTIGATION

Upon the filing of the application, the Code Enforcement Officer shall investigate the proposed destination, route, length of time estimated for moving work, type of equipment to be used, and any and all other relevant factors and formulate a recommendation with respect to issuance of the permit. (R.O. 2008 §535.050; Ord. No. 4959 §1, 3-11-91)

SECTION 535.060: DENIAL OF PERMIT

A. No permit shall be issued to move any building which, in the opinion of the Code Enforcement Officer, is:
    1. So constructed or in such condition as to render its movement hazardous to any person or to public or private property;
    2. Infested with pests or unsanitary;

3. If a dwelling, unfit for human habitation;
4. So dilapidated, defective, unsightly, or in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the district within a radius of one thousand (1,000) feet from the proposed site;
5. Prohibited at the proposed location by the zoning laws of the City;
6. Prohibited at the proposed location or otherwise not in conformance with any or all applicable ordinances or regulations of the City or of applicable State or Federal laws or regulations;
7. Likely to cause unreasonable damage, during or incident to its movement, to trees, plants, shrubs, curbs, sidewalks, or other City property, structures or appurtenances;
8. Likely to cause unreasonable damage, during or incident to its movement, to public or private utility lines, equipment or property, or disrupt such utility service to other persons as to be an unreasonable interference; or
9. Likely to cause unreasonable damage, during or incident to its movement, to private persons or property or otherwise interfere with the reasonable use and enjoyment of such property.

B. Provided however, that if the conditions or circumstances delineated above, in the judgment of the Code Enforcement Officer, admit of practicable and effective repair, resolution or accommodation which will adequately protect the public health, safety, welfare, reasonable terms and conditions as may be set forth on such permit. (R.O. 2008 §535.060; Ord. No. 4959 §1, 3-11-91)

SECTION 535.070: TERMS AND CONDITIONS OF PERMIT

A. The issuance of a permit may be granted subject to such terms and conditions as may be deemed reasonable and proper to the end that such moving will not be materially detrimental or injurious to the public health, safety or welfare or to public or private property and improvements or to the district to which the building will be moved. Such terms and conditions may include:
    1. Measures to protect the public street or other public property in the City on, over or through which the building will be moved pursuant to Section 535.080 herein;
    2. Measures to protect private persons or property pursuant to Section 535.080 herein;
    3. Requirements of changes, alterations, repairs or additions to be made to or upon the building or the sites from or to which it will be moved;
    4. Requirement that the permittee post a cash deposit and/or bond with the City of an amount pursuant to Section 535.090 herein;
    5. Requirement that the permittee show evidence of liability insurance meeting the conditions set forth in Section 535.100 herein;
    6. Requirement that the permittee show approvals in writing from any public or private utility that may be affected by such move in accordance with Section 535.110 herein; and
    7. Other terms and conditions as may be deemed appropriate by the City Manager.

B. Such terms and conditions shall be written upon the permit or appended in writing thereto. Each such term or condition must be satisfactorily complied with by the

permittee and the method of such compliance must be approved by the Code Enforcement Officer prior to initiating the proposed move. (R.O. 2008 §535.070; Ord. No. 4959 §1, 3-11-91)

SECTION 535.080: PROTECTIVE MEASURES

The City may require:

1. That warning signs be conspicuously posted on or around the sites from or to which the building may be moved and along public streets over which the building may be moved;
2. That warning lights be attached to the building being moved and/or to the vehicle or vehicles involved in such move;
3. That public and private property be kept free of rubbish, waste or other loose materials that may result from such move;
4. That any excavations resulting from such move at the site from or to which the building is moved are filled in, fenced or otherwise restricted so as not to create a hazardous or dangerous condition;
5. That property owners adjoining the site from or to which the building is to be moved and property owners along the route of movement be notified of the move, and that the Public Safety Department of the City be notified of the move so that an escort can be provided or so that traffic control can be facilitated. (R.O. 2008 §535.080; Ord. No. 4959 §1, 3-11-91)

SECTION 535.090: BONDING REQUIREMENTS AND/OR CASH DEPOSITS

A. *Owner's Completion Bond.* Prior to the issuance of a permit, the owner or lessee of the property upon which the building is to be located shall file with the City Clerk a bond or other form of security or a cash deposit, conditioned as follows:
    1. That all of the work required to be done to complete the relocation, alteration and reconstruction of the building pursuant to the conditions of the permit shall be fully performed and completed within a reasonable time, to be specified by the Code Enforcement Officer in the permit.
    2. Such bond or security or cash deposit shall be in principal amount equal to the estimated cost of the work proposed to be done plus ten percent (10%) thereof, and shall name the City as obligee, and shall be in a form approved by the City Attorney.
    3. An extension of time for said completions may be granted in writing by the Code Enforcement Officer when, in his/her discretion, circumstances shall so justify, but no such extension shall release any bond, security or cash deposit.

B. *Site Clearance And Safety Bond.* Prior to the issuance of a permit, the owner or lessee of the property from which the building is to be moved shall file with the City Clerk a bond or other form of security or a cash deposit in favor of the City, conditioned as follows:
    1. That before any moving of a building, the owner thereof shall notify the appropriate utilities in order that all gas and oil pipelines that are to be disconnected from the building may be securely capped and sealed.
    2. That the water service is abandoned in accordance with Sections 705.870 through 705.890 of this Code.

3. That any excavation or opening resulting from such move is filled in or securely barricaded.
4. That within ten (10) days after moving said building, the owner or permittee shall complete or cause to be completed the following work:
   a. Closing and sealing of sanitary pipings.
   b. Filling of septic tanks or cesspools.
   c. Removal of any buried underground tanks formerly used to store flammable liquids.
   d. Removal of all refuse, debris and waste materials from the property.
5. Such bond, other security or cash deposit shall be in principal amount equal to the cost of the work proposed to be done, as estimated by the City Manager, and shall name the City as obligee, and shall be in a form approved by the City Attorney.
6. An extension of time for completion of the work required by this Section may be granted by the Code Enforcement Officer when, in his/her discretion, circumstances shall so justify, but no such extension shall release any bond, security or cash deposit.

C. *Cash Deposit For Public Costs.* The applicant shall also deposit with the City Clerk a cash deposit to cover the cost to the City, as estimated by the Code Enforcement Officer, of trimming, moving, removing, or replacing or replacement of trees or shrubs, and of moving, removing or displacing any pole or other structure or equipment belonging to the City or the cutting, displacing or changing of the location of any structure or equipment belonging to the City. (R.O. 2008 §535.090; Ord. No. 4959 §1, 3-11-91)

SECTION 535.100: INSURANCE REQUIREMENT

A. Every person moving a building in the City shall file with the City Clerk one (1) of the following:
   1. A liability insurance policy issued by a solvent corporation holding a Certificate of Authority to do insurance business in Missouri; or
   2. A Certificate of Insurance issued by an insurance corporation; or
   3. Other evidence of liability and property damage insurance.

B. In any case, the insurance required under this Section shall insure the person moving the building against loss from the liability imposed by law for injury to, or death of, any person, or damage to any property growing out of the moving of such building to the amount or limit of five hundred thousand dollars ($500,000.00) exclusive of interest and costs, on account of moving any one (1) building resulting in injury to or death of a person, and of one hundred thousand dollars ($100,000.00) for damage to property of others resulting from moving any one (1) building.

C. Such insurance coverage shall indemnify the City and save it harmless against any and all claims, demands or causes of action whatsoever which might arise or accrue against it by reason of the granting of such permit or the exercise of any privilege thereby conferred, and to repay all damages which may be suffered by the City or by any other person by reason of the exercise of the permit, including by way of illustration, but not of limitation, injury or damage to pavements, curbs, sidewalks, poles, wires, or trees. (R.O. 2008 §535.100; Ord. No. 4959 §1, 3-11-91)

SECTION 535.110: UTILITIES APPROVAL REQUIREMENT

A. Prior to the issuance of a permit, the applicant shall obtain written approval from any public or private utility whose property will be moved or disturbed during the moving process to the effect that such moving should be permitted, what conditions should be attached to such permit to insure that the utility will be protected and that its customers and the public will be safely and adequately served, and what costs will be incurred by the utility in accommodating the proposed move.
B. The City shall review and approve said written approvals and the applicant shall furnish to the appropriate utility a bond, surety or cash deposit equal to the estimated cost that will be incurred by the utilities involved. (R.O. 2008 §535.110; Ord. No. 4959 §1, 3-11-91)

SECTION 535.120: ISSUANCE, EXPIRATION, SUSPENSION OR REVOCATION OF PERMIT

A. The Code Enforcement Officer shall authorize the issuance of a permit when all of the necessary requirements and conditions of this Chapter have been complied with.
B. The work authorized by such permit shall be commenced within one (1) month following the date of issuance of the permit and shall be concluded within two (2) months of the date of issuance of the permit; provided however, that the actual time permitted for moving the building shall not exceed three (3) calendar days.
C. If the work is suspended or abandoned after commencement or if the time limits set forth herein are not complied with, the permit shall be deemed to have expired; provided however, that an extension may be granted by the Code Enforcement Officer. The Code Enforcement Officer may, at any time, for good and sufficient cause, suspend or revoke any permit. (R.O. 2008 §535.120; Ord. No. 4959 §1, 3-11-91)

SECTION 535.130: APPLICATION AND PERMIT FEES

An application fee, as designated by resolution of the City Council, shall be paid to the City Clerk upon the filing of an application for a permit for moving work. A permit fee, as designated by resolution of the City Council, shall be paid to the City Clerk upon the issuance of each permit for moving work. (R.O. 2008 §535.130; Ord. No. 4959 §1, 3-11-91)

SECTION 535.140: APPROVAL OF ROUTE -- NOTICE AND SUPERVISION

A. The permit issued hereunder shall designate the route over which the permittee shall move the building. The route shall not be changed unless the permit is amended.
B. Should part of such route be over a State highway, the permit shall not be issued unless approvals or permits required by the State Highway Department are first obtained and supplied to the Code Enforcement Officer.
C. Notice must be given by the permittee to the City Manager and to the Public Safety Department not less than thirty-six (36) nor more than forty-eight (48) hours before the actual work of moving the building is to commence.
D. Said notice in no way, however, relieves the permittee or person having charge of the moving of any building of his/her obligation to furnish proper supervision.

E. In no event shall a building being moved remain in any one (1) location on any street for a period longer than twenty-four (24) hours except by written permission of the City Manager. (R.O. 2008 §535.140; Ord. No. 4959 §1, 3-11-91)

SECTION 535.150: DEFAULT IN PERFORMANCE OF CONDITIONS

A. Whenever a default has occurred in the performance of any term or condition of a permit, written notice thereof shall be given to the permittee by the Code Enforcement Officer; said notice to state the nature of the default, the work to be done to correct the default, the estimated cost thereof, and the period of time deemed to be reasonably necessary to complete such work or perform the term or condition.
B. After a receipt of such notice, the permittee must, within the time therein specified, either cause the work to be done or make payment to the City Clerk in the amount of the estimated cost of such work as set forth in the notice plus ten percent (10%) of said estimated cost.
C. If the permittee chooses to make payment, the City Clerk shall inform the Code Enforcement Officer upon deposit of said payment and the City Manager shall cause the required work to be performed and completed. (R.O. 2008 §535.150; Ord. No. 4959 §1, 3-11-91)

SECTION 535.160: REFUNDING OF DEPOSITS

When the moving of any building for which a permit has been granted is completed and any damage to public or private property has been repaired to the satisfaction of the Code Enforcement Officer and all terms and conditions of the permit and this Chapter have been complied with, the City Clerk shall refund the remaining unused portion of any cash deposits and release any bonds or other forms of security. Should the cost, however, of repairing damages and/or performing other work required by this Chapter exceed the total amount of money deposited, the permittee shall be held liable for such excess costs and same shall be recoverable by the City from the permittee. (R.O. 2008 §535.160; Ord. No. 4959 §1, 3-11-91)

SECTION 535.170: VIOLATION AND PENALTY

Any person, firm or corporation violating any provision of this Chapter shall be guilty of a ordinance violation and fined no more than one thousand dollars ($1,000.00) for each offense; and a separate offense shall be deemed committed on each day during which a violation occurs or continues. In addition to the penalty described above, the City may take any appropriate action including but not limited to instituting action in law or in equity to prevent, restrain, abate, enjoin or correct any violation of this Chapter. (R.O. 2008 §535.170; Ord. No. 4959 §1, 3-11-91)

SECTION 535.180: RULES AND REGULATIONS

A. The City Manager may make rules and regulations governing the movement of buildings not inconsistent with this Chapter.
B. Pursuant to such authority, the City Manager may suspend or waive or modify

requirements of this Chapter in order to implement the provisions of Section 535.030, without undue hardship or unnecessary requirements being imposed on applicants for permits for moving of buildings. (R.O. 2008 §535.180; Ord. No. 4959 §1, 3-11-91)

CHAPTER 540: DEMOLITION OF BUILDINGS

SECTION 540.010: LEGISLATIVE INTENT

It is hereby declared to be the intent of the City Council, in the exercise of its police powers to protect the public health, safety and welfare, to regulate the demolition of buildings in the City. (R.O. 2008 §540.010; Ord. No. 4959 §1, 3-11-91)

SECTION 540.020: DEFINITIONS

For the purposes of this Chapter, the following words, terms and phrases and their derivations shall have the meanings given herein, unless the context otherwise indicates:

ACCESSORY BUILDING: A building less than one thousand (1,000) square feet in floor area and less than fifteen (15) feet high having no basement and not used as a dwelling, the use of which is incidental and appurtenant to the principal use of the lot on which it is located.

BUILDING: Any structure having a roof or partial roof and enclosed within exterior walls or fire walls built, erected and framed of component structural parts, designed for housing, shelter, enclosure and support of persons, animals or property of any kind, including an accessory building.

BUILDING OFFICIAL: The Code Enforcement Officer or his/her duly authorized representative.

CODE ENFORCEMENT OFFICER: The Building Official of the City of Maryville.

DEMOLITION WORK: The dismantling, tearing down, wrecking or razing of any building or portion of a building for any reason whatsoever, whether accomplished by mechanical methods, physical labor or any combination thereof; however, demolition work shall not be construed to include the removal or alteration of a non-bearing wall or partition of a building.

LICENSEE: The person or entity to which a license is issued pursuant to the provisions of this Chapter.

PERMITTEE: The person or entity to which a permit is issued pursuant to the provisions of this Chapter.

PERSON: Any one (1) or more individuals, corporations, partnerships, associations, labor organizations, firms or enterprises.

STREET: Any public right-of-way in the City, including but not limited to streets, avenues, alleys, easements and any and all public property owned or controlled by the City or public entities. (R.O. 2008 §540.020; Ord. No. 4959 §1, 3-11-91)

SECTION 540.030: LICENSE REQUIRED

A. It shall be unlawful for any person to demolish or cause to be demolished any building or

portion of a building in the City without first registering as a wrecking contractor with the City Clerk and obtaining a license for demolition work from the City.

B. Said license shall be known as a License for Demolition Work and shall not be assignable or transferable nor shall it be used by any person other than the licensee or his/her employees, contractors or designated representatives. Provided however, that this licensing requirement shall not apply to the demolition of any one (1) story residential building not of masonry construction or any accessory building, and provided that said demolition work shall be done by the owner of record of said building or accessory building, or by his/her family or employees.

C. Upon issuance of a license for demolition work, the applicant shall pay a licensing fee, as designated by resolution of the City Council, to the City Clerk. Said license shall be for a term of one (1) year from the date of issuance.

D. No license shall be issued until the applicant has provided to the Code Enforcement Officer sufficient evidence, as delineated in rules and regulations adopted by the City, of the applicant's qualifications for and experience in the demolition of buildings or in related work or activities. (R.O. 2008 §540.030; Ord. No. 4959 §1, 3-11-91)

SECTION 540.040: PERMIT REQUIRED

A. It shall be unlawful for any person to demolish or cause to be demolished any building or portion of a building in the City without first obtaining a permit therefor from the Code Enforcement Officer; provided however, that this permit requirement shall not apply to the demolition of any accessory building which is not connected to electric, gas, water, sanitary sewer or other utility service lines.

B. Such permit shall be known as a "Permit for Demolition Work" and shall not be assignable or transferable nor shall it be used by any person other than the permittee or his/her employees, contractors, or designated representatives.

C. Permits shall be issued only to those holding a valid, current license for demolition work issued by the City or to those who are exempt from the license requirement pursuant to this Section.

D. A person who has made arrangements for the demolition of a building by burning by the Public Safety Department for training purposes shall not be relieved from complying with the provisions of this Section. (R.O. 2008 §540.040; Ord. No. 4959 §1, 3-11-91)

SECTION 540.050: APPLICATION FOR PERMIT

A. Any person desiring a permit for demolition work shall file with the Code Enforcement Officer an application therefor in writing on a form to be furnished by the City for said purpose. Such application shall specify the following:
    1. The name and address of the applicant;
    2. The name and address of the owner of the building to be demolished;
    3. The exact location of the building to be demolished;
    4. The character and size of the building to be demolished, including its length, width and height;
    5. The principal materials of construction of the building;
    6. The type of equipment to be used for the proposed work, including the use of explosives and the method of demolition;

7. The estimated length of time required to do the proposed work;
8. The necessity for any safety or other precautions to protect adjacent properties, buildings or streets, including warning signs, lights or structures to protect persons or property; and
9. The date and time proposed for the initiation and completion of the demolition work.

B. *Exception.* The Code Enforcement Officer may require in addition to the above information the following:
   1. Proof of permission by the owner to do the proposed work;
   2. A plot plan showing the location of the building on the property, the lot lines of said property, all adjacent buildings, structures and lots, all adjacent streets, and any structures in proximity to the building to be demolished that may be affected by such demolition;
   3. Certification by an engineer certified by the State of Missouri that demolition of the structure will not adversely affect the structural integrity of adjacent structures or facilities. (R.O. 2008 §540.050; Ord. No. 4959 §1, 3-11-91)

SECTION 540.060: INVESTIGATION

Upon the filing of the application, the Code Enforcement Officer shall cause an investigation to be made of the building to be demolished and formulate a recommendation with respect to issuance of the permit. (R.O. 2008 §540.060; Ord. No. 4959 §1, 3-11-91)

SECTION 540.070: DENIAL OF PERMIT

No permit shall be issued to demolish any building or portion thereof which, in the opinion of the Code Enforcement Officer after investigation, is so located and is of such size or constructed of such materials that its demolition will be likely to cause unreasonable damage to public or private property; provided however, that if such conditions or circumstances admit of practicable and effective resolution which will adequately protect the public health and safety, the permit may be issued upon the inclusion of such reasonable terms and conditions on the permit. (R.O. 2008 §540.070; Ord. No. 4959 §1, 3-11-91)

SECTION 540.080: TERMS AND CONDITIONS OF PERMIT

A. The issuance of a permit may be granted subject to such terms and conditions as may be deemed reasonable and proper to the end that such demolition will not be materially detrimental or injurious to the public health, safety or welfare or to public or private property and improvements. Such terms and conditions may include:
   1. Measures to protect private property and persons, public property, streets and improvements which may be affected by such demolition pursuant to Section 540.090 herein;
   2. Measures to assure that any device or equipment such as scaffolds, ladders, derricks, hoists or similar items, or explosives if they are to be used, shall be constructed, operated or used in accordance with City regulations, with adequate

protection, and by adequately trained personnel.

3. Requirement that the permittee post a cash deposit and/or bond with the City of an amount pursuant to Sections 540.110, 540.120 and 540.130 herein;
4. Requirement that the permitted show evidence of liability insurance meeting the conditions set forth in Section 540.130 herein;
5. Requirement that the permittee show approvals and/or releases in writing from any public or private utility that may be affected by such move in accordance with Section 540.140 herein;
6. Such other terms and conditions as may be deemed appropriate by the Code Enforcement Officer.

B. Each such condition must be satisfactorily complied with by the permittee and the method of such compliance must be approved by the Code Enforcement Officer, prior to the initiating (of) the proposed demolition. (R.O. 2008 §540.080; Ord. No. 4959 §1, 3-11-91)

SECTION 540.090: PROTECTIVE MEASURES

The Code Enforcement Officer may require:

1. That warning signs be conspicuously posted on or around the site on which the building is to be demolished;
2. That between sunset and sunrise adequate lights be provided to properly protect persons and property from hazards of pits, excavations, fences, barriers, equipment, building materials, or rubbish in, upon or near a street or adjacent to private property;
3. That public and private property be kept free of rubbish, waste or other loose materials that may result from demolition;
4. That any excavation or opening resulting from such demolition be filled in, securely barricaded or fenced so as not to create a hazardous or dangerous condition and properly and permanently drained so that no water is left standing or likely to stand;
5. That all material to be removed shall be wet sufficiently to lay the dust incidental to its removal;
6. That proof of extermination of any building at least ten (10) days prior to its demolition be provided to the Code Enforcement Officer.
7. That property owners adjoining or in the vicinity of the building to be demolished and who may be affected by such demolition be notified at least twenty-four (24) hours prior to such demolition;
8. That the Public Safety Department be notified at least thirty-six (36) but not more than forty-eight (48) hours prior to the demolition so that adequate safety precautions can be provided and so that traffic control and movement on adjacent streets can be facilitated or temporarily restricted as necessary;
9. That adequate, safe and protected walkways be provided around the building demolition site if sidewalk use by the public will be restricted or dangerous;
10. That in cases of buildings of two (2) stories or more, a shed covering shall be provided adjacent to such building for its full frontage on any street over the area from the building line to the curb line, except where such building is set back at least ten (10) feet from the building line, such shed shall have an inside clearance

of not less than seven (7) feet and shall be properly lighted at night. (R.O. 2008 §540.090; Ord. No. 4959 §1, 3-11-91)

SECTION 540.100: METHODS OF DEMOLITION

A. Except for the cutting of holes in floors for chutes through which to drop materials, preparation of storage space, and other necessary preparatory work, demolition of exterior walls and floor construction shall begin at the top of the building and proceed, exterior walls and floor construction shall begin at the top of the building and proceed downward and each story of exterior wall and floor construction shall be removed or dropped into the storage space before commencing demolition work on the next lower story. This requirement shall not prohibit the demolition of a structure in sections or in total by other methods, if after review by the Code Enforcement Officer it is determined that such other method is safe and that positive means are taken to prevent injury to persons or damage to public or private property.

B. No materials shall be placed upon the floor of any building during demolition, but shall be lowered to the ground or storage space immediately upon displacement. Materials shall not be dropped by gravity to any point lying outside the exterior walls of the building except through enclosed chutes, unless there is sufficient distance to the property line so that no adverse effect on such other property can occur. All floor openings and shafts not used for material chutes shall be floored over or enclosed with guardrails and toe boards. At least one (1) stairway, however, shall be accessible as each floor is demolished. (R.O. 2008 §540.100; Ord. No. 4959 §1, 3-11-91)

SECTION 540.110: BONDING REQUIREMENTS

Prior to the issuance of a permit, the owner of the property and building which is to be demolished shall file with the City Clerk a bond or other form of security or a cash deposit in favor of the City, conditioned as follows:

1. Such bond, other security or cash deposit shall be in principal amount equal to the cost of the work proposed to be done, plus ten percent (10%) thereof, and shall name the City as obligee, and shall be in a form approved by the City Attorney.
2. An extension of time for completion of the work required by this Section may be granted by the Code Enforcement Officer when, in his/her discretion, circumstances shall so justify, but no such extension shall release any bond, security or cash deposit. (R.O. 2008 §540.110; Ord. No. 4959 §1, 3-11-91)

SECTION 540.120: CASH DEPOSIT FOR PUBLIC COSTS

The applicant shall also deposit with the City Clerk a cash deposit to cover the cost to the City, as estimated by the Code Enforcement Officer, of trimming, moving, removing, or replanting or replacement of trees or shrubs, and of moving, removing or displacing any pole or other structure or equipment belonging to the City or the cutting, displacing or changing of the location of any structure or equipment belonging to the City as occasioned by the building demolition. (R.O. 2008 §540.120; Ord. No. 4959 §1, 3-11-91)

SECTION 540.130: INSURANCE REQUIREMENT

A. Every person demolishing a building or portion of a building except a one (1) story building not of masonry construction or an accessory building in the City shall file with the City Clerk one (1) of the following:
   1. A liability insurance policy issued by a solvent corporation holding a Certificate of Authority to do insurance business in Missouri; or
   2. A Certificate of Insurance issued by an insurance corporation; or
   3. Other evidence of liability and property damage insurance.

B. In any case, the insurance required under this Section shall insure the person demolishing the building against loss from the liability imposed by law for injury to, or death of, any person, or damage to any property growing out of the demolition of such building to the amount or limit of five hundred thousand dollars ($500,000.00) exclusive of interest and costs, on account of injury to, or death of, any one (1) person, and of one hundred thousand dollars ($100,000.00) for damage to property of others resulting from demolishing any one (1) building.

C. Such insurance coverage shall indemnify the City and save it harmless against any and all claims, demands or causes of action whatsoever which might arise or accrue against it by reason of the granting of such permit or the exercise of any privilege thereby conferred, and to repay all damages which may be suffered by the City or by any other person by reason of the exercise of the permit, including by way of illustration, but not of limitation to, injury or damage to pavements, curbs, sidewalks, poles, wires or trees. (R.O. 2008 §540.130; Ord. No. 4959 §1, 3-11-91)

SECTION 540.140: UTILITIES APPROVAL REQUIREMENT

A. Prior to the issuance of a permit, the applicant shall obtain written approval from any public or private utility whose property will be moved or distributed during the demolition process to the effect that such demolition should be permitted, what conditions should be attached to such permit to insure that the utility will be protected and that its customers and the public will be safely and adequately served, and what costs will be incurred by the utility in accommodating the proposed demolition.

B. The City shall review and approve said written approvals and the permittee shall be required to furnish the appropriate utilities with a bond, surety or cash deposit equal to the estimated cost that will be incurred by the utilities involved. (R.O. 2008 §540.140; Ord. No. 4959 §1, 3-11-91)

SECTION 540.150: DISCONNECTION OF SERVICES

A. All electric, gas, water, steam, storm and sanitary sewers or other utility service lines shall be shutoff and all such lines shall be either cut, capped and/or disconnected outside the building line or property line, as determined by the Code Enforcement Officer, prior to demolition.

B. If it is necessary to maintain any power, water or other utility lines during demolition, such lines shall be temporarily relocated or protected to the satisfaction of the utility involved and the Code Enforcement Officer, and written approval for same shall be required. (R.O. 2008 §540.160; Ord. No. 4959 §1, 3-11-91)

SECTION 540.160: ISSUANCE -- EXPIRATION -- SUSPENSION OR REVOCATION OF PERMIT

The Code Enforcement Officer shall approve the issuance of a permit when all of the necessary requirements and conditions of this Chapter have been complied with. The work authorized by date of issuance of the permit shall be commenced within one (1) month following the date of issuance of the permit and shall be concluded within one (1) month of the date of issuance of the permit; provided however, that the actual time permitted for demolishing the building shall not exceed three (3) calendar days. If the work is suspended or abandoned after commencement or if the time limits set forth herein are not complied with, the permit shall be deemed to have expired; provided however, that an extension may be granted by the Code Enforcement Officer. The Code Enforcement Officer may, at any time, for good and sufficient cause, suspend or revoke any permit. (R.O. 2008 §540.170; Ord. No. 4959 §1, 3-11-91)

SECTION 540.170: WAIVERS AND APPEALS

The Board of Code Appeals may suspend or waive or modify requirements of this Chapter in order to implement its intent and purpose without undue hardship or unnecessary requirements being imposed on applicants for permits for the demolition of buildings, so long as the public health, safety and welfare is guaranteed. A permittee or other person having an interest in the demolition of a building pursuant to this Chapter may request the suspension waiver or modification of the requirements of this Chapter to, or may appeal any decision of the Code Enforcement Officer to, the Board of Code Appeals pursuant to Title I, Chapter 110, Article III of the Municipal Code. (R.O. 2008 §540.190; Ord. No. 4959 §1, 3-11-91)

CHAPTER 545: STREETS, ALLEYS AND SIDEWALKS

ARTICLE I. GENERAL PROVISIONS

SECTION 545.010: HAULING GARBAGE THROUGH STREETS

No person shall haul any garbage or offensive material through any street of the City where there is an alley parallel with said street and within a block of said street. (R.O. 2008 §545.010; Ord. No. 4959 §1, 3-11-91)

SECTION 545.020: SOLICITATIONS FROM OR DISTRIBUTIONS TO OCCUPANTS WITH MOTOR VEHICLES

It shall be unlawful for any person to engage in any public solicitation or gratuitous distribution from or to the occupants of any motor vehicle that shall be upon the public streets or ways of the City unless the vehicle shall be lawfully parked at the time of the solicitation. As used in this Section, the term public street or streets or ways shall include

streets, roadways, roadway shoulders, medians and any area within the public right-of-way. (R.O. 2008 §545.020; Ord. No. 4959 §1, 3-11-91; Ord. No. 6631 §1, 3-8-04)

SECTION 545.030: BUILDING MATERIALS, ETC. -- IN STREETS OR ALLEYS AT NIGHT TIME -- WARNING LIGHTS -- FLARES

No person shall place or leave any ashes, dirt, fuel, junk, building materials or other materials and/or articles upon or in any public street or alley, and leave the same thereon during the night time, unless such materials or articles be adequately marked and designated by warning lights and/or flares. (R.O. 2008 §545.030; Ord. No. 4959 §1, 3-11-91)

SECTION 545.040: MARKING OF STREETS AND ERECTION OF SIGNS

The City Manager may cause to be marked and designate parking spaces upon the streets and alleys as provided for in this Code.

1. Such space shall be of such length and size as shall be convenient and practical at the discretion of the City Manager. Parking space and/or space wherein parking is restricted or prohibited may be marked and indicated on the streets, curbing or parkway by appropriate signs or markings therefor in such manner as the City Manager may select.
2. "Stop" signs, "No Parking" signs and other appropriate signs may be erected by the City Manager's discretion. All signs, markings and/or signals shall be erected and placed in conformity with the provisions of this Code.
3. Whenever any street, alley or other public place shall be marked or designated for parking purposes, all parking shall be in conformity with such marking and/or signs.
4. It shall not be necessary to the enforcement of this Code that signs, signals or marking be erected, or that parking space be designated. The absence of any warning sign or marking for parking shall be no defense for any prosecution for the violations of this Code.
5. No person shall erect any sign or mark any street or alley for parking purposes or alter or mar any sign or marking erected or made under the provisions of this Code, or require or prohibit, by sign or marking, any parking different from that. Any person may limit or prohibit parking within specified limits upon any street or alley, by securing a permit therefor. Such permits shall be granted by the City Manager upon application. No permits shall be granted except upon proof that the public convenience, safety and welfare shall be promoted thereby. Such permits may be revoked by the City Manager at any time without notice, and shall be valid until so revoked. The City Clerk shall keep a record of all applications and permits. All signs and/or markings shall be erected or made by the permittee at his/her own cost, and under the supervision of the City Manager as to the location, type and character thereof.
6. No person shall remove, destroy, deface, mutilate, or in any manner interfere or tamper with any traffic sign, parking meter, parking sign or any marking placed upon the streets, alleys, curbings or parkways under the provisions of this Code.

(R.O. 2008 §545.040; Ord. No. 4959 §1, 3-11-91)

ARTICLE II. STREET OPENINGS -- DRIVEWAYS

SECTION 545.050: DEFINITIONS

For the purpose of Sections 545.060 through 545.190, the following terms, words and phrases shall have the following meanings:

ALLEY: The entire width of a public way which extends only secondary means of access to abutting property.

CONTRACTOR: An independent contractor employed by a private property owner to construct, reconstruct, alter, remove or replace a driveway approach.

CORNER: The point of intersection of lines of two (2) street curb faces extended into the street intersection.

CURB RETURN: That portion of curb at the beginning of a driveway approach which serves as a transition from the height of the curb to the level of the approach.

DRIVEWAY APPROACH: An area intended for the operation of automobiles and other vehicles giving access between a roadway and abutting property.

GUTTER: That portion of the driving surface of an improved street, driveway approach or other public way which abuts the curb and provides for the runoff of surface drainage.

IMPROVED STREET: A public street having concrete curbs or curb and gutters, or other such equivalent physical features which serve to establish a permanent street grade.

INTERSECTION: The general area where two (2) or more roadways meet, join or cross at a common point establishing an area within which vehicles traveling different roadways may come in conflict.

PARCEL OF LAND: A lot, or lots, or a tract under a single ownership.

PARKWAY: That portion of the street right-of-way of the roadway and the adjacent property line, or lines, on the same side of the street, except any portion used for sidewalks.

PERMITTEE: An owner or contractor holding a permit.

PLOT PLAN: A drawing showing all of the important physical features; both existing and proposed, of a given parcel of land.

PROPERTY LINE: The boundary between two (2) or more parcels of land.

RESIDENTIAL: Pertaining to the use of any area, structure or other facility primarily for dwellings, either single-family or two (2) family.

RIGHT-OF-WAY: A general term denoting public ownership or interest in land, usually in a strip, which has been acquired for or devoted to the use of a street or alley.

RIGHT-OF-WAY LINE OR STREET RIGHT-OF-WAY LINE: The boundary between any public street or alley and one (1) or more parcels of private property.

ROADWAY: That area of a street intended and used for vehicular travel.

SIDEWALK: That paved portion of a parkway intended for the use of pedestrians.

STREET: The entire width of a public right-of-way which extends primary means of access to abutting properties.

UNIMPROVED STREET: A street not having concrete curbs, or curbs and gutters, or other such equivalent physical features which serve to establish a permanent street grade.

VEHICLE: Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks. (R.O. 2008 §545.050; Ord. No. 4959 §1, 3-11-91)

SECTION 545.060: MOTOR VEHICLES ENTERING PRIVATE PROPERTY FROM PUBLIC STREETS

No person shall operate a motor vehicle in such a manner as to enter private property from a public street or leave private property and enter a public street except at clearly defined curb openings and approved driveway approaches. (R.O. 2008 §545.060; Ord. No. 4959 §1, 3-11-91)

SECTION 545.070: UNLAWFUL TO CONSTRUCT DRIVEWAY APPROACH WITHOUT PERMIT

It shall be unlawful for any person to construct, reconstruct, alter, remove or replace any driveway approach, or any curb, guttering or sidewalk in connection with any such driveway approach work, without first applying for and receiving a permit for such work. (R.O. 2008 §545.070; Ord. No. 4959 §1, 3-11-91)

SECTION 545.080: APPLICATION FOR PERMIT TO CONSTRUCT DRIVEWAY APPROACH

Applications for permit to construct, reconstruct, alter, remove or replace any driveway approach, or any curb, guttering or sidewalk in connection with such driveway approach work, shall be made to the Code Enforcement Officer. Applications shall contain such information as the Code Enforcement Officer shall deem necessary or desirable in order to determine whether or not application is for work acceptable and in conformity with the provisions of Sections 545.060 through 545.190 of this Chapter. An application for work other than residential shall include a complete plot plan, which shall show the specific application of all standards and regulations of Section 545.120. No application shall be accepted unless it be made by the owner of the property to be served by the driveway approach, or the owner's contractor. (R.O. 2008 §545.080; Ord. No. 4959 §1, 3-11-91)

SECTION 545.090: EXISTING DRIVEWAYS

The distances, widths or measurements set forth as a requirement in this Article governing the location and width of driveway approaches shall not apply to work performed under a permit involving the replacement or repair of an existing driveway approach, provided such repair or replacement shall not increase the degree of non-conformance of the location and width of the driveway approach, and, provided further, that when such repair or replacement of a driveway approach is being performed in connection with new construction of a building on the parcel of land served by said connection with new construction of a building on the parcel of land served by said driveway approach, then all distances, widths or measurements set forth in this Article for driveway approaches shall apply to such repair or replacement. (R.O. 2008 §545.090;

Ord. No. 4959 §1, 3-11-91)

SECTION 545.100: GENERAL REQUIREMENTS AND REGULATIONS GOVERNING ALL DRIVEWAY APPROACH WORK

The following provisions, requirements and regulations shall apply to all driveway approach construction, reconstruction, alteration, removal or replacement:

1. There shall be no continuous or unbroken opening from the street along the entire length of the abutting parcel of property.
2. No new curb shall be built or any existing curb removed for any purpose except in conformity with the requirements of Sections 545.060 through 545.180 of this Chapter.
3. There shall be no curb opening on the curb return at any street intersection.
4. Reserved.
5. A minimum of twelve (12) inch, fourteen (14) gauge corrugated metal pipe, concrete pipe, reinforced concrete pipe, or similar materials approved by the Maryville Street Superintendent shall be used for storm drains underneath driveway approaches. The design of all such drainage structures shall be subject to the approval of the City.
6. All materials used in the construction, reconstruction, alteration, removal or replacement of driveway approaches to improved streets shall conform to concrete paving specifications on file in the office of the Code Enforcement Officer.
7. During the construction, reconstruction, alteration, removal or replacement of driveway approaches, warning lights and barriers and other necessary similar devices shall be maintained by the permittee sufficient to reasonably protect the traveling public from harm.
8. No concrete shall be placed until the necessary form work and excavations have been inspected by the Code Enforcement Officer or his/her authorized representatives. It shall be the duty of the permittee to arrange for such inspections prior to the placing of concrete.
9. No driveway approach shall be permitted which will interfere with any existing parking meters, signs, traffic control devices, plantings, cables, poles, guys, water mains, gas mains or other public utilities. It shall be the responsibility of the applicant to inform the Code Enforcement Officer, or such person unauthorized by the Code Enforcement Officer to issue permits required by this Chapter, that the proposed construction will interfere with one (1) or more of the facilities indicated above. The City may, where it deems appropriate, allow the property owner to relocate any interfering utilities, signs, and other obstacles within the control of the City at the property owner's expense. All modifications and relocations must meet existing City specifications.
10. It shall be the duty of the permittee, after all work has been completed, to remove all rubbish, waste and excess materials and to restore immediately the street right-of-way area to a neat, clean and safe condition.
11. All distances, widths or measurements set forth or required in this Article governing the location and width of driveway approaches shall be computed by measuring along the abutting street right-of-way line unless otherwise specifically

provided.

12. A permittee shall, prior thereto, notify the Code Enforcement Officer of the date work is to commence. If work is not commenced within thirty (30) days from the date of permit issuance, the permit shall become void. All work shall be completed within sixty (60) days from the day it begins.
13. *Type of surfacing.* Driveway approaches from improved streets shall be paved with six inches (6) of plain concrete. When such an approach crosses an existing sidewalk, the area of the sidewalk within the driveway approach, and for a distance of eighteen inches (18) to either side of the driveway approach, shall be paved with six inches (6) of plain concrete. Where existing curb removal is necessary, the curb and a portion of the roadway to extend to two (2) feet from behind the curb shall be removed and replaced with materials equal to or greater than the existing roadway.
14. *Grade.* The grade of driveway approaches from the gutter line of improved streets shall rise on a constant grade to the nearer edge of an existing sidewalk. If there is no sidewalk existing, driveway approaches shall rise from the edge of the roadway to the elevation of the center grade of the street or from the gutter line of an improved street to the elevation of the top of the curb. (R.O. 2008 §545.100; Ord. No. 4959 §1, 3-11-91; Ord. No. 7053 §1, 9-22-08)

SECTION 545.110: SPECIFIC STANDARDS FOR RESIDENTIAL DRIVEWAY APPROACH WORK

In addition to the requirements of Section 545.100 of this Chapter, and except as otherwise provided by Section 545.090, the construction, reconstruction, alteration, removal or replacement of all residential driveway approaches shall conform to the following regulations.

1. A minimum of twenty (20) feet shall exist between the interior lines of any two (2) driveway approaches serving the same parcel of property.
2. Residential driveway approach grades shall conform with the provisions of Subsection (14) of Section 545.100.
3. Driveway approaches on corner lots shall be no closer than twenty (20) feet from the nearest right-of-way line of an intersecting street.
4. Residential driveway approaches shall not exceed a maximum width of thirty (30) feet, measured at the property line. The maximum width of a curb opening for a residential driveway shall not exceed forty (40) feet.
5. A five (5) foot radius curb return shall be provided for all driveway approaches to permanent streets. A smaller radius return may be authorized by the Code Enforcement Officer for driveways wider than twenty (20) feet. In no instance shall the curb return radii extend beyond the sidewalk line on the roadway side.
6. Due to the lack of a defined radius return on driveway approaches to an unimproved street, the minimum width of such driveway approaches at the grader ditch line shall be twenty-four (24) feet and the minimum length of drainage tube shall be the same.
7. Residential driveway approaches giving access from an improved street shall be surfaced as provided in Subsection (13) of Section 545.100. (R.O. 2008 §545.110; Ord. No. 4959 §1, 3-11-91)

SECTION 545.120: SPECIFIC STANDARDS FOR DRIVEWAY APPROACH WORK OTHER THAN RESIDENTIAL

In addition to the requirements of Section 545.100 of this Chapter, the construction, reconstruction, alteration, removal or replacement of all driveway approaches other than residential shall conform to the following regulations:

1. *Driveway approach location.* All driveway approaches shall be located to provide the following minimum clearances:

Nearest edge of driveway approach to nearest edge of another driveway approach serving the same parcel of land	20 feet
Nearest edge of driveway approach to property line	5 feet
On corner lots, nearest edge of driveway approach to nearest right-of-way line of an intersecting street	20 feet

2. Radius of returns (radius at back of curb in feet). The maximum radius return radius shall be twenty (20) feet. (R.O. 2008 §545.120; Ord. No. 4959 §1, 3-11-91)

SECTION 545.130: RESPONSIBILITY OF CODE ENFORCEMENT OFFICER FOR DRIVEWAY APPROACH WORK

The Code Enforcement Officer shall be responsible for providing all inspections required to determine that driveway approaches are constructed, reconstructed, altered, removed or replaced in accordance with the provisions of Sections 545.050 through 545.130 of this Chapter, and he/she is hereby granted authority to make and adopt such rules and regulations and such standard plans and specifications as he/she deems necessary to implement and carry out the true meaning and purpose of Sections 545.050 through 545.180 or the applicable regulations or standard plans and specifications adopted by the Code Enforcement Officer under the provisions of this Section. Any person served with a stop work order who shall fail to stop work or who shall continue such work shall be guilty of a ordinance violation. Whenever the Code Enforcement Officer or his/her authorized agent shall issue a stop work order he/she shall, as soon as reasonably possible, advise the permittee of his/her reasons for doing so. (R.O. 2008 §545.130; Ord. No. 4959 §1, 3-11-91)

SECTION 545.140: REMOVAL AND CORRECTION ORDERS

A. Whenever the Code Enforcement Officer shall find that any driveway approach or related work has been hereafter constructed, reconstructed, altered, removed or replaced in violation of the requirements of Sections 545.060 through Section 545.160 of this Chapter, or the applicable regulations or standard plans and specifications adopted under the provisions of Section 545.130, he/she shall by written order, direct the owner of the premises to correct the violation thereon, setting forth in said order the nature of the violation within the time provided in the order.

B. Whenever the Code Enforcement Officer shall find that a driveway approach heretofore in existence is contrary to the standards for driveway approaches set forth, in that such

driveway approach presents a clear and present danger to persons traveling upon the abutting roadway, he/she shall by written order direct the owner of the property upon which such driveway approach is located to remove the approach and restore the curb or alter the approach if it might thereby be rendered safe. The order shall set forth the reasons for its issuance and shall clearly advise the owner as to the nature of the work he/she should perform, giving a reasonable time for the completion thereof. It shall be unlawful for the owner to fail to comply with such order within the time specified herein.

C. Any order required or given under the provisions of this Section or Section 545.150 may be served on the owner of record by personally delivering a copy thereof to such owner or by mailing a copy thereof by registered mail to the owner's last known address; and if there should be more than one (1) owner, then by such service upon any one of them. In the event the owner is unknown, or his/her whereabouts unknown, the Code Enforcement Officer shall post the order on the premises where the violation occurs or where the approach is to be removed or altered. (R.O. 2008 §545.140; Ord. No. 4959 §1, 3-11-91)

SECTION 545.150: REMOVAL OF ABANDONED DRIVEWAY APPROACHES

Whenever a driveway approach has been abandoned, either by closing the entrance to the property served or by changing the use of the property served so that the driveway approach is no longer necessary or usable, it shall be the duty of the owner of the property served by said approach to remove the driveway approach, restore sidewalk, curb, gutter and parkway to the line and grade of the adjoining sidewalk, curb, gutter and parkway within twenty (20) days after receiving a notice ordering such removal from the Code Enforcement Officer. (R.O. 2008 §545.160; Ord. No. 4959 §1, 3-11-91)

SECTION 545.160: CURB BRIDGING RAMPS UNLAWFUL

It shall be unlawful for any person to erect or permit the erection of any wooden or metal ramp from the gutter line to the top of the curb of any public street, and it shall be unlawful to place dirt, ashes, drain pipes, asphalt, concrete or other materials in the gutter of a public street in order to make an approach to a driveway, parking lot or entrance way to a building upon private property, except that nothing contained in this Section shall be taken to prohibit temporary driveway approaches or curb bridging ramps necessary or reasonable to construction projects, household moving activities or other related activities, if done in such a manner as to protect public improvements and rights-of-way. (R.O. 2008 §545.170; Ord. No. 4959 §1, 3-11-91)

SECTION 545.170: PENALTIES FOR VIOLATION OF SECTIONS 545.060 THROUGH 545.150

Any permittee or other person who shall construct, reconstruct, alter, remove or replace any driveway approach or related work except in conformity with Sections 545.060 through 545.150 of this Chapter; or who shall otherwise violate or refuse to obey any of the rules, regulations or standard plans and specifications adopted by the Code Enforcement Officer pursuant to Section 545.130 of this Chapter; or who shall refuse to obey any lawful order given by the Code Enforcement Officer, shall be guilty of a ordinance violation. (R.O. 2008 §545.180; Ord. No. 4959 §1, 3-11-91)

SECTION 545.180: CHANGING, IMPROVING PARKWAYS -- RESTRICTION
No change or improvement shall be made on parkways without first obtaining a permit and the application shall be of the type referred to in Section 545.080. No trees, shrubbery or other vegetation shall be planted on the parkway without first obtaining a permit. No drainage tube shall be placed on the parkway except as permitted above. (R.O. 2008 §545.190; Ord. No. 4959 §1, 3-11-91)

SECTION 545.190: STANDARDS FOR ISSUANCE OF PERMITS FOR PLANTINGS ON PARKWAYS
The Code Enforcement Officer shall issue a permit for the planting of trees, shrubbery and other vegetation on parkways where the same will not, in the opinion of the Code Enforcement Officer, interfere with the visibility of motor vehicles or be otherwise undesirable. Nothing herein contained shall prevent the planting of blue grass or other type grass on the parkways. (R.O. 2008 §545.200; Ord. No. 4959 §1, 3-11-91)

ARTICLE III. SIDEWALKS

SECTION 545.200: CERTAIN ANIMALS AND VEHICLES -- PROHIBITED
No person shall ride, drive, lead or place any beast of burden or vehicle on any sidewalk or footway otherwise than going into or out of premises over properly constructed places of ingress and egress. (R.O. 2008 §545.220; Ord. No. 4959 §1, 3-11-91)

SECTION 545.210: REMOVAL OF SNOW AND ICE

A. It shall be unlawful for any person being the owner, tenant or in charge, dominion or control of a lot of land or other tenement abutting on any street, avenue or alley with a sidewalk in or along such street, avenue or alley adjacent to such property, to suffer or permit snow or ice to be or remain upon such sidewalk so abutting or adjacent to such property for a period in excess of twelve (12) hours, and it shall be the duty of such owner, tenant, or person in charge, dominion or control of any such property to remove, or cause to be removed, snow and ice from all such sidewalks so abutting or adjacent to property so owned or occupied by such person within said time so that such sidewalk shall be within such time placed in reasonably safe and proper condition for public travel thereof by the usual and ordinary mode. Each and every person violating the provisions of this Subsection shall be adjudged guilty of a ordinance violation and, on conviction, punished by a fine of not less than one dollar ($1.00) nor more than ten dollars ($10.00) for each offense, and each and every day such sidewalk shall be obstructed by snow or ice shall be and constitute a separate offense, punishable by a separate penalty.
B. Snow and/or ice upon sidewalks in the City, left to be or remain thereon so as to impede or interfere with public travel on such sidewalk or foot walk, is hereby declared to be a public nuisance and shall be abated as such. It shall be the duty of the owner, tenant or person occupying the premises adjacent or abutting upon each such sidewalk, or person in charge or control of any such premises, at his/her own expense, to remove from any

such sidewalk all the snow and ice or other like obstructions so that such sidewalk will be placed in proper and safe condition for public travel within twelve (12) hours after the same shall become obstructed or traffic thereon impeded by snow, ice or like obstructions; and if such owner, tenant or person in possession, charge or control of any such property so abutting or adjacent to any sidewalk obstructed by snow or ice shall fail or neglect to so remove such snow, or cause the same to be removed, within such time, then it shall be the duty of the City Manager, or other proper officer at his/her direction to cause such snow and ice to be immediately removed from such sidewalk or foot walk, and for that purpose may hire the same to be done, keeping accurate account thereof, and the costs and expenses reasonably incurred in so removing such snow, ice or obstruction from such sidewalk or foot walk shall be paid by such owner, tenant or person in possession, charge or control of such property; that is to say, if said property is in charge of a tenant, or a person having the physical dominion thereof in the manner of a tenant, then such person shall pay such costs and charges, but if said property is vacant or unoccupied, or no one in the City is in the actual physical dominion thereof, then all such costs and charges for removing snow and ice shall be charged to and paid by the owner of such property.

C. It shall be the duty of any officer of the City who shall cause any snow or ice to be removed from any sidewalk, under any of the provisions of this Section, to report the reasonable and actual cost thereof to the City Council, and the City shall cause such person that may be employed to remove such snow or ice to be paid a reasonable charge therefor, and the owner or the person liable to pay the same shall be notified of such charge, if in the City, in person, by notice to be delivered to such person or left with some member of his/her family over the age of fifteen (15) years, at his/her usual place of abode. If a non-resident of the City, such notice may be given by mail, properly addressed, postage prepaid, to the last known post office address of such person. If the person or persons liable to pay the same shall not pay the City such costs and charges within ten (10) days after delivering or posting such notice, then all such costs and charges shall be and are hereby made liens and charges upon and against the property and real estate so adjacent to or abutting on such sidewalk or foot walk, which lien and charge shall continue until the same shall be paid and shall be enforced by civil action.

D. Any prosecution to recover penalty under any of the preceding Subsections (A-C) for failure to remove snow or ice from any sidewalk shall not be construed to in any manner relieve any person liable, under any of such preceding Subsections (A-C), from paying the reasonable costs and charges of removing such snow and ice, if the same shall be removed by the City or any of its officers; and the fact that the City or any of its officers or agents shall cause snow or ice to be removed from any sidewalk or foot walk abutting on or adjacent to any property or tenement, and if any person shall be prosecuted and a penalty recovered against him, such prosecution and penalty shall not in any manner relieve any such person from the civil liability created by such preceding Subsections (A-C) to pay the reasonable costs and charges of removing any such snow or ice, if removed by the City, its officers, agents or employees, or if such officer, agent or employee shall cause the same to be so removed at the expense of the City.

E. It shall be unlawful for any person to remove snow or ice from private property onto public property unless specific permission so to do has been granted by the appropriate authorities of the City. Each and every person violating the provisions of this Subsection

shall be adjudged guilty of an ordinance violation and, upon conviction, shall be punished by a fine of not less than five dollars ($5.00) nor more than one hundred dollars ($100.00) for each offense. (R.O. 2008 §545.230; Ord. No. 4959 §1, 3-11-91)

SECTION 545.220: BUILDING EAVE PIPES

No person owning or occupying any building in the City shall cause the pipes conducting the water from the eaves of the building to be so constructed or altered as to spread the water over the sidewalk. (R.O. 2008 §545.240; Ord. No. 4959 §1, 3-11-91)

SECTION 545.230: SIDEWALK REPAIR

A. The City shall have and is hereby given and granted the right, power and authority to immediately repair and cause to be repaired any sidewalk in the City that is in an unsafe or dangerous condition for public travel thereon by the usual and ordinary mode, it being understood by this Section that such repairs shall not go to the extent of rebuilding and reconstructing such sidewalk, which shall be done when required under other City ordinances, but extends to the making of such repairs immediately upon the discovery of an unsafe condition existing upon any sidewalk to the extent and in the manner necessary or required to make such sidewalk reasonably safe for public travel by the usual and ordinary mode.
B. The City Manager shall, when any sidewalk becomes dangerous or unsafe for public travel by the ordinary mode, cause the same to be immediately repaired so as to make the same reasonably safe for public travel by ordinary mode, and for that purpose is given power and authority to purchase material, employ men, and to cause to be had, done and performed such work and such construction as may be reasonably necessary and proper to so restore such sidewalk to a condition reasonably safe for public travel by the usual and ordinary mode, keeping an itemized account of all work, labor or material or other things necessary therefor, and to report the same to the City Council.
C. The Council shall examine such report and if the same is found to be correct and reasonable and that said work was reasonably necessary to be had, done or performed, shall cause the same to be paid by the City out of the General Fund, and when any such bill shall be paid, there shall be assessed and levied upon and against the abutting property a tax bill duly issued and signed by the City Clerk against said property and requiring the owner thereof to pay to the City the cost of such necessary repairs, if so found by the City Council; the City Clerk shall keep a record of such tax bills in the same way and manner as other tax bills for improvements issued by the City; the same shall be due and payable when issued and the amount thereof shall bear interest at the rate of six percent (6%) per annum from and after thirty (30) days after the date of issuance until paid, and if the same be not paid in thirty (30) days, suit may be brought thereon to collect the same in any court of competent jurisdiction, and said tax bill shall be and is hereby made a lien and charge upon the lot, tract or parcel of land abutting on said improvement and liable therefor, and said lien may be enforced by judgment and execution, and said property sold for the payment thereof in the same manner and to the same extent as said property would be liable for the original construction of a new sidewalk as provided by law.
D. When any repairs shall be made upon any sidewalk in the City, under the provisions of

this Section, the owner of such property if known and residing in the City, or the person occupying such property if occupied at the time, shall be entitled to notice of such repair and the amount thereof, together with the time when the same will be acted upon by the Council, and said special assessment and tax bill ordered and directed by the Council, and shall be permitted to be heard on the subject at the time and place designated in such notice, which notice shall be given at least five (5) days prior to the time of making such special assessment. (R.O. 2008 §545.250; Ord. No. 4959 §1, 3-11-91)

SECTION 545.240: SIDEWALK CONSTRUCTION

A. It shall be unlawful for any person to build, rebuild, repair or replace or cause to be built, rebuilt, repaired or replaced any sidewalk in the City of any other material or in any other manner than as provided in the specifications for sidewalks as hereinafter provided.

B. Specifications for cement sidewalks within the City shall be as follows:

1. *Sub-grade.* After the grade stakes have been set indicating the grade for the finished surface of the walk, the earth shall be excavated for the depth of four inches (4) for a four (4) foot walk and six (6) inches for a twelve (12) foot walk, after tamping, below the proposed finished surface of the walk, and if any rubbish, manure or other suitable material shall be found, the same shall be removed and replaced with firm solid earth or suitable material firmly tamped as aforesaid. If at any point a fill shall be necessary to bring the surface of said street at said point up to the sub-grades, such fill shall be made for a distance of two (2) feet outside the outside line of the top of said walk and one (1) foot outside of the inside of said walk, or side next to property line. Said dirt shall be put on in layers of not to exceed six inches (6) in thickness, and each layer shall be firmly tamped or rolled to the satisfaction of the Code Enforcement Officer.
2. *Forms.* Upon the foundation thus prepared, shall be set forms of two by four (2 x 4) or two by six (2 x 6) timbers, or equivalent metal forms, whichever may be required by the finished height of the walk, and the same shall be set parallel to each other and at such distance apart as the stated width of the said walk in the permit issued therefor, and the tops of said forms shall be even with the grade line, which is to be the top of the finished walk. And said forms shall be securely held in place by stakes driven back of them or such other device as may hold them firmly in place and prevent spreading.
3. *Concrete.* This concrete shall be made of one (1) part of best portland cement of any brand which will comply with the standard specifications of the American Society for Testing Materials, and shall be fresh and free from lumps and dirt, to which shall be added two (2) parts of clean sharp coarse sand free from dirt or quicksand and three and one-half (3½) parts of crushed rock or coarse gravel which will pass through a one (1) inch diamond screen. Or, clean sand and gravel known as fifty-fifty (50-50) mixed ingredients, free from all clay, silt or other foreign matter, which when used shall be proportioned as one (1) part best portland cement and four (4) parts sand and gravel and the measurements shall be by volume and materials shall be thoroughly mixed dry before water is added. The ingredients shall be turned at least two (2) times dry and twice wet and then water shall be added in sufficient quantity to make good and sufficient concrete. Ready-mixed concrete of equivalent grade may be used in lieu of the ingredients

described in this Subsection. The concrete bed thus prepared shall be struck off to an even surface at the grade of the finished sidewalk.

4. *Finishing.* The sidewalks shall be laid off in lengths not to exceed four (4) feet in a four (4) foot walk or eight (8) feet in any other walk, and the said sections shall be cut through the entire depth of the concrete. The groover shall be drawn across the surface of the concrete at the points indicated, in such a manner as to open the joint through to the space made in the concrete bed. All cuts and outside edges to be well grooved by the use of proper groovers. The sidewalk, as fast as completed, shall be covered with canvas, boards or other suitable covering when necessary so to do to protect same from heat or cold, and if it is drying weather, the walk shall be wet thoroughly at least twice a day for two (2) days after its completion, the surface of such sidewalk to be finished by floating with a wooden float until smooth and uniform.

C. It shall be unlawful for any person to build, rebuild, repair or replace or cause to be built, rebuilt, repaired or replaced any sidewalk within the City without first having obtained a written permit from the Code Enforcement Officer. Fee for such permit shall be in the sum of ten dollars ($10.00) which shall be paid to the Clerk of the Public Works Department by such applicant at the time of the issuance and delivery of said permit, which fee shall be turned over to the City Treasurer and become a part of the General Fund. Upon the issuance of said permit, the Clerk will direct the Code Enforcement Officer to establish the grade for said sidewalk and the lines for same, and it shall be unlawful to construct in the City any sidewalk upon any other grade or location as to lines.

D. Any person violating any of the provisions of this Section shall, upon conviction, be punished by a fine of not less than five dollars ($5.00) nor more than one hundred dollars ($100.00) for each offense. (R.O. 2008 §545.260; Ord. No. 4959 §1, 3-11-91; Ord. No. 5186 §1, 2-14-94)

ARTICLE IV. SPECIAL EVENTS -- PERMITS

SECTION 545.250: SPECIAL EVENTS PERMITTED UPON PUBLIC STREETS -- WHEN

Upon compliance with the provisions of this Article, special neighborhood events, including games, parades, street dances, block parties, sledding, skateboarding, and garage sales, but not including the racing of motorized vehicles, may be held upon any public streets in the City in an area zoned "Residential" and not designated as an emergency snow route. (R.O. 2008 §545.270; Ord. No. 4959 §1, 3-11-91)

SECTION 545.260: PERMIT REQUIRED

No person shall engage in any of the activities designated in Section 545.250 upon any public street in the City unless a special events permit has been obtained from the City Manager as herein set forth. (R.O. 2008 §545.280; Ord. No. 4959 §1, 3-11-91)

SECTION 545.270: APPLICATION

A person seeking issuance of a special events permit shall file an application in the office of the City Clerk on forms provided by such officer.

1. *Filing period.* An application for a special events permit shall be filed not less than five (5) working days nor more than thirty (30) calendar days before the date on which it is proposed to conduct the special event; and
2. *Contents.* The application shall contain the following information:
   a. The signature of at least one (1) adult member of every household abutting the street upon which the special event is to be held;
   b. The name, address and telephone number of the person responsible for the event, who shall be an adult residing in a household abutting said street;
   c. The date(s) when the special event is to be conducted, and the hours when it will start and terminate;
   d. A designation of the street upon which the special event is to be held;
   e. The nature of the proposed special event.
3. *Late applications.* The City Manager may, in his/her discretion consider an application filed less than five (5) working days before the special event. (R.O. 2008 §545.290; Ord. No. 4959 §1, 3-11-91)

SECTION 545.280: STANDARDS FOR ISSUANCE

The City Manager shall issue a special events permit when, from a consideration of the application and from such other information as may otherwise be obtained, he/she finds that:

1. The proposed event and its location are permitted by this Article;
2. The application complies in all respects with this Article;
3. The special event will not last more than eighteen (18) hours, and will not be held after 12:00 Midnight and before 6:00 A.M. in any day;
4. The concentration of persons and vehicles will not unduly interfere with proper fire and police protection of, or ambulance service to, the area;
5. The conduct of the special event is not likely to cause injury to persons or property, to provoke disorderly conduct, or to create a disturbance;
6. The special event is not held for the sole purpose of advertising any product, goods, or event, and is not designated to be held for profit except such profit as may result from casual sales of household items at a garage sale. (R.O. 2008 §545.300; Ord. No. 4959 §1, 3-11-91)

SECTION 545.290: NOTICE OF REJECTION

The City Manager shall act upon the application for a special events permit within three (3) working days after the filing thereof. If the City Manager disapproves the application he/she shall mail to the person designated in the application as being responsible for the special event within three (3) working days after the filing thereof, a notice of his/her action, stating the reasons for his/her denial of the application. (R.O. 2008 §545.310; Ord. No. 4959 §1, 3-11-91)

SECTION 545.300: APPEAL PROCEDURE
Any person aggrieved shall have the right to appeal the denial of a special events permit to the City Council. The appeal shall be taken within ten (10) working days after notice of denial. (R.O. 2008 §545.320; Ord. No. 4959 §1, 3-11-91)

SECTION 545.310: NOTICE OF ISSUANCE
Immediately upon the issuance of a special events permit, the City Manager shall send a copy thereof to the Director of Public Safety of the City. (R.O. 2008 §545.330; Ord. No. 4959 §1, 3-11-91)

SECTION 545.320: CONTENTS OF PERMIT
Each special events permit shall state the following information:

1. The nature and location of the special event.
2. The date(s) upon which the special event is to be held and the hours when it will start and terminate.
3. Such other information as the City Manager shall find necessary to the enforcement of this Article. (R.O. 2008 §545.340; Ord. No. 4959 §1, 3-11-91)

SECTION 545.330: DUTIES OF RESPONSIBLE PERSON
This person designated in the application as being responsible for the special event shall:

1. During the time the event is conducted, place barricades and signs stating "Closed to Through Traffic" at each end of the street, clearly visible by day and with illuminating flares from one-half (½) hour after sunset.
2. Carry the special events permit upon his/her person during the conduct of the special event.
3. Return the street and parkway to substantially the same condition they were in immediately before the special event. (R.O. 2008 §545.350; Ord. No. 4959 §1, 3-11-91)

SECTION 545.340: PUBLIC CONDUCT DURING SPECIAL EVENTS

A. *Interference.* No person shall unreasonably hamper, obstruct, impede, or interfere with any person participating in a special event.
B. *Through Traffic Prohibited.* During the conduct of a special event, no person shall drive any motorized vehicle on the street where the event is being held except while participating in said event or traveling to or from his/her residence located on said street.
C. *Parking On Street.* The City Manager shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street where a special event is being held. The City Manager shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicles in violation thereof. No person shall be liable for parking on a street unposted in violation of this Article. (R.O. 2008 §545.360; Ord. No. 4959 §1, 3-11-91)

SECTION 545.350: REVOCATION OF PERMIT
The City Manager shall have the authority to revoke a special events permit issued hereunder upon application of the standards for issuance as herein set forth. (R.O. 2008 §545.370; Ord. No. 4959 §1, 3-11-91)

SECTION 545.360: VIOLATIONS
Any person violating any provision of this Article is guilty of an ordinance violation. Each occurrence of the violation is a separate offense. (R.O. 2008 §545.380; Ord. No. 4959 §1, 3-11-91)

SECTION 545.370: COMPLIANCE WITH THIS ARTICLE -- EFFECT OF
Holding of or participation in a special event in compliance with this Article shall not constitute a violation of any other provision of the Maryville Municipal Code. (R.O. 2008 §545.390; Ord. No. 4959 §1, 3-11-91)

ARTICLE V. ABANDONMENT OF CITY STREETS, ALLEYS, EASEMENTS AND RIGHTS-OF-WAY

SECTION 545.380: ELIGIBILITY FOR FILING REQUESTS FOR ABANDONMENT OF CITY STREETS, ALLEYS, EASEMENTS OR RIGHTS-OF-WAY
To be eligible to file a request for the abandonment of any City street, alley, easement or right-of-way, the applicant must own real estate adjoining a portion of the street, alley, easement or right-of-way proposed to be abandoned. Such ownership shall be determined on the basis of recorded deeds filed in the Recorder's office, Nodaway County, Missouri. (R.O. 2008 §545.400; Ord. No. 6582 §§1--2, 8-18-03)

SECTION 545.390: REQUESTS FOR ABANDONMENT TO BE MADE IN WRITING
All requests for the abandonment of any City street, alley, easement or right-of-way shall be made to the office of the Public Works Director upon forms developed by the City for such purposes. As a minimum, such forms shall require the following information of the applicant(s):

1. The names, addresses and telephone numbers of all persons requesting such abandonment.
2. A complete legal description of the property to be abandoned.
3. The names of the owners of all properties which adjoin the area of the proposed abandonment.
4. A plat of the property to be abandoned, bearing the seal of a surveyor, architect or engineer license of the State of Missouri.
5. The reasons for requesting the abandonment.

6. A statement in which the applicant certifies that all information contained in the application is true and accurate. (R.O. 2008 §545.410; Ord. No. 6582 §§1--2, 8-18-03)

SECTION 545.400: REVIEW BY THE DIRECTOR OF PUBLIC WORKS
The Director of Public Works or his/her designee shall receive all written requests for abandonment and shall review each such request to verify that all required information is complete. Incomplete requests shall be returned to the applicant with a written explanation of all reasons for rejection. All complete requests shall be forwarded to the City Council within sixty (60) days of receipt of the completed request and shall be accompanied by the recommendation of the Director of Public Works, the original application and any submitted documentation. (R.O. 2008 §545.420; Ord. No. 6582 §§1--2, 8-18-03)

SECTION 545.410: RECOMMENDATION OF THE CITY COUNCIL
After reviewing the request for abandonment made pursuant to this Article, the Director of Public Works or his/her designee shall make one (1) of the following recommendations in writing to the City Council concerning the abandonment of the street, alley, easement or right-of-way, which recommendation shall be accompanied with any explanatory information the Director deems appropriate:

1. Approve the abandonment requested.
2. Deny the abandonment requested.
3. Approve the abandonment with specific enumerated changes to the abandonment application. (R.O. 2008 §545.430; Ord. No. 6582 §§1--2, 8-18-03)

SECTION 545.420: CITY COUNCIL REVIEW
The City Council shall have the sole power to vacate any street, alley, easement or right-of-way. The procedure for such review shall be as follows:

1. *City Clerk duties.* Upon receipt of the documentation associated with the application for abandonment, the City Clerk shall schedule a public hearing before the City Council on the issue. Said public hearing shall be in compliance with all applicable Statutes and ordinances. In addition, notice of the public hearing shall be given to all owners of real property which adjoins the area sought to be abandoned. Said notice may be given by mail mailed to the last known address of the owner as reflected by the records of the Nodaway County Recorder's office and shall be mailed at least ten (10) days prior to the hearing.
2. *Public hearing and decision.* Within sixty (60) days of the receipt of the recommendation of the Director by the City Clerk and in compliance with all applicable Statutes and ordinances, the City Council shall hold a public hearing on the abandonment application. The City Council shall have the right to deny the abandonment or approve the abandonment with specific enumerated changes.
3. *Surplus property declaration.* Prior to any action to abandon, the City Council shall first declare the subject property to be surplus to the City's needs, finding that the property has no present or future value to the City of Maryville and can be

abandoned without detrimental effects to the City.

4. *Abandonment ordinance.* In the event the City Council desires to approve abandonment of any property, said abandonment may be effected only through enactment of an ordinance approved by the City Council. Said ordinance shall then be recorded by the City Clerk in the Recorder's office, Nodaway County, Missouri. (R.O. 2008 §545.440; Ord. No. 6582 §§1--2, 8-18-03)

SECTION 545.430: PROHIBITED ABANDONMENTS

Abandonment of any street, alley, easement or right-of-way shall be prohibited in the following instances:

1. Where such abandonment shall result in the denial of access to private or public property.
2. Where abandonment will result in the transfer of property to a member of the City Council, a member's relatives or any business in which a Council member has an ownership interest of greater than ten percent (10%). (R.O. 2008 §545.450; Ord. No. 6582 §§1--2, 8-18-03)

SECTION 545.440: TRANSFER OF OWNERSHIP

In the event of abandonment the property ownership shall be transferred in compliance with all applicable Statutes including Section 88.637, RSMo., whereby the same shall revert to the owners of the adjacent lots in proportion it was taken from them. (R.O. 2008 §545.460; Ord. No. 6582 §§1--2, 8-18-03)

CHAPTER 550: EXCAVATIONS

SECTION 550.010: PERMIT REQUIRED -- APPLICATION AND FEE

A. No person shall make, or cause to be made, any cuts or excavations in, through or under any street, alley, sidewalk, parkway, boulevard or public place in the City, for any purpose whatsoever, without a permit therefor being first obtained from the City Clerk, as the case may be, which permit shall not be issued until the application has complied with Section 550.020. A separate permit shall be obtained for each cut or excavation to be made. Said cut or excavation shall be begun within ten (10) days from the date of the issuance of the permit therefor, and in the event of default thereof, a new permit or extension of the original permit shall be required before the cut or excavation is made.

B. The sum of twenty-five dollars ($25.00) shall be charged for each and every permit issued. All applications for such permits shall be signed by the person, or his/her duly authorized agent, who desires to do the work designated in said application. Said application shall not be assignable, and no person shall allow his/her name to be used to obtain a permit for any other person. The application for said permit shall designate on the map or diagram to be filed in connection with the application, the location of the proposed cut or excavation to be made in such a manner that the house number or lot number in front of which and the side of the street, alley, sidewalk, parkway, boulevard,

or public place on which the same is to be made shall be plainly indicated. The map or diagram shall also show the dimensions and character of the proposed cut or excavation. The application for said permit shall set forth the type of surface through which the cut or excavation is to be made and the number of square feet of street, alley or sidewalk which must be resurfaced as a result of said excavation or cut. (R.O. 2008 §550.010; Ord. No. 4959 §1, 3-11-91)

SECTION 550.020: DEPOSIT

Before any permit under this Chapter shall be issued for making any cut or excavation in, through or under any street, alley, sidewalk, parkway or public place in the City, the applicant for such permit shall have deposited with the City Clerk a sum of lawful money of the United States to cover the cost of refiling, repaving and resurfacing such cuts and excavations, as based on the estimate in said application for a permit, and the charges for refilling, resurfacing and repaving any street, alley or sidewalk as set forth in Section 550.050. (R.O. 2008 §550.030; Ord. No. 4959 §1, 3-11-91)

SECTION 550.030: CUTTING PAVEMENT AND EXCAVATING

A. The person making a cut or excavation as herein provided shall make it in the manner designated on the permit obtained for that purpose.
B. The person making a cut or excavation shall cause the same to be done with the least possible injury to the street, alley, sidewalk, parkway, boulevard or public place, and shall remove the paving material and excavated earth therefor in such a manner as to cause the least possible inconvenience to the public and to permit uninterrupted passage of water along the gutters. The width of the cut or excavation shall be no greater than is necessary for doing the work. (R.O. 2008 §550.040; Ord. No. 4959 §1, 3-11-91)

SECTION 550.040: REFILLING OF EXCAVATIONS

A. The person making a cut or excavation in, through or under any parkway shall refill the same as soon as practicable after the excavation is ready for refilling. It shall be by one (1) of the following methods:
    1. Refilling with clean unfrozen earth free from trash, rubbish or rocks over three inches (3) in maximum dimension, in layers not exceeding six inches (6) in height, and compacting each layer thoroughly; or
    2. Refilling with sand to a point eight (8) inches below the surface with clean unfrozen earth for the top eight (8) inches, said earth refilled to be thoroughly compacted.
B. The person making such refill shall be required to clean up and haul away all surplus earth, rock or rubbish immediately after said refill has been completed, and in the event of default thereof the City shall have the right to remove such earth, rock or rubbish and charge the cost of such removal to the person who received the permit. Such person shall not be issued another permit until said charge has been paid.
C. In the event of settlement due to defective refill, the City shall have the right to make whatever repairs are required to restore the excavation to a proper condition and to charge the cost thereof to the person to whom the permit was issued, and such person shall not

be issued another permit until said cost has been paid.

D. In the event said excavation is not refilled within a reasonable time after it is ready for refilling, the City Clerk shall notify the person making the excavation that if the same is not filled within four (4) days, it will be filled by the City and charge for the cost of the same shall be paid by the permit holder within ten (10) days after completion and no additional permit shall be issued to that person after that time unless that charge has been paid. (R.O. 2008 §550.050; Ord. No. 4959 §1, 3-11-91)

SECTION 550.050: REPAVING, RESURFACING -- CHARGES

A. The repaving and resurfacing of said cuts or excavations made in the City streets and alleys shall be the responsibility of the permit holder.

B. Street cuts shall be made in such a manner to minimize damage to the street and other immediate areas. The person making the excavation shall refill the trench as soon as possible with materials accepted by the City. Surfaces of street cuts shall be replaced as soon as possible to meet City specifications. The permittee shall be responsible for removing any residual materials and clean site. If surface repair is performed by City personnel, the costs of such work as outlined in the Uniform Administrative Code, will be assessed to the permit holder. (R.O. 2008 §550.060; Ord. No. 4959 §1, 3-11-91)

SECTION 550.060: PROTECTIVE MEASURES

A. Every person who shall for any purpose make, or cause to be made, any cut or excavation in, upon, through, under or adjoining any street, alley, sidewalk, parkway, boulevard or other public place, and shall leave any part or portion thereof open, or shall leave any part or portion thereof obstructed with rubbish, building or other material during the time said work is being done, he/she shall cause the same to be enclosed with good, substantial, and sufficient barriers not less than three (3) feet high, and at nighttime he/she shall cause one (1) red light or flare to be securely and conspicuously posted in or near such cut or excavation, building material or obstruction, provided such obstruction does not extend more than eight (8) feet in length; and if over eight (8) feet and less than sixteen (16) feet in length, two (2) red lights or flares, one (1) at each end, shall be so placed; and if exceeding sixteen (16) feet in length, an intermediate red light or flare shall be placed between the two (2) end lights, and an additional intermediate red light or flare shall be placed for each eight (8) feet of additional length of the cut or excavation, building material or obstruction; and when the cut, excavation, building material or obstruction is made or placed in the direction of travel, a red light shall be placed at each end of the same, when as much as twenty (20) feet and less than fifty (50) feet in length, and when exceeding fifty (50) feet in length, one (1) intermediate light shall be placed for each additional fifty (50) feet, or fraction thereof, and shall keep such lights burning from sunset to sunrise.

B. The making of said cut or excavation, the placing or repairing of facilities therein, and the refilling parkway way of a cut or excavation shall be done as expeditiously as possible, consistent with good construction practice, and if same is not done, in the opinion of the Code Enforcement Officer, said Code Enforcement Officer shall have the right to perform, or cause to be performed, the remaining work and charge the cost thereof against the deposit of the person to whom the permit was issued.

C. Whenever a person shall excavate the full width of any street, sidewalk, alley, parkway, boulevard or public place, it shall be his/her duty to maintain a substantial walkway or driveway across said excavation until it is refilled. (R.O. 2008 §550.070; Ord. No. 4959 §1, 3-11-91)

SECTION 550.070: SIDEWALK EXCAVATIONS BY PROPERTY OWNERS
Whenever any property owner or any person representing him/her shall have stated in his/her application for a permit to excavate through or under said sidewalk, that he/she desires to repair said sidewalk, himself or by his/her representative, and that he/she will guard said excavation or defective sidewalk until such repairs are made, by barricades and lights as provided in this Chapter, and that such sidewalk shall be repaired immediately after the excavation through or under said sidewalk has been completed, then such property owner or his/her representative shall have the right to repair said sidewalk, provided such repair is made under the supervision and inspection of the Code Enforcement Officer. (R.O. 2008 §550.080; Ord. No. 4959 §1, 3-11-91)

SECTION 550.080: RULES AND REGULATIONS
The City may prescribe such rules and regulations to be followed and performed by any person engaged in excavating streets, alleys, sidewalks, boulevards, parkways and public places, as may be necessary for the safety and convenience of the public and the proper handling and dispatch of the work; provided however, that no rules or regulations shall be contrary to the provisions of this Chapter. (R.O. 2008 §550.090; Ord. No. 4959 §1, 3-11-91)

CHAPTER 555: SIGNS AND ADVERTISING

SECTION 555.010: PURPOSE

A. The purpose of this Chapter is to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the design, quality of materials, construction, locations, electrification and maintenance of all signs and sign structures not located within a building.
B. No sign shall be erected in such a manner to confuse or obstruct the view or interpretation of any official traffic sign, signal or devise.
C. The regulations of this Chapter are not intended to permit any violations of other provisions of this code or of any other lawful ordinance.
D. This Chapter shall not affect any existing signs as of date of passage (November 14, 1994), except that where this Chapter calls for sign removal, that paragraph shall be enforced from day of passage (November 14, 1994). (R.O. 2008 §555.010; Ord. No. 5252 §1, 11-14-94)

SECTION 555.020: AUTHORITY

A. The Code Enforcement Officer is hereby authorized and directed to enforce all the provisions of this Chapter.
B. Upon presentation of proper credentials, the Code Enforcement Officer or his/her duly authorized representative may enter at reasonable times, any building, structure or premises in the City to perform any duty imposed upon him/her by this Chapter. If the owner or occupant shall refuse to allow entry to the Code Enforcement Officer or his/her assistants, such Officer may apply to a court of competent jurisdiction for a search warrant or other legal process for the purpose of securing entry.
C. All appeals related to interpretation of Chapter 555: Signs and Advertising, shall be referred to the Board of Zoning Adjustment of the City of Maryville, Missouri.
D. It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign or structure in the City or cause or permit the same to be done contrary to or in violation of any of the provisions of this Chapter. (R.O. 2008 §555.020; Ord. No. 5252 §1, 11-14-94)

SECTION 555.030: DEFINITIONS

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

ANIMATED SIGN: A sign employing actual motion or the illusion of motion including flashing on/off. Animated signs, which are differentiated from changeable copy signs as defined and regulated by this Chapter, include the following types:

Electrically activated. Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one (1) or both of the classifications noted below: (This shall include electricity in any form including battery, solar power or other means of creating or producing an electrical charge.)

1. *Flashing.* Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this Section, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds four (4) seconds.
2. *Patterned illusionary movement.* Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of motion.

Mechanically activated. Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

AWNING: An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structure that are internally illuminated by fluorescent or other light sources.

AWNING SIGN: A sign displayed on or attached flat against the surface or surfaces of an awning.

CHANGEABLE COPY SIGN: A sign that is designed so that characters, letters or

illustrations can be charged or rearranged without altering the face or surface of the sign.
CODE ENFORCEMENT OFFICER: The officer or other person charged with the administration and enforcement of this Chapter or his/her duly authorized deputy.
COPY: Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, but shall not include numerals, letters or symbols which are solely used to identify a street address.
COURTHOUSE SQUARE DISTRICT: The geographic area within the rectangle, the outer boundaries of which are defined by the centerline of Sixth Street on the north; the centerline of Vine Street on the east; the centerline of Jenkins Street on the south; and the centerline of Fillmore Street or the extension of the centerline of Fillmore Street on the west, which area includes the Courthouse Square.
CURB LINE: The line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be established by a City representative.
DISPLAY SURFACE: The area made available by the sign structure for the purpose of displaying the advertising message.
DIRECTIONAL SIGN: A sign that is designed and erected for the sole purpose of providing direction and/or orientation for pedestrian or vehicular traffic to a hospital or a government office or government-owned facility.
DIRECTORY SIGN: A sign on which the multiple names and locations of occupants or the use of a building is given.
DOOR SIGN: A sign painted or permanently affixed to the window surface.
ELECTRIC SIGN: Any sign containing electrical wiring, but not including signs illuminated by an exterior light source.
FLASHING SIGN: See *"ANIMATED SIGN, ELECTRICALLY ACTIVATED"*.
FREESTANDING SIGN: A sign principally supported by a structure affixed to the ground and not supported by a building, including signs supported by one (1) or more columns, poles or braces placed in or upon the ground. This shall include but is not limited to pole signs, ground signs and monument signs which must also meet all additional requirements or limitations within the definition of the specific sign type.
GROUND SIGN: A sign placed at or near ground level not exceeding eight (8) feet in height and which is supported by one (1) or more upright poles or braces in or upon the ground.
ILLUMINATED SIGN: A assign characterized by the use of artificial light, either projecting through its surface(s) (i.e., internally illuminated) or reflecting at its surface(s) from an external source (i.e., externally illuminated).
INTERIOR SIGN: Any sign placed within a building, but not including "window signs" as defined by this Chapter.
LEGAL SETBACK LINE: A line established by this code beyond which no building may be built. A legal setback line may be a property line.
MAJOR SHOPPING CENTER: A tract of ground not less than five (5) acres in size, developed as a unified retail shopping center consisting of one (1) or more retail stores or shops.
MARQUEE SIGN: A sign attached or hung from a marquee.
MULTI-TENANT BUILDING: A non-residential building that contains more than one (1) occupancy and does not have separate and distinct entrances to each occupancy from the street.

NATIONAL ELECTRICAL CODE: The edition currently adopted by the City of Maryville, Missouri, as published by the National Fire Protection Association.
OFF-PREMISE SIGN: A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages which does not pertain to the business, the services and/or products at the property on which it is displayed.
ON-PREMISE SIGN: A sign erected, maintained or used in the outdoor environment for the purpose

of the display of messages pertaining to the business, the services and/or products at the property on which it is displayed.
POLE SIGN: A sign structure in the ground with at least eight (8) feet of clearance from ground to the lowest point of the sign.
POLITICAL SIGNS: Any sign of any kind promoting, supporting or opposing any candidate, office, issue or proposition to be voted upon at any public election.
PROJECTING SIGN: A sign other than a wall sign that is attached to or projects more than six (6) inches from a building face or wall and has the sign face at an angle to the face of the building.
PROJECTION: The distance by which a sign extends beyond the building line.
SIGN: Any medium, including its structure and component parts, which is used or intended to be used to attract attention to the subject matter for advertising purposes, which shall include paint on the surface of the building when used for the purposes of advertising. This shall include, but is not limited to, awning signs, electric signs, ground signs, monument signs, pole signs, projecting signs, temporary signs and wall signs. Wording or design directly upon the surface of a building or structure by paint, not for commercial advertising purposes, but rather done for philanthropic, aesthetic or educational reasons, including murals, shall not be considered a sign.
SIGN AREA: The area of the smallest rectangle which completely encloses the display surface of the sign.
SNIPE SIGN: Any temporary off-premises sign located or situated on public or private property.
STRUCTURE: That which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.
TEMPORARY SIGN: Any sign which has no structural support, footing, foundation, pier, pole, grade beam or any other accepted method of frost heave prevention extending below the frost line. It shall include any sign which is not designated or manufactured to be permanently anchored or affixed to the ground, building or structure, but rather is designed or primarily used as a sign which is moveable from place to place. This shall include, but is not limited to, signs affixed to a trailer or other portable structure and "A" frame or sandwich signs, yellow-flashing signs and banners.
WALL OR FASCIA SIGN: Any sign attached to or erected against the wall of a building or structure.
WINDOW SIGN: A sign painted or permanently affixed to the surface of a window.
(R.O. 2008 §555.030; Ord. No. 5252 §1, 11-14-94; Ord. No. 6806 §§1--2, 1-23-06; Ord. No. 6852 §§1--2, 8-7-06; Ord. No. 7197 §1, 3-22-10)

SECTION 555.040: LICENSING
Any person or persons erecting outdoor signs shall possess a valid General Contractor's license, except that a non-structural wall sign may be erected by the property owner, tenant or lessee. (R.O. 2008 §555.050; Ord. No. 5252 §1, 11-14-94)

SECTION 555.050: PERMITS AND FEES -- SIGN PERMITS REQUIRED

No sign shall hereafter be erected, re-erected, constructed, altered or maintained, except as provided by this Chapter and with a permit for the same, issued by the Code Enforcement Officer. A separate permit shall be required for a sign for each business entity, and/or a separate permit for each group of signs on a single supporting structure. In addition, electrical permits shall be obtained for electric signs. (R.O. 2008 §555.060; Ord. No. 5252 §1, 11-14-94)

SECTION 555.060: APPLICATION FOR SIGN PERMIT

Application for a sign permit shall be made in writing upon forms furnished by the Code Enforcement Officer. Such application shall contain the location by street and number of the proposed sign structure, as well as the name and address of the owner and the sign contractor or erector. The Code Enforcement Officer may require the filing of plans or other pertinent information where, in his/her opinion, such information is necessary to insure compliance with this Chapter. (R.O. 2008 §555.070; Ord. No. 5252 §1, 11-14-94)

SECTION 555.070: SIGNS NOT REQUIRING PERMITS

Repainting or cleaning of an advertising structure or the changing of the advertising copy or message thereon, unless a structural change is made, shall not require a sign permit, nor shall the following signs require a sign permit. These exceptions shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of the Chapter or any other law or ordinance regulating the same. The following shall not require a sign permit.

1. Any sign placed or painted on the inside of a building or outside of any vehicle.
2. Nameplates or professional signs attached directly to the wall of a building or other structure.
3. Municipal signs, legal notices, trespassing signs or signs to aid safety.
4. Information or directional signs containing no advertising copy.
5. Real estate signs advertising the sale, rental or lease of the premises.
6. Tablets constructed of bronze, brass, stone or other non-combustible materials, when built or attached to the walls of a building provided that such tablet bears only the name of the owner, the name or use of the building or reading matter commemorating a person or event.
7. Signs announcing the name of the architect, engineer or contractors of a building under construction, alteration or repair and signs announcing the character of the building enterprise or the purpose for which the building is intended.
8. Signs to advertise public or civic welfare or charitable enterprises placed on posts or buildings.
9. All political signs except that all political signs shall comply with the provisions of Section 555.150. (R.O. 2008 §555.080; Ord. No. 5252 §1, 11-14-94)

SECTION 555.080: GARAGE SALE SIGNS

Signs for public or private temporary sales located in residential districts (e.g., garage, yard or porch sales) shall be subject to the following provisions:

1. A maximum of five (5) signs may be used for notifying the public of temporary

garage sales and yard sales.

2. Each sign shall be no more than four (4) square feet (24" x 24") and each sign shall contain the following information:
   a. General statement of a "garage sale" or "yard sale";
   b. Location of the garage or yard sale;
   c. Dates and times which garage/yard sale shall be occurring.
3. Sign height is limited to three (3) feet from the ground to the highest point of the sign. Signs cannot be affixed to stop signs, street signs, utility poles, speed limit signs or any other object permanently existing in the City right-of-way (R-O-W).
4. Signs must be placed in the ground utilizing a pole, stake, rod, etc.
5. Signs may be placed in the City of Maryville street R-O-W provided they are not obstructing the view of traffic from any direction and must be at least one (1) foot from the curbing of the road.
6. Garage sales, yard sales and the like shall be limited to operating hours of 6:00 A.M.--7:00 P.M. on any given day.
7. All signs from said garage/yard sale sign(s) shall be installed no more than twenty-four (24) hours prior to start of sale and shall be removed from the locations within twenty-four (24) hours from the time of the end of the sale.
8. All signs must be non-illuminated.
9. No person shall post a sign in violation of this Section. Each violation of Subsections (1) through (8) of this Section shall be subject to a fine of twenty-five dollars ($25.00) for each day said violation occurs. (R.O. 2008 §555.085; Ord. No. 6938, 9-12-07)

SECTION 555.090: FEES

The fees for signs and other display structures for which permits are required under Section 555.050 shall be at the following rate:

1. Outdoor advertising other than a painted sign.

a. Sign permit	$ 1.00 per sq. ft.
Minimum	10.00
b. Temporary sign	5.00

2. Signs which are painted directly to the surface of a building or structure.
   a. Permit $ 5.00

(R.O. 2008 §555.090; Ord. No. 5252 §1, 11-14-94; Ord. No. 6618 §1, 2-9-04)

SECTION 555.100: OUTDOOR ADVERTISERS

Every person advertising by means of outdoor advertising regulated by this Chapter shall file with the Public Works Department a complete report of the location and size of all existing signs owned or placed by them. (R.O. 2008 §555.100; Ord. No. 5252 §1, 11-14-94)

SECTION 555.110: MAINTENANCE

A. The owner of any property on which any sign is placed and the person maintaining the sign shall be equally responsible, individually and jointly, for the condition of the area in the vicinity of the sign and shall be required to keep it clean, sanitary and free from noxious or offensive substances.

B. If any sign herein regulated is or becomes insecure or in danger of falling, or otherwise unsafe, the City representative shall notify the person or persons maintaining the same to make such sign safe and secure, or to remove same. In the event that the sign is not made secure or removed within ten (10) days, the City may recover the cost of removal of such sign from the owner of the property on which the sign is located. (R.O. 2008 §555.110; Ord. No. 5252 §1, 11-14-94)

SECTION 555.120: SIGNS WITHIN SPECIFIC ZONES

Types of signs permitted within the City are limited to those listed below, according to the land use zone in which they are located and are subject to classification based on definitions contained herein and in the City's Building Code.

1. Signs permitted in "R-1" and "R-2" Zones shall be limited to the following:
   a. One (1) name plate sign mounted on the building not more than one (1) square foot in area.
   b. One (1) non-illuminated "For Sale" or "For Rent" sign per lot and not more than four (4) square feet in area.
   c. One (1) sign per church not more than forty (40) square feet in area on church premises indicating activities and services therein provided.
   d. One (1) non-illuminated sign per building not more than sixteen (16) square feet in area showing the names of architects, engineers, builders, tenants or agents on the premises of a building being constructed, provided, that such sign shall be removed upon completion of the building.
   e. Ground signs displaying information pertinent to an undeveloped subdivision, provided that no such sign be located closer than two hundred (200) feet to an occupied dwelling, shall be located entirely on private property and shall be removed upon completion of the subdivision. No sign shall have an area greater than fifty (50) square feet.
2. Signs permitted in "R-3" and "R-4" Zones shall be limited to the following.

a. For each apartment development there shall be permitted one (1) ground sign not to exceed fifty (50) square feet in area, located entirely on private property.
b. In addition, not more than two (2) non-illuminated ground signs advertising the rental or lease of the premises, each not exceeding four (4) square feet in area.
c. One (1) non-illuminating sign per building not more than sixteen (16) square feet showing the names of architects, engineers, builders, tenants or agents on the premises of a building being constructed provided such sign shall be removed upon completion of the building.

3. Within the Courthouse Square District, the provisions of this Subsection shall prevail over and supersede any sign regulation otherwise applicable to that area pursuant to zoning designation. Sign regulations in the Courthouse Square District shall be as follows:
   a. *Permitted signs.* Within the Courthouse Square District, each commercial building shall be allowed a total of two (2) signs per exposed facade, each of which shall be designed in a manner that is suitable and complimentary to adjacent buildings and businesses. Only the following sign types are permitted in the Courthouse Square District:
      (1) A wall sign in compliance with the following provisions:
         (a) The display surface shall not exceed fifteen percent (15%) of the square footage of the building facade area up to a maximum of sixty (60) square feet of display surface;
         (b) The top of the sign can be placed either up to eighteen (18) feet above the front sidewalk or to the top of the second (2nd) floor window sill, parapet or eave, whichever is higher;
         (c) The sign shall not project more than twelve (12) inches from the building;
         (d) The sign may be painted directly only upon a side or rear facade.
      (2) A projecting sign in compliance with the following provisions:
         (a) The sign area shall not exceed ten (10) square feet in area;
         (b) The sign may be lit only by directed external illumination;
         (c) The sign shall have a minimum eight (8) foot vertical clearance from the lowest point of the sign to the sidewalk elevation;
         (d) Clearance between the building face and the projecting sign must be between two (2) inches and twelve (12) inches;
         (e) The top of the sign can be placed either up to eighteen (18) feet above the front sidewalk or to the top of the second (2nd) floor window sill, parapet or eave, whichever is higher.
      (3) A freestanding sign in compliance with the following provisions:
         (a) The building's front facade must be set back at least thirty (30) feet from the front property line;
         (b) The sign area shall not exceed forty (40) square feet;
         (c) The height of the signboard, post or any supporting elements shall not exceed eighteen (18) feet.
      (4) An awning sign (or matched set of awning signs) in compliance with the following provisions and any other awning regulations applicable by the

City of Maryville:

(a) An awning with signage shall be located only on the ground floor;

(b) The signage may appear on either valance or awning, but not both;

(c) The lettering and graphics shall not exceed twelve (12) inches in height.

b. *Additional permitted signs.* In addition to signage permitted by Subsection (3)(a), the following additional signs are permitted:

(1) *Retail businesses.* Retail businesses shall be permitted one (1) portable, two-sided sandwich sign in compliance with the following provisions:

(a) A single side of the sign must not be greater than eight (8) square feet in area and the sign may be of a maximum total height of five (5) feet;

(b) The sign must not use electricity in any form;

(c) The sign may only be displayed during the business hours of the retail business;

(d) The sign shall not impede pedestrian or vehicular traffic.

(2) *Multi-tenant buildings.* Multi-tenant buildings are allowed one (1) directory sign per entrance, either wall-mounted or projecting, in accordance with the following provisions:

(a) Small signs for each tenant with an optional header, grouped together with the total sign area not to exceed sixty percent (60%) of the product of the number of businesses and the ten (10) square foot individual limit (e.g., 3 businesses = 3 x 10 = 30 x .60 = 18 square feet);

(b) The signs must share a unifying format, style or color;

(c) The signs must be located within four (4) feet of the entrance.

(3) *Painted window or door signs.* Signs in accordance with the following provisions:

(a) Each sign's total area shall not exceed twenty-five percent (25%) of the window or door area;

(b) The sign shall be silk-screened, vinyl, etched or hand-painted;

(c) Total window signage may not exceed one-third (1/3) of the area of the window.

(4) *Temporary signs.* Temporary signs shall be permitted in accordance with the following provisions:

(a) Each business shall be permitted to display one (1) temporary sign for a period of time not to exceed thirty (30) days;

(b) Permits shall not be required for real estate signs, development and construction signs, political signs, municipal signs, legal notices, trespassing signs, signs to aid safety, fliers posted by an individual (e.g., garage sale signs) and civic and charitable event signs. Otherwise, all temporary signs require a permit of five dollars ($5.00) pursuant to the provisions of this Code;

(c) All permitted temporary signs must have the date of removal printed clearly on the lower right-hand corner as viewed from the front;

(d) No temporary sign shall exceed twenty-four (24) square feet in area nor shall it be permanently fastened to pylons, piers, footings or other

means of permanent installation;

(e) No more than six (6) temporary sign permits per year will be issued for any individual business;

(f) Temporary signs shall meet all other requirements of this Chapter;

(g) Snipe signs posted by individuals, in compliance with this Section, must be removed within ten (10) days of posting.

c. *Prohibited signs.* The following signs are prohibited and may not be placed, erected, installed or maintained in the Courthouse Square District:

(1) Off-premise signs, except for directional or snipe signs or signs as otherwise approved by this Chapter;

(2) Snipe signs (e.g., garage sale signs) which are attached to a public streetscape fixture, utility pole, light pole or other similar structure;

(3) Animated, changing, flashing or exterior neon signs;

(4) Signs located on rooftops, dormers or balconies;

(5) Permanently-placed sidewalk signs.

4. Signs in Zoning District "C-O" through "M-2", other than within General Business District "I" and General Business District "II", shall be limited to the following:

a. *Pole signs.* Pole signs shall not exceed a maximum height of twenty-five (25) feet.

b. *Ground signs.* Ground signs providing traffic or parking directions or other instructions shall not exceed ten (10) square feet.

c. *Advertising signs (including pole signs and ground signs):*

(1) For property having one hundred (100) feet of street frontage and ten thousand (10,000) square feet of total lot area, advertising signs shall not exceed seventy-five (75) square feet plus an additional one-half (½) square foot of signage for every foot of street frontage over one hundred (100) feet up to a maximum area of one hundred (100) square feet.

(2) For shopping centers over five (5) acres, a sign having area not to exceed one hundred (100) square feet.

(3) Undeveloped tracts over ten thousand (10,000) square feet. One (1) sign having an area not to exceed one hundred (100) square feet.

(4) All signs must be located according to the applicable setback requirements of the Zoning Code of the City of Maryville, Missouri. However, notwithstanding any setback requirements that may exist elsewhere in the Code, signs in Zoning District "M-1" and "M-2" shall be setback not less than fifteen (15) feet from the property line.

d. *Wall signs.* Wall signs including signs painted directly to the surface of a building or structure shall be permitted on the wall or fascia, including mansard, of each side of a building not to exceed fifteen percent (15%) of the area of each wall and may project above the top of the wall or fascia a distance not to exceed twenty-five percent (25%) of the vertical dimension of the sign or three (3) feet.

5. The following sign(s) are prohibited and may not be placed, erected, installed or maintained within the City: Snipe signs (e.g., event announcement, for sale, or garage sale signs) which are attached to a public streetscape fixture, utility pole, light pole or other similar structure, except those installed and removed in

conformance with Section 555.080 of this Code as it applies to garage, yard or porch sales. (R.O. 2008 §555.120; Ord. No. 5252 §1, 11-14-94; Ord. No. 5552 §1, 7-14-97; Ord. No. 6805 §§1--2, 1-23-06; Ord. No. 6852 §§1--2, 8-7-06; Ord. No. 6938, 9-12-07; Ord. No. 7196 §1, 3-22-10)

SECTION 555.125: SHOPPING CENTER INFORMATIONAL SIGNS

A. As used in this Section, the term *"shopping center"* is defined as either:
   1. A cluster or grouping of not less than five (5) stores, shops or other premises located in a "C-1", "C-2" or "C-3" zone, generally open to the public for the purpose of promoting business, mercantile or commercial interest by sales, the premises of which include or are surrounded by private walkways or a private parking lot; or
   2. A tract of ground not less than five (5) acres in size developed as a unified retail shopping area consisting of one (1) or more retail stores or shops.

B. A shopping center shall be allowed an informational sign as defined in this Section for the sole purpose of informing the public of the name of each business or establishment doing business in or located at the shopping center. However, no other pole signs or advertising signs are allowed. The shopping center may have directional signs and such awning, directory, projecting, temporary, sandwich, wall or window signs as authorized by this Code.

C. Said informational sign shall be a freestanding sign for the center as a whole and shall meet the following requirements:
   1. Only one (1) informational sign shall be allowed per shopping center unless the street frontage of the shopping center exceeds five hundred (500) continuous feet on one (1) street. If the street frontage of the shopping center exceeds this distance, then one (1) additional sign is permitted. No shopping center shall be allowed more than two (2) informational signs per street frontage.
   2. The informational sign shall be a freestanding sign as defined by this Code and must be separate from any building or other facility located in the shopping center. The sign shall be constructed and installed with materials and architectural design characteristics consistent with the design of the shopping center.
   3. Each informational sign shall be allowed a maximum of two (2) parallel surface faces. The surface face for each side of the sign shall not exceed one hundred (100) square feet.
   4. The informational sign shall not exceed twenty-five (25) feet in height as measured from the ground level to the top of the sign or support structure, whichever is higher.
   5. Notwithstanding any other Code requirements, the information sign shall be placed at least fifteen (15) feet from the property line or adjoining right-of-way and may be constructed with the sign face commencing at ground level. However, in the event the informational sign is allowed to be placed less than fifteen (15) feet from the property line or right-of-way, whether by a variance or other Code authorization, in that instance the sign shall be constructed with a minimum of eight (8) feet clearance between the bottom of the sign face and the ground level. (R.O. 2008 §555.125; Ord. No. 6801 §1, 1-9-06)

SECTION 555.130: ELECTRICAL SIGNS

Where electrical signs are permitted, they shall be operated only at such times and in such manner so as no direct glare from any light source on such sign constitutes a nuisance to any owner or occupier of adjacent or neighboring property or to any other person. (R.O. 2008 §555.130; Ord. No. 5252 §1, 11-14-94)

SECTION 555.140: TEMPORARY SIGNS

The following shall apply to all temporary signs as defined in Section 555.030:

1. For each business or property there shall be permitted to display one (1) temporary sign for a period of time not to exceed thirty (30) days. No sign shall be erected unless a permit therefore has been issued.
2. No temporary sign shall exceed forty (40) square feet in area or six (6) feet in height nor shall any such sign be fastened to pylons, piers, footings or other means of permanent installation.
3. No temporary sign may remain in place for more than thirty (30) days.
4. Temporary signs to advertise charitable enterprises may remain in place for a period not to exceed seven (7) days with no charge made for permit application.
5. No more than four (4) temporary sign permits per year will be issued for any individual business or merchant.
6. Temporary signs shall meet all other requirements of this Chapter. (R.O. 2008 §555.140; Ord. No. 5252 §1, 11-14-94)

SECTION 555.150: POLITICAL SIGNS

A. *Political Signs On Public Property Or Right-Of-Way.* No political sign shall be placed in or on any public property or within the public right-of-way in any manner.
B. *Political Signs In Residential Area.* Political signs located in any area zoned for and predominately developed for residential use shall not exceed two (2) feet by two (2) feet on each side. No such sign within such area shall be placed or erected more than thirty (30) days prior to the election to which such sign pertains and such sign shall be removed within seven (7) days after such election.
C. *Political Signs In Other Areas.* Political signs located in any area zoned for use other than residential or in any area not then predominately developed for residential use may be any size but no such sign may be placed or erected more than thirty (30) days prior to the election to which such sign pertains and such sign shall be removed within seven (7) days after such election.
D. The owner or occupier of the property upon which any political sign is erected, placed or located shall be responsible for the removal of such sign within the time required by this Section.
E. The candidate on whose behalf any political sign is displayed, the chairman or any political committee for any such candidate or the chairman of any committee supporting or opposing any issue or proposition in any election concerning which a political sign is displayed shall be deemed prima facie responsible for the placement, erection and removal of any such sign as required by this Section. (R.O. 2008 §555.150; Ord. No. 5252 §1, 11-14-94; Ord. No. 7039 §1, 8-11-08)

SECTION 555.160: EXCEPTION

The provisions of this Section shall not apply to notices posted by order of any court or to notices to the public required by law to be posted in public places. (R.O. 2008 §555.160; Ord. No. 5252 §1, 11-14-94)

SECTION 555.170: RELOCATION OF SIGNS

Any sign that is moved to another location on the same or other premises shall be considered a new sign and a permit shall be secured for any work performed in connection therewith when required by this Chapter. (R.O. 2008 §555.170; Ord. No. 5252 §1, 11-14-94)

SECTION 555.175: ABANDONED SIGN REMOVAL, WHEN DEEMED NUISANCE

A. Any abandoned sign, sign copy, all posts, pillars, pylons, guy wires and other structures of an abandoned sign shall be entirely removed by the owner of the real estate or at such owner's direction within sixty (60) days of the date upon which the use of the real estate which was advertised by the abandoned sign is terminated.
B. Within sixty (60) days of the mailing of written notification from the City to the owner of the real estate regarding the requirement of removal, any sign, sign copy, all posts, pillars, pylons, guy wires and other structures of an abandoned sign described in Subsection (A) hereof shall be removed by said owner.
C. No such sign shall be allowed to remain in place after the date of the adoption of this Section. There will be no grandfathering of any sign type allowed.
D. Any abandoned sign copy, all posts, pillars, pylons, guy wires and other structures of an abandoned sign in violation of Subsection (A) or (B) hereof are hereby declared to be a common nuisance and such common nuisance may be abated in the manner as nuisances are now or may hereafter be abated under the Abatement Provisions of Chapter 215 of this Code.
E. Violation of this Section may also be punished pursuant to Section 555.200 or its successor. (Ord. No. 7196 §2, 3-22-10)

SECTION 555.180: BY-PASS SIGNS

In all zones where permitted and adjacent to Highway 71 By-pass external freestanding business signs as regulated in each zone and each district, may be installed to a maximum height of sixty-five feet (65) and a maximum surface area of two hundred twenty-five (225) feet if the location is within one thousand two hundred (1,200) feet of the edge of the by-pass roadway and if the plans and descriptions are prepared by a registered engineer or architect and approved by the Code Enforcement Officer prior to the sign construction. (R.O. 2008 §555.180; Ord. No. 5252 §1, 11-14-94)

SECTION 555.190: NON-CONFORMING SIGNS -- AMORTIZATION

A. All signs which have been lawfully erected shall be deemed to be legal and lawful signs and may be maintained subject to the provisions of this Section.

B. Non-conforming signs which become deteriorated or dilapidated to the extent of over sixty percent (60%) of the physical value they would have if they had been maintained in good repair must be removed within sixty (60) days. Non-conforming signs which are damaged to the extent of sixty percent (60%) or less of their physical value must be repaired within sixty (60) days from date of notification or removed. Non-conforming signs which are damaged, other than by vandalism, to the extent of over sixty percent (60%) of their physical value must be removed within sixty (60) days of receiving such damage or brought into compliance with the provisions of this Chapter. Non-conforming signs which are damaged by vandalism to the extent of over sixty percent (60%) of their physical value must be restored within sixty (60) days, removed or brought into compliance with the provisions of this Chapter.
C. Non-conforming signs may not be enlarged or increased in height.
D. Non-conforming signs which are enlarged or increased in height in violation of this Section must be removed.
E. A non-conforming sign may not be relocated except when such relocation brings the sign into compliance with this Chapter. Non-conforming signs which are relocated in violation of this Section must be removed.
F. Freestanding signs including temporary signs, lawfully in existence on November 13, 1994, including freestanding signs existing pursuant to variances granted by the Board of Zoning Adjustment, which do not conform with the provisions of this Chapter shall be removed, altered or replaced so as to conform with the provisions of this Chapter no later than January 1, 1996. This Subsection does not apply to bill boards which were lawfully erected.
G. The sign face of a non-conforming sign may be altered if the sign face is not thereby enlarged beyond the maximum area allowed by this Chapter.
H. On-premise wall, canopy and awning signs lawfully in existence on December 20, 1993, including such signs existing pursuant to variances granted by the Board of Zoning Adjustment, which do not conform with the provisions of this Chapter shall be removed, altered or replaced so as to conform with the provisions of this Chapter no later than December 20, 2008. (R.O. 2008 §555.190; Ord. No. 5252 §1, 11-14-94)

SECTION 555.200: VIOLATION AND PENALTY

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this Chapter shall be deemed guilty of a ordinance violation. Each day that the violation is permitted to exist after notification in writing by the Code Enforcement Officer and the expiration of time designed in said notice shall constitute a separate offense. (R.O. 2008 §555.200; Ord. No. 5252 §1, 11-14-94)

CHAPTER 560: STORM WATER MANAGEMENT

ARTICLE I. GENERAL PROVISIONS

SECTION 560.010: TITLE PURPOSE

A. The provisions of Chapter 560 shall constitute and be known as the "Storm Water Management Ordinance" for the City of Maryville, Missouri, hereby called the "Municipality".

B. The purpose of this Chapter is to protect, maintain, and enhance the public health, safety and general welfare by establishing the minimum requirements and procedures to control the adverse effects of increased stormwater runoff associated with both future land development and existing developed land within the municipality. Proper management of stormwater runoff will minimize damage to public and private property, ensure a functional drainage system, reduce the effects of development on land and stream channel erosion, assist in the attainment and maintenance of water quality standards, enhance the local environment associated with the drainage system, reduce local flooding, maintain as nearly as possible the pre-developed runoff characteristics of the area and facilitate economic development while mitigating associated flooding and drainage impacts.

C. The application of this Chapter and the provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by State Statute. In addition, if site characteristics indicate that complying with these minimum requirements will not provide adequate designs or protection for local property or residents, it is the designer's responsibility to exceed the minimum requirements as necessary. The Director of Public Works shall be responsible for the coordination and enforcement of the provisions of this Chapter. (R.O. 2008 §560.010; Ord. No. 5430 §1, 6-25-96)

SECTION 560.020: DEFINITIONS

For the purpose of this Chapter, the following terms, phrases and words and their derivatives shall have the meaning given herein:

2-YEAR FREQUENCY STORM: A storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in two (2) years. It may also be expressed as an exceedance probability with a fifty percent (50%) chance of being equaled or exceeded in any given year.

10-YEAR FREQUENCY STORM: A storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in ten (10) years. It may also be expressed as an exceedance probability with a ten percent (10%) chance of being equaled or exceeded in any given year.

25-YEAR FREQUENCY STORM: A storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in twenty-five (25) years. It may also be expressed as an exceedance probability with a four percent (4%) chance of being equaled or exceeded in any given year.

100-YEAR FREQUENCY STORM: A storm that is capable of producing rainfall expected to be equaled or exceeded on the average of one (1) in one hundred (100) years. It also may be expressed as an exceedance probability with a one percent (1%) chance of being equaled or exceeded in any given year.

AS-BUILT PLAN: A set of engineering or site drawings that delineate the specific permitted stormwater management facility as actually constructed.

BEST MANAGEMENT PRACTICES: A wide range of management procedures,

schedules of activities, prohibitions on practices and other management practices which have been demonstrated to effectively control the quality and/or quantity of stormwater runoff and which are compatible with the planned land use.
CITY MANAGER: The official responsible for the administration of the City or his/her duly authorized representative.
CROSS-DRAIN CULVERT: A culvert located under a roadway.
DESIGN REPORT: The report that accompanies the stormwater management plan and includes data used for engineering analysis, results of all analysis, design and analysis calculations (including results obtained from computer programs), and other engineering data that would assist the municipality in evaluating proposed stormwater management facilities.
DESIGNER: A professional engineer, architect or land surveyor, licensed in the State of Missouri who prepares plans and studies required by this Chapter.
DETENTION STRUCTURE: A permanent stormwater management structure whose primary purpose is to temporarily store stormwater runoff and release the stored runoff at control rates.
DEVELOP LAND: To change the runoff characteristics of a parcel of land in conjunction with residential, commercial, industrial or institutional construction or alteration.
DEVELOPED LAND USE CONDITIONS: The land use conditions according to the current, Official Zoning Map adopted by the City of Maryville, Missouri.
DEVELOPMENT: Should generally mean any of the following actions undertaken by a public or private individual or entity:

1. The division of a lot, tract or parcel of land into two (2) or more lots, plots, sites, tracts, parcels or other divisions by plat or deed, or
2. Any land change, including, without limitation, clearing, tree removal, grubbing, stripping, dredging, grading, excavating, transporting and filling of land.

DIRECTOR, PUBLIC WORKS: The individual designated by the City Manager to direct the operations of the Public Works Department.
EASEMENT: A grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement.
EROSION: The wearing away of land surface by the action of wind, water, gravity, ice or any combination of those forces.
EROSION AND SEDIMENT CONTROL: The control of solid material, both mineral and organic during a land disturbing activity to prevent its transport out of the disturbed area by means of air, water, gravity or ice.
EXISTING LAND USE CONDITIONS: The land use conditions existing at the time of the most recent official aerial photograph available from the municipality.
GRADING: Excavating, filling, (including hydraulic fill) or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled conditions.
IMPERVIOUS: The condition of being impenetrable by water.
IMPERVIOUSNESS: The degree to which a site is impervious.
INFILTRATION: The passage or movement of water through the soil profile.
INTERIOR CULVERT: A culvert that is not located under a roadway.
LAND DISTURBING ACTIVITY: Any use of land by any person that results in a change in the natural cover or topography that may cause erosion and contribute to sediment and

alter the quality and/or quantity of stormwater runoff.
LOT SPLIT: The division of a platted lot into two (2) parcels not involving the dedication or vacation of a street or alley.
MAINTENANCE: Any action necessary to preserve stormwater management facilities in proper working condition, in order to serve the intended purposes set forth in Article I of this Chapter and to prevent structural failure of such facilities. Maintenance shall not include actions taken solely for the purpose of enhancing the aesthetic aspects associated with stormwater management facilities.
MUNICIPALITIES: The City of Maryville, Missouri.
NATURAL WATERWAYS: Waterways that are part of the natural topography. They usually maintain a continuous or seasonal flow during the year and are characterized as being irregular in cross-section with a meandering course. Construction channels such as drainage ditches shall not be considered natural waterways.
NON-ERODIBLE: A material, e.g., natural rock, riprap, concrete, plastic, etc., that will not experience surface wear due to natural forces of wind, water, ice, gravity or a combination of those forces.
NON-POINT SOURCE POLLUTION: Pollution contained in stormwater runoff from ill defined, diffuse sources.
OFFICIAL MAP: The Zoning Map adopted by the City Council showing the zoning districts, streets, highways and parts theretofore laid out, adopted and established by law and any amendments thereto adopted by the City Council or additions thereto resulting from the approval of subdivision plats and the subsequent filling of such approved plats.
ON-SITE STORM WATER MANAGEMENT: The design and construction of a facility necessary to control stormwater runoff within and for a single development.
PERSON RESPONSIBLE FOR THE LAND DISTURBING ACTIVITY:

1. The person who has or represents those having financial or operational control over the land disturbing activity; and/or
2. The landowner or person in possession or control of the land who directly or indirectly allowed the land disturbing activity or has benefitted from it or who has failed to comply with any provision of this Chapter.

POST DEVELOPMENT CONDITIONS: The conditions which exist following the completion of the land disturbing activity in terms of topography, vegetation, land use and rate, volume or direction of stormwater runoff.
PRE-DEVELOPMENT CONDITIONS: Those land use conditions that existed prior to the initiation of the land disturbing activity in terms of topography, vegetation, land use and rate, volume or direction of stormwater runoff.
PRELIMINARY PLAT: The preliminary plat of residential or commercial subdivisions submitted pursuant to the municipality's subdivision regulations.
PUBLIC WORKS DEPARTMENT: The Department of Public Works established by the Council of the City of Maryville, Missouri.
RECORD SURVEY: A final field survey which locates the visible surface features of a constructed stormwater facility on the ground, but without locating non-visible or sub-surface features such as the actual route and elevation of buried pipe.
REGIONAL STORM WATER MANAGEMENT: The design and construction of a facility necessary to control stormwater runoff within or outside a development and for one (1) or more developments.

REGISTERED CIVIL ENGINEER: A civil engineer properly registered and licensed in the State of Missouri.
REGISTERED LAND SURVEYOR: A land surveyor properly registered and licensed in the State of Missouri.
REGISTERED LANDSCAPE ARCHITECT: A landscape architect properly registered and licensed in the State of Missouri.
RESPONSIBLE PERSONNEL: Any foreman, superintendent, or similar individual who is the on-site person in charge of land disturbing activities.
RETENTION STRUCTURE: A permanent structure whose primary purpose is to permanently store a given volume of stormwater runoff. Release of the given volume is by infiltration and/or evaporation.
SEDIMENT: Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, ice or gravity from its site of origin.
STABILIZATION: The installation of vegetative or structural measures to establish a soil cover to reduce soil erosion by stormwater runoff, wind, ice and gravity.
STAGE WORK OR STAGE CONSTRUCTION: A plan for the staged construction of stormwater facilities where portions of the facilities will be constructed as different stages of the proposed development are started or completed.
STORM WATER CONCEPT PLAN: The overall proposal for a storm drainage system, including stormwater management structures, and supporting documentation as specified in the Storm Water Management Design Guide, for each proposed private or public development to the extent permitted by law. Also included are the supporting engineering calculations and results of any computer analysis, if necessary.
STORM WATER MANAGEMENT DESIGN GUIDE: The manual of design, performance, and review criteria for stormwater management practices, prepared under the direction of the municipality or contacted professional. Copies of this manual can be obtained from the municipality.
STORM WATER MANAGEMENT FACILITIES: Those structures and facilities that are designed for the collection, conveyance, storage, treatment and disposal of stormwater runoff into and through the drainage system.
STORM WATER MANAGEMENT PLAN: The set of drawings and other documents that comprise all of the information and specifications for the drainage systems, structure, concepts and techniques that will be used to control stormwater as required by this Chapter and the Storm Water Management Design Guide. Also included are the supporting engineering calculations and results of any computer analysis.
STORM WATER MANAGEMENT QUALITATIVE CONTROL: A system of vegetative, structural or other measures that reduce or eliminate pollutants that might otherwise be carried by stormwater runoff.
STORM WATER RUNOFF: The direct response of a watershed to precipitation and includes the surface and subsurface runoff that enters a ditch, stream, storm drain or other concentrated flow during and following the precipitation.
SUBDIVISION, MAJOR: Except for *"lot split"* as defined, shall mean the division of a tract of land three (3) or more lots, tracts, sites, parcels or areas any one of which is less than three (3) acres in area and/or the division of a tract of land into any number of lots, tracts, sites, parcels or areas of any size which includes improvements, new streets, easements, right-of-way, right of ingress and egress or provisions for a public area or

public facility.
SUBDIVISION, MINOR: The division of land into lots, tracts, sites, parcels or areas for development purposes either of which is three (3) acres or less in area and each having a frontage of not more than two hundred (200) feet on an existing City, State or Federal highway or road dedicated or deeded to the public provided that the proposed subdivision of land:

1. Does not include any new streets, easements, right-of-way, rights of ingress or egress but shall include an approved sewer and water system.
2. Does not include a provision for a public area or public facility.
3. Conforms to the minimum lot area and other requirements contained in the Zoning Code.
4. Conveys the right-of-way necessary for road widening and maintenance of City roads where the granting of such right-of-way can be given without undue hardship.

SWALE: A structure measure with a lining of grass, riprap or other materials which can function as a detention structure and convey stormwater runoff without causing erosion.
VARIANCE: The modification by the City Council of the minimum stormwater management requirements for specific circumstances where the strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of this Chapter.
WAIVER: The relinquishment from stormwater management requirements by the City Council for a specific land disturbing activity on a case-by-case review basis.
WATER QUALITY: Those characteristics of stormwater runoff that relate to the rate and volume of the stormwater runoff to downstream areas resulting from land disturbing activities.
WATER QUANTITY: Those characteristics of stormwater runoff from a land disturbing activity that relates to the physical, chemical, biological, or radiological integrity of water.
WATERSHED: The drainage area contributing stormwater runoff to a single point.
(R.O. 2008 §560.020; Ord. No. 5430 §1, 6-25-96)

SECTION 560.030: SCOPE OF CHAPTER
No person shall develop any land without having provided for appropriate stormwater management measures that control or manage runoff, in compliance with this Chapter, unless exempted in Article I, Section 560.040. (R.O. 2008 §560.030; Ord. No. 5430 §1, 6-25-96)

SECTION 560.040: EXEMPTIONS FROM REQUIREMENTS
The following development activities are exempt from the provisions of this Chapter and the requirements of providing stormwater management measures:

1. Land disturbing activities on agricultural land for production of plants and animals useful to man.
2. Land disturbing activities undertaken on forest land for the production and harvesting of timber and timber products.
3. Construction or improvement resulting in less than a fifty percent (50%) increase

in square footage of single-family residences or their accessory buildings. (R.O. 2008 §560.040; Ord. No. 5430 §1, 6-25-96)

SECTION 560.050: STORM WATER MANAGEMENT DESIGN GUIDE
To assist in the design and evaluation of stormwater management facilities in the municipality, a Storm Water Management Design Guide has been developed. Example design procedures and criteria are presented for conducting hydrologic and hydraulic evaluations. Although the intention of the guide is to establish uniform design practices, it neither replaces the need for engineering judgment nor precludes the use of information not presented. Other accepted engineering procedures may be used to conduct hydrologic and hydraulic studies if approved by the municipality. (R.O. 2008 §560.050; Ord. No. 5430 §1, 6-25-96)

ARTICLE II. STORM WATER CONCEPT AND PRELIMINARY DEVELOPMENT PLANS

SECTION 560.060: SCOPE OF DEVELOPMENT PLAN

A. In developing plans for a residential/commercial subdivision, individual lots in a residential/ commercial subdivision development shall not be considered to be separate land disturbing activities and shall not require individual storm water management permits. Instead, the residential/ commercial subdivision development, as a whole, shall be considered to be a single land disturbing activity. Hydrologic parameters that reflect the ultimate subdivision development shall be used in all engineering calculations. Individual lot development with new dwellings or any structure which has more than fifty percent (50%) added to existing square footage shall require submittal of topographical maps with before and after elevations for the entire perimeter of the lot.
    1. If individual lots or sections in a residential/commercial subdivision are being developed by different property owners, all land disturbing activities related to the residential/commercial subdivision shall be covered by the approved storm water management plan for the residential/commercial subdivision. Individual lot owners or developers shall sign a certificate of compliance that all activities on that lot will be carried out in accordance with the approved storm water management plan for the residential/commercial subdivision. (See Exhibits A and B of this Ord. No. 5430 which are on file in the City offices).
    2. Residential/commercial subdivisions which were approved for construction by the City Council prior to the effective date of these regulations are exempt from these requirements. Development of new phases of existing subdivisions which were not previously approved shall comply with the provisions of these regulations.

B. For residential land disturbing activities involving three (3) acres or less of actual land disturbance which are not part of a larger common plan of development or sale, the person responsible for the land disturbing activity shall submit a simplified storm water management plan to the Public Works Department meeting the requirements listed below. This plan does not require approval by the municipality and does not require

preparation of certification by the designers specified in Section 560.160 of Article II. All commercial developments regardless of size must conform to Article II Sections 560.070 through 560.160 unless a waiver is granted by the municipality.

1. A narrative description of the storm water management facilities to be used.
2. A general description of topographic and soil conditions of the development site.
3. A general description of adjacent property and a description of existing structures, buildings, and other fixed improvements located on surrounding properties.
4. A sketch plan to accompany the narrative which shall contain:
    a. A site location drawing of the proposed project, indicating the location of the proposed project in relation to roadways, jurisdictional boundaries, streams and rivers;
    b. The boundary lines of the site on which the work is to be performed;
    c. All areas within the site which will be included in the land disturbing activities shall be identified and the total disturbed area calculated;
    d. A topographic map of the site;
    e. Anticipated starting and completion dates of the various stages of land disturbing activities and the expected date the final stabilization will be completed; and
    f. The location of temporary and permanent vegetative and structural storm water management control measures.
5. Storm water management plans shall contain certification by the person responsible for the land disturbing activity that the land disturbing activity will be accomplished pursuant to the plan. (See Exhibit C of this Ord. No. 5430 which is on file in the City offices.)
6. Storm water management plans shall contain certification by the person responsible for the land disturbing activity of the right of the Municipality to conduct on-site inspections. (See Exhibit D of this Ord. No. 5430 which is on file in the City offices.)
7. The municipality reserve the right to require storm water management preparation as in Article II, Section 560.130, as recommended by the Director of Public Works.

C. For residential land disturbing activities disturbing more than three (3) acres and all commercial land disturbing activities, the requirements of Article II, Sections 560.070 through 560.160 shall apply. (R.O. 2008 §560.060; Ord. No. 5430 §1, 6-25-96)

SECTION 560.070: STORM WATER CONCEPT AND STORM WATER MANAGEMENT PLAN

A. A storm water concept plan for development shall be submitted for review by the Public Works Department prior to submission of the storm water management plan and construction plans for the entire development, or any portion thereof. The storm water concept plan must identify the location and type of facilities to be constructed in sufficient detail to accurately estimate construction costs and enable the Public Works Department to determine if a storm water management plan is needed. If they determine a final storm water management plan is not needed, the storm water concept plan then becomes the storm water management plan for this development.

B. All preliminary plats of the development shall be consistent with the storm water concept

plan required in Subsection (A), above.

C. Upon approval of the concept plan by the Director of Public Works, the applicant shall submit a final storm water management plan (as part of the construction plans) to the City Council for review and approval.

D. Should any storm water management plan involve any storm water management facilities or land to be dedicated to public use, the same information shall also be submitted for review to the department having jurisdiction over the land or other appropriate departments or agencies prior to submission to the City Council for review and approval. The final storm water management plan shall serve as the basis for all subsequent construction.

E. If disapproved by the City Council, the storm water management plan may be reviewed with the designer, where it will either be changed, modified or resubmitted. If rejected, changes, additional analysis or other information needed to approve the next submittal of the concept plan shall be identified by the City Council. After the receipt of the revised storm water management plan, the City Council shall issue a decision approving, rejecting or conditionally approving the plan with modification. (R.O. 2008 §560.070; Ord. No. 5430 §1, 6-25-96)

SECTION 560.080: PERMIT REQUIREMENTS

A. No final occupancy permit shall be issued without the following:
   1. Recorded easement for storm water management facilities.
   2. Receipt of an as-built plan which includes a certification of the storm drainage system.

B. No site grading permit shall be issued or modified without the following:
   1. Right of entry for emergency maintenance if necessary. (See Exhibit E & F of this Ord. No. 5430 which are on file in the City offices.)
   2. Right of entry for inspections. (See Exhibits E & F of this Ord. No. 5430 which are on file in the City offices.)
   3. Any off-site easement needed.
   4. An approved storm water concept plan or storm water management plan, as appropriate.
   5. An approved storm water ownership and maintenance plan.

C. The approved storm water management plan shall contain certification by the applicant that all land clearing, construction, development and drainage will be done according to the storm water management plan or previously approved revisions. Any and all site grading permits may be revoked at any time if the construction of storm water management facilities is not in strict accordance with approved plans. (See Exhibit C of this Ord. No. 5430 which is on file in the City offices.)

D. In addition to the plans and permits required from the municipality, applicants shall obtain all State and Federal permits required for the proposed development. (R.O. 2008 §560.080; Ord. No. 5430 §1, 6-25-96)

SECTION 560.090: FEES

A list of fees for plan review and other fees associated with this Chapter can be obtained from the Public Works Department. (R.O. 2008 §560.090; Ord. No. 5430 §1, 6-25-96)

SECTION 560.100: PERMIT SUSPENSION AND REVOCATION

A. A site grading permit may be suspended or revoked if one (1) or more of the following violations have been committed:
   1. Violation(s) of the conditions of the storm water management plan as approved;
   2. Construction not in accordance with the approved plans;
   3. Non-compliance with correction notice(s). (See Exhibit G of this Ord. No. 5430 which is on file in the City offices) or stop work order(s), (see Exhibit H of this Ord. No. 5430 which is on file in the City offices); or
   4. The existence of an immediate danger in a downstream area in the judgment of the Director of Public Works or his/her designee.

B. If one (1) or more of these conditions are found, a written notice of violation(s) shall be served upon the owner or authorized representative and an immediate stop work order may be issued. The notice shall set forth the measures necessary to achieve compliance with the plan. Correction of these violations must be started immediately or the owner shall be deemed in violation of this Chapter. (R.O. 2008 §560.100; Ord. No. 5430 §1, 6-25-96)

SECTION 560.110: MINIMUM RUNOFF CONTROL REQUIREMENTS

A. The minimum storm water control requirements shall provide management measures necessary to accomplish the following:
   1. Install storm water management facilities to limit the 2-year and 10-year developed peak discharge rates to pre-developed peak discharge rates. The design of these facilities shall be based on procedures contained in the Storm Water Management Design Guide or procedures approved by the Director of Public Works. The 2-year and 10-year design storms cover the range of normal flooding. Structures must be analyzed for both. The 25-year storms are commonly used for structures under roadways.
   2. The requirements or portions thereof, of Subsection (A)(1) above, may be waived by the City Council if it can be shown by the detailed engineering calculations and analysis which are acceptable to the municipality that one (1) of the following exists:
      a. The installation of storm water management facilities would have insignificant effects on reducing downstream flood peaks;
      b. Storm water management facilities are not needed to protect downstream developments and the downstream drainage system has sufficient capacity to receive any increase in runoff for the design storm;
      c. It is not necessary to install storm water management facilities to control developed peak discharge rates at the exit to a proposed development and installing such facilities would increase flood peaks at some downstream locations; or
      d. The Public Works Department determines that storm water management facilities are not needed to control developed peak discharge rates and installing such facilities would not be in the best interest of the municipality.
   3. The requirements or portions thereof, of Subsection (A)(1) above, may not be waived if the municipality determines that not controlling downstream flood peaks would increase known flooding problems, or exceed the capacity of the

downstream drainage system.

4. A waiver shall only be granted after a written request is submitted to the City Manager through the Public Works Department by the applicant containing descriptions, drawings, and any other information that is necessary to evaluate the proposed land disturbing activity. A separate written waiver request shall be required if there are subsequent additions, extensions, or modifications which would alter the approved storm water runoff characteristics to a land disturbing activity receiving a waiver. The municipality will conduct a review of the request for a waiver.
5. Discharge velocities shall be reduced to provide a non-erosive velocity flow from a structure, channel or other control measure or the velocity of the 10-year design storm runoff in the receiving waterway prior to the land disturbing activity, whichever is greater.

B. For all storm water management facilities, a hydrologic-hydraulic study shall be done showing how the drainage system will function with and without the proposed facilities. For such studies the following land use conditions shall be used. Existing land use data shall be taken from the most recent aerial photography and field checked and updated.
   1. For the design of the facility outlet structure, use developed land use conditions for the area within the proposed development and existing land use conditions for upstream areas draining to the facility.
   2. For any analysis of flood flows downstream from the proposed facility, use existing land use conditions for all downstream areas.
   3. All storm water management facilities emergency spillways shall be checked using the 100-year storm and routing flows through the facility and emergency spillways. For this analysis, developed land use conditions shall be used for all areas within the analysis.
   4. If accepted for municipal maintenance, the effects of existing upstream detention facilities can be considered in the hydrologic-hydraulic study. (R.O. 2008 §560.110; Ord. No. 5430 §1, 6-25-96)

SECTION 560.120: STORM WATER MANAGEMENT FACILITIES

A. Storm water management facilities may include both structural and non-structural elements. Natural swales and other natural runoff conduits shall be retained where practicable.
B. When additional storm water management facilities are required to satisfy the minimum control requirements, the following measures are examples of what may be used:
   1. Storm water detention structures (dry basins);
   2. Storm water retention structures (wet ponds--minimum depth six (6) feet);
   3. Facilities designed to encourage overland flow, slow velocities of flow and flow through buffer zones;
   4. Infiltration practices.
C. Where detention and retention structures are used, designs which consolidate these facilities into a limited number of large structures will be preferred over designs which utilize a large number of small structures.
D. Storm water management plans can be rejected by the municipality if they incorporate structures and facilities that will demand considerable maintenance, will be difficult to

maintain or utilize numerous small structures if other alternatives are physically possible.

E. The drainage system and all storm water management structures within the municipality (including both public and private portions) will be designed to the same engineering and technical criteria and standards. The municipality's review will be the same whether the portion of the drainage system will be under public or private control or ownership.

F. All storm water management measures shall be designed in accordance with the design criteria contained in the Storm Water Management Design Guide using procedures contained in this manual or procedures approved by the municipality. (R.O. 2008 §560.120; Ord. No. 5430 §1, 6-25-96)

SECTION 560.130: PLAN REQUIREMENTS

Storm water management plans shall include as a minimum the following:

1. A vicinity map indicating a north arrow, scale, boundary lines of the site and other information necessary to locate the development site.
2. The existing and proposed topography of the development site.
3. Physical improvements on the site, including present development and proposed development.
4. Location, dimensions, elevations and characteristics of all storm water management facilities.
5. All areas within the site which will be included in the land disturbing activities shall be identified and the total disturbed area calculated.
6. The location of temporary and permanent vegetative and structural storm water management control measures.
7. An anticipated starting and completion date of the various stages of land disturbing activities and the expected date the final stabilization will be completed.
8. A determination that no occupied first (1st) floor elevation of any structure is below the 100-year plus one (1) foot flood elevation.
9. At the direction of the Director of Public Works, for all portions of the drainage system which are expected to carry between fifty (50) and one hundred fifty (150) cfs for the 100-year storm, the 100-year plus one (1) foot flood elevation analysis, the Public Works Department will determine that one (1) of the following conditions may exist:
   a. The estimated runoff would create a hazard for adjacent property or residents.
   b. The flood limits would be of such magnitude that adjacent residents should be informed of these limits.
10. For all portions of the drainage system which are expected to carry one hundred fifty (150) cfs or more for the 100-year storm, the 100-year plus one (1) foot flood elevation analysis shall be done and flood limits shall be shown on the storm water management plans.
11. Storm water management plans shall include designation of all easements needed for inspection and maintenance of the drainage system and storm water management facilities. As a minimum, easements shall have the following characteristics:
    a. Provide adequate access to all portions of the drainage system and structures.
    b. Provide sufficient land area for maintenance equipment and personnel to

adequately and efficiently maintain the system with a minimum of ten (10) feet along both sides of all drainage ways, streams, channels, etc., and around the perimeter of all detention and retention facilities or sufficient land area for equipment access for maintenance of all storm water management facilities. The distance shall be measured from the top of the bank or toe of the dam whichever is applicable.

c. Restriction on easements shall include prohibiting all fences and structures which would interfere with access to the easement areas and/or the maintenance function of the drainage system.

12. To improve the aesthetic aspects of the drainage system, a landscape plan for all portions of the drainage system shall be part of the storm water management plan. This landscape plan shall address the following:
    a. Tree saving and planting plan.
    b. Types of vegetation that will be used for stream bank stabilization, erosion control, sediment control, aesthetics and water quality improvement.
    c. Any special requirements related to the landscaping of the drainage system and efforts necessary to preserve the natural aspects of the drainage system.
13. To improve the water quality aspects of the drainage system, the storm water management plan shall include best management practices to control the water quality of the runoff during the land disturbing activities and during the life of the development. This requirement is in addition to the requirements of the Missouri Department of Natural Resources Storm Water Pollution Prevention Permit.
14. The storm water management plans shall include all engineering calculations needed to design the system and associated structures including pre- and post-development velocities, peak rates of discharge and inflow and outflow hydrographies of storm water runoff at all existing and proposed points of discharge from the site.
15. Description of site conditions around points of all surface water discharge including vegetation and method of flow conveyance from the land disturbing activity.
16. Construction and design details for structural controls.
17. The expected timing of flood peaks through the downstream drainage system shall be assessed when planning the use of detention facilities.
18. In determining downstream effects from storm water management structures and the development, hydrologic-hydraulic engineering studies shall extend downstream to a point where the proposed development represents less than ten percent (10%) of the total watershed.
19. All storm water management facilities and all major portions of the conveyance system through the proposed development (i.e., channels, culverts) shall be analyzed, using the design and 100-year storms for design conditions and operating conditions which can reasonably be expected during the life of the facility. The results of the analysis shall be included in the hydrologic-hydraulic study.
20. If the storm water management plan and/or design report indicates that there may be a drainage or flooding problem at the exit to the proposed development or at any location between the exit point and the ten percent (10%) downstream point, the Director of Public Works may require:

a. Water surface profiles plotted for the conditions of pre- and post-development for the 100-year design storm;
b. Water surface profiles plotted for the conditions of pre- and post-development for the 100-year design storm;
c. Elevations of all structures potentially damaged by the 10- and/or 100-year flows.

21. All storm water management plans submitted for approval shall contain certification by the person responsible for the land disturbing activity that the land disturbing activity will be accomplished pursuant to the approved plan and that responsible personnel will be assigned to the project. (See Exhibit C of this Ord. No. 5430 which is on file in the City offices).
22. All storm water management plans shall contain certification, by the person responsible for the land disturbing activity, of the right of the Municipality to conduct on-site inspections. (See Exhibit D of this Ord. No. 5430 which is on file in the City offices).
23. No storm water management plan shall be considered approved without the inclusion of an approval signature and date on the plans by the Director of Public Works or his/her designee. The approval on the plans is solely an acknowledgement of satisfactory compliance with the requirements of these regulations. The approval does not constitute a representation or warranty to the applicant or any other person concerning the safety, appropriateness or effectiveness of any provision or omission from the storm water management plan.
24. Approved storm water management plans remain valid for five (5) years from the date of approval. Extensions or renewals of the plan approvals may be granted by the City Manager upon written request by the person responsible for land disturbing activity. (R.O. 2008 §560.130; Ord. No. 5430 §1, 6-25-96)

SECTION 560.140: PLAN HYDROLOGIC CRITERIA

The hydrologic criteria to be used for the storm water concept and storm water management plans shall be as follows:

1. 25-year design storm for all cross-drain culverts and drainage designs.
2. 10-year design storm for all interior culverts and drainage designs.
3. 2- and 10-year design storms for all detention and retention basins using procedures contained in the Storm Water Management Design Guide or approved by the Public Works Department.
4. All drainage designs shall be checked using the 100-year storm for analysis of local flooding and possible flood hazards to adjacent structures and/or property.
5. All hydrologic analysis will be based on land use conditions specified in Section 560.110(B).
6. For the design of storage facilities, a secondary outlet device or emergency spillway shall be provided to discharge the excess runoff in such a way that no danger of loss of life or facility failure is created. The size of the outlet device or emergency spillway shall be designed to pass the 100-year storm as a minimum requirement. (R.O. 2008 §560.140; Ord. No. 5430 §1, 6-25-96)

SECTION 560.150: PLAN WATER QUALITY CRITERIA

Following are the criteria related to using storm water management facilities for water quality purposes:

1. *Ponds, lakes and reservoirs.*
   a. When the land disturbing activity consists of the construction of a pond, lake or reservoir which is singly built and not part of a permitted land disturbing activity, the following procedures will apply:
      (1) A storm water management plan will not be required if the pond, lake or reservoir is permitted under the State Dams and Reservoirs Safety Act or has received a Certificate of Exemption from the State Dams and Reservoirs Safety Act. Best management practices should be used to minimize the impact of erosion and sediment.
      (2) A storm water management plan will be required for the construction of all ponds, lakes or reservoirs not meeting the conditions in (1) above that otherwise meet the size requirement for storm water management plan approval.
   b. When ponds are used for water quality protection, the ponds shall be designed as both quantity and quality control structures. Sediment storage volume shall be calculated considering the clean out and maintenance schedules specified by the designer during the land disturbing activity. Sediment storage volumes may be predicted by the Universal Soil Loss Equation or other methods acceptable to the Director of Public Works.
   c. Storm water runoff and drainage to a single outlet from land disturbing activities which disturb ten (10) acres or more shall be controlled during the land disturbing activity by a sediment basin where sufficient space and other factors allow these controls to be used until the final inspection. The sediment basin shall be designed and constructed to accommodate the anticipated sediment loading from the land disturbing activity and meet a removal efficiency of eighty percent (80%) suspended solids or 0.5 ML/L peak set table solids concentration, whichever is less. The outfall device or system design shall take into account the total drainage area flowing through the disturbed area draining to the basin.
   d. Other practices may be acceptable to the municipality if they achieve an equivalent removal efficiency of eighty percent (80%) for suspended solids or 0.5 ML/L peak set table solids concentration, whichever is less. The efficiency shall be calculated for disturbed conditions for the 10-year twenty-four (24) hour design storm event.
   e. Permanent water quality ponds having a permanent pool shall be designed to store and release the first (1st) one-half (½) inch of runoff from the site over a twenty-four (24) hour period. The storage volume shall be designed to accommodate, at least, one-half (½) inch of runoff from the entire site.
   f. Permanent water quality ponds, not having a permanent pool, shall be designed to release the first (1st) inch of runoff from the site over a twenty-four (24) hour period.
   g. The use of measures other than ponds to achieve water quality improvement are recommended on sites containing less than ten (10) disturbed acres.
2. *Infiltration practices.*

a. Permanent infiltration practices, when used, shall be designed to accept, at a minimum, the first (1st) inch of runoff from all impervious areas.
b. Area drainage to infiltration practices must be established and vegetative filters established prior to runoff entering the system. Infiltration practices shall not be used if a suspended solids filter system does not accompany the practice. If vegetation is the intended filter, there shall be at least a twenty (20) feet width of vegetative filter prior to storm water runoff entering the infiltration practice.
c. The bottom of the infiltration practice shall be at least two (2) feet above the seasonal high water table, whether perched or regional, determined by direct piezometer measurements which can be demonstrated to be representative of the maximum height of the water table on an annual basis during years of normal precipitation or by the depth in the soil at which mottling first occurs.
d. The infiltration practice shall be designed to completely drain of water within seventy-two (72) hours.
e. Soils must have adequate permeability to allow water to infiltrate. Infiltration practices are limited to soils having an infiltration rate of at least 0.30 inches per hour. Initial consideration will be based on a review of the appropriate soil survey, and the survey may serve as a basis for rejection. On-site soil borings and textural classifications must be accomplished to verify the actual site and seals on high water table conditions when infiltration is to be utilized.
f. Infiltration practice greater than three (3) feet deep shall be located at least ten (10) feet from basement walls.
g. Infiltration practices designed to handle runoff from impervious parking areas shall be a minimum of one hundred fifty (150) feet from any public or private water supply well.
h. The design of infiltration practice shall provide an overflow system with measures to provide a non-erosive velocity of flow along its length and at the outfall.
i. The slope of the bottom of the infiltration practice shall not exceed five percent (5%). Also, the practice shall not be installed in fill material, as piping along the fill/natural ground interface may cause slope failure.
j. An infiltration practice shall not be installed on or atop a slope whose natural angle of incline exceeds twenty percent (20%).
k. Clean outs will be provided, at a minimum, every one hundred (100) feet along the infiltration practice to allow for access and maintenance. (R.O. 2008 §560.150; Ord. No. 5430 §1, 6-25-96)

SECTION 560.160: PROFESSIONAL REGISTRATION REQUIREMENTS

A. Storm water concept and storm water management plans and design reports that are incidental to the overall or ongoing site design shall be prepared, certified, and stamped/sealed by a qualified registered Missouri professional engineer, land surveyor, or landscape architect using acceptable engineering standards and practices. All other storm water concept, and storm water management plans and design reports shall be prepared, certified and stamped/sealed by a qualified registered Missouri professional engineer using acceptable engineering standards and practices.

B. The engineer, surveyor or landscape architect shall perform services only in areas of his/her competence and shall undertake to perform engineering or land surveying assignments only when qualified by education and/or experience in the specific technical field. In addition, the engineer, surveyor or landscape architect must verify that the plans have been designed in accordance with this Chapter and the standards and criteria stated or referred to in this Chapter. (R.O. 2008 §560.160; Ord. No. 5430 §1, 6-25-96)

ARTICLE III. OWNERSHIP AND MUNICIPALITY PARTICIPATION

SECTION 560.170: OWNERSHIP OF STORM WATER MANAGEMENT FACILITIES

A. All storm water management facilities shall be privately owned and maintained unless the City Council accepts the facility for municipal ownership and maintenance. The owner of all private facilities shall grant to the municipality a perpetual non-exclusive easement which allows for public inspection and emergency repair.
B. All storm water management measures relying on designed vegetated areas or special site features shall be privately owned and maintained as defined on the storm water management plan.
C. Most regional storm water management facilities will be publicly owned and/or maintained. (R.O. 2008 §560.170; Ord. No. 5430 §1, 6-25-96)

SECTION 560.180: MUNICIPALITY PARTICIPATION

A. When the municipality determines that additional storage capacity beyond that required by the applicant for on-site storm water management is necessary in order to enhance or provide for the public health, safety and general welfare to correct unacceptable or undesirable existing conditions or to provide protection in a more desirable fashion for future development, the municipality may:
    1. Require that the applicant grant any necessary easement over, through or under the applicant's property to provide access to or drainage for such a facility;
    2. Require that the applicant attempt to obtain from the owners of property over, through or under where the storm water management facility is to be located any easement necessary for the construction and maintenance of same. Failing to obtain such easements the municipality may, at its option, assist in such matters by purchase, condemnation, dedication or otherwise and subject to Subsection (A)(3) below, with any cost incurred thereby to be paid by the municipality; and/or
    3. Participate financially in the construction of such facility to the extent that such facility exceeds the required on-site storm water management as determined by the municipality.
B. To implement this provision, both the municipality and developer must be in agreement with the proposed facility that includes the additional storage capacity and jointly develop a cost-sharing plan which is agreeable to all parties. (R.O. 2008 §560.180; Ord. No. 5430

§1, 6-25-96)

ARTICLE IV. MAINTENANCE, CONSTRUCTION AND INSPECTION

SECTION 560.190: MAINTENANCE

A. Any storm water discharge control facility which services a single lot or commercial and industrial development shall be privately owned and maintained, provided however, the owner thereof shall grant to the municipality a perpetual, non-exclusive easement which allows for public inspection and emergency repair, in accordance with the maintenance agreement set forth in Section 560.200.
B. All regional storm water discharge control facilities, identified on municipal storm water discharge control master plans, shall be publicly owned and/or maintained only if accepted for maintenance by the City Council.
C. All other storm water discharge control facilities shall be publicly owned and/or maintained only if accepted for maintenance by the City Council.
D. Private maintenance requirements shall be a part of the plat of the subdivision. (R.O. 2008 §560.190; Ord. No. 5430 §1, 6-25-96)

SECTION 560.200: MAINTENANCE AGREEMENT -- PRIVATELY OWNED FACILITIES ONLY

A. A proposed inspection and maintenance agreement shall be submitted to the Director of Public Works for review and for approval of the City Council for all private on-site storm water discharge control facilities prior to the approval of the storm water management plan. (See Exhibit I of this Ord. No. 5430 which is on file in the City offices). Such agreement shall be in form and content acceptable to the City Council and shall be the responsibility of the private owner. Such agreement shall provide for access to the facility by virtue of a non-exclusive perpetual easement in favor of the municipality at reasonable times for regular inspection by the municipality. The agreement will identify who will have the maintenance responsibility. Possible arrangements for this maintenance responsibility might include the following:
    1. Use of homeowner associations;
    2. Arrangements to pay the municipality for maintenance;
    3. Private maintenance by development owner(s); or
    4. Contracts with private maintenance companies.
B. All maintenance agreements shall contain without limitation the following provisions:
    1. A description of the property on which the storm water management facility is located and all easements from the site to the facility;
    2. Size and configuration of the facility;
    3. A statement that properties which will be served by the facility are granted right to construction, use, reconstruction, repair, maintenance and access to the facility;
    4. A statement that each lot served by the facility is responsible for repairs and maintenance of the facility and any unpaid ad valorem taxes, public assessments

for improvements and unsafe building and public nuisance abatement liens charged against the facility, including all interest charges together with attorney fees and cost of expenses of collection. If an association is delegated these responsibilities, then membership into the association shall be mandatory for each parcel served by the facility and any successive buyer, the association shall have the power to levy assessments for these obligations and that all unpaid assessments levied by the association shall become a lien on the individual parcel; and

5. A statement that no amendments to the agreement will become effective unless approved by the City Council.

C. The agreement shall provide that preventive maintenance inspections of storm water management facilities may be made by the municipality, at its option, without limiting the generality of the foregoing. The municipality's inspection schedule may include an inspection during the first (1st) year of operation and once every year thereafter and after major storm events (i.e., 5- or 10-year floods).

D. Inspection reports shall be maintained by the Public Works Department.

E. The agreement shall provide that if, after an inspection, the condition of a facility presents an immediate danger to the public health, safety or general welfare because of unsafe conditions or improper maintenance, the municipality shall have the right, but not the duty, to take such action as may be necessary to protect the public and made the facility safe. Any cost incurred by the municipality shall be paid by the owner.

F. The agreement shall be recorded by the owner in the Register of Deeds prior to the final inspection and approval.

G. The agreement shall provide that the Director of Public Works shall notify the owner(s) of the facility of any violation, deficiency or failure to comply with this Chapter. The agreement shall also provide that upon a failure to correct violations requiring maintenance work, within thirty (30) days after notice thereof, the municipality may provide for all necessary work to place the facility in proper working condition. The owner(s) of the facility shall be assessed the costs of the work performed by the municipality pursuant to this Subsection and Subsection (F) above. There shall be a lien on all property of the owner(s) whose property utilizes or will utilize such facility in achieving discharge control, which lien, when filed in the Register of Deeds, shall have the same status and priority as liens for ad valorem taxes. Should such a lien be filed, portions of the affected property may be released by the City Manager following the payments by the owner of such owner's pro rata share of the lien amount based upon the acreage to be released with such release amount to be determined by the City Manager at his/her reasonable discretion.

H. The City Manager, at his/her discretion, may accept the certification of a registered engineer in lieu of any inspection required by this Chapter. (R.O. 2008 §560.200; Ord. No. 5430 §1, 6-25-96)

SECTION 560.210: CONSTRUCTION AND INSPECTION

A. Prior to the approval of the storm water management plan, the applicant shall submit to the Public Works Department a proposed staged construction and inspection control schedule. This plan shall indicate a phase line for approval. Otherwise the construction and inspection control schedule will be for the entire drainage system.

B. Bi-stage work, related to the construction of storm water management facilities, shall proceed until the next preceding stage of work, according to the sequence specified in the approved staged construction and inspection control schedule, is inspected and approved by the Director of Public Works or his/her designee.
C. Any portion of the work which does not comply with the storm water management plan shall be promptly corrected by the permittee.
D. The permittee shall notify the Public Works Department before commencing any work to implement the storm water management plan.
E. The permittee shall provide an "as-built" plan certified by a registered professional (as outlined in Article II, Section 560.150) to be submitted upon completion of the storm water management facilities included in the storm water management plan. The registered professional shall certify that:
    1. The facilities have been constructed as shown on the "as-built" plan; and
    2. The facilities meet the approved storm water management plan and specification or achieves the function for which they were designed.
F. A final inspection shall be conducted by the Director of Public Works or his/her designee upon completion of the work included in the approved storm water management plan to determine if the completed work is constructed in accordance with the plan.
G. The Public Works Department shall maintain a file of inspection reports and provide copies of all inspection reports to the permittee that include the following: (See Exhibit J of this Ord. No. 5430 which is on file in the City offices).
    1. The date and location of the site inspection.
    2. Whether the approved plans have been properly implemented.
    3. Any approved plan deficiencies and any actions taken.
H. The Director of Public Works will notify the person responsible for the land disturbing activity in writing when violations are observed describing the following:
    1. Nature of the violation;
    2. Required corrective actions;
    3. The time period for violation correction. (R.O. 2008 §560.210; Ord. No. 5430 §1, 6-25-96)

ARTICLE V. MISCELLANEOUS PROVISIONS

SECTION 560.220: VARIANCES FROM REQUIREMENTS

A. The City Council may grant a variance from the requirement of this Chapter if there are exceptional circumstances applicable to the site such that strict adherence to the provisions of the Chapter will result in unnecessary hardship and not fulfill the intent of the Chapter.
B. A written request for a variance submitted to the Director of Public Works shall be required and shall state the specific variance and the reasons, with supporting date, for their granting. The request shall include descriptions, drawings, calculations and any other information that is necessary to evaluate the proposed variance.
C. Any substantial variance form of the storm water management plan or concept plan shall be referred to all agencies which reviewed the original plan.

D. The Public Works Department will conduct a review of the request for a variance and submit findings to the City Manager for recommendation to the City Council. (R.O. 2008 §560.220; Ord. No. 5430 §1, 6-25-96)

SECTION 560.230: REVIEW HEARINGS

A. *Review Of Director Of Public Works Decision.* Any individual company or corporation aggrieved or prejudiced by decision of the Director of Public Works or his/her designee concerning the Storm Water Management Ordinance shall be entitled to request or review of said decision. Said review shall be conducted by the City Manager pursuant to the following procedure:
   1. The City Clerk shall maintain a form for requesting review before the City Manager.
   2. Said request shall be filed within ten (10) days of the applicant's receipt of notice of the decision which is being reviewed. Said request for review shall state the specific manner in which the decision of the Director of Public Works is alleged to be in error.
   3. Upon receipt of the request for review, the City Manager shall immediately notify the Director of Public Works and the Director shall have five (5) days in which to submit a written response of said request for review.
   4. Within ten (10) days after receiving the response of the Director of Public Works or within fifteen (15) days of the filing of the notice of appeal, if no such response is submitted, the City Manager shall render a decision affirming, reversing or modifying the decision of the Director of Public Works. In the alternative, if deemed appropriate by the City Manager, the City Manager may decline to render a decision and direct the matter to be submitted to the City Council and a review conducted pursuant to the following paragraphs.

B. *Review Of City Manager Decision.* Any individual, company or corporation aggrieved or prejudiced by the decision of the City Manager concerning the Storm Water Management Ordinance shall be entitled to request review of said decision. Said review shall be conducted by the City Council pursuant to the following:
   1. City Clerk shall maintain a form requesting a review before the City Council.
   2. Said request shall be filed within fifteen (15) days of the applicant's receipt of notice of the decision of the City Manager which is being reviewed.
   3. The notice of appeal shall state the specific reason why the decision of the City Manager is alleged to be in error.
   4. Upon receipt of the appeal, the City Clerk shall immediately notify the City Manager of the receipt of the appeal and the City Manager shall have a period of five (5) days in which to prepare a written response to said appeal. A copy of said response shall be provided to the appellant.
   5. The hearing shall be held before the City Council not less than twenty-one (21) days after receipt by the City Clerk of the request for review, unless extended by the City Council upon mutual agreement of the parties or for good cause shown.
   6. At the hearing, the City Council shall have the right to examine the drawings, diagrams, books, records and papers pertinent to the issues before it. The City Council shall have the power to issue any necessary subpoenas over the signature of the City Clerk and to issue all necessary processes to subpoena witnesses to

compel by subpoena duces tecum issued over the signature of the City Clerk, the production of books, records, paper and other evidence and to administer oaths and to take testimony.

7. The individual, company or corporation aggrieved shall have the full right to be represented by counsel and may produce witnesses and cross examine all witnesses who may appear against him/her at any hearing held hereunder. Witnesses may appear voluntarily at such hearing and testimony. Before any witness shall testify in any such hearing or proceeding, said witness shall be sworn to tell the truth by the Mayor or Acting Mayor.
8. All decisions, finding and orders of the City Council to the proceedings shall be in writing. Parties to the proceedings shall be notified of the decision by the City Council by certified mail to the address listed on the request for review.
9. Based on the evidence produced at the hearing, the City Council shall make an order as supported by the evidence, including the following:
   a. Affirm the decision of the City Manager and/or Director of Public Works.
   b. Reverse the decision of the City Manager and/or Director of Public Works.
   c. Affirm or reverse the decision of the City Manager and/or Director of Public Works with such modifications to the appealed decision as Council deems appropriate and is supported by evidence.

C. *Review Of City Council Decision.* Following any decision or ruling by the City Council relating to the Storm Water Management Ordinance, any individual, company or corporation aggrieved or prejudiced by said decision or ruling may seek judicial review of the matter provided by law. The City Council may stay enforcement of its decision or ruling for a period of time, not to exceed thirty (30) days, pending the filing or final disposition of an application for judicial review. (R.O. 2008 §560.230; Ord. No. 5430 §1, 6-25-96)

SECTION 560.240: PENALTY

It shall be unlawful for any person to violate any provision of the Storm Water Management Ordinance. Upon conviction thereof, such person shall be judged guilty of a ordinance violation and punished by a fine not exceeding five hundred dollars ($500.00) or be punished by incarceration for a period not to exceed ninety (90) days, or by both such fine and incarceration. Each day's violation of, or failure, refusal or neglect to comply with any provision of the Storm Water Management Ordinance shall constitute a separate and distinct offense. (R.O. 2008 §560.240; Ord. No. 5430 §1, 6-25-96)

SECTION 560.250: CIVIL ENFORCEMENT

At the decision of City Council and in addition to or an alternative remedy from the provision previously noted herein, the City Attorney may seek to have the practices, violations or failure to comply with the provisions of the Storm Water Management Ordinance abated by an action for injunction or other civil proceedings, to be maintained in the appropriate Circuit Court for the State of Missouri or other appropriate forum. (R.O. 2008 §560.250; Ord. No. 5430 §1, 6-25-96)

SECTION 560.260: GRANDFATHER CLAUSE
Any applicant or owner of a parcel of land within the jurisdiction of the municipality who has constructed the required storm water management facility or who is in the process of meeting the storm water management requirements of the law at the time of the effective date of this Chapter may elect to apply to the City Council for reconsideration under the provisions of this Chapter. (R.O. 2008 §560.260; Ord. No. 5430 §1, 6-25-96)

SECTION 560.270: CONFLICT WITH OTHER LAWS
Whenever the provisions of this Chapter impose more restrictive standards than are required in or under any other ordinance, the regulations herein contained shall prevail. Whenever the provisions of any other ordinance require more restrictive standards than are required herein, the requirement of such shall prevail. (R.O. 2008 §560.270; Ord. No. 5430 §1, 6-25-96)

SECTION 560.280: LIABILITY
Neither the approval of a plan under the provisions of this Chapter nor the compliance with the provisions of this Chapter shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor shall it impose any liability upon the municipality for damage to any person or property. (R.O. 2008 §560.280; Ord. No. 5430 §1, 6-25-96)

SECTION 560.290: EFFECTIVE DATE
This Chapter shall be effective immediately after passage and adoption by the municipality and by reference to the Storm Water Management Design Code. (R.O. 2008 §560.290; Ord. No. 5430 §1, 6-25-96)

TITLE VI. BUSINESS AND OCCUPATION

CHAPTER 600: ALCOHOLIC BEVERAGES

ARTICLE I. IN GENERAL

SECTION 600.010: DEFINITIONS
For the purpose of this Chapter, the following terms shall have the meanings designated herein:

ABANDONMENT OF PREMISES: Voluntarily ceasing to operate a business that has been legally licensed by the City and State to be conducted under the Sections of this Chapter.
ALCOHOLIC BEVERAGES: Intoxicating liquor or malt liquor.
CHURCH: Any building or structure regularly and primarily used as a place of worship by any organized religious society, organization or congregation, regardless of whether or not such building or structure was originally designed and constructed for such purpose.
CLOSED PLACE: A place where all doors are locked and where no patrons are in the place or about the premises.
CLUBS: Regularly incorporated associations not-for-profit under the laws of this State organized for sole purpose as benevolent, charitable or social, having regular dues-paying members. Any incorporated association organized for the principal reason of selling alcoholic liquor shall not constitute club.
"C.O.L." LICENSE: A license for the consumption of alcoholic beverages in or upon premises that do not possess a license for the sale of alcoholic beverages and where food, beverages or entertainment are sold or provided for compensation as provided in Section 311.480, RSMo.
DWELLING: Any place that is used regularly or irregularly as a place of repose, sleep or rest, or any place containing a bed, cot, divan, couch or other article of furniture on which an adult person may recline; provided however, this term does not include any premises used as a hotel, motel or hotel room.
FINANCIAL INTEREST: All interest, legal or beneficial, direct or indirect, in the capital devoted to the licensed enterprise and all such interest in the net profits of the enterprise after payment of reasonable and necessary operating business expenses and taxes, including interest in dividends, preferred dividends, interest and profits, directly or indirectly paid as compensation for, or in consideration of interest in, or for the use of, the capital devoted to the enterprise or for property or money advanced, loaned or otherwise made available to the enterprise, except by way of ordinary commercial credit or bona fide bank credit not in excess of credit customarily granted by banking institutions whether paid as dividends, interest or profits or in the guise of royalties, commissions, salaries or any other form whatsoever.
IN A MOTOR VEHICLE: Includes the interior of any motor vehicle or the bed or flatbed area of any pickup, truck or trailer.
INTOXICATING LIQUOR: As defined in the liquor control laws of the State of Missouri, currently Section 311.020, RSMo.
LICENSEE: The holder of any license issued under the provisions of this Chapter.
MALT LIQUOR: Any beer manufactured from pure hops or pure extract of hops and pure barley malt or other wholesome grains or cereals and wholesome yeast and pure water and free from all harmful substances, preservatives and adulterants and having an alcoholic content not in excess of five percent (5%) by weight.
MANAGING OFFICER: The person who is in active management and control of an alcoholic beverage establishment.
MOTOR VEHICLE: Includes any self-propelled vehicle not operated exclusively upon tracks.
OPEN CONTAINER: Any container which is immediately capable of being consumed from or the seal of which has been broken.

OPERATOR OR OPERATED: A person who is in actual physical control of a motor vehicle.
ORIGINAL PACKAGE: One (1) container of not less than fifty (50) milliliters of any intoxicating liquor containing in excess of five percent (5%) alcohol by volume or three (3) or more standard containers of malt liquor.
PERSON: An individual, partnership, club, association, firm, corporation, limited liability company, joint stock company, syndicate, receiver, trustee, conservator or other officer appointed by any State or Federal Court.
POSSESSION: May be either actual or constructive possession if the individual has knowledge of the presence of the item. A person has actual possession if he/she has the container 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 container either directly or through another person or persons is in constructive possession of it. Possession may be sole or joint. If one (1) person alone has possession of the item, possession is sole; if two (2) or more persons share possession of the item, possession is joint.
PREMISES: The bounds of the enclosure where alcoholic beverages are sold or consumed.
RESIDENT CORPORATION: A corporation incorporated under the laws of this State, all the officers and director of which, and all the stockholders who legally and beneficially own or control sixty percent (60%) or more of the stock in amount and in voting rights shall be qualified legal voters and taxpaying citizens of the County and municipality in which they reside and who shall have been bona fide residents of the State for a period of three (3) years continuously, immediately prior to the date of filing of application for a license, provided that a stockholder need not be a voter or a taxpayer, and all the resident stockholders of which shall own, legally and beneficially at least sixty percent (60%) of all the financial interest in the business to be licensed under this Chapter; provided, that no corporation licensed under the provisions of State law on January 1, 1947, nor any corporation succeeding to the business of a corporation licensed on January 1, 1947, as a result of a tax-free reorganization coming within the provisions of Section 112, United States Internal Revenue Code shall be disqualified by reason of the new requirements herein, except corporations engaged in the manufacture of alcoholic beverages containing alcohol in excess of five percent (5%) by weight or owned or controlled, directly or indirectly, by non-resident persons, partnerships or corporations engaged in the manufacture of alcoholic beverages containing alcohol in excess of five percent (5%) by weight.
RESORT: Any establishment having at least thirty (30) rooms for the overnight accommodation of transient guests, having a restaurant or similar facility on the premises at least sixty percent (60%) of the gross income of which is derived from the sale of prepared meals or food, or means a restaurant provided with special space and accommodations where, in consideration of payment, food, without lodging, is habitually furnished to travelers and customers, and which restaurant establishment's annual gross receipts immediately preceding its application for a license shall not have been less than seventy-five thousand dollars ($75,000.00) per year with at least fifty thousand dollars ($50,000.00) of such gross receipts from non-alcoholic sales, or means a seasonal resort restaurant with food sales as determined in Subsection (2) of Section 311.095, RSMo.

Any facility which is owned and operated as a part of the resort may be used to sell intoxicating liquor by the drink for consumption on the premises of such facility and, for the purpose of meeting the annual gross receipts requirements of this Subsection, if any facility which is a part of the resort meets such requirement, such requirement shall be deemed met for any other facility which is a part of the resort.
RESTAURANT BAR: Any establishment having a restaurant or similar facility on the premises at least fifty percent (50%) of the gross income of which is derived from the sale of prepared meals or food consumed on such premises or which has an annual gross income of at least two hundred thousand dollars ($200,000.00) from the sale of prepared meals or food consumed on such premises.
SALE BY THE DRINK: The sale of any intoxicating liquor, except malt liquor, in the original package in any quantity less than fifty (50) milliliters.
SCHOOL: Any school that is regularly used as a public, private or parochial school, elementary school, high school, college, university, professional school, business or secretarial school receiving some support from public, religious or charitable funds.
SELF-CONTAINED MOTOR HOME: A motor vehicle designed for operation on the highway which contains at minimum a bed, sink, refrigerator, stove and functional restroom facility which are designed to be contained within the motor vehicle.
WHOLESALERS, DISTRIBUTORS: Firms or corporations selling intoxicating liquors to duly licensed retailers for resale. (R.O. 2008 §600.010; Ord. No. 4960 §1, 3-11-91; Ord. No. 6202 §1, 6-28-99)

SECTION 600.020: TIME FIXED FOR OPENING AND CLOSING PREMISES -- CLOSED PLACE DEFINED -- PENALTY

A. No person having a license under this law, nor any employee of such person shall sell, give away, or permit the consumption of, or suffer the same to be done upon or about his/her premises, any intoxicating liquor in any quantity between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and between the hours of 1:30 A.M. Sunday and 6:00 A.M. Monday.
B. No person holding a "C.O.L." license under this Chapter shall permit the drinking or consumption of intoxicating liquor in, upon or about the premises between the hours of 1:30 A.M. Sunday and 6:00 A.M. Monday. (R.O. 2008 §600.020; Ord. No. 4960 §1, 3-11-91)

SECTION 600.030: EXCEPTIONS TO CLOSING HOURS PRESCRIBED IN SECTION 600.020(A)

A. When January first (1st), March seventeenth (17th), July fourth (4th), or December thirty-first (31st) falls on Sunday, and on the Sundays prior to Memorial Day and Labor Day and on the Sunday on which the national championship game of the national football league is played, commonly known as "Super Bowl Sunday", any person having a license to sell intoxicating liquor by the drink may be open for business and sell intoxicating liquor by the drink under the provisions of his/her license on that day from the time and until the time which would be lawful on another day of the week, notwithstanding any provisions of Section 311.290, RSMo., or any other provision of law to the contrary.
B. Notwithstanding any other provisions of this Chapter to the contrary, any person who

possesses the qualifications required by this Chapter, and now or hereafter meets the requirements of and complies with the provisions of this Chapter, may apply for, and the Supervisor of Liquor Control may issue, a license to sell intoxicating liquor, as in this Chapter defined, between the hours of 9:00 A.M. Sunday and Midnight on Sunday for retail sales or by the drink at retail for consumption on the premises of any restaurant bar as described in the application. (R.O. 2008 §600.030; Ord. No. 4960 §1, 3-11-91; Ord. No. 6599 §1, 11-10-03)

SECTION 600.040: POSSESSION OF ALCOHOLIC BEVERAGES BY DRUGSTORES AND PRESCRIPTION BY PHYSICIANS

Any druggist may have in his/her possession intoxicating liquor purchased by him/her from a licensed vendor, or intoxicating liquor lawfully acquired at the place of acquisition and legally transported into this State and the City, and lawfully inspected, gauged and labeled as provided for in State Law; such intoxicating liquor to be used in connection with the business of a druggist, in compounding medicines or as a solvent or preservant; provided, that nothing in this Chapter shall prevent a regularly licensed druggist, after he/she procures a license therefor in compliance with this Chapter, from selling intoxicating liquor in the original package, but not to be drank or the package 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 of a regularly licensed physician as above provided. (R.O. 2008 §600.040; Ord. No. 4960 §1, 3-11-91)

SECTION 600.045: AGE LIMITATIONS FOR ENTRY UPON PREMISES OF A LIQUOR BY THE DRINK LICENSEE, NOTICES AND PENALTY

A. It shall be unlawful for any person under the age of nineteen (19) years to enter in, be upon the premises of, or to linger or loiter in or about the premises of any licensee holding a liquor by the drink license or a consumption of liquor license, except any such person under the age of nineteen (19) years of age may be on such premises if accompanied by his/her parent or legal guardian.
B. It shall be unlawful for any individual to allow, cause or assist any person under the age of nineteen (19) years to enter or be on the premises of, or linger or loiter in or about the premises of any licensee holding a liquor by the drink license or consumption of liquor license in violation of the preceding paragraph.
C. Any license holding a liquor by the drink license or consumption of liquor license shall have a sign conspicuously displayed in the common area at the principal entrance to the premises, which shall read as follows:

    IT IS UNLAWFUL FOR PERSONS UNDER THE AGE OF NINETEEN (19) TO ENTER THESE PREMISES UNLESS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN. VIOLATION CAN RESULT IN A FINE OF UP TO FIVE HUNDRED DOLLARS ($500.00) AND/OR NINETY (90) DAYS IN JAIL.

D. This Section shall not apply to any establishment where substantial quantities of food are

served (fifty percent (50%) or more gross sales from the sale of food prepared or consumed on the premises) or fifty percent (50%) or more gross sales from the sale of commodities other than liquor, including such as billiards, bingo, bowling, indoor golf, soccer or volleyball.

E. This Section shall not apply to any charitable, fraternal, religious, service or veteran's organization that has obtained an exemption from payment of Federal income taxes as provided in Section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19), or 501(d) of the United States Internal Revenue Code of 1954, as amended in accordance with Section 311.090(2), RSMo.

F. Every person who commits a violation of this Section shall be adjudged guilty of a ordinance violation, and be punished by imprisonment not exceeding three (3) months in jail or a fine of not more than five hundred dollars ($500.00), or by both such fine and imprisonment. Each entry in or upon the premises in violation of this Section, or each occurrence of loitering in violation of this Section, shall be punishable as a separate distinct offense. (R.O. 2008 §600.045; Ord. No. 5320 §1, 7-17-95; Ord. No. 5402 §1, 4-8-96)

SECTION 600.050: SALE TO MINORS OR OTHER PERSONS AND PERMITTING CONSUMPTION BY MINORS ON C.O.L. PREMISES -- PROHIBITED

No licensee or his/her employee 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; nor shall any person holding a "C.O.L." license or his/her employee permit the drinking or consumption of intoxicating liquor in, upon or about the licensed premises by any person under the age of twenty-one (21) years. (R.O. 2008 §600.050; Ord. No. 4960 §1, 3-11-91)

SECTION 600.060: SECURING INTOXICATING LIQUOR FOR MINOR -- PROHIBITED

A. No person, organization, club or other group shall purchase or in any way secure or supply intoxicating liquor for or to any person under the age of twenty-one (21) years.

B. The prohibition obtained in Subsection (A) shall not apply to the purchase, securing or supply of any intoxicating liquor by the parent or guardian of such person under such age or to the administrating of the sale of intoxicating liquor to such person under such age by a duly licensed physician as part of the medical treatment.

C. If said violation of Subsection (A) in this Section shall be violated, then the person as well as the organization, club or group which shall be sponsoring, acquisiting or condoning the violation of this Section shall be guilty of an ordinance violation and further, if the violation involves any organization, club or group, the officers, directors, sponsors, leaders or organizers of the illegal securing or supplying of intoxicating liquor may in addition thereto, be held individually guilty of violating this Section. (R.O. 2008 §600.060; Ord. No. 4960 §1, 3-11-91)

SECTION 600.070: PURCHASE OR POSSESSION OF ALCOHOL BY A MINOR -- PROHIBITED

A. It shall be unlawful for any person under the age of twenty-one (21) years to purchase or attempt to purchase any intoxicating liquor as defined by Missouri law.
B. It shall be unlawful for any person under the age of twenty-one (21) years to have in his or her possession any intoxicating liquor as defined by State law or to be visibly intoxicated as that term is defined by State law or to have a detectable blood alcohol content of two-hundredths of one percent (.02%) or more by weight of alcohol in such person's blood.
C. For the purpose of determining a violation of this Section or any other provision of this Chapter involving an alleged illegal sale transfer to or possession of intoxicating liquor by a person under twenty-one (21) years of age, a manufactured-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is such 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 the person and it shall be presumed that a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor. (R.O. 2008 §600.070; Ord. No. 4960 §1, 3-11-91; Ord. No. 6778 §§1--2, 8-22-05)

SECTION 600.075: ALLOWING POSSESSION OR CONSUMPTION OF ALCOHOL BY A MINOR

A. It shall be unlawful for any person to supply any intoxicating liquor to any person under the age of twenty-one (21) years.
B. 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 an ordinance violation.
C. It shall be a defense to the prosecution under this Section if:
    1. The defendant is a parent or guardian of the person who is under twenty-one (21) years of age; or
    2. The defendant is a licensed retailer, club, drinking establishment or caterer or holds a temporary permit or an employee thereof; and the defendant sold the intoxicating liquor to the minor with reasonable cause to believe that the minor was twenty-one (21) years of more of age; and 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 of consumption of intoxicating liquor. (R.O. 2008 §600.075; Ord. No. 6777 §1, 8-29-05)

SECTION 600.080: MISREPRESENTATION OF AGE OF A MINOR TO

OBTAIN INTOXICATING LIQUOR -- PROHIBITED

A. Any person of the age of seventeen (17) years and under the age of twenty-one (21) years who shall represent that he or she has attained the age of twenty-one (21) years for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, except in cases authorized by law, shall upon conviction be deemed guilty of a ordinance violation.
B. Any person under the age of seventeen (17) years who shall represent that he or she has attained the age of twenty-one (21) years for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, except in cases authorized by law, may be considered a delinquent child and may be dealt with in accordance with the provisions of Chapter 211, RSMo. (R.O. 2008 §600.080; Ord. No. 4960 §1, 3-11-91)

SECTION 600.090: SALE OR DISPENSATION OF INTOXICATING LIQUOR BY MINORS PROHIBITED -- EXCEPTIONS

A. Except as provided in Subsections (B), (C), and (D) of this Section, no person under the age of twenty-one (21) years shall sell or assist in the sale or dispensing of intoxicating liquor.
B. In any place of business licensed in accordance with Section 311.200, or Section 312.040, RSMo., persons at least eighteen (18) years of age may stock, arrange displays, operate the cash register or scanner connected to a cash register and accept payment for, and sack for carryout, intoxicating liquor. 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.
C. 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.
D. Persons eighteen (18) years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor in places of business which sell food for consumption on the premises if at least fifty percent (50%) of all sales in those places consist of food; provided, that nothing in this Section shall authorize persons under the age of twenty-one (21) years to mix or serve across the bar alcoholic beverages. (R.O. 2008 §600.090; Ord. No. 4960 §1, 3-11-91)

SECTION 600.095: TRANSPORTING OR POSSESSION OF AN OPEN CONTAINER

A. A person commits the offense of transporting an open container, if an open container of intoxicating liquor is found within a motor vehicle that is being operated within the City limits of the City of Maryville other than on private property. An open container shall be considered to be in the possession of the operator of the motor vehicle if the container is not in the sole possession of a passenger.

B. A person commits the offense of possession of an open container, if an open container of intoxicating liquor is possessed by him/her while the person is a passenger in a motor vehicle being operated within the City limits of the City of Maryville other than on private property.
C. Notwithstanding the foregoing provisions, a person shall not be guilty of transporting an open container, nor be guilty of possession of an open container if:
    1. The person is the passenger in a vehicle which the driver is operating the vehicle pursuant to a contract to provide transportation for passengers and such driver holds a valid commercial driver's license with a passenger endorsement; or
    2. The person is a passenger of a bus in which the driver holds a valid commercial driver's license with a passenger endorsement; or
    3. The person is a passenger of a self-contained motor home; or
    4. The open container is located in a locked glove compartment, a locked trunk or other locked non-passenger area of the vehicle; or
    5. In the case of motorcycles, motorized bikes and other two-wheeled motor vehicles, the open container is enclosed within another container. (R.O. 2008 §600.095; Ord. No. 6202 §1, 6-28-99)

SECTION 600.100: DWELLING -- LICENSES PROHIBITED

No license shall be issued for the sale of alcoholic beverages or "C.O.L." in or upon any structure occupied in whole or in part as a dwelling unless such dwelling is equipped with a separate entrance and unless there is no means of entrance or exit from the licensed premises to any dwelling. This Section shall not apply to back single rooms used by night watchmen as places of rest. (R.O. 2008 §600.100; Ord. No. 4960 §1, 3-11-91)

SECTION 600.110: EFFECT OF SIGN PROHIBITING SALE OR CONSUMPTION ON PROPERTY

In the event the owner, tenant or manager of any property within the confines of the City shall display a sign at or upon said property to the effect that no intoxicating liquor may be sold, displayed or consumed upon said property, then anyone in violation of the prohibition on said sign shall, upon conviction thereof, be deemed guilty of a ordinance violation. (R.O. 2008 §600.110; Ord. No. 4960 §1, 3-11-91)

SECTION 600.120: KEEPING, SECRETING, UNAUTHORIZED BEVERAGES IN LICENSED ESTABLISHMENT -- EXCEPTIONS

Licensees selling intoxicating liquor at retail by the drink for consumption on the premises where sold, shall not keep or secrete, nor allow any other person to keep or secrete, in or upon the licensed premises, any intoxicating liquor other than the kind expressly authorized to be sold by such licensee or permittee. (R.O. 2008 §600.120; Ord. No. 4960 §1, 3-11-91)

SECTION 600.130: MIXING LIQUOR WITH DRUGS -- PROHIBITED

No holder of a license under this Chapter, or any other person, shall for any purpose

whatsoever mix or permit or cause to be mixed with any intoxicating liquor kept for sale, sold or supplied by him/her as a beverage, any drug or form of methylalcohol or impure form of alcohol. (R.O. 2008 §600.130; Ord. No. 4960 §1, 3-11-91)

SECTION 600.140: MISREPRESENTATION OF BRAND OF INTOXICATING LIQUOR UNLAWFUL

No licensee shall sell intoxicating liquor or shall offer for sale any such intoxicating liquor, brewed, manufactured or distilled by one (1) manufacturer, in substitution for, or with the representation that any such intoxicating liquor is the product of any other brewer, manufacturer or distiller. (R.O. 2008 §600.140; Ord. No. 4960 §1, 3-11-91)

SECTION 600.150: LIMITATIONS ON NUMBER OF LICENSES FOR ANY ONE PREMISES

No more than one (1) retail license provided for by this Chapter shall be issued for any single premises at any given time. (R.O. 2008 §600.150; Ord. No. 4960 §1, 3-11-91)

SECTION 600.160: GAMBLING AND GAMING LIMITATIONS

A. It shall be unlawful for any licensee to have, allow or encourage upon its premises any gambling or gaming as defined by State law, including both games of chance and games of skill, unless that gambling or gaming is permitted on the premises of a licensee by the Missouri Gaming Commission and the Missouri Division of Liquor Control.
B. It shall be unlawful for any gambling or gaming as defined by State law, including both games of chance and games of skill, to occur on the premises of a licensee, unless that gambling or gaming is permitted on the premises of a licensee by the Missouri Gaming Commission and the Missouri Division of Liquor Control.
C. It shall be unlawful for any licensee to allow or have any gambling devices upon its premises unless the operation of said device on the premises of the licensee is permitted by the Missouri Gaming Commission and the Division of Liquor Control. (R.O. 2008 §600.160; Ord. No. 4960 §1, 3-11-91; Ord. No. 6478 §1, 6-24-02)

SECTION 600.170: LEWDNESS, FREQUENTING OF LICENSED PREMISES BY PROSTITUTES OR DISSOLUTE PERSONS -- PROHIBITED

A. No retail licensee shall knowingly permit any prostitute, degenerate or dissolute person to frequent the licensed premises.
B. No retail licensee shall allow in or upon his/her premises any improper disturbance, lewdness, immoral activities, brawls, or any indecent, profane or obscene language, songs, entertainment, literature or advertising material--nor shall any licensee cause to have printed or distributed any lewd, immoral, indecent literature or advertising material; or cause to have printed or distributed any lewd, immoral, indecent or obscene literature or advertising material; not allow any person to appear on the licensed premises in a condition where either or both of the breasts or pelvic area, or the buttocks, are not covered with opaque clothing, and no dancing will be allowed on any surface where food

or drinks are served or any place within the premises open to public view from the exterior of a licensed premises. No person shall perform a lewd or erotic dance defined herein as being devoted to or tending to arouse sexual desire, nor shall any person perform a striptease dance defined herein as removal of clothing. (R.O. 2008 §600.170; Ord. No. 4960 §1, 3-11-91)

SECTION 600.180: LICENSEE NOT TO SERVE SETUPS OR PERMIT CONSUMPTION OF HARD LIQUOR DIRECTLY FROM BOTTLE

No person holding a license for the retail sale of intoxicating liquor shall knowingly sell, give away or serve upon the premises described in said license, any glass, ice, water, soda-water, phosphates or any other kind of liquids to be used for the purpose of mixing intoxicating drinks and commonly referred to as *"setups"* nor shall any such licensee suffer any person, while in or upon the licensed premises, to pour into, mix with, or add intoxicating liquor to water, soda-water, ginger ale, seltzer, malt, phosphates or any other kind of liquor or other liquor; provided however, that nothing herein contained shall be construed to prohibit any of the above acts in any private guest room or private dining room of any duly licensed hotel, motel or private club. No licensee shall knowingly allow any person, while in or upon the licensed premises, to drink or consume directly out of a bottle any alcoholic beverage containing in excess of five percent (5%) alcohol by weight. (R.O. 2008 §600.180; Ord. No. 4960 §1, 3-11-91)

SECTION 600.190: ISSUANCE AND EXECUTION OF WARRANT FOR VIOLATION OF CHAPTER

Upon information by the City Prosecuting Attorney that any person has failed or refused to observe all the terms and conditions of a subpoena or subpoena duces tecum issued by the Director of Public Safety, or upon complaint filed by a Public Safety Officer or other person authorized to effect arrests, the Municipal Judge shall, at once issue a warrant for the arrest of the person complained against, which warrant shall be directed to the Director of Public Safety and shall be executed by him/her or any Officer or member of the Department of Public Safety. (R.O. 2008 §600.190; Ord. No. 4960 §1, 3-11-91)

ARTICLE II. ENFORCEMENT -- DUTIES AND POWERS

SECTION 600.200: RESPONSIBILITY OF DIRECTOR OF PUBLIC SAFETY -- QUALIFICATION

It shall be the duty of the Director of Public Safety (herein referred to as the Director), with such aid as may be rendered by members of the Department of Public Safety or other persons duly sanctioned by the City Manager, to enforce the provisions of this Chapter. (R.O. 2008 §600.210; Ord. No. 4960 §1, 3-11-91; Ord. No. 7003 §1, 4-28-08)

SECTION 600.210: PROHIBITED INTERESTS OF CERTAIN MUNICIPAL OFFICERS

The City Manager, City Clerk, Public Safety Director and any other Public Safety Officer shall not have any interest, direct or indirect, either proprietary or by the means of any loan, mortgage or other lien either for his/her own benefit or in a fiduciary capacity, or any other manner, in or on the premises where intoxicating liquor is distilled, brewed, manufactured or sold, nor shall any such person be or have any interest in any business wholly or partially devoted to distilling, brewing, manufacturing or selling of intoxicating liquor, either as owner, part-owner, partner, member of a syndicate, shareholder or a corporation, agent or employee, either for his/her own or their benefit or in a fiduciary capacity. No member of the Department of Public Safety shall have any interest described in the last preceding sentence. (R.O. 2008 §600.220; Ord. No. 4960 §1, 3-11-91; Ord. No. 7003 §1, 4-28-08)

SECTION 600.220: POWERS TO ENFORCE PROVISIONS OF THIS CHAPTER

The Director or any member of the Department of Public Safety is hereby empowered to make arrests in connection with the violation of any provision of this Chapter or other ordinances of the City, to make searches and seizures in relation to the same, to serve any subpoena or subpoena duces tecum or other process relating to the enforcement of this Chapter. (R.O. 2008 §600.230; Ord. No. 4960 §1, 3-11-91; Ord. No. 7003 §1, 4-28-08)

SECTION 600.230: INSPECTIONS OF PREMISES -- IMPOUNDMENT

The Director, or his/her expressly authorized agent, shall have the right at any reasonable time to inspect, and the licensee shall allow inspection of any licensed premises and all portions of the buildings thereof, including all rooms, cellars, outbuildings, passageways, closets, halls, yards and attics and all buildings used in connection with the operations carried on under said license and which are in his/her possession or under his/her control and all places where he/she keeps or has liquor stored and to seize any and all objects that may appear to be in violation of any provision of this Chapter and to hold in custody such objects as evidence until any matter pertaining thereto. If not forfeited, objects shall be returned to the lawful owner after the matter is finally adjudicated unless the same are found to be contraband. If such objects are not claimed by the lawful owner within ninety (90) days after final adjudication, they shall be deemed forfeited. (R.O. 2008 §600.240; Ord. No. 4960 §1, 3-11-91; Ord. No. 7003 §1, 4-28-08)

SECTION 600.240: DUTY TO INSPECT PLACES OF BUSINESS

A. The Director shall have the duty of regularly inspecting all places of business where liquor is sold, consumed or kept for sale, to maintain periodic checks on all licenses issued pursuant to this Chapter thereby insuring licensees' full compliance with the requirements of same and to determine as to the wholesomeness and orderly manner in which any intoxicating liquor establishment is maintained and operated.
B. Prior to granting a liquor license, a fire and life safety inspections shall be performed by the Fire and Code Enforcement Departments. All deficiencies resulting from said

inspection shall be abated prior to the issuance or renewal of liquor license(s). (R.O. 2008 §600.250; Ord. No. 4960 §1, 3-11-91; Ord. No. 7003 §1, 4-28-08)

SECTION 600.250: SUSPENSION AND REVOCATION OF LICENSES

A. *Grounds For Suspension/Revocation.* The City Council may suspend or revoke any license issued under the provisions of this Chapter, upon finding that:

1. Any licensee or any employee, agent or servant of such licensee has not at all times maintained an orderly place or has maintained a disorderly place. An orderly place is to be maintained by the licensee through the prevention of immorality, violations of law, affrays and breaches of the peace on the premises. For the purposes of this Section, *"premises"* shall include the licensed premises, parking lots and the area around the licensed premises which is used as part of the business;
2. Any licensee or any employee, agent or servant of such licensee has violated any of the provisions of this Chapter;
3. Any licensee or any employee, agent or servant of such licensee has violated any Federal or State law pertaining to the sale or licensing of intoxicating liquors or any other rule or regulation pertaining to the sale or licensing of intoxicating liquors;
4. Any licensee or any employee, agent or servant of such licensee has failed to exercise proper control of customers. The licensee or any employee, agent or servant of such licensee shall use good judgment in the sale of intoxicating beverages and shall not sell the same to persons obviously intoxicated. As to any customer who becomes unruly or abusive, it shall be the duty of the licensee to call and fully cooperate with the Police or other law enforcement agency;
5. Any licensee or any employee, agent or servant of such licensee has failed to exercise proper control over the premises. The licensee shall take necessary steps to supervise the premises immediately outside the establishment, shall keep the premises free from litter and shall not allow the premises to become a gathering location for the liquor establishment's customers;
6. Any licensee or any employee, agent or servant of such licensee has allowed or permitted any acts prohibited by Section 600.170, of the Municipal Code of the City of Maryville;
7. The license granted under this Chapter was obtained through materially false statements in the application of such license or application for renewal thereof;
8. The licensee failed to make a full and complete disclosure of all pertinent information in the application for such license or application for renewal thereof;
9. 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;
10. 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;
11. The occurrence of any act or instance which would render the licensed premises ineligible or unsuitable for a license under the provision of this Chapter; or
12. The operation of the licensed establishment has been discontinued or abandoned.

B. *Probable Cause Motion.* Upon affirmative vote of three (3) members of the City Council, concluding that evidence has been presented establishing that there is probable cause to believe that a licensed establishment or licensee has violated any of the provisions of Section 600.250(A), and that the City Council should conduct a formal hearing on the issue of suspension or revocation of liquor license for said licensee, the City Council shall hold a formal hearing pursuant to further provisions of this Chapter.

C. *Notice Of Intent To Hold Hearing.* Upon affirmative vote pursuant to Subsection (B) above, the City Clerk shall notify the licensee in writing of the intent of the City Council to hold a formal hearing on the issue of suspension or revocation of a license granted pursuant to this Chapter. Said notice shall provide the licensee notice of the date, time and location of the hearing and shall either be personally served on the licensee or a copy shall be mailed by registered or certified mail to the last known address of the licensee or the residence address of the licensee. The licensee shall receive said notice not less than ten (10) days prior to the hearing.

D. *Notice Of Grounds For Hearing.* After consultation with the City Attorney, the City Clerk shall provide written notice to the licensee of the grounds to be presented to the City Council on the issue of suspension or revocation of a license granted pursuant to this Chapter. Said notice shall be personally served upon the licensee or a copy shall be mailed by registered or certified mail to the last known address of the licensee or residence address of the licensee. The licensee shall receive said notice not less than ten (10) days prior to the hearing.

E. *Continuances.* Upon its own motion or at the request of any party, including the licensee, the City Council may grant such reasonable continuances of the formal hearing as it deems appropriate.

F. *Authority Of Council.* The Council shall have authority to suspend any license granted pursuant to this Chapter for a period not to exceed ninety (90) days or to revoke the license.

G. *Hearing Procedure.* The Council shall consider all information, documents and testimony presented at the formal hearing and then render its decision based thereon. The hearing need not be conducted according to the applicable rules of evidence as applied by judicial bodies in the State of Missouri. However, the hearing procedure shall ensure that a fair and impartial forum is provided at which each party shall have the right to:

1. Call and examine witnesses on any matter relevant to the issues of the hearing;
2. Introduce documentary and physical evidence;
3. Cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
4. Rebut any evidence presented; and
5. Represent himself/herself or be represented by an attorney of his/her choice.

Witnesses may be subpoenaed or may voluntarily appear at such hearing. Before any witness shall testify at any such hearing or proceeding, the witness shall swear to testify under oath. All proceedings and such hearings shall be taken down stenographically or recorded mechanically or electronically or a combination thereof. Said proceeding shall be transcribed whenever required by law.

H. *Decision Of City Council.* At the conclusion of all the evidence, the Council shall first determine whether the licensee has violated any of the provisions of Section 600.250(A). Upon an affirmative vote as to that issue by at least three (3) members of the City

Council, the Council shall thereupon establish an appropriate penalty, after considering the nature and severity of the offense(s) and the particular licensee's historical compliance or non-compliance with the provisions of this Chapter. The penalty shall be set by an affirmative vote of at least three (3) members of the City Council.

I. *Findings Of Fact.* Any determination that suspension or revocation of a license is appropriate, the City Council shall first issue its decision as written findings of fact, which shall set forth the violation(s) supported by the evidence and the duration and commencement date of any term of suspension or revocation.

J. *Effective Date Of Suspension Or Revocation.* No suspension or revocation shall become effective until the licensee has been given notice of the commencement date of the suspension or revocation and the duration thereof. Said notice shall be given at least ten (10) calendar days prior to the effective date of the suspension or revocation. The notice requirement of this Section may be satisfied by compliance with any of the following:

1. Public announcement of the dates of the suspension or revocation or any hearing held pursuant to this Chapter when the licensee or his/her representative is present at the time of the announcement. Notice shall commence from the date of the announcement.
2. Personally serving a copy of the findings of fact upon the licensee.
3. Mailing a copy of the findings of fact by registered or certified mail to the last known address of the licensee or the residence address of the licensee.
4. By posting a copy of the dates of suspension on the entrance door of the establishment to be closed under the terms of the suspension. Notice shall commence with the date of the posting.
5. In the event service cannot be obtained under the procedures outlined in any of the first (1st) three (3) paragraphs, any method of service allowed for service of civil process under the Missouri Rules of Civil Procedure may be used. (R.O. 2008 §600.260; Ord. No. 4960 §1, 3-11-91; Ord. No. 5561 §1, 7-28-97; Ord. No. 6108 §1, 8-24-98; Ord. No. 7003 §1, 4-28-08)

SECTION 600.260: EFFECT OF SUSPENSION OR REVOCATION OF LICENSE

A. *Maintain Closed Place.* Any licensee shall maintain a "closed place" during the term of its suspension or revocation.

B. *Effect On License Fees.* In the event of the suspension or revocation of any license issued pursuant to this Chapter, the City shall not return, refund or prorate any part of the license fee paid for such license.

C. *Effect Of Revocation On Reissuance.* Whenever a license has been revoked under the provisions of this Chapter, before any license is issued to operate a liquor establishment either at the same location or by the same licensee, it shall be necessary that the procedures be satisfied as are required for the issuance of an original license.

D. *Effect On Court Proceedings.* The penalty established by the City Council by the suspension or revocation of a license pursuant to this Chapter shall not limit or effect the authority of any other administrative body or any court to establish an additional, separate penalty or punishment for the same conduct. (R.O. 2008 §600.265; Ord. No. 5561 §1, 7-28-97; Ord. No. 7003 §1, 4-28-08)

SECTION 600.270: SUBPOENA OF WITNESSES

Witnesses may be subpoenaed for any hearing conducted pursuant to this Chapter. Subpoenas may be issued by the City Clerk for any witnesses whose presence is desired at any hearing or proceeding before the City Council to suspend or revoke a license, or to refuse a license or renewal thereof. Such subpoena may be served by any member of the Maryville Public Safety Department or may be served and returned thereon in the same manner as provided by law in civil suits in the Circuit Courts of this State. It shall be unlawful for any person to fail or refuse to obey all terms and conditions of any subpoena issued pursuant to this Chapter. (R.O. 2008 §600.270; Ord. No. 4960 §1, 3-11-91; Ord. No. 5561 §1, 7-28-97; Ord. No. 7003 §1, 4-28-08)

SECTION 600.280: SUSPENSION/REVOCATION ORDER VIOLATIONS

It shall be unlawful for any licensee to fail to maintain a "closed place" during the time of any suspension or revocation of license pursuant to this Chapter. (R.O. 2008 §600.280; Ord. No. 4960 §1, 3-11-91; Ord. No. 5561 §1, 7-28-97; Ord. No. 7003 §1, 4-28-08)

ARTICLE III. LICENSES

SECTION 600.290: SCOPE OF LICENSE REQUIREMENTS

A. No person shall directly or through the use of agents or servants engage in the manufacture, brewing, sale, exposure for sale or resale or distribution of intoxicating liquors within the confines of the City without first having duly obtained a license authorizing such manufacture, brewing, sale or distribution as herein provided.
B. 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 or about said premises between 10:00 P.M. and 6:00 A.M. the following day without having a C.O.L. license as defined in this Chapter. (R.O. 2008 §600.290; Ord. No. 4960 §1, 3-11-91; Ord. No. 7003 §1, 4-28-08)

SECTION 600.300: TEMPORARY PERMIT FOR SALE BY DRINK -- CERTAIN ORGANIZATIONS

A. The City Clerk may issue a permit for the sale of intoxicating liquor for consumption on premises where sold to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for sale at a picnic, bazaar, fair or similar gathering. The permit shall be issued only for the day or days named therein and it shall not authorize the sale of intoxicating liquor for more than seven (7) days by any such club or organization.
B. If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor on that day beginning at 11:00 A.M.
C. At the same time that an applicant applies for a permit under the provisions of this Subsection, the applicant shall notify the Director of Revenue of the holding of the event

by certified mail and by such notification shall accept responsibility for the collection and payment of any applicable sales tax.

D. No provision of law or rule or regulation of the City shall be interpreted as preventing any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the permit holder at such picnic, bazaar, fair or similar gathering. (R.O. 2008 §600.300)

SECTION 600.310: DUE DATES FOR LICENSE FEES

All license fees shall be due and payable on or before June first (1st) of each year and shall be good for the year beginning July first (1st) and ending June thirtieth (30th). Renewal applications received by City Clerk after June first (1st), and before the expiration of such license shall incur a penalty of one hundred dollars ($100.00). Late applications will be processed as soon as practical. If such license is originally issued after July first (1st) but before December thirty-first (31st) of the same calendar year, the applicant shall pay one-twelfth (1/12) of such fee for each month or fraction thereof remaining in the twelve (12) month period ending on June thirtieth (30th) of the next following calendar year. The fee for any license issued subsequent to December thirty-first (31st) of any license year shall be one-half (½) of the annual fee with all renewals thereafter being issued on July first (1st) in each year. (R.O. 2008 §600.310; Ord. No. 4960 §1, 3-11-91; Ord. No. 7003 §1, 4-28-08)

SECTION 600.320: QUALIFICATIONS OF LICENSEES -- INDIVIDUALS

No individual shall be granted a license unless such individual is actively engaged in the actual control and management of the particular alcoholic beverage or C.O.L. establishment for which a license is sought, is twenty-one (21) years of age, is of good moral character, has never been convicted of a felony and is a qualified legal voter and taxpaying citizen of this State. No individual shall be granted a license hereunder whose license as such dealer has been revoked or who has been convicted within the last three (3) years of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor or who employs in his/her business as such dealer any individual whose license has been revoked or who has been convicted of violating the provisions of any such law since the date aforesaid; provided however, that the City Council may in its discretion grant a license to such individual whose license has been revoked for abandonment of the licensed premises as set forth in Section 600.250(A)(6). (R.O. 2008 §600.320; Ord. No. 4960 §1, 3-11-91; Ord. No. 7003 §1, 4-28-08)

SECTION 600.330: QUALIFICATIONS OF LICENSEES -- PARTNERSHIP

No license shall be issued to any partnership unless all members of the partnership are persons who would be eligible for licenses as individuals, and no such license shall be issued to any partnership which has been the holder of a liquor license that has been revoked; provided however, that the City Council may in its discretion grant a license to a partnership whose license has been revoked for abandonment of the premises as set forth in Section 600.250(A)(6). (R.O. 2008 §600.330; Ord. No. 4960 §1, 3-11-91; Ord. No. 7003 §1, 4-28-08)

SECTION 600.340: QUALIFICATIONS OF LICENSEES -- CORPORATION

No license shall be issued to any corporation if such corporation, or any officer, Director, or any stockholder owning, legally or beneficially, directly or indirectly, ten percent (10%) or more of the stock of such corporation, or other financial interest therein, or ten percent (10%) or more of the interest in the business for which the corporation is licensed, shall have had a liquor license revoked or shall have been convicted of violating the provisions of any law applicable to the manufacture or sale of intoxicating liquor since the ratification of the Twenty-First Amendment to the Constitution of the United States or shall not be a person of good moral character; provided, that the City Council may in its discretion grant a license to a corporation whose license has been revoked for abandonment of the premises pursuant to Section 600.250(A)(6), and provided further, that no wholesaler license shall be issued to a corporation for the sale of intoxicating liquor in excess of five percent (5%) by weight, except to a resident corporation. (R.O. 2008 §600.340; Ord. No. 4960 §1, 3-11-91; Ord. No. 7003 §1, 4-28-08)

SECTION 600.350: APPLICATION FOR LICENSE

A. *Form.* Applicants for a license may procure the proper forms by request to the City Clerk setting forth in said request the specific type and nature of license sought and the location desired.

B. *Identification Of Applicant.* Upon receipt of the application, in addition to answering all other questions thereon, the applicant shall state his/her name and address if a natural person, or if a firm, partnership or association, the name and address of each member of the firm, partnership, or association, or if the applicant is a corporation and requests a license for intoxicating liquor by the drink, the names and addresses of all its officers, members of its Board of Directors, all stockholders and ownership interests shall be required; otherwise, this requirement pertaining to stockholders shall be optional at the discretion of the Director of Public Safety.

C. *Information Requested.*

1. The place of birth of each applicant and if the applicant is a naturalized citizen, the date and place of naturalization.
2. Whether or not the applicant has been convicted of a felony.
3. Whether or not any distiller, wholesaler, winemaker, brewer or supplier of coin-operated, commercial, manual or mechanical amusement devices, or the employees, officers or agents thereof, has any financial interest in the retail business of the applicant for the sale of alcoholic beverages, or a C.O.L. and whether or not the applicant, either directly or indirectly, will borrow or accept from any such persons equipment, money, credit or property of any kind except ordinary commercial credit for liquor sold.
4. A complete description of the plans, specifications and fixtures in the applicant's proposed place of business if the application is for a retail license; provided however, that this shall apply only when application is for a new location or change in the plans or specifications within a previously established location.
5. A statement that the applicant will not violate any of the ordinances of the City, the laws of the State or of the United States in the conduct of the business.
6. A comprehensive and informative statement to disclose the true ownership and management of the business and the location, place or premises for which a

license is sought.

7. Whether or not the proposed location, place or premises is within one hundred (100) feet of a school or church.

D. *Full, True And Complete Answers Required.* No license shall be granted hereunder unless the applicant renders full, true and complete answers to all questions contained in said application.

E. *Application For Original Package License.* If the application seeks an original package license, an affidavit by the individual owner, or if a partnership, all of said partners, or if a corporation, the managing officer of said corporation, must be submitted therewith and contain therein the type of business presently engaged in or in conjunction with which the license shall be used, and further, stating that the said applicant has and at all times keeps in his/her place of business a stock of goods having an invoice value of at least one thousand dollars ($1,000.00), exclusive of fixtures and intoxicating liquors.

F. *Supplemental Reports.* The licensee, upon request of the Director, shall file a supplemental report within fifteen (15) days of any loan made to the licensee of money or credit relating directly or indirectly to the licensed business. (R.O. 2008 §600.350; Ord. No. 4960 §1, 3-11-91; Ord. No. 7003 §1, 4-28-08)

SECTION 600.360: MORE THAN THREE LICENSES BY ANY ONE PERSON PROHIBITED -- EXCEPTION

No person or any employee, officer, agent, subsidiary or affiliate thereof shall have more than three (3) licenses, nor be directly or indirectly interested in any business of any person, or of any employee, officer, agent, subsidiary or affiliate thereof, to sell intoxicating liquor at retail by the drink for consumption on the premises described in any license, nor shall any intoxicating liquor be sold at retail by the drink for consumption at the place of sale at more than three (3) places in the City by any person or corporation or by any employee, officer, agent, subsidiary or affiliate thereof; provided that, in determining whether any person or any employee, officer, agent, subsidiary or affiliate thereof has a disqualifying interest in more than three (3) licenses, there shall not be counted any license to sell intoxicating liquor at retail by the drink for consumption on premises which includes a restaurant at least fifty percent (50%) of the gross income of which is derived from the sale of prepared meals or food consumed on the premises where sold. (R.O. 2008 §600.360; Ord. No. 4960 §1, 3-11-91; Ord. No. 7003 §1, 4-28-08)

SECTION 600.370: INVESTIGATION OF APPLICATION FOR LICENSE

A. The Director shall supervise an immediate, thorough investigation of application received hereunder and the character, background, associates, financial investments and indebtedness of the applicant. The suitability of the location and surrounding conditions of the proposed premises shall also be investigated. The Director shall report to the City Council on the results of his/her investigation.

B. The Director shall furnish to the City Council all pertinent information contained in the Police Department records and the results of submission of the fingerprints to the Federal Bureau of Investigation.

C. In an effort to offset the expense of the investigation process, all new license applications

shall pay a non-refundable investigation fee of one hundred dollars ($100.00) in addition to the license fee.

D. If an existing license holder in good standing applies for an additional license whether at the same address or a different address, an investigation fee shall not apply. (R.O. 2008 §600.370; Ord. No. 4960 §1, 3-11-91; Ord. No. 7003 §1, 4-28-08)

SECTION 600.380: ISSUANCE OF LICENSE

A. If an application for a license hereunder is approved by the City Council and payment of the license tax made in the form of a bank draft, United States or express money order, certified check or cashier's check payable to the City of Maryville for the correct amount of the license fee, the City Clerk shall grant to the applicant a license to operate and conduct business at the location in the City for the period as set forth in the license certificate. Every license shall set forth the type of license granted and shall particularly describe the premises at which alcoholic beverages may be sold, and such license shall not authorize or permit the sale of alcoholic beverages at any place other than that described therein.

B. An approved application for an alcohol license by the Maryville City Council shall be temporary in nature, until the applicant receives a valid County and State license. The license shall not become permanent until the noted expiration when the applicant provides the City Clerk with a copy of the valid State license. In the event the license is denied by the State or a copy of the State license is not submitted to the City of Maryville within forty-five (45) days of City Council approval, the City of Maryville alcohol license shall become void immediately. (R.O. 2008 §600.380; Ord. No. 4960 §1, 3-11-91; Ord. No. 7003 §1, 4-28-08)

SECTION 600.385: PERMIT TO CATER LIQUOR BY THE DRINK

A. Upon receipt of application, the City Manager or City Clerk shall verify whether or not a temporary permit to cater, at retail, intoxicating liquor by the drink for consumption at particular function, occasion or event at a particular location other than the licensed premises. Applicant shall hold a liquor-by-the-drink license with the City of Maryville. Said application shall be received no less than fifteen (15) days prior to scheduled event. The temporary permit shall be effective for a period not to exceed seven (7) consecutive days and shall authorize the service of alcoholic beverages at such function, occasion or event during the hours at which alcoholic beverages may be lawfully sold. For every permit issued, a fee of ten dollars ($10.00) shall be paid for each calendar day (12:00 A.M. to 11:59 P.M. = 1 day) for which the permit is issued.

B. An applicant granted a permit for outdoor catering shall install temporary fencing which designates the catered area to which the permit applies.

C. If catering event is held on City property, a general liability policy of insurance which names the City as an additional insured shall be obtained by the applicant in an amount equal to the sovereign immunity limits of the City as calculated pursuant to Section 537.610, RSMo. (or its successor). A copy of which shall be provided to the City Clerk prior to the time such permit is issued. (R.O. 2008 §600.385; Ord. No. 7003 §1, 4-28-08)

SECTION 600.390: PURCHASERS OF ALCOHOLIC BEVERAGE ESTABLISHMENTS

A bona fide purchaser of an existing establishment who possess all the individual qualifications required by this Chapter may be issued a license. (R.O. 2008 §600.390; Ord. No. 4960 §1, 3-11-91; Ord. No. 7003 §1, 4-28-08)

SECTION 600.395: OCCUPANCY LIMITATIONS AND ENFORCEMENT

A. Occupancy limits will be calculated in accordance with the currently adopted Fire Code, as indicated in Chapter 225: Fire Code, of the Maryville Municipal Code.
B. Occupancy limits will be enforced by the Public Safety Department. (R.O. 2008 §600.395; Ord. No. 7003 §1, 4-28-08)

SECTION 600.400: POSSESSION OR RIGHT TO OCCUPY PREMISES PREREQUISITE TO ISSUANCE OF LICENSE

A licensee hereunder shall be in possession of the premises, or have the legal right to occupy the same, before any license shall be issued hereunder. (R.O. 2008 §600.400; Ord. No. 4960 §1, 3-11-91; Ord. No. 7003 §1, 4-28-08)

SECTION 600.410: ISSUANCE OF LICENSE WITHIN ONE HUNDRED FEET OF A SCHOOL OR CHURCH

A. No license shall be granted for the sale of intoxicating liquor within one hundred (100) feet of any school, church or other building regularly used as a place of religious worship, unless the applicant for the license shall first obtain consent of the City Council, except that when a school, church or place of religious worship shall hereafter be established within one hundred (100) feet of any place of business licensed to sell intoxicating liquor, the license thereof shall not be denied for this reason. Such consent shall not be granted until ten (10) days' written notice has been provided to all owners of property within one hundred (100) feet of the proposed licensed business.
B. Subsection (A) of this Section shall not apply to any premises holding a license issued before May 1, 2005, by the City of Maryville for the sale of intoxicating beer. To retain a license under this Subsection, the licensed premises shall not change license type, amend the legal description or be without a liquor license for more than ninety (90) days. (R.O. 2008 §600.410; Ord. No. 4960 §1, 3-11-91; Ord. No. 6829 §§1--2, 5-15-06; Ord. No. 7003 §1, 4-28-08)

SECTION 600.420: LICENSE TO BE SIGNED -- ATTESTED AND SEALED

All licenses granted by virtue of this Chapter shall be signed by the Mayor and attested by the City Clerk with the Seal of the City affixed thereon. (R.O. 2008 §600.420; Ord. No. 4960 §1, 3-11-91; Ord. No. 7003 §1, 4-28-08)

SECTION 600.430: NO LIMITATION ON NUMBER OF LICENSES TO RESORTS -- STATEMENT REQUIRED

A. 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, 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 resort as described in the application.
B. A seasonal resort restaurant is a restaurant which is not a new restaurant establishment and which is open for business eight (8) or fewer consecutive months in any calendar year. Fifty percent (50%) of all gross sales of such restaurant shall be sales of prepared meals. Any new seasonal resort restaurant establishment having been in operation for less than twelve (12) weeks may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises for a period not to exceed ninety (90) days if the seasonal resort restaurant establishment can show a projection for annualized gross sales of which fifty percent (50%) shall be sales of prepared meals. The temporary license fee and the annual license fee shall be prorated to reflect the period of operation of the seasonal resort restaurant. The license shall be valid only during the period for which application was made and for which the fee was paid. Any seasonal resort restaurant upon resuming business for its season of operation shall not be considered a new establishment for purposes of issuing a temporary license. Nothing in this Subsection shall prohibit a seasonal resort restaurant from becoming a resort restaurant upon application, payment of fees, and compliance with the requirements of this Chapter.
C. The times for opening and closing the establishments as fixed in Section 311.290, RSMo., the authority for the collection of fees by counties as provided in Section 311.220, RSMo., and all other laws and regulations of the State relating to the sale of liquor by the drink for consumption on the premises where sold shall apply to resorts in the same manner as they apply to establishments licensed under Section 311.090, RSMo.
D. Any new resort or restaurant establishment having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises for a period not to exceed ninety (90) days if the resort or restaurant establishment can show a projection of an annual gross receipts of not less than seventy-five thousand dollars ($75,000.00) per year with at least fifty thousand dollars ($50,000.00) of such gross receipts from non-alcoholic sales. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment. (R.O. 2008 §600.430; Ord. No. 4960 §1, 3-11-91; Ord. No. 7003 §1, 4-28-08)

SECTION 600.440: LICENSE FEES

Before any license required by this Chapter shall be issued, the annual fee required therefore shall be paid to the City Clerk. Annual license fees required for licenses under this Chapter shall be the maximum amount allowable according to the State law (Fees = 1½ x State's fees) Section 311.220, RSMo. (R.O. 2008 §600.440; Ord. No. 4960 §1, 3-11-91; Ord. No. 7003 §1, 4-28-08)

SECTION 600.450: RENEWAL OF LICENSES

A. *Sales By Drink And COL Licenses*. Each person holding a license under this Chapter and desiring such license renewed shall file with the City Clerk an application for license renewal on or after the first (1st) day of June of each year.
B. *Proper Parties To File*. The application shall be filed by President or other officer who has authority to act on behalf of the corporation for such matters, as evidenced by written documentation provided to the City by the corporation; and if such officer is not the manager of the location for which the license is to apply, then the manager shall also sign as a co-applicant on behalf of the corporation. Should the manager of such location be replaced during the license term, the new manager shall so advise the City immediately and shall make all subsequent renewals during such manager's tenure.
C. *Contents Of Application*. The application shall disclose in affidavit form the following information along with any other information deemed necessary:
    1. A comprehensive and informative statement to disclose the true ownership and management of the business including the names and addresses of any and all persons who may be engaged in, either directly or indirectly, any part of the management or control of the business.
    2. Whether or not the applicant has been convicted of a felony.
    3. Whether or not any distiller, wholesaler, winemaker, brewer or supplier of coin-operated, commercial, manual or mechanical amusement devices or the employees, officers or agents thereof has any financial interest in the retail business of the applicant for the sale of alcoholic beverages or C.O.L., and whether or not the applicant, either directly or indirectly, will borrow or accept from any such persons equipment, money, credit or property of any kind except ordinary commercial credit for liquor sold.
    4. A statement that the applicant will not violate any of the ordinances of the City, the laws of the State or of the United States in the conduct of the business.
D. *Penalty*. If any licensee fails to file the application for license to transfer any license issued by virtue of this Chapter, and no license shall be effective at any place except upon those premises for which said license was originally issued, provided however, that in the event a license hereunder should obtain a buyer, lessee, sublessee or assignee for the establishment for which license was issued, said buyer, lessee, sublessee or assignee shall be given prior consideration for a license on condition of compliance with all provisions of this Article. (R.O. 2008 §600.450; Ord. No. 4960 §1, 3-11-91; Ord. No. 6001 §1, 11-10-97; Ord. No. 7003 §1, 4-28-08)

SECTION 600.455: PROCEDURES FOR FAILURE OR REFUSAL TO GRANT OR RENEW A LICENSE

A. *Right To Deny*. The City Council may deny or decline to grant an application for a license or an application for renewal of a license upon any of the following:
    1. Finding that the applicant is not qualified under the provisions of this Chapter;
    2. Finding that any of the Subsections in Section 600.250(A) are true;
    3. Finding, in its discretion, that it is not advisable to grant a license to the applicant;
    4. Finding that the proposed location is unsatisfactory; or
    5. Finding it is not in the best interest of the City of Maryville to grant or renew such a license.
B. *Right To Hearing*. In the event the City Council of the City of Maryville shall fail or

refuse to grant or renew a license under the provisions of this Chapter, the applicant shall be entitled to a formal hearing. Notice of the denial or declination to grant an application shall be given to the applicant by either personally serving notice of the same upon the applicant or by mailing notice to applicant by certified mail to the last known address or the residence address of the applicant. Said notice shall inform applicant of the right to a hearing on the issue and the procedures for requesting a hearing. Said notice shall be provided within ten (10) days of the decision of the Council, absent extenuating circumstances.

C. *Hearing Request.* Applicant may request a formal hearing before the City Council by filing a request for the same with the City Clerk on the form provided by the City. Said notice must be filed within ten (10) days of applicant receiving the notice pursuant to this Section.

D. *Notice Of Or Denial Of Renewal Or A License Hearing.* The City Clerk shall notify the applicant, in writing, of the intent of the City Council to hold a formal hearing on the issue of denial of a license or denial of renewal of a license granted pursuant to this Chapter. Said notice shall provide the applicant notice of the date, time and location of the hearing and shall either be personally served on the applicant or a copy shall be mailed by registered or certified mail to the last known address of the applicant or the residence address of the applicant. The applicant shall receive said notice not less than ten (10) days prior to the hearing.

E. *Notice Of Grounds For Hearing.* After consultation with the City Attorney, the City Clerk shall provide written notice to the applicant of the grounds to be presented to the City Council on the issue of denial pursuant to this Chapter. Said notice shall be personally served upon the applicant or a copy shall be mailed by registered or certified mail to the last known address of the applicant or residence address of the applicant. The applicant shall receive said notice not less than ten (10) days prior to the hearing.

F. *Continuances.* Upon its own motion or at the request of any party, including the applicant or the City Attorney, the City Council may grant such reasonable continuances of the formal hearing as it deems appropriate and may grant such temporary licenses for specific duration for such prorated fees as the City Council deems appropriate.

G. *Hearing Procedure.* The Council shall consider all information, documents and testimony presented at the formal hearing and then render its decision based thereon. The hearing need not be conducted according to the applicable rules of evidence as applied by judicial bodies in the State of Missouri. However, the hearing procedure shall ensure that a fair and impartial forum is provided at which each party shall have the right to:

1. Call and examine witnesses on any matter relevant to the issues of the hearing;
2. Introduce documentary and physical evidence;
3. Cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
4. Rebut any evidence presented; and
5. Represent themselves or be represented by an attorney of their choice.

The City Attorney shall present the evidence supporting the denial. Witnesses may be subpoenaed or may voluntarily appear at such hearing. Before any witness shall testify at any such hearing or proceeding, the witness shall swear to testify under oath. All proceedings and such hearings shall be taken down stenographically or recorded mechanically or electronically or a combination thereof. Said proceeding shall be

transcribed whenever required by law.

H. *Decision Of City Council.* At the conclusion of all the evidence, the Council may grant or deny the application for a license or the application for renewal of a license. Notice of any denial or declination to grant an application shall be given to the applicant by either personally serving notice of the same upon the applicant or by mailing notice to applicant by certified mail to the last known address or the residence address of said applicant. Said notice shall be provided within ten (10) days of the decision of the Council, absent extenuating circumstances. (R.O. 2008 §600.455; Ord. No. 6001 §1, 11-10-97; Ord. No. 7003 §1, 4-28-08)

SECTION 600.460: TRANSFER OF LOCATION OF LICENSED ESTABLISHMENT

A license may, subject to the approval of the City Council upon application in writing, be transferred to any other part of the building containing the licensed premises if the premises sought to be licensed meet the requirements of this Chapter. (R.O. 2008 §600.460; Ord. No. 4960 §1, 3-11-91; Ord. No. 7003 §1, 4-28-08)

SECTION 600.470: DEATH OF LICENSEE UNDER UNEXPIRED LICENSE

In the event of the death of a licensee, any relative of such deceased licensee, who shall meet the other requirements of this Article, may be permitted to operate the business of the licensee for the remainder of the period for which a license fee has been paid by the deceased licensee. (R.O. 2008 §600.470; Ord. No. 4960 §1, 3-11-91; Ord. No. 7003 §1, 4-28-08)

SECTION 600.475: REFUND

No fees paid for an alcoholic beverage license or permit shall be refunded, whether partially or in full, once a determination is made with regard to the approval or denial of the license/permit. (R.O. 2008 §600.475; Ord. No. 7003 §1, 4-28-08)

SECTION 600.480: DISPLAY OF LICENSE

All licenses duly issued and obtained in compliance with this Chapter shall, at all times, be placed in an open and conspicuous location within the premises being operated thereunder. (R.O. 2008 §600.480; Ord. No. 4960 §1, 3-11-91; Ord. No. 7003 §1, 4-28-08)

SECTION 600.490: LOST LICENSES

Whenever proof that a license has been lost or destroyed is furnished by a licensee, a duplicate in lieu thereof shall be issued by the City upon payment of the sum of five dollars ($5.00) by the said licensee and submission by the latter of an application for a duplicate license in the form provided wherein true and complete answers must be given to the following:

1. The date upon which the license was lost or destroyed.

2. The circumstances under which the license was lost or destroyed.
3. A request that a duplicate license be issued. (R.O. 2008 §600.490; Ord. No. 4960 §1, 3-11-91; Ord. No. 7003 §1, 4-28-08)

SECTION 600.500: CONTINUANCE OF LICENSE AFTER PARTNER'S WITHDRAWAL

If one (1) or more members of a partnership having a license withdraws from the partnership, the Director upon application accompanied by a bill of sale or affidavit or transfer shall allow the remaining partner or partners originally licensed to continue the operation under the original license for the remainder of the period for which the license fee has been paid and it shall not be necessary for the remaining partner or partners to secure a new license until the expiration of the license. (R.O. 2008 §600.500; Ord. No. 4960 §1, 3-11-91; Ord. No. 7003 §1, 4-28-08)

SECTION 600.510: REGULATIONS ON RETAIL LICENSES, INCLUDING "C.O.L." LICENSES

A. *Orders Off Licensed Premises, Prohibited.* No orders for the sale of alcoholic beverages at retail shall be taken at any place not licensed under this Chapter for the sale of alcoholic beverages, even though such orders are filled and delivery thereon made at a place duly licensed hereunder. Nothing in this provision shall be construed as to prevent any hotel or motel operator or private club from serving any alcoholic beverages to any guest, including registered guests, in or occupying any room of such hotel, motel or private club, if such alcoholic beverage so served shall be kept in or served from a licensed location, place or premises in such hotel, motel or private club.

B. *Displaying Of License On Premises Other Than Those Licensed, Prohibited.* No licensee shall post such license or allow such license to be posted upon premises other than the premises licensed, or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee, or knowingly deface, destroy or alter any such license in any respect.

   All such licensees shall keep prominently displayed on their licensed premises at all times which their City license is in effect all Federal tax stamps or State licenses issued to them or to any other person designating them or the licensed premises as a person or place authorized by the Federal Government or State to deal in alcoholic beverages or *"C.O.L."*.

C. *Prohibited Interests.* No license for the sale of alcoholic beverages at retail or "C.O.L." license shall be issued to any person in which any distiller, wholesaler, winemaker, brewer or supplier of coin-operated commercial, manual or mechanical amusement devices, or the employees, officers or agents thereof, has any financial interest or has furnished, directly or indirectly, equipment, money, credit or property of any kind except ordinary commercial credit for alcoholic beverages. (R.O. 2008 §600.510; Ord. No. 4960 §1, 3-11-91; Ord. No. 7003 §1, 4-28-08)

SECTION 600.520: PROHIBITED ACTS -- FULL ORIGINAL PACKAGE SALES LICENSE

A. *Consumption On Premises.* It shall be unlawful for the holder of a full original package sales license, or any employee, agent or servant of such licensee, to allow the consumption of any alcoholic beverages in or upon the licensed premises. It shall be unlawful for any person to consume alcoholic beverages on such premises.
B. *Other Than Original Package.* It shall be unlawful for such licensee or any employee, agent or servant of such licensee to sell, dispense or give away alcoholic beverages except in the original package.
C. *Alcoholic Beverages, Posted "Not For Sale", When.* All such licensees whose place of business remains open on the days and at the hours when the sale and consumption of alcoholic beverages is prohibited by law shall, at all times upon such days and at such hours, keep all alcoholic beverages covered or closed off from the view of customers and posted by conspicuous notice *"Not for Sale"*. Any alcoholic beverages in view of customers or not so posted shall be deemed an illegal sale of same and grounds for the suspension or revocation of the license. (R.O. 2008 §600.520; Ord. No. 4960 §1, 3-11-91; Ord. No. 7003 §1, 4-28-08)

SECTION 600.530: PROHIBITED ACTS -- MALT LIQUOR--ORIGINAL PACKAGE SALES LICENSES

A. *Consumption On Premises.* It shall be unlawful for the holder of a license for the sale of malt liquor in the original package, or any agent, servant or employee of such licensee, to allow the consumption of any alcoholic beverages on such premises.
B. *Unlicensed Beverages On Premises.* It shall be unlawful for such licensee, or any agent, servant or employee of such licensee, to have in or upon the licensed premises any intoxicating liquor other than malt liquor.
C. *Malt Liquor To Be Posted "Not For Sale", When.* All such licensees whose places of business remain open on the days and at the hours when the sale and consumption of alcoholic beverages is prohibited by law shall keep all malt liquor covered or closed off from the view of customers and posted by conspicuous notice *"Not for Sale"*. Any alcoholic beverages in view of customers or not so posted shall be deemed an illegal sale of the same and grounds for the suspension or revocation of the license. (R.O. 2008 §600.530; Ord. No. 4960 §1, 3-11-91; Ord. No. 7003 §1, 4-28-08)

SECTION 600.540: ALL WHOLESALE LICENSES, CERTAIN CREDIT TO RETAILERS, PROHIBITED

No wholesale licensee shall extend commercial credit to any retailer beyond the limitations provided in the State Statutes or by regulations pursuant thereto. (R.O. 2008 §600.540; Ord. No. 4960 §1, 3-11-91; Ord. No. 7003 §1, 4-28-08)

ARTICLE IV. PENALTY

SECTION 600.550: PENALTY

Any person who violates any provision of this Chapter or any Section thereof shall, upon

conviction thereof, be punished by a fine of not to exceed five hundred dollars ($500.00) or by imprisonment for not more than three (3) months, or by both such fine and imprisonment. A separate offense shall be deemed committed upon each day or part of a day during or on which any person violates any provision of this Chapter. (R.O. 2008 §600.550; Ord. No. 5561 §1, 7-28-97; Ord. No. 7003 §1, 4-28-08)

CHAPTER 605: RETAIL SALES OF CIGARETTES

SECTION 605.010: DEFINITIONS

When used in this Chapter, the following words shall have the meanings herein indicated:

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).

RETAIL DEALER: Any person who sells to a consumer or to any person for any purpose other than resale.

SALE: In this instance is defined to be and declared to include 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.

WHOLESALE DEALER: 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. 2008 §605.010; Ord. No. 5479 §1, 11-25-96)

SECTION 605.020: LICENSE REQUIRED -- FEES

Each person engaged in said business shall pay an occupational tax at the rate of two dollars fifty cents ($2.50) per one thousand (1,000) for each and all cigarettes sold, offered or displayed for sale. The intended meaning of this Chapter is that the same shall levy an occupations tax based upon and pursuant to the method provided for by Section 94.110, RSMo., and pursuant to the powers therein granted and the powers further granted under the Statutes of Missouri to Cities of the Third Class. (R.O. 2008 §605.020;

Ord. No. 5479 §1, 11-25-96)

CHAPTER 610: TATTOOING, BODY PIERCING AND BRANDING

SECTIONS 610.010: LICENSE REQUIREMENT

A. No person who performs tattooing, body piercing or branding shall practice without a license issued by the Director of the Missouri Division of Professional Registration.
B. No establishment in which tattoos, body piercing or brandings are applied shall be operated without a license issued by the Director of the Missouri Division of Professional Registration.
C. Any person or establishment who violates this Section shall be fined not more than five hundred dollars ($500.00) per occurrence.
D. For purposes of this Section, each day that such person or establishment is in violation of this Chapter shall be a separate occurrence punishable under this Section. (R.O. 2008 §610.010; Ord. No. 7052 §1, 9-22-08)

SECTION 610.020: REGULATIONS

A. Each person who performs tattooing, body piercing or branding on another person shall perform such actions in conformance with those portions of the Missouri Code of State Regulations and Chapter 324, RSMo., which are applicable to tattooing, branding and body piercing.
B. Each establishment in which tattoos, body piercing or brandings are applied shall be operated in conformance with those portions of the Missouri Code of State Regulations and Chapter 324, RSMo., which are applicable to tattooing, branding and body piercing.
C. Any person or establishment who violates this Section shall be fined not more than five hundred dollars ($500.00) per occurrence.
D. For purposes of this Section, each day that such person or establishment is in violation of this Chapter shall be a separate occurrence punishable under this Section. (R.O. 2008 §610.020; Ord. No. 7052 §1, 9-22-08)

SECTION 610.030: INSPECTIONS

A. Inspections of establishments at which tattoos, body piercing and/or brandings are applied and of persons who perform tattooing, body piercing and/or brandings, shall be performed by the Nodaway County Health Department no less than two (2) times each calendar year. The purpose of these inspections is to insure compliance by such persons and establishments with the Missouri Code of State Regulations applicable to tattooing, branding and body piercing. A copy of the results of said inspections shall be forwarded to the City by the Nodaway County Health Department.
B. Any person or establishment who does not allow the Nodaway County Health Department to perform the required inspection shall be fined not more than five hundred

dollars ($500.00) per occurrence.

C. For purposes of this Section, each day that such person or establishment does not allow the Nodaway County Health Department to perform such inspection shall be a separate occurrence punishable under this Section. (R.O. 2008 §610.030; Ord. No. 7052 §1, 9-22-08)

CHAPTER 615: SOLICITORS AND CANVASSERS, PEDDLERS AND ITINERANT MERCHANTS

SECTION 615.010: PERMIT AND LICENSE REQUIRED

It shall be unlawful for any canvasser or solicitor, peddler or itinerant merchant to engage in such businesses within the corporate limits of the City without first obtaining a permit and license therefor in compliance with the provisions of this Chapter. Any person, firm, entity or corporation, association, club or society which is determined to be non-profit in nature is not required to adhere to the provisions outlined in this Chapter. (R.O. 2008 §620.010; Ord. No. 6837 §§1--2, 6-26-06)

SECTION 615.020: DEFINITIONS

For the purpose of this Chapter, the following terms shall have the meanings designated herein:

CANVASSER OR SOLICITOR: Any individual traveling by foot, motor vehicle or any other type of conveyance, taking or attempting to take orders for sale of goods, wares or merchandise, personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future. This definition shall include any person who, for himself or for another person, firm or corporation, hires, leases, uses or occupies any building, structure, tent, boat or any other place within the City for the purpose of exhibition of samples and taking orders for future delivery.

ITINERANT MERCHANT: Any person, firm, entity or corporation, whether as owner, agent, consignee or employee, who engages in a temporary business of selling and delivering goods, wares or merchandise within the City and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, boat or any street, alley or other place within the City for the exhibition or sale of such goods, wares or merchandise, either privately or at public auction. The person, firm, entity or corporation so engaged shall not be relieved from complying with the provisions of this Chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer or by conducting business in connection with, as a part of or in the name of any local dealer, trader, merchant or auctioneer.

PEDDLER: Any person traveling by foot, motor vehicle or any other type of conveyance from place to place, carrying, conveying or transporting goods, wares or merchandise, offering and exposing the same for sale or making sales and delivering articles to purchasers or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, motor vehicle or other vehicle or conveyance. (R.O. 2008 §620.020;

Ord. No. 6837 §§1--2, 6-26-06)

SECTION 615.030: APPLICATION

Applicants for permit and license under this Chapter must file with the City Clerk a sworn application in writing on a form to be furnished by the City, which shall require the following information:

1. Name and description of the applicant, including all aliases, Social Security number, driver's license number with State and date of birth.
2. Permanent home address and full local address of the applicant.
3. A brief description of the nature of the business and the goods, wares or merchandise to be sold.
4. If employed, the name and address of the employer, together with credentials establishing the exact relationship.
5. The length of time and dates for which the right to do business is desired.
6. The place where the goods, wares, merchandise or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time said application is filed and the proposed method of delivery.
7. The sales tax number on which the City sales tax will be reported.
8. A photograph of the applicant taken within sixty (60) days immediately prior to the date of filing the application, which picture shall be two (2) inches by two (2) inches showing the head and shoulders of the applicant in a clear and distinguishable manner.
9. A statement as to whether or not the applicant has been found guilty of, pled guilty to or been convicted of any crime or any violation of any municipal ordinance including the nature of the offense, the location of the conviction or plea of guilty, including court and dates and the punishment or penalty assessed therefor.
10. When the proposed operation includes the sale of food products, including items prepared, cooked or assembled on site, a statement of approval from the local office of the Missouri Department of Health acknowledging that the individual's display and food preparation location and setup has been approved. (R.O. 2008 §620.030; Ord. No. 6837 §§1--2, 6-26-06)

SECTION 615.040: INVESTIGATION AND ISSUANCE OF LICENSE

A. Upon receipt of such application, a copy shall be referred to the Director of the Public Safety Department.
B. The Director shall supervise an immediate, thorough investigation of the application received and the character, background, associates and prior criminal history of the applicant. The suitability of the location and surrounding conditions of the proposed premises shall also be investigated. The Director shall report to the City Clerk on the results of the investigation.
C. The Director shall furnish to the City Clerk all pertinent information as described above.
D. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Director of Public Safety shall endorse on the

application his/her approval and return said application to the City Clerk who upon payment for the prescribed fee and the determination that the applicant meets and has complied with the condition of this Chapter and meets the requirements therein shall deliver to the applicant his/her permit and issue a license. Such license shall contain the signature and seal of the issuing officer and shall show the name, address and photograph of the licensee, the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be valid, as well as the license number and other identifying description of any vehicle used in such soliciting or canvassing.

E. If the result of the investigation is not satisfactory or the applicant has not complied with the conditions of this Chapter or does not meet the requirements herein, the application shall be denied.

F. The City Clerk shall keep a permanent record of all licenses issued. (R.O. 2008 §620.040; Ord. No. 6837 §§1--2, 6-26-06)

SECTION 615.050: FEES

The license fee which shall be charged by the City Clerk for such license shall be fifty dollars ($50.00) per year or any part thereof. (R.O. 2008 §620.050; Ord. No. 6837 §§1--2, 6-26-06)

SECTION 615.060: DISPLAY OF LICENSE

All licenses issued and obtained in compliance with this Chapter shall at all times be placed in an open and conspicuous location within the premises or area being operated thereunder and shall be produced upon request. (R.O. 2008 §620.060; Ord. No. 6837 §§1--2, 6-26-06)

SECTION 615.070: DUTY OF POLICE TO ENFORCE

Any public safety officer of the City or any Law Enforcement Officer is authorized to require any person seen soliciting or canvassing, and who is not known by such officer to be duly licensed, to produce his/her license and to enforce the provisions of this Chapter against any person found to be violating the same. (R.O. 2008 §620.070; Ord. No. 6837 §§1--2, 6-26-06)

SECTION 615.080: RECORDS

The Director of Public Safety shall report to the City Clerk all convictions for violation of this Chapter and the City Clerk shall maintain a record for each license issued and record the reports of violation therein. (R.O. 2008 §620.080; Ord. No. 6837 §§1--2, 6-26-06)

SECTION 615.090: REVOCATION OF LICENSE

A. Permits and licenses issued under the provisions of this Chapter may be revoked by the City Council after notice and hearing for any of the following causes:
    1. Fraud, misrepresentation or false statement contained in the application for license;

2. Fraud, misrepresentation or false statement made in the course of carrying on his/her business as solicitor, canvasser, peddler or itinerant merchant;
3. Any violation of this Chapter;
4. Conviction of any crime or ordinance violation involving moral turpitude; or
5. Conducting the business of soliciting in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public;
6. Violations of any provisions of this Chapter;
7. The occurrence of any act or instance which would render the licensed premises ineligible or unsuitable for a license under the provisions of this Chapter;
8. The determination that the licensee failed to make a full and complete disclosure of all pertinent information in the application for such license.

B. Notice of the hearing for revocation of a license shall be given in writing setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his/her last known address at least five (5) days prior to the date set for hearing. (R.O. 2008 §620.090; Ord. No. 6837 §§1--2, 6-26-06)

SECTION 615.100: APPEAL

Any person aggrieved by the action of the Director of Public Safety or the City Clerk in the denial of a permit or license as provided in this Chapter shall have the right of appeal to the City Council. Such appeal shall be taken by filing with the Council, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in Section 615.090(B) of this Chapter for notice of hearing on revocation. (R.O. 2008 §620.100; Ord. No. 6837 §§1--2, 6-26-06)

SECTION 615.110: EXPIRATION OF LICENSE

All annual licenses issued under the provisions of this Chapter shall expire on the thirty-first (31st) day of December in the year when issued; if a license is issued for a duration ending prior to December thirty-first (31st) of the year in which it is issued, renewal of the license for additional terms may be made upon filing of application as set forth herein. (R.O. 2008 §620.110; Ord. No. 6837 §§1--2, 6-26-06)

CHAPTER 620: FRANCHISE AGREEMENT

ARTICLE I. GAS DISTRIBUTION SYSTEM

SECTION 620.010: PERSON CONSTRUED

The word *"person"*, when used in this Article, shall include any individual, corporation, firm, partnership, association, trustee or receiver, or any other group or combination of individuals acting as a unit, in the plural as well as in the singular number. (R.O. 2008 §630.010; Ord. No. 4960 §1, 3-11-91)

SECTION 620.020: LICENSE TAX REQUIRED

Every person now or hereafter engaged in the business of supplying natural gas for compensation through pipes along, upon, over, under or through the streets, alleys, parkways or other publicly owned premises within the City, shall pay to the City, as a license tax, for the privilege of engaging in said business within the City, the respective amounts during the respective periods more particularly set out in Section 620.030 hereof. (R.O. 2008 §630.020; Ord. No. 4960 §1, 3-11-91)

SECTION 620.030: STATEMENT -- CONTENTS -- FILING -- TAX -- PAYMENT

A. It is hereby made the duty of every person engaged in the business described in Section 620.020, to file with the City Clerk, on or before the tenth (10th) day of the month, a payment in the amount of two thousand dollars ($2,000.00). On or before the twenty-fifth (25th) day of the month, each person shall file a statement of the gross receipts derived from the sale of natural gas for retail, residential and commercial purposes within the corporate limits of Maryville, Missouri, during the calendar month for which the statement was issued. At the time of filing such statement, such person shall pay the City the balance of a sum equal to five percent (5%) of the above stated gross.

B. The City Manager, or any duly authorized representative of the City, shall have the right to investigate the correctness of such statements at all times, and shall have access to the books and records of such person for such purposes at all times. (R.O. 2008 §630.030; Ord. No. 4960 §1, 3-11-91)

SECTION 620.040: TAX IN LIEU OF OCCUPATION, ETC. -- TAX

The tax herein required to be paid shall be in lieu of any other license, occupation, excise or merchandising tax but shall not be in lieu of any ad valorem tax. (R.O. 2008 §630.040; Ord. No. 4960 §1, 3-11-91)

SECTION 620.050: PENALTIES

Any person operating any business herein designated who shall fail to file a statement as herein required, or who shall fail or refuse to pay the license tax herein provided for when due, shall for such failure pay as a penalty to the City, ten percent (10%) of the license tax due and unpaid for the first (1st) month or part thereof, and for each and every month thereafter, three percent (3%) the amount of such tax until the same is fully paid. (R.O. 2008 §630.050; Ord. No. 4960 §1, 3-11-91)

ARTICLE II. ELECTRICAL DISTRIBUTION SYSTEM

SECTION 620.060: PERSON CONSTRUED
The word *"person"*, when used in this Article, shall include any individual, corporation, firm, partnership, association, trustee or receiver, or any other group or combination of individuals acting as a unit, in the plural as well as in the singular number. (R.O. 2008 §630.060; Ord. No. 4960 §1, 3-11-91)

SECTION 620.070: LICENSE TAX REQUIRED
Every person engaging in the business of supplying electricity for compensation through wires or other means of transmission along, upon, over, under or through the streets, alleys, parkways or other publicly owned premises within the City shall pay a license tax equal to five percent (5%) of the total gross receipts derived from the sale of electricity within the corporate City limits of the City of Maryville for retail, residential and commercial purposes. Said tax shall be paid to the City Clerk on a monthly basis pursuant to the provisions outlined in this Chapter. (R.O. 2008 §630.070; Ord. No. 4960 §1, 3-11-91; Ord. No. 6204 §1, 6-28-99)

SECTION 620.080: LICENSE TAX, STATEMENT AND PAYMENT
Every person engaging in the business of supplying electricity for compensation within the City limits of the City of Maryville as described in this Chapter shall pay the following applicable license tax:

1. Every person engaged in the business of supplying electricity for compensation whose gross monthly sales for the month are less than one hundred thousand dollars ($100,000.00) shall file with the City Clerk on or before the twenty-fifth (25th) day of the following month a statement of total gross receipts derived from the sale of electricity for retail, residential and commercial purposes within the corporate limits of the City during the calendar month immediately preceding the date of the statement. Each statement shall reflect the gross receipts collected during the calendar month immediately preceding the month during which the statement is filed. At the time of filing such statement, the license tax prescribed by this Chapter shall be paid to the City Clerk.
2. Every person engaged in the business of supplying electricity for compensation whose gross monthly sales within the City for the month equals or exceeds one hundred thousand dollars ($100,000.00) shall file with the City Clerk, on or before the tenth (10th) day of the following month, an estimated tax payment of eight thousand dollars ($8,000.00). On or before the twenty-fifth (25th) day of that month, such person shall file a statement of gross receipts derived from the sale of electricity for retail, residential and commercial purposes within the corporate limits of the City during the calendar month immediately preceding the date of the statement. Each statement shall reflect the gross receipts collected during the calendar month immediately preceding the month during which the statement is issued. At the time of filing such statement, the remaining balance of

the license tax as prescribed by this Chapter shall be paid to the City Clerk.

3. The City Clerk or any duly authorized representative of the City shall have the right to investigate the correctness of such statements at all times and shall have access to the books and records of such persons for all such purposes at all times. (R.O. 2008 §630.080; Ord. No. 4960 §1, 3-11-91; Ord. No. 6204 §1, 6-28-99)

SECTION 620.090: TAX IN LIEU OF OCCUPATION, ETC. -- TAX

The tax herein required to be paid shall be in lieu of any other license, occupation, excise or merchandising tax but shall not be in lieu of any ad valorem tax. (R.O. 2008 §630.090; Ord. No. 4960 §1, 3-11-91)

SECTION 620.100: PENALTIES

Any person operating any business herein designated who shall fail to file a statement as herein required, or who shall fail or refuse to pay the license tax herein provided for when due, shall for such failure pay as a penalty to the City, ten percent (10%) of the license tax due and unpaid for the first (1st) month or part thereof, and for each and every month thereafter, three percent (3%) the amount of such tax until the same is fully paid. (R.O. 2008 §630.100; Ord. No. 4960 §1, 3-11-91)

CHAPTER 625: TELEPHONE COMPANY

Editor's Note--Ord. nos. 6819 and 6825 were passed in compliance with HB209 of the 2006 Missouri legislative session. Provisions contained in HB209 were subsequently deemed unconstitutional by the Missouri Supreme Court on August 8, 2006 in City of Springfield, Appellant V Sprint Spectrum, L.P., Respondent Case No. SC87238. Consequently, these ordinances were not codified. Ord. no. 6867 subsequently returned ch. 625 to its original wording.

SECTION 625.010: PERSON CONSTRUED

The word *"person"*, when used in this Chapter shall include any individual, corporation, firm, partnership, association, trustee or receiver, or any other group or combination of individuals acting as a unit, in the plural as well as in the singular number. (R.O. 2008 §635.010; Ord. No. 4960 §1, 3-11-91)

SECTION 625.020: LICENSE TAX

Every person now or hereafter engaged in the business of operating for compensation a telephone communicating system, together with plant and facilities, and through wires and cables upon poles or in conduits along, upon, over or under the streets, alleys, parkways or other publicly owned premises within the City, and other telephonic communication equipment, shall pay to the City as a license tax and fee a sum equal to five percent (5%) of the gross amount received by such person as charges for all services

supplied by said person within the limits of the City. (R.O. 2008 §635.020; Ord. No. 4960 §1, 3-11-91)

SECTION 625.030: STATEMENT -- FILING

A. It shall be the duty of every person engaged in the business described in Section 625.020 to file with the City Clerk, on or before the tenth (10th) day of May, 1963, and on or before the tenth (10th) day of November, 1963, and on or before the tenth (10th) day of May and November thereafter, a statement of the total gross receipts derived from charges for services received for telephone service and facilities during the preceding month. The billing period of such preceding month will be the sixteenth (16th) through the fifteenth (15th) and shall relate to the calendar month in which the billing period begins. Such statement is to be properly signed, certified and sworn to by an authorized representative of the person making such statement.

B. Any duly designated representative of the City shall have the right to investigate the correctness of such statement and shall have access to the books and records of such person, his/her trustees or successors in interest, for such purpose. The City shall have the right, acting through the City Manager, to require such person to file a statement to cover such period other than for the months set forth above in Subsection (A), provided that any of the following should occur; any major change in the corporate limits of the City, or unusual growth in the number of telephone connections; or if such person should receive from the Public Service Commission of the State of Missouri authority to revise its rate schedule. (R.O. 2008 §635.030; Ord. No. 4960 §1, 3-11-91)

SECTION 625.040: PAYMENT DATE

Every person engaged in the business described in Section 625.020 shall pay to the City Clerk, on or before the tenth (10th) day of May, 1963, and the tenth (10th) day of each and every month thereafter, a sum equal to five percent (5%) of the total gross receipts of such person received, based on the latest statement filed by said person with the City Clerk as referred to in Section 625.030. There shall be attached to each payment a statement showing the month for which the tax is being paid, the gross receipts for the month as shown by such last statement filed, and the amount of the tax being paid. (R.O. 2008 §635.040; Ord. No. 4960 §1, 3-11-91)

SECTION 625.050: PAYMENTS IN LIEU OF OTHER TAXES

The payments herein required to be made shall be in lieu of all other occupation licenses, taxes or fees, charges, or special taxes (other than the usual general or ad valorem taxes, and such other taxes, licenses or fees as are imposed against the public generally), which have been or may hereafter be imposed by the City under authority conferred by law against any person by reason of engagement in the telephone business as set out in this Chapter. (R.O. 2008 §635.050; Ord. No. 4960 §1, 3-11-91)

SECTION 625.060: PENALTY

Any person operating any business described in this Chapter pertaining to telephone

communication systems, who shall fail to file the reports as herein required, or who shall fail to pay the license tax and fee herein provided for when due, shall, for such failure, pay as a penalty to the City ten percent (10%) of the fee and tax due and unpaid for the first thirty (30) days, or any part thereof, and for each succeeding thirty (30) days or any part thereof such person shall pay as a penalty three percent (3%) of such fee and tax as long as the fee and tax shall remain unpaid. (R.O. 2008 §635.060; Ord. No. 4960 §1, 3-11-91)

CHAPTER 630: CABLE TELEVISION SYSTEM

SECTION 630.010: PERSON CONSTRUED

The word *"person"* when used in this Chapter, shall include an individual, corporation, firm, partnership, association, trustee or receiver or any other group or combination of individuals acting as a unit, in the plural as well as in the singular number. (R.O. 2008 §640.010; Ord. No. 4960 §1, 3-11-91)

SECTION 630.020 LICENSE TAX REQUIRED

Every person now or hereafter engaged in the business of supplying a cable television system for compensation in consideration or permission to use the streets and public ways of the City for the construction, operation, maintenance and reconstruction that operates and maintains a cable television system within the City to furnish and sell the services from such system to inhabitants of the City shall pay to the City as a license tax, for the privilege of engaging in said business within the City, the respective amounts during the respective periods more particularly set out in Section 630.030 hereof. (R.O. 2008 §640.020; Ord. No. 4960 §1, 3-11-91)

SECTION 630.030: STATEMENT -- CONTENTS, FILING -- TAX, PAYMENT

A. It is hereby made the duty of every person engaged in the business described in Section 630.020, to file with the City Clerk, a monthly franchise payment of five percent (5%) of gross receipts. Each payment shall be accompanied by a statement showing the basis for the computation and shall be due and payable no later than thirty (30) days after the relevant computation date and accompanied by a statement showing the basis for the computation and other relevant facts required by the City. At the time of the filing such statement, such person shall pay the City the sum equal to five percent (5%) of the above stated gross.
B. The City Manager or any duly authorized representative of the City, shall have the right to investigate the correctness of the statements at all times and shall have access to the books and records of such person for such purposes at all times. (R.O. 2008 §640.030; Ord. No. 4960 §1, 3-11-91)

SECTION 630.040: TAX IN LIEU OF OCCUPATION, ETC. -- TAX

The tax herein required to be paid shall be in lieu of any other license, occupation, excise or merchandising tax, but shall not be in lieu of any ad valorem tax. (R.O. 2008 §640.040; Ord. No. 4960 §1, 3-11-91)

SECTION 630.050: PENALTIES
Any person operating any business herein designated who shall fail to file a statement as herein required, or who shall fail or refuse to pay the license tax herein provided for when due, shall for such failure pay as a penalty to the City, ten percent (10%) of the license tax due and unpaid for the first (1st) month or part thereof, and for each and every month thereafter, three percent (3%) the amount of such tax until the same is fully paid. (R.O. 2008 §640.050; Ord. No. 4960 §1, 3-11-91)

CHAPTER 635: ADULT ENTERTAINMENT BUSINESS

ARTICLE I. ESTABLISHMENT

SECTION 635.010: DEFINITIONS
For the purposes of this Chapter and unless the context plainly requires otherwise, the following terms shall have the meanings designated herein:
ADULT ENTERTAINMENT: Any live exhibition, performance, display or dance of any type, including but not limited to, talking, singing, reading, listening, posing, serving of food or beverages, soliciting for the sale of food, beverages or entertainment, pantomiming, modeling, removing clothing, or any service offered for amusement on premises where such exhibition, performance, display or dance is intended to seek to arouse or excite the sexual desires of the entertainer, other entertainers, or patrons; or any exhibition, performance, display or dance involving a person who is nude or in such attire, costume or clothing so as to expose to view any portion of the human genitals, pubic region, vulva, pubic hair, buttocks, female breast or breasts below a point immediately above the top of the areola or nipple, or the human male genitals in a discernibly erect state, even if the genitals are completely and opaquely covered.
ADULT ENTERTAINMENT BUSINESS: Any premises to which the public, patrons or members are invited or admitted and where adult entertainment is provided, offered or displayed to a member of the public, a patron or member.
APPLICABLE STOCKHOLDER: Any stockholder who owns ten percent (10%) or greater interests in a corporation which owns an interest in an adult entertainment business.
EMPLOYEE: Any and all persons, including managers, entertainers and independent contractors, who work in or at an adult entertainment business or render any services directly related to the operation of an adult entertainment business.
ENTERTAINERS: Any person who provides adult entertainment within an adult entertainment premises as defined in this Section, whether or not a fee is charged or

accepted for entertainment.
LICENSEE: The holder of any license issued under the provisions of this Chapter.
MANAGER: Any person who manages, directs, administers an adult entertainment business, or is in charge of the affairs and/or conduct of any portion of any activity involving adult entertainment occurring at any premises of an adult entertainment business.
OPERATOR: Any person operating, conducting or maintaining an adult entertainment business.
PERSON: Any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons, no matter how organized.
PUBLIC PLACE: Any area generally visible to public view and shall include streets, sidewalks, bridges, alleys, parks, driveways, parking lots, and automobiles whether moving or not.
SERVER: Any person who serves food or drink at an adult entertainment business.
SPECIFIED ANATOMICAL AREAS: Areas of the human body including uncovered or exposed human genitals, pubic region or pubic hair; buttocks; female breast or breasts below a point immediately above the top of the areola or nipple; male genitals in a discernible erect state, even if completely and opaquely covered; or any combination of the foregoing.
SPECIFIED SEXUAL ACTIVITIES: Any sexual conduct, being actual or simulated; any acts of human masturbation; any sexual intercourse; any physical contact in an act of apparent sexual stimulation or gratification with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female; any sadomasochistic abuse; or, acts including animals or any latent objects in an act of or apparent act of sexual stimulation or gratification. (R.O. 2008 §645.010; Ord. No. 5158 §1, 8-23-93)

SECTION 635.020: STANDARDS OF CONDUCT
The following standards of conduct shall be adhered to by all adult entertainment business licensees, their employees and all adult entertainment business managers, servers and entertainers and patrons of adult entertainment businesses, while on or about the premises of the adult entertainment business:

1. *Age restriction.* Only persons eighteen (18) years of age or older shall be permitted on the premises of any adult entertainment business.
2. *Exterior observation.* The premises of all adult entertainment businesses will be so constructed to include an anteroom, foyer, partition or other physical barrier on all customer entrances, that will insure that the interior of the premises is not observable from the exterior of the building. In addition, all windows or other openings shall be covered to prevent viewing of the interior of the premises from the outside. All doorways not constructed with an anteroom or foyer, will be covered in order to prevent observation of the interior of the premises from the exterior of the building.
3. *Exterior display.* No adult entertainment business will be conducted in any manner that permits from any exterior source by display, decoration, sign, show window or other opening, the observation of live performers engaged in an erotic depiction, dance or material, or persons depicting, describing or relating to

specific sexual activities or specified anatomical areas, as defined herein.

4. *Nudity prohibited, exceptions.* No employee, manager, server or entertainer in an adult entertainment business shall expose to view any specified anatomical area by appearing nude, unclothed, in less than opaque attire or in any fashion.
5. *Certain acts prohibited.*
   a. No employee, manager, server or entertainer shall perform any specified sexual activities as defined herein, wear or use any device or covering exposed to view which simulates any specified anatomical area, use artificial devices or inanimate objects to perform or depict any of the specified sexual activities as defined herein, or participate in any act of prostitution.
   b. No employee, manager, server, entertainer or patron of an adult entertainment business shall knowingly touch, fondle or caress any specified anatomical area of another person, nor knowingly permit another person to touch, fondle, or caress any specified anatomical area of such employee, manager, server, entertainer or patron, whether such specified anatomical areas are clothed, unclothed, covered or exposed.
   c. No employee, manager, server or entertainer of an adult entertainment business shall be visible from the exterior of the adult entertainment business while such person is clothed or unclothed so as to expose to view any specified anatomical area nor be in such attire, costume or clothing as to expose to view any specified anatomical area.
   d. No entertainer shall solicit, demand or receive any payment or gratuity from any patron or customer for any act prohibited by this Chapter and no entertainer shall receive any payment or gratuity from any customer for any entertainment except as follows:
      1) While such entertainer is on the stage or platform, a customer or patron may place such payment or gratuity into a box affixed to the stage and located at least two (2) feet from the entertainer, or
      2) While such entertainer is not on the stage or platform and is clothed so as to not expose to view any specified anatomical area, a customer or patron may either place such payment or gratuity into the entertainer's hand, or under a leg garter or other money holding device worn by such entertainer at least four (4) inches below the bottom of the pubic region.
   e. No owner, operator, manager or other person in charge of the premises of an adult entertainment premises shall:
      1) Knowingly permit alcoholic liquor or cereal malt beverages to be brought upon or consumed on the premises, (unless otherwise permitted pursuant to Chapter 600, Alcoholic Beverages of this Code);
      2) Knowingly allow or permit the sale, distribution, delivery or consumption of any controlled substance, illegal drug or narcotic on the premises;
      3) Knowingly allow or permit any person under the age of eighteen (18) years of age to be in or upon the premises;
      4) Knowingly allow or permit any act of prostitution or patronizing prostitution on the premises;
      5) Knowingly allow or permit a violation of this Chapter, any other City ordinance or State law.
   f. No live exhibition, performance, display or dancing shall be allowed on any

surface where food or drinks are served.

6. *Signs required.* Every adult entertainment business shall have a sign conspicuously displayed in the common area at the principal entrance to the premises, on which uppercase letters shall be at least two (2) inches high and lowercase letters at least one (1) inch high, which shall read as follows:

THIS ADULT ENTERTAINMENT BUSINESS IS REGULATED AND LICENSED BY THE CITY OF MARYVILLE, MISSOURI

ENTERTAINERS ARE:

* Not permitted to engage in any type of sexual conduct or prostitution on the premises nor to fondle, caress or touch the breast or breasts of a female, or the pubic region, buttocks or genitals of any employee, patron or other entertainer; nor to permit any employee, patron, or other entertainer to fondle, caress or touch the breasts, pubic region, buttocks or genitals of said entertainer.
* Not permitted to be nude, unclothed, or in less than opaque attire, costume or clothing so as to expose to view any portion of the female breast or breasts below the top of the areola, or any portion of the entertainer's pubic region, buttocks and or genitals.
* Not permitted to demand or collect any payment or gratuity from any customer for entertainment, except as follows:
  - While such entertainer is on the stage, by placing such payment or gratuity into a box affixed to the stage, or
  - While such entertainer is not on the stage, by either placing such payment or gratuity into the entertainer's hand, or under the entertainer's leg garter, or other properly located money holding device.

CUSTOMERS ARE:

* Not permitted to be upon the stage at any time.
* Not permitted to touch, caress or fondle the breast or breasts, pubic region, buttocks or genitals of any employee, manager, server or entertainer, nor engage in solicitation for prostitution.

7. *Lighting required.* The premises of all adult entertainment businesses shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less that one (1) foot-candle as measured at the floor level, and such illumination must be maintained at all times that any customer or patron is present in or on the premises.
8. *Closed booth or room prohibited.* The premises of all adult entertainment businesses shall be physically arranged in such manner that the entire interior portions of any booths, cubicles, rooms or stalls are visible from a common area of the premises. Visibility shall not be blocked or obscured by doors, curtains, drapes or any other obstruction whatsoever.
9. *Ventilation and sanitation requirements.* The premises of all adult entertainment businesses shall be kept in a sanitary condition. Separate dressing rooms and restrooms for men and women shall be maintained at all times and shall be kept in a sanitary condition.
10. *Hours of operation.* No adult entertainment business may be open or in use between the hours of 1:30 A.M. and 9:00 A.M. on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday and between the hours of 1:30 A.M. Sunday and

9:00 A.M. Monday. (R.O. 2008 §645.020; Ord. No. 5158 §1, 8-23-93)

SECTION 635.030: ENTRY BY A MINOR

No person under the age of eighteen (18) years shall enter or attempt to enter upon the premises of an adult entertainment business. (R.O. 2008 §645.030; Ord. No. 5158 §1, 8-23-93)

ARTICLE II. LICENSING

SECTION 635.040: LICENSE -- POSTING OR DISPLAY

A. Every person, corporation, partnership, or association licensed under this Chapter as an adult entertainment business shall post such license in a conspicuous place and manner on the adult entertainment facility premises.
B. Every person holding an adult entertainment server, manager or entertainer license shall post his or her license in his or her work area on the adult entertainment facility premises so it shall be readily available for inspection by City authorities responsible for enforcement of this Chapter. (R.O. 2008 §645.040; Ord. No. 5158 §1, 8-23-93)

SECTION 635.050: MANAGER ON PREMISES

A. An adult entertainment manager shall be on duty at any adult entertainment business at all times the premises are open for business. The name of the manager on duty shall be prominently posted during business hours.
B. It shall be the responsibility of the manager to verify that any person who provides adult entertainment or works as a server within the premises, possesses a current and valid adult entertainment entertainer's license or an adult entertainment server's license, and that such licenses are prominently posted. (R.O. 2008 §645.050; Ord. No. 5158 §1, 8-23-93)

SECTION 635.060: LICENSE REQUIRED FOR ADULT ENTERTAINMENT BUSINESS

A. It shall be unlawful for any person to operate or maintain an adult entertainment business in the City unless the owner, operator or lessee thereof has obtained an adult entertainment business license from the City. It shall additionally be unlawful for any person to operate such business after such adult entertainment business license has been revoked or suspended.
B. It is unlawful for any entertainer, employee or manager to knowingly perform any work, service or entertainment for or directly related to the operation of an unlicensed adult entertainment business.
C. It shall be prima facia evidence that an adult entertainment business has not obtained such a license if said business fails to have posted, in the manner required by this Chapter, an adult entertainment business license. In addition, it shall be prima facia evidence that any

entertainer, employee or manager who performs any service or entertainment in an adult entertainment business had knowledge that such business was not licensed if an adult entertainment license is not posted, in the manner required by this Chapter. (R.O. 2008 §645.060; Ord. No. 5158 §1, 8-23-93)

SECTION 635.070: LICENSE REQUIRED FOR MANAGERS, SERVERS AND ENTERTAINERS

It is unlawful for any person to work as an entertainer, server or manager at an adult entertainment business without first obtaining a license to do so from the City, or to work as an entertainer, server or manager at an adult entertainment business after such person's license to do so has been revoked or suspended. (R.O. 2008 §645.070; Ord. No. 5158 §1, 8-23-93)

SECTION 635.080: LICENSE, CLASSIFICATION AND FEES, AND DUE DATE

A. The license year for all fees required under this Chapter shall be from each July first (1st) through June thirtieth (30th). The application for a license shall be accompanied by payment in the form of a bank draft, United States or express money order, certified check or cashier's check made payable to the City for the correct amount of the license fee. No application shall be considered complete until such fee is paid as required.

B. All licenses shall be issued for a specific location and shall be non-refundable and non-transferable.

C. The classification of licenses and fees for each shall be as follows:

1. Adult entertainment business license fee	$ 300.00 per year
2. Adult entertainment manager's license fee (per person)	20.00 per year
3. Adult entertainment entertainer's license fee (per person)	20.00 per year
4. Adult entertainment server's license fee (per person)	20.00 per year

D. All license fees shall be due and payable on or before July first (1st) of each year and shall be good for the year beginning July first (1st) and ending June thirtieth (30th). If such license is originally issued after July first (1st) but before December thirty-first (31st) of the same calendar year, the applicant shall pay one-twelfth (1/12) of such fee for each month or fraction thereof remaining in the twelve (12) month period ending on the June thirtieth (30th) of the next following calendar year. The fee for any license issued subsequent to December thirty-first (31st) of any license year shall be one-half (½) of the annual fee with all renewals thereafter being issued on July first (1st) of each year. (R.O. 2008 §645.080; Ord. No. 5158 §1, 8-23-93)

SECTION 635.090: LICENSE APPLICATION

A. *Adult Entertainment Business License.* All persons desiring to secure a license to operate an adult entertainment business under the provisions of this Chapter shall make a notarized application with the City Clerk. All applications shall be submitted in the name of the person proposing to conduct or operate the adult entertainment business and shall

be accompanied by the fee required by this Chapter. All applications shall be submitted on a form supplied by the City Clerk and shall contain the following required information:

1. The name, residence address, home telephone number, occupation, date and place of birth and Social Security number of the applicant.
2. If the applicant is a naturalized citizen, the date and place of naturalization.
3. The name of the adult entertainment business, a description of the adult entertainment to be performed on the licensed premises, and the name of the owner of the premises where the adult entertainment business will be located.
4. If the applicant is a partnership, the names, residence address, Social Security numbers and dates of births of all partners.
5. If the applicant is a corporation, the names, residence addresses, Social Security numbers and dates of birth shall be provided for all corporate officers, directors and for all stockholders who own ten percent (10%) or greater interest in the corporation.
6. The addresses of the applicant, all partners, all corporate officers, directors and applicable stockholders for the five (5) years immediately prior to the date of application.
7. A description of the adult entertainment business history or similar business history of the applicant, all partners, and of all corporate officers, directors and applicable stockholders, including whether any such person or entity, in previously operating in this or another City, County or State, has had a business license revoked or suspended, the location, date and reason therefor, and the activity or occupation subjected to such action, suspension or revocation.
8. A statement of the business, occupation or employment of the applicant, all partners, and all corporate officers, directors and applicable stockholders for the three (3) years immediately preceding the date of the application.
9. A statement from the applicant, each partner, and from each corporate officer, director and applicable stockholders that each person has not been convicted of, released from confinement for conviction of, or diverted from prosecution on:
    a. Any felony criminal act within five (5) years immediately preceding the application, including any felony criminal act involving sexual offenses, prostitution, promotion of prostitution, sexual abuse of a child, pornography or related offenses as defined in the Missouri Criminal Code, or involving controlled substances or illegal drugs or narcotics offenses as defined in the Missouri Comprehensive Drug Control Act, Substances Act or any other Statutes or ordinances.
    b. Any ordinance violation criminal act within two (2) years immediately preceding the application, including any ordinance violation criminal act involving sexual offenses, prostitution, promotion of prostitution, sexual abuse of a child, pornography or related offenses as defined in the Missouri Criminal Code, or involving controlled substances or illegal drugs or narcotics offenses as defined in the Missouri Comprehensive Drug Control Act or any other Statutes or ordinances.
    c. Any municipal ordinance violation within two (2) years immediately preceding the application, where such municipal ordinance violation involved sexual offenses, indecent exposure, prostitution or sale of controlled

substances, illegal drugs or narcotics.

10. A full set of fingerprints and a photograph of the applicant, of all partners if the applicant is a partnership, and of all corporate officers, directors and applicable stockholders if the applicant is a corporation; said fingerprints and photographs to be secured by Maryville Public Safety Department.
11. If the applicant is a corporation, a current certificate of registration issued by the Missouri Secretary of State.
12. A statement that the applicant, partners, corporate officers, directors and applicable stockholders in the conduct of business will not violate any ordinances of the City, the laws of the State or laws of the United States.
13. Whether or not the proposed located, place or premises is within one thousand (1,000) feet of any school, church, City park or licensed child care center.
14. A statement signed under oath by the applicant that the applicant has personal knowledge of the information contained in the application, that the information contained therein is true and correct, and that the applicant has read and understands the provisions of this Chapter regulating adult entertainment businesses.
15. Until the information and documentation required by this Subsection is provided, the application shall constitute an incomplete application and it shall not be processed.

B. *Adult Entertainment Manager, Server Or Entertainer's License.* All persons desiring to secure a license under the provisions of this Chapter to be an adult entertainment manager, server or entertainer shall make a notarized application with the City Clerk. All applications shall be submitted in the name of the person proposing to be an adult entertainment manager, server or entertainer, and shall be accompanied by the fee required by this Chapter. All applications shall be submitted on a form supplied by the City Clerk and shall require the following information:

1. The applicant's name, home address, home telephone number, date and place of birth, Social Security number, and all stage names or nicknames used in entertaining.
2. If the applicant is a naturalized citizen, the date and place of naturalization.
3. The name and address of each adult entertainment business where the applicant intends to work as a manager, server or entertainer, and an "intent to hire" statement from an adult entertainment business that is licensed, or that has applied for a license, under the provisions of this Chapter, indicating the adult entertainment business intends to hire the applicant to manage, serve or entertain on the premises.
4. A statement from the applicant, that the applicant has not been convicted of, released from confinement for conviction of, or diverted from prosecution on:
   a. A felony criminal act within five (5) years immediately preceding the application, including any felony criminal act involving sexual offenses, prostitution, promotion of prostitution, sexual abuse of a child, pornography or related offenses as defined in the Missouri Criminal Code or involving controlled substances or illegal drugs or narcotics offenses as defined in the Missouri Comprehensive Drug Control Act, or other Statutes or ordinances.
   b. A ordinance violation criminal act within two (2) years immediately preceding the application, including any ordinance violation criminal act involving

sexual offenses, prostitution, promotion of prostitution, sexual abuse of a child, pornography or related offenses as defined in the Missouri Criminal Code, or involving controlled substances or illegal drugs or narcotics offenses as defined in the Missouri Comprehensive Drug Control Act or any other Statutes or ordinances.

c. Any municipal ordinance violation within two (2) years immediately preceding the application, where such municipal ordinance violation involved sexual offenses, indecent exposure, prostitution or sale of controlled substances, illegal drugs or narcotics.

5. A full set of fingerprints and a photograph of the applicant to be secured by the Maryville Public Safety Department.
6. Documentation that the applicant has attained the age of eighteen (18) years of age at the time the application is submitted. The City Clerk shall photocopy such documentation and retain said photocopy. Any of the following shall be accepted as documentation of age:
   a. A motor vehicle operator's license issued by any State bearing this applicant's photograph and date of birth.
   b. An identification card issued by any State bearing the applicant's photograph and date of birth.
   c. An official and valid passport issued by the United States of America.
   d. An official and valid immigration card issued by the United States of America;
   e. Any other form of picture identification issued by a governmental entity that is deemed reliable by the City Clerk.
7. A statement that the applicant in the conduct of business or employment will not violate any ordinance of the City, the laws of the State or laws of the United States in the conduct of business or employment.
8. Until the information and documentation required by this Subsection is provided, the application shall constitute an incomplete application and it shall not be processed.

C. *Application Processing.*

1. Upon receipt of a complete application for an adult entertainment license or an adult entertainment manager, server or entertainer license, the City Clerk shall immediately transmit one (1) copy of the application to the Director of Public Safety for investigation of the application. In addition, in the case of an application for an adult entertainment business license, the City Clerk shall transmit a copy of the application to the Director of Public Works.
2. It shall be the duty of the Director of Public Safety or his/her designee to investigate such application to determine whether the information contained in the application is accurate and whether the applicant is qualified to be issued the license sought. The character, background, associates, financial investments and indebtedness of the applicant shall be investigated by the Director of Public Safety, who shall report the results of the investigation to the City Clerk not later than ten (10) working days from the date the application is received by the City Clerk.
3. It shall be the duty of the Director of Public Works to determine whether the structure where the adult entertainment business will be conducted complies with

the requirements and meets the standards of the applicable health, zoning, building code, fire and property maintenance ordinances of the City. The Director of Public Works shall report the results of the investigation to the City Clerk not later than ten (10) working days from the date the application is received by the City Clerk.

4. Upon receipt of the reports from the Director of Public Works, the City Clerk shall furnish all pertinent information to the City Council. The City Clerk shall schedule the application for consideration by the City Council at the earliest meeting consistent with the notification requirements established by law. The applicant shall be notified in writing of the date when the City Council will consider the application. (R.O. 2008 §645.090; Ord. No. 5158 §1, 8-23-93)

SECTION 635.100: EXAMINATION OF APPLICATION -- ISSUANCE OF LICENSE -- DISAPPROVAL

A. If the application for an adult entertainment business license or an adult entertainment business manager, server or entertainer license is in proper form and accompanied by the appropriate license fee, the City Council shall examine the application, and after such examination, the City Council shall, if the applicant is qualified, approve a license as provided for by law. However, a license shall not be approved to any person who has failed to render full, free and complete answers to all questions contained on the application or who is ineligible by reason of an affirmative answer to the questions contained in Section 635.090 or who is ineligible pursuant to any provision of Section 635.110. The record of the City Council shall reflect the action taken on the application.

B. If the license application is granted, the City Council shall direct the City Clerk to issue the proper license. The license shall state that it is not transferrable to other persons or premises and shall state the period for which it is issued. The license shall be posted at all times in a conspicuous location in the place of business that is licensed or where the licensee is working.

C. If the application for a license is disapproved, the applicant shall be immediately notified by registered or certified mail to the applicant's last known address, and the notification shall state the basis for such disapproval. Any applicant aggrieved by the disapproval of a license application may seek judicial review in the manner provided by law. (R.O. 2008 §645.100; Ord. No. 5158 §1, 8-23-93)

SECTION 635.110: LICENSE -- INELIGIBILITY AND DISQUALIFICATION

A. An application for an adult entertainment business license shall be ineligible and disqualified if one (1) or more of the following conditions exist:

1. The applicant's premises is located within one thousand (1,000) feet of any school, church, City park or licensed child care center. Measurements shall be made in a straight line, without regard to intervening structures or objects from the nearest point on the property line of the applicant's enterprise to the nearest point on the property line of such school, church, City park or licensed day care center.
2. The applicant's premises is located within one thousand (1,000) feet of any other adult entertainment business for which there is a license issued. Measurements

shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the applicant's enterprise to the nearest point on the property line of such other adult entertainment business.

3. The applicant failed to supply all of the information requested in the application.
4. The applicant gave materially false, fraudulent or untruthful information on the application.
5. The applicant's proposed business premises does not comply with or meet the requirements of the applicable health, zoning, building code, fire and property maintenance ordinances of the City. However, upon a subsequent showing that the premises meet said requirements and that the applicant is otherwise qualified, the application shall be eligible for reconsideration by the City Council.
6. The applicant, any partner if the applicant is a partnership, or any officer, director or applicable stockholder if the applicant is a corporation, has been convicted of, released from incarceration for conviction of or diverted from prosecution on any of the crimes or violations set forth in Section 635.090(A)(9) during the time period set forth in said Section.
7. The applicant, any partner if the applicant is a partnership, or any officer, director or applicable stockholder if the applicant is a corporation, has had an adult entertainment license revoked or suspended in this or any other City or State during the past five (5) years.

B. An application for an adult entertainment manager, server or entertainer license shall be ineligible or disqualified if one (1) or more of the following conditions exist:
   1. The applicant failed to provide all of the information requested in the application.
   2. The applicant gave materially false, fraudulent or untruthful information in the application.
   3. The employer for whom the applicant intends to work does not have a current adult entertainment license or is ineligible to receive an adult entertainment business license.
   4. The applicant has been convicted, released from incarceration for conviction of, or diverted from prosecution on any of the crimes or violations set forth in Section 635.090(B)(4) during the time period set forth in said Section.
   5. The applicant has had an adult entertainment manager, server or entertainer license revoked or suspended in this or any other City or State during past five (5) years. (R.O. 2008 §645.110; Ord. No. 5158 §1, 8-23-93)

SECTION 635.120: DEATH OF LICENSEE UNDER UNEXPIRED LICENSE

In the event of the death of a licensee, any relative of such deceased licensee, who shall meet the other requirements of this Chapter, may be permitted to operate the business of the licensee for the remainder of the period for which a license fee has been paid by the deceased licensee. (R.O. 2008 §645.120; Ord. No. 5158 §1, 8-23-93)

SECTION 635.130: LOST LICENSES

Whenever proof that a license has been lost or destroyed is furnished by a licensee, a duplicate in lieu thereof shall be issued by the City Clerk upon payment of the sum of five dollars ($5.00) by the said licensee and submission by the latter of an application for

a duplicate license in the form provided wherein true and complete answers must be given to the following:

1. The date upon which the license was lost or destroyed.
2. The circumstances under which the license was lost or destroyed.
3. A request that a duplicate license be issued. (R.O. 2008 §645.130; Ord. No. 5158 §1, 8-23-93)

SECTION 635.140: SUSPENSION, REVOCATION, OR NON-RENEWAL -- LICENSE

A. The City Clerk or Director of Public Safety may recommend to the City Council the suspension, revocation or cancellation of any license granted under the terms of this Chapter.

B. The City Council may consider suspension, revocation or non-renewal whenever it has information that:

1. The owner or operator of an adult entertainment business or a holder of an adult entertainment manager, server or entertainer license has violated, knowingly allowed or permitted the violation of any of the provisions of this Chapter.
2. There have been recurrent violations of provisions of this Chapter that have occurred under such circumstances that the owner or operator of an adult entertainment business knew or should have known that such violations were committed.
3. The adult entertainment business license or the adult entertainment manager, server or entertainer license was obtained through false statements in the application for such license or renewal thereof.
4. The adult entertainment business licensee or the adult entertainment manager, server or entertainer licensee failed to make a complete disclosure of all information in the application for such license or renewal thereof.
5. The owner or operator, or any partner, or any corporate officer, director or applicable stockholder holding an adult entertainment business license has become disqualified from having a license by a conviction or deferral as provided in Section 635.090(A)(9).
6. The holder of an adult entertainment manager, server or entertainer license has become disqualified from having a license by a conviction or deferral as provided in Section 635.090(B)(4).
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 licensed establishment.
8. The operation of a licensed establishment has been discontinued or abandoned.
9. Any other occurrence that would render the licensee or licensed premises ineligible or unsuitable for a license under the provisions of this Chapter.

C. Before it may suspend or revoke a license, the City Council must hold a hearing to determine whether grounds for suspension or revocation exist. Prior to the hearing, the City Council must give ten (10) days written notice to the licensee setting out the reasons for the hearing and alleged grounds for suspension or revocation and conditions under which that hearing may be held, which notice shall be personally served upon the licensee or a copy of which shall be left at the premises covered by the license or shall be

mailed by registered or certified mail to the licensee at his/her last known address or residence address. The notice shall set forth the date, place and time of said hearing.

D. The City Council shall have the right to examine books, records and papers of each licensee or applicant for a license or renewal thereof. For such purpose, the City Council shall have the power to issue subpoenas over the signature of the City Clerk and all necessary processes to subpoena witnesses; to compel by subpoena duces tecum issued over the signature of the City Clerk the production of books, records, papers and other evidence; and to administer oaths and take testimony.

E. The applicant or licensee shall have the full right to be represented by counsel, to produce witnesses and cross-examine all witnesses who may appear against him or her at any hearing held hereunder. Subpoenas shall be issued by the City Clerk for any witness whose presence is desired at any hearing or proceeding held hereunder. Such subpoena shall be served and return thereon made in the same manner as provided by law in civil suits in this State.

   Witnesses may also appear voluntarily at such hearings and testify. Before any witness shall testify in any such hearing or proceeding he/she shall be sworn by the Mayor to tell the truth and nothing but the truth.

F. All decisions, findings and orders of the City Council adverse to a party to the proceedings shall be in writing. Parties to the proceedings shall be notified of the decision of the City Council by certified mail.

G. Based on the evidence produced at the hearing, the Governing Body may take any of the following actions:
   1. Suspend the license for up to ninety (90) days.
   2. Revoke the license for the remainder of the license year.
   3. Place the license holder on administrative probation for a period of up to one (1) year, on the condition that no further violations of the Chapter occur during the period of probation. If a subsequent violation does occur, and after a hearing, the violation is determined to have occurred, the license shall be revoked for the remainder of the license year. (R.O. 2008 §645.140; Ord. No. 5158 §1, 8-23-93)

SECTION 635.150: RENEWAL

A. Each person holding a license under this Chapter and desiring such license renewed, shall file with the City Clerk an application for license renewal between the first (1st) day of May and the fifteenth (15th) day of May each year. Said application shall update and certify in affidavit form all information required pursuant to Section 635.090. A license may be renewed by making application to the City Clerk on application forms provided for that purpose.

B. Upon timely application and review as provided for a new license, a license issued under the provisions of this Chapter shall be renewed by issuance of a new license in the manner provided in this Chapter.

C. If any affidavit contains information which does not justify such renewal or if the City Council has other information that the applicant has not met all the other requirements of this Chapter, the City Council may refuse to renew such license. In the event of such refusal, the applicant shall be given a hearing before the City Council in the same manner as provided herein for revocation or suspension proceedings.

D. If the application for renewal of a license is not made during the time provided in

Subsection (A) of this Section, the expiration of such license shall not be affected. Upon expiration, a new application shall be required. (R.O. 2008 §645.150; Ord. No. 5158 §1, 8-23-93)

SECTION 635.160: JUDICIAL REVIEW -- STAY OF ENFORCEMENT OF ORDERS

Following the entry of an order by the City Council, suspending or revoking a license issued pursuant to this Chapter, or disapproving the renewal application for a license, such licensee or applicant may seek judicial review in a manner provided by law. The City Council may stay enforcement of such order for a period of time not to exceed thirty (30) days pending the filing and/or final disposition of proceedings for judicial review. (R.O. 2008 §645.160; Ord. No. 5158 §1, 8-23-93)

ARTICLE III. ENFORCEMENT

SECTION 635.170: RESPONSIBILITY OF DIRECTOR OF PUBLIC SAFETY -- QUALIFICATIONS

A. It shall be the duty of the Director of Public Safety (herein referred to as the Director), with such aid as may be rendered by members of the Department of Public Safety or other persons duly sanctioned by the City Manager, to enforce the provisions of this Chapter.
B. All adult entertainment businesses shall permit representatives of the Maryville Public Safety Department or their agents, or any other City Official acting in their official capacity, to inspect the premises as necessary to insure the adult entertainment business is in compliance with all applicable regulations and laws. (R.O. 2008 §645.170; Ord. No. 5158 §1, 8-23-93)

SECTION 635.180: PROHIBITED INTERESTS OF CERTAIN MUNICIPAL OFFICERS

The City Manager, City Clerk, Public Safety Director and any other member of the Department of Public Safety, shall not have any interest, direct or indirect, either proprietary or by the means of any loan, mortgage or other lien, either for his/her own benefit, in a fiduciary capacity, or any other manner, in or on the premises of an adult entertainment business; nor shall any such person be or have any interest in any adult entertainment business, either as owner, part-owner, partner, member of a syndicate, shareholder or a corporation, agent or employee, either for his/her own benefit or in a fiduciary capacity. (R.O. 2008 §645.180; Ord. No. 5158 §1, 8-23-93)

SECTION 635.190: POWERS TO ENFORCE PROVISIONS OF THIS CHAPTER

The Director or any member of the Department of Public Safety is hereby empowered to

make arrests in connection with the violation of any provision of this Chapter or other ordinance of the City, to make searches and seizures in relation to the same, to serve any subpoena or subpoena duces tecum or other process relating to the enforcement of this Chapter. (R.O. 2008 §645.190; Ord. No. 5158 §1, 8-23-93)

SECTION 635.200: INSPECTIONS OF PREMISES -- IMPOUNDMENT

The Director or his/her authorized agent, shall have the right at any reasonable time to inspect and the licensee shall allow inspection of any license premises and all portions of the buildings thereof, including all rooms, cellars, out buildings, passageways, closets, halls, yards and attics and all buildings used in connection with the operations carried on under said license and which are in his/her possession or under his/her control, and to size any and all objects that may appear to be in violation of any provisions of this Chapter and to hold in custody such objects as evidence until any matter pertaining thereto be resolved. If not forfeited, objects shall be returned to the lawful owner after the matter is finally adjudicated unless the same are found to be contraband. If such objects are not claimed by the lawful owner within ninety (90) days after final adjudication, they shall be deemed forfeited. (R.O. 2008 §645.200; Ord. No. 5158 §1, 8-23-93)

SECTION 635.210: DUTY TO INSPECT PLACES OF BUSINESS

The Director shall have the duty of regularly inspecting all adult entertainment businesses, to maintain periodic checks on all licenses issued pursuant to this Chapter thereby insuring licensees' full compliance with the requirements of same and to determine as to the wholesomeness and orderly manner in which any adult entertainment business is maintained and operated. (R.O. 2008 §645.210; Ord. No. 5158 §1, 8-23-93)

SECTION 635.220: REFUSAL TO OBEY SUBPOENA

The failure or refusal of any person to obey all terms and conditions of any subpoena issued by the City Council is hereby declared to be a ordinance violation. (R.O. 2008 §645.220; Ord. No. 5158 §1, 8-23-93)

SECTION 635.230: SUSPENSION ORDER VIOLATIONS

Any licensee who shall open or operate any adult entertainment business during the time of any suspension order shall be guilty of a ordinance violation. (R.O. 2008 §645.230; Ord. No. 5158 §1, 8-23-93)

SECTION 635.240: ISSUANCE AND EXECUTION OF WARRANT FOR VIOLATION OF CHAPTER

Upon information by the City Prosecuting Attorney that any person has failed or refused to observe all the terms and conditions of a subpoena duces tecum issued or upon complaint filed by a Public Safety Officer or other person authorized to effect arrests, the Municipal Judge shall issue a warrant for the arrest of the person complained against, which warrant shall be directed to the Director of Public Safety and shall be executed by

him/her or any Officer or member of the Department of Public Safety. (R.O. 2008 §645.240; Ord. No. 5158 §1, 8-23-93)

SECTION 635.250: PENALTY
It shall be unlawful for any person to violate any of the provisions of this Chapter. Upon conviction thereof, such person shall be adjudged guilty of a ordinance violation and punished by a fine not exceeding one thousand dollars ($1,000.00), or be punished by incarceration for a period not to exceed one (1) year, or by both such fine and incarceration. 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. (R.O. 2008 §645.250; Ord. No. 5158 §1, 8-23-93)

SECTION 635.260: CIVIL ENFORCEMENT
The City Attorney, in addition to or as an alternative remedy from the provisions of Section 635.250, may seek to have the practices, violations or failure to comply with the provisions of this Chapter abated by an action for injunction to be maintained in the appropriate Circuit Court of the State of Missouri. (R.O. 2008 §645.260; Ord. No. 5158 §1, 8-23-93)

SECTION 635.270: REGULATIONS
The City Clerk shall have the power to promulgate regulations, as may be necessary and feasible for the carrying out of the duties of his/her office and which are not inconsistent with the provisions of this Chapter. (R.O. 2008 §645.270; Ord. No. 5158 §1, 8-23-93)

CHAPTER 640: TAXICABS AND VEHICLES FOR HIRE

SECTION 640.010: PERMIT REQUIRED
Any person engaged in a vehicle for hire business or operating a vehicle for hire within the corporate limits of the City shall first obtain a permit therefore in compliance with the provisions of this Chapter. (Ord. No. 7185 §1, 1-11-10)

SECTION 640.020: DEFINITIONS
For the purpose of this Chapter, the following terms shall have the meanings designated herein:
DRIVER: Every person physically in charge of, operating or driving a vehicle for hire. A driver shall only be a person and shall not be a business entity.
DRIVER'S PERMIT: A permit granted by the City to a qualified driver of a vehicle for hire.
OWNER: Any person or entity having:

1. Ownership or control of a business which, in whole or in part, operates one (1) or

more vehicles for hire, and/or

2. Is the owner of one (1) or more vehicles used as a vehicle for hire.

OWNER'S PERMIT: A permit granted by the City to the person or entity having:

1. Ownership or control of a business which, in whole or in part, operates one (1) or more vehicles for hire, and/or
2. Is the owner of one (1) or more vehicles used as a vehicle for hire.

STREET: Any street, alley, avenue, lane, public place or highway in the City.

VEHICLE FOR HIRE: Any motor vehicle used to transport persons from one point to another for which the driver and/or owner directly or indirectly receives compensation including, but not limited to, limousines and/or taxicabs. For these purposes, vehicles for hire shall not include school buses, medical assistance vehicles or other government funded transportation assistance vehicles. (Ord. No. 7185 §1, 1-11-10)

SECTION 640.030: APPLICATIONS

A. Any person or entity desiring to:
   1. Own or control a business which, in whole or in part, operates one (1) or more vehicles for hire within the City, or
   2. Own one (1) or more vehicles used as vehicles for hire within the City, shall file with the City Clerk a written application for an owner's permit therefore giving the following information:
      a. The full name and address of the principal place of business and other pertinent information of the applicant, and if a partnership, the name and residence address of all partners, and if a corporation, the name and residence address of the officers and directors; the trade name under which the applicant does or proposes to do business; the Social Security number and date of birth of the applicant, and if a partnership or corporation then the tax identification number of the applicant.
      b. The number of taxicabs actually owned by the applicant and the number held by it under lease, if any.
      c. A list shall be provided of any misdemeanor or felony convictions of applicant.
      d. A release authorizing the City of Maryville to obtain records of all misdemeanor or felony convictions from any and all States and the United States.
      e. The make and model, vehicle identification numbers (VIN) and the registered owner of each proposed vehicle for hire. If vehicle make, model, the State automobile license number and vehicle identification on the application changes at any time prior to or after the actual issuance of the owner's permit by the City Clerk, it shall be the responsibility of the owner to provide updated information.
      f. Such application shall be sworn to contain full, true and complete answers and signed before a notary public.
      g. Evidence of current proof of financial responsibility as required by Section 640.050.

B. Any person desiring to be physically in charge of, operate or drive a vehicle for hire within the City shall file with the City Clerk a written application for a driver's permit

therefore, providing the following information:

1. The full name, residence address, Social Security number, driver's license State of origin and number and the date of birth of the applicant.
2. A list shall be provided of any misdemeanor or felony convictions of applicant.
3. A list of all States in which the applicant has held a license to operate a motor vehicle.
4. The person or entity who owns the vehicle(s) for hire and who operates the vehicle for hire business for whom such applicant is to be employed and the address of the principal place of business of such person or entity.
5. A copy of the applicant's current driver's license.
6. A release authorizing the City of Maryville to obtain records of all misdemeanor or felony convictions and driving records from any and all States and the United States.
7. Such application shall be sworn to contain full, true and complete answers and signed before a notary public.

C. Any person desiring to renew an owner's permit or driver's permit shall complete the same requirements as those applying for a new owner's permit or driver's permit. (Ord. No. 7185 §1, 1-11-10)

SECTION 640.040: INVESTIGATION OF APPLICATION FOR OWNER'S AND DRIVER'S PERMITS

A. The Director of Public Safety shall supervise an immediate, thorough investigation of each owner's and/or driver's permit application received hereunder for the purpose of investigating the criminal history and driving record history of the applicant. The Director shall forward his findings to the City Clerk who shall determine whether the criminal and/or driving record history complies with the requirements of this Chapter.

B. In an effort to offset the expense of the investigation process, applicants shall pay a non-refundable investigation fee of twenty-five dollars ($25.00), whether applying for or renewing an owner's permit, driver's permit, or both.

C. License renewals shall be submitted no later than January first (1st) of each even-numbered year (renewal every two (2) years). (Ord. No. 7185 §1, 1-11-10)

SECTION 640.050: INSURANCE REQUIREMENTS

A. Every holder of an owner's permit shall at all times maintain financial responsibility, as described in Chapter 303, RSMo., for each vehicle for hire.

B. Every holder of a driver's permit shall at all times carry in the vehicle for hire operated by such permittee proof of financial responsibility in accordance with Sections 303.024 and 303.160, RSMo.

C. Evidence of insurance coverage as described in Section 303.024, RSMo., shall be presented to the City Clerk at the time applicant applies for an owner's permit. It shall be the responsibility of such permittee to keep the insurance coverage in full force and effect during the term of the owner's permit and to present to the City Clerk evidence of any renewal of such insurance coverage which occurs during the term of such permit. Such certificate shall provide that thirty (30) days' advance written notice shall be given to the City in the event of any change in or cancellation of such insurance. (Ord. No. 7185 §1,

1-11-10)

SECTION 640.060: ISSUANCE OF PERMIT

A. No person shall be issued or renewed a driver's permit if they have been convicted of, plead guilty to or found guilty of any of the following:
   1. Any crime described in Sections 565.020 through 565.060, RSMo. (homicide and assault); Sections 565.180 through 565.184, RSMo. (elder abuse); Sections 566.030 through 566.095, RSMo. (sexual offenses); Sections 568.045 through 568.090 and 568.175, RSMo. (child abuse and exploitation); Sections 569.020 and 569.030, RSMo. (robbery); and Sections 573.023, 573.025, 573.035, 573.037 and 573.040, RSMo. (child pornography).
   2. Any municipal, State or Federal crime which contains all elements of any Missouri Statute described in the previous Subsection.

B. No person shall be issued a driver's permit if their driving privileges are suspended or revoked in this or any other State for any reason.

C. No applicant shall be issued a driver's permit who has been convicted in any municipal or State court of driving while intoxicated (DWI) or have had his license suspended or revoked as a result of an alcohol-related offense within three (3) years of applying for a driver's permit.

D. Upon satisfactory completion of all requirements set forth in this Chapter, the City Clerk shall in due course grant the applicant an owner's permit and/or driver's permit, as the case may be.

E. An owner's permittee shall notify the Clerk within seven (7) days if a change occurs in the number of vehicles for hire, the ownership of any or all vehicles for hire, any acquisition of or disposal of a vehicle for hire, or the conviction of any crime by any driver's permittee employed by owner which would prohibit such permittee from maintaining his driver's permit. A failure to do so shall constitute grounds for revocation or suspension of said owner's permit.

F. If, while in possession of a valid driver's permit, a permittee shall be found to be in violation of Subsections (A), (B) and/or (C) of this Section, then such permittee's driver's permit shall be revoked. (Ord. No. 7185 §1, 1-11-10)

SECTION 640.070: DRIVER'S PERMIT REQUIREMENTS

A. All drivers' permittees shall possess a valid Class "E" Missouri driver's license.

B. No persons under eighteen (18) years of age shall be issued a driver's permit.

C. The City of Maryville shall provide qualified applicants a driver's permit which contains a photograph of the permittee upon payment by the qualified applicant of a license fee to the City of fifteen dollars ($15.00) to cover the cost of preparing the permit. A driver's permittee shall post in plain sight of passengers his driver's permit at all times in which he is operating a vehicle for hire. (Ord. No. 7185 §1, 1-11-10)

SECTION 640.080: REVOCATION OR SUSPENSION

Upon notice and hearing conducted in the manner described in Section 600.250(B) through (J), the City Council may revoke or suspend an owner's or driver's permit, or

both, issued under the provisions of this Chapter upon finding that one (1) or more of the following has occurred:

1. Failure of the owner's permittee to conduct his vehicle for hire business for a period of sixty (60) days or longer.
2. Violation of any portion of this Chapter of the Maryville Municipal Code by the owner's or driver's permittee.
3. Allowance by an owner's permittee of a non-permitted person to operate owner's vehicle for hire.
4. Operation of vehicle for hire business without proof of insurance on file with the City Clerk as prescribed in this Chapter.
5. Aiding, abetting or assisting the promotion of advancement of any illegal or immoral activity, affair or business.
6. Falsifying or omitting information on any application required by this Chapter.
7. Any act which would have prevented a driver's permittee from initially obtaining or renewing such permit under Section 640.060 hereof had such act occurred prior to the issuance or renewal of the permit. (Ord. No. 7185 §1, 1-11-10)

SECTION 640.090: EFFECT ON COURT PROCEEDINGS

The penalty established by the City Council by the suspension or revocation of a permit pursuant to this Chapter shall not limit or effect the authority of any other administrative body or any court to establish an additional, separate penalty or punishment for the same conduct. (Ord. No. 7185 §1, 1-11-10)

SECTION 640.100: PENALTY

Any person who violates any provision of this Chapter or any Section thereof shall, upon conviction thereof, be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment for not more than three (3) months, or by both such fine and imprisonment. A separate offense shall be deemed committed upon each day or part of a day during or on which any person violates any provision of this Chapter. (Ord. No. 7185 §1, 1-11-10)

TITLE VII. PUBLIC UTILITIES

CHAPTER 700: COMBINED WATERWORKS AND SEWERAGE SYSTEM

SECTION 700.010: COMBINED SYSTEM ESTABLISHED

It is hereby found, determined and declared to be necessary for the public health, safety, welfare and benefit of the City and its inhabitants that the waterworks and the sewerage system of the City, including all future improvements and extensions thereto, be combined and that they shall henceforth be operated and maintained as a Combined Waterworks and Sewerage System. (R.O. 2008 §700.010; Ord. No. 5050 §1, 5-11-92)

SECTION 700.020: OPERATION AND MAINTENANCE

A. Henceforth, from and after the final passage of this Title, (May 11, 1992), the waterworks and the sewerage system of the City, including all future improvements and extensions thereto, whether to the waterworks or to the sewerage system or to both, shall be and the same are combined, and it is hereby declared that said waterworks and said sewerage system, including all future improvements and extensions thereto as aforesaid, henceforth shall be operated and maintained as a Combined Waterworks and Sewerage System.

B. It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City to collect rates, fees and charges for the use of and services provided by the System. The proceeds of such charges so derived will be used for the purpose of operating and maintaining the System; paying the principal of and interest on all revenue bonds or other obligations of the City now outstanding or hereinafter issued or incurred ("Revenue Bonds", as hereinafter defined) that are payable solely from the revenue of the System (the "System Revenues", as hereinafter defined); and providing funds sufficient to meet the requirements of the ordinances of the City authorizing the issuance of the Revenue Bonds (the "Bond Ordinances", as hereinafter defined), including replacement of the System. (R.O. 2008 §700.020; Ord. No. 5050 §1, 5-11-92)

SECTION 700.030: DEPARTMENT OF NATURAL RESOURCES PERMIT REQUIREMENT

No individual or entity, including the City of Maryville Water Department, the Nodaway County Public Water Supply District No. 1, nor any other person(s) or entity shall construct or attempt to construct a public water main within the corporate limits of the City of Maryville, Missouri, unless and until all of the following requirements have been satisfied:

1. A complete set of construction and building plans and specifications must be submitted in advance to the engineer designated by the City of Maryville and receive written approval from the engineer.
2. Said construction and building plans and specifications must be submitted to the Missouri Department of Natural Resources Public Drinking Water Program and said Department of Natural Resources has issued all appropriate permits required by all Federal and State laws and/or regulations. (R.O. 2008 §700.030; Ord. No. 6217 §1, 8-9-99)

SECTION 700.040: ANNUAL REVIEW OF WATER RATES

A. In August of every year and in conjunction with the review of the annual budget, the City Manager shall submit a report to the Council of the City of Maryville, Missouri,

concerning the adequacy of municipal water rates. The report shall, as a minimum, address the following concerns:

1. An estimate of the total revenues generated by municipal water rates during the present budget year from all sources of revenue.
2. An estimate of the municipal water revenues to be generated in the coming budget year.
3. An estimate of the total expenditures incurred by the water utility during the present budget year.
4. A statement of all funds placed in a reserve account during the present budget year for replacement of all equipment and facilities at the Municipal Water Treatment Plant.
5. A statement of the funds to be placed in the reserve account during the next budget year for the replacement of all equipment and facilities at the Municipal Water Treatment Plant.
6. A statement of all funds placed in a reserve account during the present budget year for replacement of all components of the water distribution system.
7. A statement of the funds to be placed in the reserve account during the next budget year for the replacement of all components of the water distribution system.

B. Based on the above-cited data, the City Manager shall prepare a report which analyzes the adequacy of the City's water rates to meet the spending and savings goals for the next budget year. The City Manager shall make a recommendation for changing water rates adequate to meet such spending and savings goals.

C. Upon receipt of the City Manager's report, the Council of the City of Maryville, Missouri shall set municipal water rates to enable the City to meet its budgetary goals for spending and payment to all reserve accounts. (R.O. 2008 §700.040; Ord. No. 6220 §§1--3, 9-10-99)

SECTION 700.050: WATER CONSERVATION PLAN

A. *General.* This Water Conservation Plan provides guidelines for the implementation of water conservation measures by customers who receive potable water originating at the Water Treatment Plant of the City of Maryville, Missouri. In order to provide an adequate supply of potable water for human consumption, and to protect the health, safety and welfare of those who rely upon ready availability of water produced at the Maryville Water Treatment Plant, conservation measures will be implemented in phases. The use of a graduated process will serve to address crisis conditions by responding with conservation measures necessary to address the situation which result in the minimum impact on water use by customers.

B. *Definitions:* The following terms as used in this Plan shall have the following meanings:
BASE MONTH: The most recent, similar non-drought month. The base month shall be designated by the City Manager upon implementation of Phase 4 of the Plan. For purposes of illustration, if the Phase was implemented in July, 2000, the base month would be the most recent July or similar water use month which was a not impacted by a drought or other, similar factors.
CITY: The City of Maryville.
CITY MANAGER: The Chief Administrative Officer of the City, including the City

Manager, Acting City Manager or his/her designee.
PLANT: The Maryville Water Treatment Plant.
WATER: Potable (treated) water processed at the Maryville Water Treatment Plant.

C. *Phases of Conservation.*
   1. *Voluntary conservation--public agencies and large users:*
      a. *Threshold.* Based upon information provided by the Superintendent of the Maryville Water Treatment Center, Phase 1 may be implemented at the direction of the City Manager when the City Manager concludes that the daily demand for water by customers of the City is anticipated to exceed the amount of water that can be produced by the Plant during that demand period.
      b. *Notification.* Contact shall be made with the largest users of water from the City, and with all public agencies and governmental units who use water treated by the City.
      c. *Plan.* Customers contacted under this Phase shall be requested to immediately implement voluntarily methods to reduce their use of water which is treated at the Maryville Water Treatment Plant, including both actual reduction of water use and implementation of procedures designed to delay water demand during peak demand periods.
   2. *Voluntary conservation--all users:*
      a. *Threshold.* Subsection (C)(2) may be implemented at the direction of the City Manager when the actual daily demand for water by customers of the City exceeds the amount of water that was produced by the Plant during that demand period.
      b. *Notification.* Informational notices and news releases on water conservation shall be distributed, and such additional contacts with water users will be made as deemed appropriate.
      c. *Plan.* All who receive water from the Maryville Water Treatment Plant, including individuals, businesses, industries, public agencies, governmental units and institutions shall be requested to immediately implement voluntary methods to reduce their use of water treated at the Maryville Water Treatment Plant, including reduction of water use and implementation of procedures designed to delay water demand during peak demand periods.
   3. *Mandatory restriction on outdoor water use:*
      a. *Threshold.* Subsection (C)(3) shall be implemented at the direction of the City Manager when the City of Maryville is unable to maintain a twenty-four (24) foot water level at the Edwards Street Water Tower for a continuous period which exceeds twenty-four (24) hours.
      b. *Notification.* Informational notices and news releases shall be distributed, and such additional contacts with water users will be made as deemed appropriate.
      c. *Plan.*
         (1) Customers who receive water from the Maryville Water Treatment Plant shall be directed to implement further methods of water conservation, including actual reduction of water demand;
         (2) The use of water which has been treated at the Maryville Water Treatment Plant for any outdoor use is prohibited. This prohibition includes watering of lawns, gardens, shrubs, other vegetation, washing of sidewalks, driveways and motor vehicles. However, this prohibition shall not apply

to the use of water for washing motor vehicles at a commercial car wash business, nor the use of water for the watering of livestock or vegetation at a commercial business.

(3) All business and commercial customers, industries, public agencies, governmental units and institutions, and all large users of water shall be directed to prepare for the potential of further water restrictions, including being advised to make arrangements to obtain potable (treated) water from sources other than the City of Maryville;

(4) Pursuant to Ordinance, officers of the Maryville Public Safety Department shall issue a summons for any violation of this Phase of the Water Conservation Plan.

4. *Mandatory restriction to base month demand:*
   a. *Threshold.* Subsection (C)(4) shall be implemented at the direction of the City Manager when the City of Maryville is unable to maintain a twenty-two (22) foot water level at the Edwards Street Water Tower for a continuous period which exceeds twenty-four (24) hours.
   b. *Notification.* Notices shall be issued to all business and commercial customers, industries, public agencies, governmental units and institutions and large users of water produced at the Maryville Water Treatment Plant. Said notices shall advise each of the requirements of Phase 4, and shall advise each of their maximum allowable daily and monthly water use level based upon the applicable base month.
   c. *Plan.*
      (1) All restrictions and plans implemented in Phase 3 shall continue;
      (2) The use of water which has been treated at Maryville Water Treatment Plant by the commercial car wash business, for the commercial watering of livestock or for the commercial watering of vegetation is prohibited;
      (3) The use of water treated at the Maryville Water Treatment Plant on both a daily and monthly basis by any business or commercial customer, industry, public agency, governmental unit or institution shall not exceed their average level of water use during the designated base month;
      (4) Pursuant to Ordinance, officers of the Maryville Public Safety Department shall issue a summons for any violation of this Phase of the Water Conservation Plan.
   d. *Penalty.* Any water customer who exceeds the base level use limitation implemented by this Phase, shall have a surcharge added to their water bill equal to fifty percent (50%) of the total monthly bill.
5. *Mandatory rationing--reduction to 75% of base month demand (Non-Domestic users):*
   a. *Threshold.* Subsection (C)(5) implemented at the direction of the City Manager when the City of Maryville is unable to maintain a twenty (20) foot water level at the Edwards Street Water Tower for a continuous period in excess of twenty-four (24) hours.
   b. *Notification.* Notices shall be issued to business and commercial customers, industries, public agencies, governmental units and institutions and domestic users, notifying them of the requirements and penalties associated with this Phase, and insuring that each is aware of their maximum allowable daily and

monthly use level based upon the applicable base month.

c. *Plan.*
   (1) All restrictions described in Subsection (C)(4) shall continue;
   (2) The use of water treated at the Maryville Water Treatment Plant on both a daily and monthly basis by any business or commercial customer, industry, public agency, governmental unit or institution shall not exceed seventy-five percent (75%) of their allowable water use level during the designated base month;
   (3) Pursuant to ordinance, officers of the Maryville Public Safety Department shall issue a summons for any violation of this Phase of the Water Conservation Plan.
   (4) *Penalty.* Any water customer who exceeds the limitation to seventy-five percent (75%) of base water level use implemented by this Phase shall have a surcharge added to the water bill equal to seventy-five percent (75%) of their total monthly bill.

6. *Cessation of Commercial and Industrial Usage and Ration Domestic Usage:*
   a. *Threshold.* Subsection (C)(6) shall be implemented at the direction of the City Manager when the City of Maryville is unable to deliver treated water to its customers at the level necessary to provide adequate pressure within the City's water distribution system in order to prevent back flow situations.
   b. *Notification.* Notices will be made as follows:
      (1) All business or commercial customers, industries, public agencies, and governmental units and institutions will be notified that their water service by the City of Maryville is terminated and they should immediately utilize alternative sources for potable (treated) water;
      (2) Domestic users will be notified of the requirements and penalties associated with this Phase.
   c. *Plan.*
      (1) Use of water which has been treated at the Maryville Water Treatment Plant at any business or commercial customer, industry, public agency, governmental unit or institution is prohibited.
      (2) The use of water treated at the Maryville Water Treatment Plant on both a daily and monthly basis, by domestic users shall not exceed fifty percent (50%) of their allowable water use level during the designated base month.
   d. *Penalty.* Any water customer who exceeds the limitation to fifty percent (50%) of base water level use implemented by this Phase shall have a surcharge added to the water bill equal to one hundred percent (100%) of their total monthly bill. Additionally, any user who exceeds this limitation shall be immediately disconnected from water service.

D. *Uses Exempt From This Plan.* In addition to any exemptions described above, the following shall be exempt from the provisions stated in this Plan, although each exempt user shall be requested to implement voluntary methods to reduce their use of water treated at the Maryville Water Treatment Plant, including both actual reduction of water use and the implementation of procedures designed to delay water demand during peak periods:
   1. St. Francis Family Hospital and Health Services and any other hospital;
   2. All nursing homes and other institutions identified by the City Manager as being

directly involved in the delivery of health care services;
3. Any specific use as approved by the City Manager, including any critical system facility which is identified;
4. The Fire Division of the Maryville Public Safety Department;
5. The Polk Township Volunteer Fire Department. (R.O. 2008 §700.050; Ord. No. 6298 §1, 6-12-00)

CHAPTER 705: WATER AND SEWER

Editor's Note--Ord. no. 6776 §1, adopted August 22, 2005, repealed ch. 705 and enacted the new provisions set out herein. Former ch. 705 derived from ord. no. 5050 §1, 5-11-92; ord. no. 5187 §1, 2-14-93; ord. no. 5195 §1, 3-14-94; ord. no. 5383 §1, 2-5-96; ord. no. 5384 §1, 2-5-96; ord. no. 5385 §1, 2-5-96; ord. no. 5388 §1, 2-26-96; ord. no. 5569 §1, 7-28-97; ord. no. 6027 §1, 2-9-98; ord. no. 6262 §1, 2-28-00; ord. no. 6322 §1, 9-11-00; ord. no. 6398 §1, 8-13-01; ord. no. 6703 §1, 10-25-04.

ARTICLE I. FEES, DEPOSITS AND BILLING

SECTION 705.010: DEFINITIONS

For the purpose of this Chapter, the following words and terms shall have the meanings respectively ascribed:

CUSTOMER: A purchaser of utility service.

DEPARTMENT: Utility Service Billing Department.

DIRECTOR: The Director of the Finance Department for the City of Maryville.

ESTIMATED BILL: A bill for utility services calculated using one (1) or more estimated meter readings for the billing period.

NEW CUSTOMER: A purchaser of utility service not currently receiving service.

RENDITION OF BILL BY THE CITY: The actual date on which the bill was mailed by the City.

UTILITY SERVICES: Water service, sewer service or combination thereof. (R.O. 2008 §705.010; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.020: UTILITY SERVICE REQUIRED

A. Within sixty (60) days after receiving official notice, the owner of any house, building or structure used for human occupancy, employment or recreation located in the City shall install all necessary piping and plumbing and shall connect the same to the utility service system of the City in accordance with the provisions of this Code.
B. Without advance written authorization from the City, no customer or other person shall sell or offer for sale at a profit any utility service purchased from the City.
C. Any customer reselling utility service shall furnish evidence that the resale is in

compliance with this Code and shall install submeters and maintain records at the customer's expense for such purpose as required by the City. (R.O. 2008 §705.020; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.030: APPLICATION FOR UTILITY SERVICE

A. Customers shall apply for utility service at the location designated by the City Manager or his/her designee.
B. Each customer shall complete either the application for utility service or the application for transfer of utility service, as applicable.
C. Prior to receiving utility service, a separate application must be filed for each service address and the following conditions shall be met:
    1. A permanently assigned address number shall be obtained from the City and be displayed in a visible location on the property.
    2. Utility service shall be delivered only upon the City determining that it is practical to render utility service at such location and that the customer's application for service has been approved.
D. At the time of the filing of the application, the customer shall fully satisfy all applicable deposits and fees, including meter charges, main contribution charges, tapping fees, security deposits, connection fees and deposits, utility service initiation fees and transfer fees.
E. No customer shall be refused service because of race, gender, creed, national origin, marital status, number of dependents. (R.O. 2008 §705.030; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.040: COMMENCEMENT OF UTILITY SERVICES

A. *Service Initiation Fee.* At the time of the application for new utility service, the customer shall pay a twenty-five dollar ($25.00) service initiation fee. This provision shall only be applicable to the initiation of service at a new construction site or service by a new customer.
B. *Transfer Fee.* Any existing customer requesting a transfer of utility service to a utility service location which currently receives utility service shall pay a fifteen dollar ($15.00) transfer fee which shall be paid prior to the transfer of the service. (R.O. 2008 §705.040; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.050: UTILITY SERVICE DEPOSITS

A. *Requirement.* Prior to connection, reconnection or delivery of utility service, each customer shall pay a security deposit as a condition of receiving utility service, which deposit shall not bear interest.
B. *Single-Family Use Deposit.* A request for utility services for a single-family dwelling or single-family residential unit within a larger residential building shall include a one hundred twenty-five dollar ($125.00) utility service deposit.
C. *Multiple Residential Unit Deposit.* A request for utility services for a multiple residential rental unit complex by a single landlord shall include a security deposit based upon the following schedule:

1. 1 to 25 units $ 20.00 per unit or $350.00, whichever is greater.
2. 26 to 199 units $ 10.00 per unit or $1,000.00, whichever is greater.
3. 200 or more units $ 3,000.00

D. *Non-Residential Service Deposit.* Any request for utility services shall be based on the meter size for the facility serviced as follows:

¾ inch meter	$ 150.00
1 inch meter	$ 200.00
1½ inch meter	$ 275.00
2 inch meter	$ 350.00
4 inch meter	$ 450.00
6 inch meter	$ 550.00

E. *Deposits For Property Owners Of Multiple Properties.* The City shall have sole discretion to negotiate a reasonable deposit fee on property owners who own multiple properties which transfer frequently in a short time frame. The City Manager or his/her designee shall have final approval of this deposit amount and manner of structuring the fee.

F. *Portable Water Meters.* If a portable water meter is requested, the customer shall pay a utility service deposit consistent with the actual cost of the meter.

G. *Deposit Or Refund.* Utility service deposits may be transferred or applied to a new residence or location if the customer relocates, completes the necessary application and satisfies the applicable fee and any additional required deposits.

H. Upon termination of utility service, any deposit shall be credited against the final utility service bill and the balance, if any, shall be returned to the customer.

I. The City shall maintain a record of all deposits received from customers, including the name of the customer, the date and amount of deposit, the location of the premises for which the deposit is initially made and each successive location to which the deposit is applicable. (R.O. 2008 §705.050; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.060: BILLING AND PAYMENT

A. Except for final bills, utility service billing statements shall be rendered on the last working day of the month and shall be due and payable on or before the fifteenth (15th) day of the following month. All applicable taxes, including sales tax, shall be included in the utility service charges.

B. Except as otherwise provided, the billing statement shall reflect the customer's actual utility service usage and shall provide for billing in a reasonable, predictable manner.

C. Statements and notices shall be deemed to have been rendered when deposited in the United States mail addressed to the last known address of such customer as reflected by the records of the Department.

D. The City shall not be bound by utility service billing statements rendered under mistake as to either quantity and/or nature of service rendered.

E. In the event the customer pays by check, credit card or debit card which payment is thereafter rejected or not honored by the financial institution, the amount shall be deemed unpaid retroactive to the date the billing statement was initially rendered.

F. Charges for special services may be included on the same billing statement with the utility service charges if the charges for special services are separated from the utility

charges.

G. The City may divide the service area into sections and/or divide customers into various classes for the purpose of rendering statements. Such sections or classes may be changed from time to time to meet the operating requirements of the City, but shall not affect the amount or rate of any bill. (R.O. 2008 §705.060; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.070: ESTIMATED BILLS

A. A utility service billing statement may be rendered based upon estimated utility service usage when deemed reasonable by the City including, but not limited to, the following circumstances:
    1. Reading of the utility service measuring device is prevented because of weather conditions, emergency or work stoppage.
    2. The City determines that the customer has failed to provide safe and reasonable access to the customer's premises for the purpose of determining the actual utility service usage.
    3. The City concludes that the meter or device measuring the customer's utility usage may provide an inaccurate reading for any reason including damage, tampering or modification of the device.

B. Each utility service statement shall clearly and conspicuously state if the amount due is based upon estimated utility service usage.

C. The City shall not use estimated utility service usage to render a final utility service statement. (R.O. 2008 §705.070; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.080: PAST-DUE ACCOUNTS

A. In determining the date of payment of a utility service bill, the date shall be the date on which the Department posts the remittance.

B. All utility service statements shall be due and payable in full on or before the fifteenth (15th) day of the month following the date on which the statement was scheduled to be rendered.

C. Any utility service account not paid on or before the fifteenth (15th) of the month shall be deemed past due.

D. The City shall immediately assess a past due fee equal to ten percent (10%) of the portion of any utility service bill becoming past due, which additional amount shall immediately be due and payable.

E. If the fifteenth (15th) of the month falls on a weekend, holiday or other day when the Department is not open to the general public, the payment due date shall be extended to the close of business of the next day when the department is open to the general public. (R.O. 2008 §705.080; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.090: DELINQUENT ACCOUNTS

A. If any portion of a past due utility service account remains unpaid as of close of business the first (1st) day of the month following the month in which the account became past

due, said balance shall be declared delinquent.

B. Upon the utility service account becoming delinquent, the City shall assess a fifteen dollar ($15.00) delinquency fee, which additional amount shall immediately be due and payable.

C. If the first (1st) of the month falls on a weekend, holiday or other day when the Department is not open to the general public, the payment due date shall be extended to the close of business of the next day when the department is open to the general public.

D. In addition to assessing the delinquency fee, the City shall commence notification to the customer of the City's intent to terminate utility service to the customer. (R.O. 2008 §705.090; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.100: PARTIAL PAYMENTS

If a customer makes a partial payment on a utility service account, the payment amount shall first (1st) be credited against any past due or delinquent utility service balance. (R.O. 2008 §705.100; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.110: VOLUNTARY TERMINATION OF SERVICE

A. In the event a customer requests termination of an existing utility service, the City shall issue a final bill which shall include all amounts due on that account and all amounts owed by the customer to the City on that account shall be payable in full.

B. Bills for voluntarily terminated utility service accounts shall be rendered and be considered past due fifteen (15) days after the date the bill was rendered and shall be considered delinquent thirty (30) days after the bill was rendered. (R.O. 2008 §705.110; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.120: COLLECTION AND LITIGATION

A. For utility service provided to a residence that has its own private water and sewer lines, such services shall deem to be furnished to both the customer and owner of the premises receiving such service.

B. When the customer is delinquent in payment for thirty (30) days, the City shall make a good faith effort to notify the owner of the premises receiving such service of the delinquency and the amount thereof.

C. The City shall have the power and authority to sue the customer or the owner of such real estate or both in a civil action to recover any sums due for services less any deposit that is held by the City plus a reasonable attorney's fee to be fixed by the court.

D. When a customer's utility service account is delinquent for more than ninety (90) days, the customer shall be liable for the entire bill, but the owner of the real estate, if other than the customer, shall not be liable for sums due for more than ninety (90) days of service.

E. To assist in the collection of any delinquent utility service account, the City may engage the services of third (3rd) parties including a collection agency, locator service or attorney. All additional collection or litigation fees incurred by the City, including all court costs and attorney's fees, shall be paid by the customer. (R.O. 2008 §705.120; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.130: RESERVED

SECTION 705.140: TAMPERING

A. Except for authorized employees or agents of the City, no person shall disconnect, modify or tamper with any meter or utility service measuring instrument, connect to any meter or disturb utility service lines without advance written permission from the City.
B. In the event of any act which has the potential effect of rendering actual utility use readings inaccurate or of allowing receipt of utility service without proper payment, upon posting notice on the residence or location receiving the service or delivering notice to the customer, the City shall be authorized to immediately disconnect the utility service and remove City property from the customer's premises.
C. The City may elect to continue utility service or reconnect utility service at the location of the tampering upon the customer's compliance with the City Code including payment by the customer whose measurable demand, usage or bill was affected by such tampering of all applicable fees or deposits as determined by the City. In addition to any other amounts required by other provisions of this Chapter, the customer shall pay the following as determined by the City Manager or his/her designees:
    1. The actual expenses incurred by the City in replacing and/or repairing City equipment or materials as a result of the tampering including the meter or service lines, the making of any connection and the actual employee costs or contracted expenses incurred; and
    2. The amount of any City revenue lost attributable to such tampering, as determined by the City Manager or his/her designee;
    3. The payment of the applicable utility service deposit, if any. (R.O. 2008 §705.140; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.150: DISCONNECTION OF SERVICE

The City may discontinue utility service to a customer for any legitimate business reason including, but not limited to, the following:

1. Non-payment of a delinquent account.
2. Failure to post any required security deposit.
3. Failure to comply with the terms and conditions of a settlement agreement relating to a current or prior utility account.
4. Failure or refusal to grant access at reasonable times for the purpose of inspection, meter reading, maintenance or replacement of equipment installed on the premises of the customer. (R.O. 2008 §705.150; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.160: NOTICE OF DISCONNECTION

A. Prior to disconnection of utility service for any reason other than tampering, failure or refusal to grant access to equipment or failure to provide correct name of the customer, the City shall provide five (5) business days' notice of its intent to disconnect utility service. Notice may be provided either by mailing written notice to the utility service customer at their address as maintained in the Department or by posting written notice on

the exterior door of the building or residence receiving the utility service to be disconnected.

B. Such notice shall provide a telephone number and address at which such disconnection may be contested.

C. When charges for sewer services are in arrears for more than three (3) months and after the City sends notice to the customer by certified mail, the City may disconnect the customer's sewer line or request in writing that the private or public water company discontinue water service until such time as the sewer charges and all related costs are paid.

D. Service shall not be disconnected on a day when the offices of the Department are not available to the public for the purpose of reconnecting service. (R.O. 2008 §705.160; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.170: FAILURE TO PROVIDE ACCESS OR CORRECT NAME

In the event the applicant has failed to use the applicant's correct name, has placed the application in the name of a minor when applying for utility service or has refused to grant access to equipment, the City may disconnect service immediately. (R.O. 2008 §705.170; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.180: NOTICE OF DISCONNECTION

The notice of disconnection shall contain the following information:

1. Name and address of the customer.
2. Statement of the reason for the discontinuance.
3. Date after which service shall be discontinued unless action is taken by the customer.
4. Terms under which connection may be avoided by the customer and cost of reconnection.
5. A telephone number and address where the disconnection can be contested. (R.O. 2008 §705.180; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.190: POSTPONEMENT OR SUSPENSION OF DISCONNECTION

A. Notwithstanding any other provisions of this Chapter, the City shall postpone the discontinuance of utility service to a residential customer for a period not to exceed twenty-one (21) days if the City determines that the disconnection will aggravate an existing medical emergency of the customer, of a member of the customer's family or other permanent resident of the premises where service is rendered.

B. If the City is advised prior to the date of discontinuance that any portion of the utility service bill is in dispute, the Department shall record the date, place and time the complaint was made and enter into the resolution process with the customer. (R.O. 2008 §705.190; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.200: DISCONNECTION AND FEES

A. If the provisions of this Chapter have been met, the City may disconnect utility service at the customer's delinquent service address.
B. Immediately prior to the disconnection of service, the individual designated to perform such function shall place a notice upon the premises to be disconnected or deliver such notice to a responsible person then upon the premises, giving notice of action about to be taken, the reason for action and address and phone number where inquiries may be made.
C. A disconnection fee of fifteen dollars ($15.00) shall be charged to the customer's utility service account upon the dispatch of an employee or designee to disconnect the customer's utility service for any involuntary reason even if disconnection does not occur. (R.O. 2008 §705.200; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.210: RECONNECTION

A. Upon the customer's request, the City shall promptly restore utility service if the cause for discontinuance of service has been eliminated, all fees and deposits have been paid including applicable restoration charges and, if required, satisfactory credit arrangements have been made.
B. In the event the customer seeks reconnection at a location following involuntary disconnection, a reconnection fee of fifteen dollars ($15.00) shall be satisfied.
C. A reconnection fee of fifty dollars ($50.00) shall be paid in advance by any customer when a utility service reconnection occurs at the customer's request on a weekend, a City holiday or any other time outside the regular working hours of the City personnel completing the reconnection. Reconnection outside of regular working hours shall be in the sole discretion of the City Manager or his/her designee and a utility service customer shall not be entitled to a reconnection outside of regular working hours without the consent of the City. (R.O. 2008 §705.210; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.220: REFUSAL OF SERVICE AFTER DISCONNECTION

The City may at its option refuse to render utility service to any customer whose utility service has been disconnected until:

1. The customer has paid in full all applicable charges for all utility service previously provided by the City at the customer's premises and paid for all damage to water meters or property of the City;
2. The customer's water piping and service pipes at the customer's sole expense have been placed in a condition acceptable to the City;
3. The customer has provided reasonable access to read the meters;
4. The customer has paid all appropriate charges including all deposits and utility service fees. (R.O. 2008 §705.220; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.230: REFUNDS

A customer shall give notice containing the address to which any final utility service refund is to be sent. Said notice shall be provided to the Department within sixty (60) days of the date utility service is terminated. In the event the customer fails to provide

such notice, the deposit or portion remaining after satisfaction of any utility bills and fees shall be deemed to have been forfeited to the City. (R.O. 2008 §705.230; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.240: ADJUSTMENT OF WATER BILLS

Any water bill found to be in error may be adjusted by the City Manager or his/her designee as follows:

1. *Faulty meters.* If a meter is found to be in error, then the customer's utility service bill shall be adjusted to the corrected amount, whether said adjustment results in an increase or decrease of the total bill. Adjustment shall not be made to any bill for a utility service period more than sixty (60) days prior to the date of the meter removal and testing. Should the meter fail to register, the quantity of water used shall be by determining the amount used during the same period of the preceding year or the average amount for the three (3) month period immediately preceding the failure.
2. *Hidden leaks.*
   a. If a utility service customer is the owner of the premises at which a hidden leak is discovered or has responsibility pursuant to contract to maintain water pipes at the premises and the customer verifies that the hidden leak was repaired within five (5) working days after being notified of or discovering the hidden leak, then the customer's water bill may be adjusted in accordance with the additional provisions of this Section.
   b. If a utility service customer is not the owner of the premises at which a hidden leak is discovered and does not have responsibility pursuant to contract to maintain water pipes, in the event the customer verifies that notification of the owner of the premises occurred within forty-eight (48) hours of the discovery of the hidden leak, then the customer's water bill may be adjusted in accordance with the additional provisions of this Section.
   c. As used in this Section, the term *"hidden leak"* shall be understood to be an underground leak from a water line occurring at a location between the meter set and the first (1st) connection to the wall of the residence or structure.
   d. The amount of refund shall be calculated by reimbursing the customer for an amount equal to one-half (½) the customer's normal charge for the water usage. Said water bill adjustment shall be for a period not exceeding thirty (30) days prior to the repair of the leak in the case of the owner of the premises or for a period not exceeding thirty (30) days prior to the notification of the owner if the customer is not the owner of the premises.
   e. The amount of refund shall be determined by computing the water usage at the premises for the immediately preceding ninety (90) days as an average monthly use. This average usage amount shall be deducted from the usage during the time period in question. Absent other information, the difference between these two (2) amounts shall be understood to be the amount lost as a result of the leak.
   f. The maximum refund shall be four hundred fifty dollars ($450.00). Refunds shall be given as credit against the existing customer's utility service bill and the balance refunded by check, money order or other transfer of funds to the

customer.

g. Adjustments shall not be made for hidden leaks at any structure more than once every twenty-four (24) months, notwithstanding any changes in ownership. As used in this Section, the word *"structure"* shall be understood to be the location receiving the water. However, in the case of duplexes or apartments, the entire building or complex shall be treated as one (1) structure. (R.O. 2008 §705.240; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.250: CUSTOMER COMPLAINT PROCEDURE

A. The department shall cause to be established procedures which will ensure the prompt, efficient and thorough receipt, investigation and resolution of all customer inquiries, service requests and complaints regarding residential utility service and charges.

B. The department shall establish personnel procedures which, as a minimum, ensure that:

1. Qualified personnel shall be available and prepared at all times during normal business hours to receive and respond to all customer inquiries, service requests and complaints. The department shall make reasonable arrangements to ensure that customers unable to communicate in the English language receive assistance.
2. Qualified personnel shall be available during normal business hours to receive and initiate response to customer contacts regarding any discontinuance of service or emergency condition.
3. Qualified personnel responsible for and authorized to enter into such written agreements on behalf of the City shall be available at all times during normal business hours to respond to customer inquiries and complaints.

C. The complaint regarding utility service may be initiated in person, by telephone or in writing.

D. Upon making the complaint, the customer shall make payment in full of the non-disputed portion of the utility service bill, fees and deposits. In the event the customer fails to make payment of the non-disputed amount within three (3) business days from the date of registering the complaint, the customer shall have waived any right to continuance of service and discontinuance of service may proceed.

E. Failure of the customer to enter into negotiation with the department within the time period established by the City to resolve a dispute or enter into a settlement agreement shall constitute a waiver of the customer's right to continuance of service and the City may then proceed to discontinue service. (R.O. 2008 §705.250; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.260: SETTLEMENT AGREEMENTS

A. When the City Manager or his/her designee and a customer arrive at a mutually satisfactory settlement of any disputed amount or the customer does not dispute liability to the utility but claims inability to pay the outstanding bill in full, the City Manager or his/her designee and the customer may enter into a written settlement agreement. The decision to enter into a settlement shall be at the sole discretion of the City.

B. If a customer is in compliance with the terms and conditions of a settlement agreement, service shall not be discontinued for having a delinquent account.

C. If the customer fails to comply with the terms and conditions of a settlement agreement, service may be discontinued.
D. If a customer complaint or dispute involves the same question or issue presented in a prior complaint or dispute, the City Manager or his/her designee may utilize the facts found in the prior complaint or dispute in resolving the current dispute. (R.O. 2008 §705.260; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.270: WAIVER OF LIABILITY
Notwithstanding any other provisions of law to the contrary, in the event the City terminates service due to delinquency of payment by a customer, the City shall not be liable for civil or criminal damages. (R.O. 2008 §705.270; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTIONS 705.280--705.290: RESERVED

ARTICLE II. RATES AND CHARGES

SECTION 705.300: WATER RATES AND CHARGES
For utility bills rendered for metered water usage during the month of May, 2009 and for services rendered thereafter, the following shall be the schedule of monthly charges for water service, to wit:

1. *Rates for users within City limits.*
   a. For the first one hundred (100) cubic feet or fraction thereof — $3.77 (minimum charge)
   b. For the next four thousand nine hundred (4,900) cubic feet or fraction thereof — $3.43 per 100 cubic feet
   c. For all in excess of five thousand (5,000) cubic feet, at the rate of — $3.39 per 100 cubic feet
2. *Rates for users outside City limits.*
   a. For the first ten thousand (10,000) cubic feet or fraction thereof — The City rate plus ten percent (10%)
   b. For all in excess of ten thousand (10,000) cubic feet — $3.47 per 100 cubic feet
3. *Rates for Public Water Supply District--Nodaway County.*
   a. For each one thousand (1,000) gallons or fraction thereof — $3.96 per 1,000 gallons
4. *Rates for unannexed users in service territory acquired from Public Water Supply*

District No.--Nodaway County.

a. For the first one hundred (100) cubic feet or fraction thereof — $7.55 (minimum charge)
b. For the next four thousand nine hundred (4,900) cubic feet or fraction thereof — $6.86 per 100 cubic feet
c. For all in excess of five thousand (5,000) cubic feet, at a rate of — $6.77 per 100 cubic feet

5. Monthly minimum charge for customers with meters other than five-eighths (5/8) or five-eighths (5/8) by three-fourths (¾) inch size:

¾ inch meter	$ 4.63
1 inch meter	$ 7.39
1¼ or 1½ inch meter	$ 14.76
2 inch meter	$ 17.97
3 inch meter	$ 35.94
4 inch meter	$ 71.89
6 inch meter	$ 143.76

6. *Rates for bulk sales.* Five dollars seventy-eight cents ($5.78) per one thousand (1,000) gallons or any fraction thereof.
7. *Charges for private fire hydrants and automatic sprinkler systems.*
   a. Two dollars eighty-one cents ($2.81) per month for each fire hydrant which shall include water consumed in the proper use of such fire.
   b. Two dollars eighty-one cents ($2.81) per month for up to one hundred (100) sprinkler heads, plus an additional monthly charge of two cents ($0.02) for each head in excess of one hundred (100) which shall include water consumed in the proper use of such system. (R.O. 2008 §705.300; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 6871 §§1--2, 10-23-06; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.310: SEWER RATES AND CHARGES

A. For utility bills rendered for the collection and treatment of sewerage on or after May 1, 2009, each user shall pay for the sewerage collection and treatment services provided by the City based on the user's use of the water system as determined by water meters acceptable to the City.
B. Except for unannexed customers in the service territory acquired from the Public Water Supply District 1--Nodaway County, the minimum charge per month for the collection and treatment of sewerage shall be six dollars forty-five cents ($6.45) for the first one hundred (100) cubic feet for residential and non-residential customers. In addition, each customer shall pay a user charge rate of one dollar seventy-one cents ($1.71) per one hundred (100) cubic feet of water above the minimum as determined in Section 705.300.
C. The following rates shall be charged to all unannexed customers of the City for the service territory acquired from the Public Water Supply District 1--Nodaway County:
   1. The minimum charge per month for the collection and treatment of sewerage shall be twelve dollars ninety cents ($12.90) for the first one hundred (100) cubic feet for residential and non-residential customers.

2. In addition, each customer shall pay a user charge rate of three dollars forty-three cents ($3.43) per one hundred (100) cubic feet of water above the minimum as determined in Section 705.300.

D. As used in this Section, the phrase *"the service area acquired from the Public Water Supply District No. 1--Nodaway County"* shall be understood to mean those portions purchased by the City of Maryville from Public Water Supply District No. 1 by the Territorial Agreement and Contract Modification Extension, dated December 31, 1999 and referred to therein as Park Territory, Harmony Hills Subdivision Territory, Southeast Territory, City Lagoon Territory and Industrial Territory, all as described on the attachments to the agreement.

E. It shall be the policy of the City not to provide water or sewer service to any property outside the City limits unless and until an agreement is accepted by the City concerning the annexation of said property. (R.O. 2008 §705.310; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 6876 §§1--2, 11-6-06; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.320: LARGE COMMERCIAL, INDUSTRIAL, PUBLIC INSTITUTION -- ALL USERS -- BASIS OF SEWER CHARGE

Any user of water, other than a domestic or residential water user, who uses water for commercial purposes, industrial purposes and public institutional purposes, and said water is not discharged into the sewerage system of the City, may have said water metered through a submeter in order to obtain credit for sewer charge. The charge then made to said customer shall be based on the amount of water furnished customer during the month, less the amount recorded by the submeter which was not discharged into the sewerage system of the City. (R.O. 2008 §705.320; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTIONS 705.330--705.390: RESERVED

ARTICLE III. CONNECTION

SECTION 705.400: DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of the terms used in this Article shall be as follows:

BACKFLOW PREVENTOR: See Section 515.020.

BOD (Denoting 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 (20°), expressed in milligrams per liter (mg/l).

BOND ORDINANCES: The ordinances duly adopted by the Governing Body of the City which authorize the issuance of revenue bonds.

BRANCH SERVICE PIPING: A type of water service consisting of a tapping sleeve and valve, a valve box and meter stop valves and drain connections. The connection can be

used for domestic water service or private fire protection service.
CORPORATION TAP: The cutting of threads directly into the walls of a water main and the insertion of a corporation cock or corporate saddle. This type of tap is used to provide a tap service connection.
CUSTOMER: Any person, persons, firm, agency, institution or corporation legally using utility service supplied by the City.
CUSTOMER'S SERVICE PIPE: A pipe with appurtenances used to conduct water from the point of connection to the street service connection to that portion of the interior piping of a building which is regulated by the Plumbing Code.
DEPOSIT: A cash deposit made by an applicant prior to connection of water service or sewer service and held in escrow by the City as a security or guarantee of payment of bills until the final bill or unless sooner returned to the customer.
DIRECTOR OF PUBLIC WORKS: The executive appointed by the City Manager who directs the combined waterworks and sewerage system.
INSPECTION: An investigation and review of work performed by others under a permit by the Water Department.
MAIN CONTRIBUTION CHARGE: A charge for connecting to City water mains based on the front footage of a lot or parcel of land on which a building, for which applicant desires water service, is located.
METER: A mechanical device or devices to measure and record the quantity of water supplied to the customer.
METER SET: An assembly connected in the service line which consists of a meter well or pit, yoke, piping, valves, bypass (when required), cover, lid and meter.
NON-RESIDENTIAL CONTRIBUTOR: Any contributor to or user of the system whose lot, parcel of real estate or building is served by a water meter larger than three-fourths (¾) inch.
NORMAL DOMESTIC WASTEWATER: Wastewater that has a BOD concentration of not more than three hundred (300) mg/l and a suspended solids concentration of not more than three hundred (300) mg/l.
OPERATION AND MAINTENANCE: All expenditures during the useful life of the system for materials, labor, utilities and other items which are necessary for managing and maintaining the system to achieve the capacity and performance for which the system was designed and constructed; provided however, that the terms "operation and maintenance" shall also have the meaning given to them by the bond ordinances and in the event of any conflict in the meaning hereinabove prescribed and the term of the bond ordinances, the bond ordinances shall govern.
PREMISES: A dwelling, apartment building, building or group of buildings on a lot, tract or other parcel of land, under single ownership or lease, eligible for individually metered water service.
PRIVATE WATER MAINS: A water conduit whose ownership is other than the City of Maryville.
REPLACEMENT: Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the system to maintain the capacity and performance for which the system was designed and constructed; provided however, that the term "replacement" shall also have the meaning given to it by the bond ordinances and in the event of any conflict in the meaning hereinabove prescribed and the

terms of the bond ordinances, the bond ordinances shall govern.
RESIDENTIAL CONTRIBUTOR: Any contributor to or user of the system whose lot, parcel or real estate or building is served by a three-fourths (¾) inch water meter or less.
REVENUE BONDS: All bonds or other obligations of the City now outstanding or hereinafter issued which are payable solely from system revenues.
SERVICE INITIATION FEE: A charge which is applicable to an application for new water service to premises never before connected with the City's water system.
SERVICE MAIN: A water conduit, two (2) inches or larger, that supplies water directly to a customer through service connection.
SHALL: Is mandatory; *MAY:* Is permissive.
SS (Denoting 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.
STANDARD FIRE HYDRANT: A Mueller or equivalent traffic fire hydrant which has a valve of five and one-fourth (5¼) inch or larger, two and one-half (2½) inch nozzles and one (1) four and one-half (4½) inch nozzle with National Standard threads, conforming to A.W.W.A. Standard C-502.
STREET SERVICE CONNECTION: A pipe with appurtenances used to conduct water from the main to the point of connection to the customer's service pipe, including tap service connections or branch service piping.
SYSTEM: The sewerage system of the City consisting of all properties and assets, real and personal and tangible and intangible, of the City now or hereafter existing, which are held or used for the purpose of collecting and treating sewerage including, but not limited to, the City's treatment facilities and all collection lines and equipment connected therewith.
SYSTEM REVENUES: All income and revenues derived by the City from the operation of the system.
TAP SERVICE CONNECTION: A type of water service consisting of a corporation cock, copper pipe, curb stop and box, when required, and meter yoke with a meter stop and waste valve.
TREATMENT FACILITIES: That part of the system consisting of any devices and systems for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power and other equipment and their appurtenances; extensions, improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land, that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined stormwater and sanitary sewer systems.
USEFUL LIFE: The estimated period during which the treatment facilities will be operated.

USER CHARGE: That portion of the total system revenues which is levied and collected in a proportional and adequate manner to pay the cost of operation and maintenance, to pay the principal of and interest on the revenue bonds and to meet all requirements of the bond ordinances, including the cost of replacement.
UTILITY: The Water Department or combined waterworks and sewerage system of the City.
UTILITY SERVICE: Either water service, sewer service or the combination of both water service and sewer service.
WATER DEPARTMENT: The City of Maryville, Missouri, the combined waterworks and sewerage system or a combination of one (1) or both thereof together with their officers, agents and employees.
WATER MAIN: The water pipe, fitting, valves and boxes installed as an integral part of the distribution system, but not including fire hydrant units and water service piping.
WATER METER: A water volume measuring and recording device furnished and/or installed by the City of Maryville or furnished and/or installed by a user and approved by the City of Maryville.
WATER SERVICE LINE: The piping installed from the water main to that portion of the interior piping of a building which is regulated by the Plumbing Code.
WATER SERVICE PERMIT: The written document issued by the City Manager or his/her duly authorized representative authorizing work to be performed. (R.O. 2008 §705.400; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.410: HOUSE NUMBERS REQUIRED

A. Permanently assigned house numbers shall be obtained from the City building inspection office before application for a utility service connection is accepted and shall be suitably displayed on the property in a visible location before the utility service connection is installed.
B. Application for utility service outside City limits shall not be accepted without an agreement that pre-dates this Title.
C. No meter is to be set at premises without proper and correct identification of the premises.
D. If a house number of identification is changed for any reason, the Water Department office shall be notified of such change. (R.O. 2008 §705.410; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.420: ADVANCE PAYMENTS REQUIRED

A. Prior to supplying water service, all advance payments must be paid or satisfactory arrangements made for the payment thereof. The following are hereby deemed advanced payments:
    1. *Main contribution charge.* No person shall be allowed to connect to a City water main without first filing a written application to do so with the City Manager or his/her authorized representative. If said written application is accepted by the City Manager or his/her authorized representative, such connection shall be permitted after the applicant has first paid the City the charge of three dollars fifty cents ($3.50) per foot for the front footage of the lot, lots or parcels that abut the

main and on which a building for which the applicant desires water service is located; provided, no front footage connection charge shall be required for new water service connection to mains installed at the expense of a developer or subdivider, except when a water main extension contract between the City and a developer or subdivider requires such front footage connection charge.

2. Tapping fee See Section 705.730
3. Plumbing permits See Section 500.090
4. Meter charge See Section 705.950
5. Security deposits See Section 705.050

B. If there is a main readily accessible to the property to be connected and the City Manager or his/her authorized representative approves the application and all advance payments have been received or satisfactory arrangements made therefor, water service will be provided to the applicant's property. If the application is rejected, the City shall return the advance payments to the applicant. (R.O. 2008 §705.420; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.430: CUSTOMER'S PIPING TO CONFORM

All water piping and equipment on the customer's premises must conform to the Plumbing Code of the City and no water service, either within or without the City limits, will be furnished where an inspection reveals lack of conformance to the Plumbing Code; provided however, that the City shall not be deemed to have assumed hereby any duty or responsibility to inspect, repair or maintain any water piping or equipment on the customer's side of the point of delivery as hereinafter defined in these rules and regulations. (R.O. 2008 §705.430; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.440: BASIS OF SERVICE -- RESALE PROHIBITED

With the exception of wholesale water customers as determined by the City, all water service shall be furnished on a metered basis to each customer and shall be for the sole use of such customer on the premises described in the application for water service and shall not be submetered for the purpose of reselling the water. The Director of Public Works or such other officers or representatives of the City as may be designated from time to time shall cause all water meters to be read and bills for utility services to be rendered monthly as services accrue. (R.O. 2008 §705.440; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.450: PREMISES SERVED

A. A separate meter shall be installed for each dwelling, apartment building, business establishment or property served with water. Each of the following types of facilities shall comprise a metering unit and be metered individually.
   1. Apartment building.
   2. Boarding or lodging house.
   3. Commercial business property--separate meter required for each business establishment.

4. Industrial or manufacturing plant.
5. Dwelling, single-family.
6. Each dwelling unit in a duplex.
7. Hotel or motel.
8. Mobile home park.

B. Owners of multiple-family dwelling buildings or apartments with two (2) or more dwelling units and mobile home parks may install a single water meter for each dwelling unit or mobile home. (R.O. 2008 §705.450; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.460: ACCESS TO PREMISES

A. The customer shall provide the City's duly authorized representative access to the customer's premises at all reasonable hours for the purpose of reading meters; examining, testing, changing or moving any water equipment, meters, apparatus or piping of the City; measuring the customer's water demand; or inspecting for cross-connections.
B. The customer shall agree that he/she will not permit any person who is not an agent of the City, or otherwise lawfully entitled to do so, to inspect, remove or tamper with the City's meters, material or appliances installed on his/her premises. (R.O. 2008 §705.460; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.470: DAMAGES BY CUSTOMER

A. Nothing shall be attached or fastened to or placed upon any meter, fixture or equipment of the City Water Department, unless prior permission in writing shall have been given by the City; and the City shall not be liable for any injury, damage or loss arising out of or resulting from any such attachment to its meters, fixtures or equipment.
B. Customers shall be held responsible for damage to meters, fixtures and equipment left by the City in their care, when such damage is caused directly or indirectly by the customer or his/her officers, agents or employees. (R.O. 2008 §705.470; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.480: NOTICE OF DEFECTS

Each customer shall notify the City promptly of any defect in water piping equipment or apparatus of the City or any existing condition which might affect water service to the customer or might be dangerous to persons or property. (R.O. 2008 §705.480; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.490: ILLEGAL DEVICES

A. No customer shall have on his/her premises any water piping connection, apparatus or device which prevents the water meter or meters on such premises from registering or recording properly all water used or to be used or which enables such customer to obtain or use any water without same having been registered or recorded by a water meter or meters of the City.
B. The City shall have the right, upon discovering the use of such illegal devices, to

discontinue water service to such customer immediately and without notice. (R.O. 2008 §705.490; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.500: CHANGE IN REQUIREMENTS

The customer shall notify the City immediately of any change or changes in connected load or in water equipment on the customer's premises, which might affect water service to such customer or to any other water customer of the City; and the City shall have no duty, obligation or responsibility arising out or resulting from the customer's failure to so notify the City. (R.O. 2008 §705.500; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.510: MAINTENANCE OF METERS

A. Any customer of the City whose meter is located within the confines of any building or any other location, i.e., tiles, etc., other than a City approved meter set or pit, shall pay for the costs of the labor and parts necessary for the repair of the meter damaged by freezing and the water customer shall pay the costs of labor and parts necessary for the repair of the meter, regardless of location, if damaged by hot water backing up into the meter or any other acts or omissions of the customer or his/her employees.
B. If repairs to a meter are made as a result of any damage by any of the causes mentioned in Subsection (A) hereof, the customer shall be sent an itemized statement of the labor and repairs necessary to repair the meter and if said statement is not paid within thirty (30) days after the rendition thereof, the City shall disconnect the customer from utility service. If the service is disconnected, the customer shall pay the regular charge for disconnection and connection if he/she desires to pay the account and receive utility service. (R.O. 2008 §705.510; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.520: LIMIT OF CITY RESPONSIBILITY

A. The City shall have no duty, obligation or responsibility with respect to water piping, appliances, equipment or apparatus on the premises of any utility customers, other than to provide a water meter and maintain a street service connection from the distribution system of the City waterworks to the point of connection.
B. Nothing in this Article shall be construed to impose or place upon the City any obligation, responsibility or duty to inspect, maintain or repair any water piping, apparatus, appliance or equipment (excepting only such metering facilities, if any, owned by the City as may be installed on the customer's premises) on the customer's side of the point of connection.
C. No authorized representative of the City shall have any right or authority to make any promise, commitment or agreement not expressly authorized in this Article. (R.O. 2008 §705.520; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.530: LIMIT OF LIABILITY

The City shall not be liable for any injury, damage or loss resulting from the use of water

on the customer's premises or from the presence, location, maintenance or use of any water piping, fixtures or equipment on the customer's premises. (R.O. 2008 §705.530; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.540: CONTINUITY OF SERVICE -- LIMIT OF RESPONSIBILITY

A. The City shall make every reasonable effort to eliminate interruption of service and when such interruption does occur, will endeavor to establish service with the shortest possible delay. Whenever the service is interrupted, all customers affected by such interruption will be notified in advance whenever it is possible to do so.
B. The City reserves the right to shut off the water in its mains, at any time, without notice for making repairs, extensions or alterations, but will so far as possible notify customers of the intent to shut off.
C. The City shall not be responsible for any damage occasioned by the shut off of water mains for the purpose of making repairs, extensions or connections or for any other reason beyond the control of the City. No claim shall be made against the City and no person shall be entitled to any damages by reason of the breaking of any pipe or by reason of any other interruption of the supply of water caused by mechanical breakdown or by other causes beyond control of the City.
D. The City will not be responsible for damages caused by turbid water which may be occasioned by cleaning of pipes or stand pipes or the opening or closing of any gates or hydrants or any other cause which is not the result of negligence on the part of the City. (R.O. 2008 §705.540; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.550: PRIVATE CONTRACTS

Nothing in this Article shall prohibit the City from entering into private contracts for the construction of water mains or sewer lines that may be necessary or expedient to the best interests of the City. (R.O. 2008 §705.550; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.560: PREMISES OUTSIDE CITY

The City shall not receive application for water and/or sewerage services outside the City limits. (R.O. 2008 §705.560; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.570: UNLAWFUL ACTS

A. It shall be unlawful for any person to tamper with any water main or to turn water on or off at any street valve, corporation cock, curb box, fire hydrant or other street connection or disconnect or remove or change any meter or to make any connection to the waterworks system without written permission from the City Manager or his/her authorized representative.
B. It shall be unlawful to reconnect service when it has been disconnected for non-payment of a bill for service, until such bill has been paid in full, including the cutoff and re-

connection fee.

C. It shall be unlawful for any person, without written consent of the City Manager or his/her authorized representative, to open any fire hydrant except for the legitimate purpose of extinguishment of fire.
D. It shall be unlawful for any unauthorized person to trespass upon the dam or embankment enclosing any of the waterworks reservoir system, except for the sole purpose of fishing from such reservoir.
E. It shall be unlawful for any unauthorized person to drive or cause to be driven any vehicle over or on the embankments of the reservoirs.
F. It shall be unlawful for any person to enter into any finished water storage facility of the City, such as, but not limited to, the elevated storage tanks and clear walls of the City.
G. No person shall climb upon or mark upon any part of the City's waterworks system, unless specifically authorized to do so by the City Manager or his/her authorized representative.
H. Any person committing unlawful acts prohibited by this Section shall be guilty of an ordinance violation and upon conviction shall be imposed a fine as the Municipal Code provides. (R.O. 2008 §705.570; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTIONS 705.580--705.590: RESERVED

ARTICLE IV. SERVICES

SECTION 705.600: RESTRICT WATER USE

In order to maintain proper and sufficient pressures in the distribution system for fire protection and other purposes, the City reserves the right, at all times, to determine, limit and regulate, in a responsible and non-discriminating manner, the maximum amounts of water a customer may use. (R.O. 2008 §705.600; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.610: PRESSURE REGULATORS

The City will not install nor maintain pressure regulators, either for the purpose of regulating sustained high pressure or fluctuating pressure. (R.O. 2008 §705.610; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.620: BACKFLOW PREVENTION

A. *Backflow Control By Containment.*
   1. *Class I backflow hazards.* The customer or the customer's authorized representative shall construct or install a department-approved air-gap separation or reduced pressure principle backflow prevention assembly on the customer service line in accordance with Section 705.430(B) when:

a. The supplier of water or local governmental agency (if one exists) requires protection from an actual or potential Class I backflow hazard at any facility;
b. Modification is made to the customer water system at an existing facility, which is designated an actual or potential backflow hazard by Subsection (A)(3). If an addition or modification requiring a separate customer service line is made to an existing facility, the new service line as well as the existing customer service line shall be equipped with a Department-approved backflow prevention assemblies;
c. A new customer service line connection is made to a facility which is considered an actual or potential backflow hazard by Subsection (A)(3); or
d. A backflow incident occurs which introduces a contaminant into the public or customer water system which may create a health hazard.

2. Following is a list of facilities, not all inclusive, considered to be actual or potential *Class I backflow hazards.*
   a. Aircraft and missile manufacturing plants.
   b. Automotive plants including those plants which manufacture motorcycles, automobiles, trucks, recreational vehicles and construction and agricultural equipment.
   c. Potable water dispensing stations which are served by a public water system.
   d. Beverage bottling plants including dairies and breweries.
   e. Canneries, packing houses and reduction plants.
   f. Car washes.
   g. Chemical, biological and radiological laboratories including those in high schools, trade schools, colleges, universities and research institutions.
   h. Hospitals, clinics, medical buildings, autopsy facilities, morgues, mortuaries and other medical facilities.
   i. Metal or plastic manufacturing, fabrication, cleaning, plating or processing facilities.
   j. Plants manufacturing paper and paper products.
   k. Plants manufacturing, refining, compounding or processing fertilizer, film, herbicides, natural or synthetic rubber, pesticides, petroleum or petroleum products, pharmaceutical, radiological materials or any chemical which would be a contaminant to the public water system.
   l. Commercial facilities that use herbicides, pesticides, fertilizers or any chemical which would be a contaminant to the public water system.
   m. Plants processing, blending or refining animal, vegetable or mineral oils.
   n. Commercial laundries and dye works.
   o. Sewage, stormwater and industrial waste treatment plants and pumping stations.
   p. Waterfront facilities including piers, docks, marinas and shipyards.
   q. Industrial facilities which recycle water.
   r. Restricted or classified facilities or other facilities closed to the supplier of water or the department.
   s. Fire sprinkler systems using any chemical additives.
   t. Auxiliary water systems.
   u. Irrigation systems with facilities for injection of pesticides, herbicides or other chemicals or with provisions for creating back pressure.

v. Portable tanks for transporting water taken from a public water system.
w. Facilities which have pumped or repressurized cooling or heating systems that are served by a public water system, including all boiler systems.

3. *Class II backflow hazards.* The customer or the customer's authorized representative shall install, as minimum protection for Class II backflow hazards, a department-approved double-check valve assembly on the customer service line in accordance with Subsection (B)(2)(a), (c), (d), (e) when:
   a. The supplier of water or local governmental agency (if one exists) requires protection from an actual or potential Class II backflow hazard at any facility.
   b. Modification is made to the customer water system at an existing facility which is designated an actual or potential backflow hazard by Subsection (A)(4). If an addition or modification requiring a separate customer service line is made to an existing facility, the new service line, as well as the existing customer service line, shall be quipped with department-approved backflow prevention assemblies.
   c. A new customer service line connection is made to a new facility which is considered an actual or potential backflow hazard by Subsection (A)(4).
4. Following is a list of facilities, not all inclusive, considered to be actual or potential Class II backflow hazards:
   a. Tanks to store water from the public water system for fire fighting only, unless such tanks meet the requirements of the department for construction to maintain bacteriological quality of the water.
   b. Fire sprinkler systems not using chemical additives; or
   c. Cross-connections that could permit introduction of contaminants into the public or customer water system and create a nuisance, be aesthetically objectionable or cause minor damage to the public water system or its appurtenances.
5. Customer facilities not designated a backflow hazard by Subsection (A)(2) or (3) may be designated a backflow hazard by written notification from the supplier of water or the department to the customer. The notice shall specify the nature of the customer activity which necessitates designation of the facility as a backflow hazard, the type of backflow protection required and the date by which the customer shall install or construct this assembly on the customer service line to the facility.
6. The department may issue a letter exempting a customer from the requirements of Subsections (A)(1) and (3) if the customer can show to the satisfaction of the department, the local governmental authority (if one exists) and the supplier of water that the activities taking place at the customer's facility and the materials used in connection with these activities or stored on the premises cannot endanger the health of customers or degrade the water quality of the public water system should backflow occur. An exemption shall remain valid for no more than three (3) years following the date of issuance. An exemption shall be void if it is determined that the customer facility has become a backflow hazard.

B. *Standards of Construction and Installation.*
   1. *Construction.* The discharge pipe of an air-gap shall terminate a minimum of two (2) pipe diameters of the discharge pipe above the flood level rim of the receiving vessel; in no case shall the distance be less than one (1) inch.

2. *Installation.*
   a. Only those models of double-check valve assemblies and reduced pressure principle backflow prevention assemblies which are on the approved list maintained by the department are acceptable.
   b. Reduced pressure principle backflow prevention assemblies shall be installed with no plug or additional piping affixed to the pressure differential relief valve port and with the pressure differential relief valve port a minimum of twelve (12) inches above floor level. Additionally, the assembly shall be installed at a location where any leakage from the pressure differential relief valve port will be noticed, that allows easy access to the assembly for maintenance and testing and that will not subject the assembly to flooding, excessive heat or freezing.
   c. All double-check valve assemblies shall be installed at a location that allows easy access to the assembly for maintenance and testing and that will not subject the assembly to excessive heat or freezing.
   d. It is the basic requirement to have backflow prevention assemblies installed on the customer water system immediately inside the wall where the customer service line enters the building. If it is not possible to install the backflow prevention assembly as described previously, then installation shall be at the approval of the department.
3. No bypass piping shall be allowed around a backflow prevention assembly.

C. *Customer Responsibilities.*
1. The customer shall furnish, install and maintain in working order at all times any backflow prevention assembly required by this rule.
2. To ensure that each backflow prevention assembly required by this rule is in working order, the customer shall have each assembly inspected and tested by a certified backflow prevention assembly tester at the time of construction or installation, at the following intervals and in the following manner:
   a. Air-gaps shall be inspected each year by a date which is no later than thirty (30) days past the anniversary of the original inspection test date to ensure that they continue to meet the requirements of Subsection (B)(1).
   b. Reduced pressure principle backflow prevention assemblies also shall be tested each year by a date which is no later than thirty (30) days past the anniversary of the original inspection test date to ensure that:
      (1) The pressure differential relief valve operates to maintain the zone between the two (2) check valves at least two (2) pounds per square inch less than the supply pressure.
      (2) The No. 2 check valve is leaktight against reverse flow under all pressure differentials; and
      (3) The static pressure drop across the No. 1 check valve is at least three (3) pounds per square inch greater than the pressure differential between the supply pressure and the pressure in the zone required to open the pressure differential relief valve.
   c. Double-check valve assemblies shall be tested each year by a date which is no later than thirty (30) days past the anniversary of the original inspection test date to ensure that both the No. 1 and No. 2 check valves are leaktight against reverse flow under all pressure differentials.

3. The customer shall permit access to the premises by the certified backflow prevention assembly tester, supplier of water and department representatives, at reasonable times and upon presentation of identification, for inspection of the customer water system or testing of backflow prevention assemblies installed in accordance with this rule.
4. Those customers granted an exemption in accordance with Subsection (B)(6) of this rule shall report to the supplier of water any proposed change in process, plumbing or materials used or stored at the exempted facility at least fourteen (14) days prior to making the change. Failure to do so shall void the exemption.

D. *Certified Backflow Prevention Assembly Tester Duties.*

1. All backflow prevention assembly testers shall be certified through a department-approved program and be listed with the department. All certified backflow prevention assembly testers shall be recertified every three (3) years through a department-approved program. Evidence of recertification must be provided to the department for consideration to be included on a list of certified backflow prevention assembly testers made available to the public.
2. All certified backflow prevention assembly testers shall report to the appropriate governmental authority (if one exists), to the supplier of water, the customer and, if requested, the department the results of inspections or tests conducted in compliance with Subsection (F)(2). Reports of tests shall contain the signature of the certified backflow prevention assembly tester attesting to the compliance of the assembly with established operational requirements. Routine reports shall be submitted within thirty (30) days after making the inspection or test.

E. *Responsibilities Of The Supplier Of Water.*

1. Because backflow may cause a health hazard through transmission of contaminants via the public water system, the supplier of water shall remove the water meter or otherwise sever the public water supply from the customer service line serving a facility when the supplier of water:
   a. Has knowledge that the customer is causing a cross-connection.
   b. Has knowledge that the customer is failing or refusing to proceed without delay to correct any violation of the provisions of this rule after having been notified to do so.
   c. Is so ordered by the appropriate local governmental authority (if one exists); or
   d. Is so ordered by the department because of violation of any provision of this rule by the customer.
2. The supplier of water shall retain records of the reports of inspections, tests and repairs on Class I and Class II devices for a period of five (5) years.
3. The supplier of water may develop, for use within his/her service area, written procedures to implement the provisions of this rule. In developing such procedures, the supplier of water will be permitted to take into account existing backflow prevention programs and incorporate ordinances, regulations or requirements of appropriate local governmental authorities. The supplier of water may submit the procedures to the department for approval.
4. The supplier of water shall make record of the date of the initial inspection or test of Class I and Class II backflow prevention devices; that date shall become the annual due date for subsequent inspection or test reports submitted by the certified

backflow prevention assembly tester. If subsequent reports are not received by the supplier of water on or before forty-five (45) days following this due date, the supplier of water shall promptly notify the customer, the local governmental agency (if one exists) and the department.

F. *Responsibilities Of The Department Of Natural Resources.*
   1. All certified backflow prevention assembly tester programs shall be submitted to the department for approval. Names of persons satisfactorily completing approved certification programs will, upon request, be added to a list of certified backflow prevention assembly testers and will be made available to the public upon written request.
   2. The department shall maintain a current list of approved backflow prevention assemblies and shall make this list available to the public upon written request.
   3. The department shall prepare and make available on request, the appropriate forms needed to assist the supplier of water or the local governmental authority (if one exists) in the implementation of the provisions of this rule. (R.O. 2008 §705.620; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTIONS 705.630--705.690: RESERVED

ARTICLE V. WATER SERVICE PERMITS

SECTION 705.700: ISSUANCE OF PERMITS PRIOR TO WORK
No work in connection with the tapping of any main or the introduction of water to any premises shall be done, nor shall any water service be altered, repaired, replaced, extended, nor fixture nor appurtenances added thereto or detached therefrom, without prior issuance of a permit authorizing the performance of such work. When a plumber must perform emergency work during other than normal working hours, the plumber shall secure a permit on the next regular working day. (R.O. 2008 §705.700; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.710: APPLICATION FOR PERMIT
Applications for permits shall be made by the owner of the premises or his/her agent to the Director of Public Works or his/her authorized representative. The permit application shall be supplemented by any plan, specifications or other information considered pertinent in the judgment of the Director of Public Works or his/her authorized representative. (R.O. 2008 §705.710; Ord. No. 6776 §§1--2, 8-22-05)

SECTION 705.720: ISSUANCE OF PERMIT
Permits shall be issued to a licensed plumber or a property owner, provided said property owner furnishes satisfactory evidence that he/she intends to do the proposed work himself. Permits shall not be transferable and shall only be valid for the applicant to

whom issued and for the work described thereon. (R.O. 2008 §705.720; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.730: PERMIT FEES

A. A permit fee shall be paid at the time the application is filed, except that permit fees for licensed plumbers, upon the approval of the Director of Public Works, may be paid within thirty (30) days according to the following schedule of fees:

1. Water/sewer service connection for the main, including private fire connection. (A three-quarter (¾) inch water meter must be purchased from the City. Other meter sizes may be purchased from the City. All meters shall read in cubic feet.)

¾ inch corporation tap	$400.00 + meter cost
1 inch corporation tap	$500.00 + meter cost
1¼ inch corporation tap	$600.00 + meter cost
1½ inch corporation tap	$700.00 + meter cost
2 inch branch tap	$800.00 + meter cost
4 inch branch tap	$1,200.00 + meter cost
6 inch branch tap	$2,400.00 + meter cost
8 inch branch tap	$4,800.00 + meter cost

2. Shutdown of water main (at customer's request) $50.00
3. Outside meter relocation $250.00
4. Abandonment of service $300.00
5. Water/sewer service inspection (each trip) $10.00
6. Sewer tap fee.
   Residential per unit $600.00

NON-RESIDENTIAL CONNECTION		
Type Of Installation	***Flow GPD***	***$ Per Unit***
Club building	500	3,000.00
Bar per seat	50 (minimum $2,000)	60.00
Beauty/barber shop--per wet chair	333 (minimum $2,000)	300.00
Bowling alley--per lane	125 (minimum $2,000)	150.00 Car wash Per bay-- self operated Automatic 100 (minimum $2,000) 166 120.00 200.00
Church--per seat	5	6.00
Coin laundry--per machine	400	400.00
Commercial laundry--per machine	640	750.00
Country club Per member or Per 100 square feet	 100 250	 120.00 300.00
Hospital Per bed	 200	 500.00

Industrial--per employee	35 (minimum $2,000)	42.00
Mobile home park Single or double wide	300	600.00
Motel, hotel and apts. w/o washer/dryer hook ups Per unit	225	400.00
Apts. with washer/dryer hook ups Per unit	300	500.00
Nursing home Per bed	125	300.00
Office Per 1,000 sq. ft.	175 (minimum $2,000)	350.00
Medical Per 1,000 sq. ft.	500	750.00
Residence--per unit-includes Condo/t.homes Multi-family* Per unit 1--2 bedroom 3 bedroom	 400 300 400	 600.00 600.00 600.00
*Includes duplex, triplex, quadraplex as well as apartments		
Restaurant Per seat with drive-in Per seat w/o drive-in	 55 25	 30.00 25.00
Service station/fuel ctr. Regular pump Truck pump		 250.00 300.00
School* Per student With gym	 17 21	 20.00 25.00
*Includes day care centers		
Stores, shopping center Per 1,000 sq. ft.	100 (minimum $2,000)	120.00 Theater Per seat 5 (minimum $2,000) 5.00
Auditorium convention center, assembly hall (no food service) per capita	10 (minimum $2,000)	12.00
Warehouse per 1,000 sq. ft.	25 (minimum $2,000)	30.00

7. Any non-residential sewer tap fee installation not listed above shall be determined by the City Manager, City Engineer, and/or Public Works Director.
8. All fees set above in Section 705.730(A) shall be twenty percent (20%) higher if located outside the City.

B. Permit fees required for street excavation, street cleanup, and materials removal shall be in addition to the fees specified herein. In addition to the specified fees below, if the City performs any of these services, a charge of eighty-eight dollars ($88.00) an hour will be

levied with a minimum fee of eighty-eight dollars ($88.00).

1. Roadway surface.

Concrete or asphalt permanent street	$4.50/square foot
Non-permanent streets.	$3.00/square foot
Excavation/street cuts	$10.00
Subgrade fill	0.46/cubic foot

C. Permittee will be required to expose the water main and/or sewer and prepare site to meet City specifications. The City will furnish the necessary corporation for the service connection.

D. Permittee will be required to expose the water main and prepare site to meet City specifications. The permittee will be required to furnish an approved tapping sleeve and valve at his/her cost. (R.O. 2008 §705.730; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.740: TEMPORARY SERVICES

A. Water service for a building under construction may be provided to the general contractor for a period of up to six (6) months upon application for such service and payment of all necessary fees and charges. At the termination of construction and delivery of the building to the owner, the contractor shall notify the Water Department, requesting the service be changed to the name of the owner. The general contractor shall be responsible for the cost of all water consumed during the time service is provided in his/her name. If the general contractor does not desire water service or in the case there is no general contractor, any plumber or owner may request temporary service in the same manner as a general contractor.

B. Temporary water service may be provided by the installation of a portable meter box attached to a fire hydrant upon special permission of the Director of Public Works and completion of the required application form.

C. Temporary water service shall be treated as a regular service for water connection and all applicable tap and rate fees shall apply. (R.O. 2008 §705.740; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.750: INSPECTIONS

A. Inspections shall be required on all work performed under a Water Department permit and shall be completed following twenty-four (24) hour notice by the plumber that construction is complete.

B. Inspections will be performed only during normal working hours.

C. Requests for inspections may be made in person or by telephone to the Director of Public Works.

D. Service line excavations and trenches presented for inspection shall be free of water, earth, debris or other matter that would hinder the inspector. The service pipe shall not be covered before it has been inspected. Service lines to be inspected shall be under line pressure. The inspector may make as many inspections as he/she deems necessary to obtain compliance with this Section. (R.O. 2008 §705.750; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTIONS 705.760--705.790: RESERVED

ARTICLE VI. TAPS AND SERVICE CONNECTIONS

SECTION 705.800: GENERAL REQUIREMENTS FOR TAPS

A. Tapping shall be performed by the City only as authorized by the Director of Public Works or his/her representative or designee.
B. Taps shall be located within the property lines of the building or premises to be served. The words *"within the property lines"* shall be interpreted to mean that portion of the main that is intersected by an extension of the side lot lines of the premises served in a direction perpendicular to the centerline of the street in which the main is located.
C. The responsibility for excavation and the protection of same shall rest on the permit holder.
D. Excavations must be free of water and debris so that the tapper can perform his/her task without delay. Should the work be in such condition as to necessitate an additional trip by the tapper, the licensed plumber shall be charged the inspection fee for such additional trips.
E. The Water Department shall be given at least twenty-four (24) hours' notice in advance of the time a tape is to be made. Taps will not be made on Saturdays, Sundays or holidays.
F. The service trench shall not be backfilled until after the tap has been completed and the installation approved by the Director of Public Works or his/her authorized representative. Street cuts shall be made in such a manner to minimize damage to the street and other immediate areas. The person making the excavation shall refill the trench as soon as possible with materials accepted by the City. Surfaces of street cuts shall be replaced as responsible for removing any residual materials and clean site. If excavation fill and/or surface repair is performed by City personnel, the following fees will be levied in accordance with Section 705.730. (R.O. 2008 §705.800; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.810: REQUIREMENTS FOR CORPORATION TAPS

A. No corporation tap shall be larger than one (1) inch diameter, except that on mains four (4) inches or smaller in diameter, no corporation tap shall be smaller than three-fourths (¾) inch in diameter.
B. Corporation taps shall be made so that the corporation cock is inserted at approximately forty-five degrees (45°) from the top of the main.
C. Manifold or "spider" taps for service connections shall not be permitted.
D. A corporation tap shall not be closer than eighteen (18) inches to a bell, spigot, another tap, valve or blow-off.
E. The main must be exposed for a distance of two (2) feet on both sides of the tapping point to maintain proper distance as required in Subsection (D) above and extend three (3) feet from the face of the main. The main must be uncovered completely around.
F. The tap excavation must be of sufficient size to permit the tapper to attach and operate the tapping machine. Tunneling to provide access for the tap is not acceptable.

G. If corporation taps cannot be made in accordance with the foregoing requirements because of obstructions or conditions that cannot be changed, the matter in which the tap is to be made shall be determined by the Director of Public Works. (R.O. 2008 §705.810; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.820: REQUIREMENTS FOR INSTALLATION OF SERVICE CONNECTIONS

A. Service lines shall be installed on the property being served and in a manner that satisfies the requirements of this Code.
B. In no case shall a property owner extend his/her service piping across a street or alley or to an adjacent building for the purpose of supplying water service to the adjacent property, even though such adjacent property is owned by the same party.
C. Service lines are to run perpendicular to the main.
D. No pipes or conduits will be permitted in the same trench with the service line.
E. No service line shall be installed closer than ten (10) feet horizontally or twelve (12) inches vertically from a sewer.
F. Service lines shall have a cover of not less than forty-two (42) inches or more than five (5) feet.
G. No service line shall be less than three-fourth (¾) inch inside diameter.
H. Service lines from the tap to the meter shall conform to Section 515.050. (R.O. 2008 §705.820; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.830: SPECIAL REQUIREMENTS FOR TAP SERVICES

A. The connection of tap service connection to the corporation cock shall be made by means of an approved adapter.
B. The lines shall be laid with an expansion loop located as near to the corporation cock as possible. This loop shall be in the form of a half S bend and be at least six (6) inches off the centerline of the run to provide excess material for settlement and flexibility.
C. No coupling of any type will be permitted between the corporation cock and curb stop or meter yoke where the distance is less than fifty (50) feet. Only three (3) part flared union couplings will be permitted in making connections in copper pipe over fifty (50) feet long.
D. No sweat joints will be permitted on any portion of the service line.
E. All tap service connections shall be fitted with a two (2) headed curb stop located on the property line opposite the tap connection unless the meter yoke for an outside meter set is located on the property line, in which case a curb stop will not be required.
F. Each curb stop (if required) must be fitted with an adjustable, two (2) section curb box of gray cast iron. The curb box must have an internal diameter of not less than three (3) inches on the lower section, a closed base to hold the curb stop in center and permit an adjustment of not less than one (1) foot in length.
G. Each tap service connection shall be fitted with a stop and waste valve immediately upon entering a building. (R.O. 2008 §705.830; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.840: PARTIAL SERVICE PERMITTED

When service piping is installed for future use, it shall be installed as far as the property line and plugged and marked in a manner approved by the Director of Public Works. An extension permit will be required to complete the service. (R.O. 2008 §705.840; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.850: MULTIPLE SERVICES

A *"multiple service"* is a service having one (1) connection to the main and branching on public property before entrance to a single building. Multiple service piping must meet the following requirements and shall apply to new construction in the following manner:

1. Each branch shall have a separate curb stop or shut-off valve on the meter yoke.
2. Each branch shall have a separate meter.
3. Each branch shall require a separate permit.
4. Size of water service required for multiple dwellings:

Number of Units	*Size of Water Line*
2	1 inch
3--4	1¼ inch
5--6	1½ inch

(R.O. 2008 §705.850; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.860: MAINTENANCE OF SERVICES

The Water Department shall maintain all service lines from the main to and including the first (1st) valve but not the house side connection thereto. In the case where no valve is located in the service line and the meter is located in the private property of the owner, it shall be the responsibility of the owner to maintain the service line from the main to the building served. (R.O. 2008 §705.860; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.870: ABANDONMENT OF SERVICE -- GENERALLY

A. When the premises previously served have been abandoned or demolished; or
B. On application for permit by the owner of the premises served. (R.O. 2008 §705.870; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.880: ABANDONMENT OF SERVICE -- HOW PERFORMED

The disconnection of service at the main as provided in this Code shall be accomplished in the following manner:

1. On tap service connections, the corporation cock shall be uncovered and turned off, the service line disconnected and the corporation capped.
2. On branch service connections, the abandonment shall be performed in a manner specified by the Director of Public Works. (R.O. 2008 §705.880; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.890: ABANDONMENT OF SERVICE FOR BUILDING DEMOLITION

When a building is to be razed, all unnecessary services to the premises shall be abandoned in accordance with the following:

1. The work shall be performed by a licensed plumber upon securing the appropriate permit.
2. The licensed plumber shall perform the work of capping the corporation cock, removal of the curb box, removal of meter set and lid and the return of said materials to the Water Department. Inspection of said work shall be made before backfilling. For branch services, disposition of the meter pit shall be made as directed by the Director of Public Works.
3. The work shall be performed at the expense of the property owner. (R.O. 2008 §705.890; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

ARTICLE VII. METERS AND METERING

SECTION 705.900: GENERAL REQUIREMENTS FOR METER SETS

A. All meters shall be set in an approved, non-hazardous place and accessibility shall be maintained at all times. Residential (location optional), industrial (location optional), commercial (when appropriate shall be indoors, with remote read out) outside installation shall be with City approved meter pit. The water meter shall be protected from any damage or freezing and be readily accessible in an unlocked room or enclosure.
B. Meter well or meter pit, lids and covers shall be as specified by the Director of Public Works and be protected from damage by traffic and be of sufficient strength to withstand traffic loads.
C. All meters shall be set in a horizontal position.
D. The size of the meter shall be the same size as the service line installed and in no case shall the meter be larger than the service line.
E. Meter sets for meters two (2) inches in diameter and larger shall require a bypass with a sealed bypass valve.
F. Meter sets for meters two (2) inches in diameter and larger shall require a flexible coupling installed on the building side of the meter and isolating valve.
G. The licensed plumber shall furnish and install all required pipe, fittings, valves, meter well or pit covers and lids.
H. The Water Department shall install the meter.
I. Regardless of the meter location, the customer shall be responsible for damage to the meter or its appurtenances caused by the customer's negligence or failure to properly safeguard and protect such meter and appurtenances from hazards.
J. All meter wells or pits shall be located to prevent an accumulation of water within the tile or pit to be properly drained. (R.O. 2008 §705.900; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.910: OUTDOOR METER SETS -- SMALL METERS

All outdoor meter sets for meters one (1) inch and smaller shall conform to the following:

1. Meter sets shall be placed on public property near the property line.
2. The shut-off valve shall be between eighteen (18) and twenty-four (24) inches of the lid.
3. All materials for meter sets shall conform to current Water Department specifications.
4. Maintenance and testing of meters will be performed by the Water Department.
5. All meter pits, customer tiles and sets shall be maintained by the customer.
6. The customer shall be responsible for taking necessary precaution to prevent pipes and meters from freezing in cold weather for all installations that are not approved by or do not conform to Water/Wastewater Maintenance Department specifications. If an unapproved meter or a meter located indoors is damaged by freezing, the costs of materials for such repairs shall be charged to the customer. (R.O. 2008 §705.910; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.920: OUTDOOR METER SETS -- LARGE METERS

All outdoor meter sets for meters one and one-half (1½) inches and larger shall conform to the following requirements:

1. Large meters shall be located near the property line, by a driveway and be accessible to Water Department vehicles.
2. Pit and materials for meter sets shall be as approved by the Director of Public Works and plans and specifications shall be furnished by a licensed plumber or contractor for approval. (R.O. 2008 §705.920; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.930: INDOOR METER SETS

All indoor meter sets are prohibited. (R.O. 2008 §705.930; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.940: PRESENT METER LOCATIONS NOT IN COMPLIANCE

All present meter sets, whether indoor or outdoor, not in compliance with the Sections of this Article shall be improved or relocated, to be in compliance within thirty (30) days following written notice from the Director of Public Works. Such improvements shall be of the expense of the customer. (R.O. 2008 §705.940; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.950: METERS

A. Meters larger than three-fourth (¾) inch may be furnished and paid for by the customer. Only meters which read in cubic feet measurements and are approved by the City of Maryville Water/Wastewater Maintenance Department shall be installed (gallons prohibited).
B. All meters shall be maintained and removed by the Water Department at its expense

insofar as ordinary wear is concerned, but damage due to hot water, freezing or external causes arising out of or caused by the customer's negligence or carelessness shall be paid for by the customer. (R.O. 2008 §705.950; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.960: TESTING AND NON-REGISTRATION OF WATER METER

The City Water Department may remove any meter for routine tests, repairs and replacement. Meter tests shall be subject to the following:

1. Whenever, upon test by the Water Department, any water meter is found to have an average error of not more than four percent (4%), such meter shall be considered to be accurate and correct and no adjustment shall be made in any charge or bill for service prior to the date of such test. If, upon test by the Water Department, any water meter is found to have an average error of more than two percent (2%), such meter shall be corrected or replaced, at the option of the Water Department and an appropriate correction or charge in keeping with the percentage error found upon testing shall be made in the bills or charges for water service measured through said meter during a period of not more than sixty (60) days prior to the date of such test.
2. The customer shall have the right to request a special meter test at any time. If the special test made at the customer's request discloses that the meter is registering correctly or within two percent (2%) of normal, the customer shall pay the sum of three hundred fifty dollars ($350.00) for the expense of testing such meter. The expense of all other tests shall be borne by the Water Department. (R.O. 2008 §705.960; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTIONS 705.970--705.990: RESERVED

ARTICLE VIII. WATER FOR FIRE PROTECTION

SECTION 705.1000: WATER PROVIDED

Water shall be provided for fire fighting by the Department of Public Safety or through private fire connections without charge. (R.O. 2008 §705.1000; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.1010: FIRE HYDRANTS

A. Fire hydrants shall be installed in all mains as required by the City Manager or his/her authorized representative.
B. Fire hydrants shall conform to all specifications of the City and the American Waterworks Association and shall be spaced so that no property is more than three hundred (300) feet in distance from a hydrant.

C. Relocation of a fire hydrant located on a City right-of-way or easement may be made by the Water Department upon written request of an owner of property adjacent to said hydrant and the deposit of the estimated cost of relocation, plus overhead, with the Water Department. Provided, the Water Department reserves the right to refuse to relocate the fire hydrant if, in its opinion, such relocation would be detrimental to the safety, convenience or protection potential of the hydrant. (R.O. 2008 §705.1010; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

SECTION 705.1020: PRIVATE FIRE CONNECTIONS

A. Private fire connections for sprinkler systems or other fire protection devices may be installed and maintained at the entire cost and expense of the owner of the premises. Said services shall be used exclusively for the extinguishment of fires and will not be metered, but will be charged as provided in Article II (Rates and Charges) of Chapter 705.
B. All materials for such private fire connections must be approved by the City Manager or his/her authorized representative and the service must be provided with suitable valves, including backflow device, outside the building under the exclusive control of the Water Department.
C. All sprinkler pipes and other fire connection pipes shall be so placed as to be readily inspected. If concealed or arranged with other pipes so as not to be readily inspected, or if any unauthorized connections are made or are in existence, a meter shall be installed at the expense of the customer.
D. No private fire connections shall be made on water mains of less than six (6) inches diameter.
E. The City Water Department does not assume liability as an insurer of property or persons and the installation of a private fire connection does not guarantee, provide or entitle the owner that any special service, pressure, capacity or facility will be provided or maintained. All private fire service shall be subject to the ordinances and changing conditions of the City as the same exist day to day. (R.O. 2008 §705.1020; Ord. No. 6776 §§1--2, 8-22-05; Ord. No. 7102 §§1--2, 4-13-09)

CHAPTER 710: SEWERS -- DISCHARGE OF NON-INDUSTRIAL WASTE

ARTICLE I. DISCHARGE OF SEWAGE AND INDUSTRIAL WASTES

SECTION 710.010: DEFINITIONS

A. Unless otherwise indicated by specific context, the meaning and terms used in this Article shall be as follows:
ACT OR THE ACT: The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended (33 United States Code 1251, et seq.).

APPROVAL AUTHORITY: The Director of the Missouri Department of Natural Resources.
AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER: An authorized representative of an Industrial User who may be:

1. A principal executive officer of at least the level of Vice President, if the Industrial User is a corporation;
2. A general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively;
3. A duly authorized representative of the individual designated above, if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

BIOCHEMICAL OXYGEN DEMAND (B.O.D., BOD): The quantity of oxygen utilized in the biochemical oxidation of decomposed organic matter by standard methods procedure in five (5) days at twenty (20) organic matter by standard methods procedure in five (5) days at twenty degrees Celsius (20°C) expressed in milligrams per liter (mg/l).
BUILDING DRAIN: That part of the lowest horizontal piping of a drainage system which receives the discharge from soil waste or other drainage pipes inside walls of a building and conveys it to the building sewer, beginning two (2) feet outside the building wall.
BUILDING SEWER: The extension from the building drain to the public sewer or other place of disposal.
CHEMICAL OXYGEN DEMAND (C.O.D., COD): The measure of the oxygen-consuming capacity of organic and inorganic matter present in wastewater expressed as the amount of oxygen consumed from a chemical oxidant as under standard laboratory procedure expressed in milligrams per liter (mg/l).
CITY: The Municipality of Maryville, Missouri, for the purpose of administering this Article represented by the Director of Public Works.
COMBINED SEWER: A sewer designed and intended to receive and convey both wastewater and stormwater, including roof and street drainage.
COMPOSITE SAMPLE: The combination of individual samples of water or wastewater taken at selected intervals (generally hourly or some similar specified period), to minimize the effect of the variability of the individual sample. Individual samples may have equal volume or may be roughly proportional to the flow at the time of sampling.
CONNECTION: The attachment of a building sewer to the City's public sewer at a "Y" branch or the drilling of a proper opening on the sewer main and the placement of an approved collar receptacle secured by epoxy cement. This work does not include any excavation or backfill at the site.
CONTROL AUTHORITY: The City is the *"Control Authority"*, through the Director of Public Works as described in the provisions of 40 CFR 403.11.
COOLING WATER: The water discharged from any use such as air-conditioning, cooling or refrigeration or to which the only pollutant added is heat.
DIRECT DISCHARGE: The discharge of treated or untreated wastewater directly to the ground or surface water of the State of Missouri.
DIRECTOR: The executive of the Department of Public Works who supervises the operation of the Combined Waterworks and Sewerage System of the City of Maryville.
ENVIRONMENTAL PROTECTION AGENCY OR EPA: The U.S. Environmental

Protection Agency or, where appropriate, the term may be used as designation for the Regional Administrator or other duly authorized official of said agency.
GARBAGE: Solid waste from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storing and sale of products.
GOVERNING BODY: The City Council of the City of Maryville, Missouri.
GRAB SAMPLE: A sample which is taken from a waste stream on a one (1) time basis with no regard to the flow in the waste stream and without consideration of time.
HOLDING TANK WASTE: Any wastes from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.
INDIRECT DISCHARGE: The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act (33 United States Code 1317), into the POTW (including holding tanks discharged into the public sewer).
INDUSTRIAL LIQUID WASTE: All waterborne solids, liquids or gaseous wastes resulting from any industrial, manufacturing or food processing operation or process, or from the development of any natural resource, or any mixture of these with water or domestic wastewater as distinct from normal domestic wastewater. Industrial manufacturing processes shall include, but are not limited to: Food and allied products, tobacco manufacturers; textile mill products; apparel and other finished products, furniture and fixtures; printing; publishing and allied industries; chemicals and allied products; petroleum refining and related industries; rubber and miscellaneous plastics products; leather and leather products; stone, clay, glass, and concrete products; primary metal industries; fabricated metal products; machinery and transportation equipment; electrical machinery, equipment and supplies; transportation equipment; professional, scientific and controlling instruments; photographic and optical goods; watches and clocks; miscellaneous manufacturing industries.
INTERFERENCE: According to 40 CFR 403.3(i), *"interference"* is defined as a discharge which, alone or in conjunction with a discharge or discharges from other sources, both inhibits or disrupts the POTW; its treatment processes or its sludge processes, use, or disposal; and therefore, causes a violation of the POTW's National Pollutant Discharge Elimination System (NPDES) permit or prevents sewage sludge use or disposal in compliance with specified applicable Federal Statutes, regulations or permits.
INDUSTRIAL USER--Revision Required: *"Industrial user"* is defined in 40 CFR 403.3(h) as a source of indirect discharge. *"Indirect discharge"* is defined in 40 CFR 403.3(g) as the discharge of pollutants into a POTW from any non-domestic source regulated under Sections 307(b), (c) or (d) of the Clean Water Act (CWA).
MUNICIPAL SEWER SYSTEM: All sanitary sewers, pumping stations, sewage treatment plants, main sewers, interceptor sewers, outfall sewers, and work for the collection, transportation, wastes thereto, necessary in the maintenance and operation of the same.
NATIONAL CATEGORICAL PRE-TREATMENT STANDARD OR PRE-TREATMENT STANDARD: Any (present or future) regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of Industrial Users.
NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM OR NPDES PERMIT: A discharge permit issued by the Approval Authority pursuant to Section 402 of the Act (33 U.S.C. 1342).

NATIONAL PROHIBITIVE DISCHARGE STANDARD OR PROHIBITIVE DISCHARGE STANDARD: Any (present or future) regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.
NATURAL OUTLET: Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
NEW SOURCE: "New source" is defined in 40 CFR 403.3(k) as a facility from which there is, or may be, a discharge of pollutants, construction of which began after the publication of the proposed pre-treatment standards pursuant to Section 307(c) of the CWA, which will apply to the facility if the standards are promulgated, provided certain location and construction criteria are met.
NORMAL DOMESTIC WASTEWATER: Waterborne wastes normally discharging from the sanitary sewer of buildings (including apartment houses and motels), office buildings, factories and institutions, free from storm surface water and industrial wastes. Normal domestic wastewater for the City shall be wastewater with an average concentration of five (5) day BOD established at two hundred milligrams per liter (200 mg/l); the average concentration of suspended solids is established at three hundred milligrams per liter (300 mg/l).
PASS THROUGH: Under 40 CFR 403.3(n), *"pass through"* is defined as a discharge which exists the POTW in quantities or concentrations which, alone or with discharges from other sources, causes a violation of the POTW's NPDES Permit.
PERSON: Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental agency or any other legal entity of their local representatives, agents or assigns. The masculine gender shall include the feminine; the singular shall include the plural where indicated by the context.
pH: The negative logarithm of the reciprocal of the concentration of the hydrogen ions in grams per liter of a solution.
PROPERLY SHREDDED GARBAGE: Garbage which has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in sewers, with no particle greater than one (1) inch in any dimension.
POLLUTANT: Any dredged spoil, solid waste, incinerator residue, wastewater, garbage, wastewater sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, City and agricultural waste discharged into water.
POLLUTION: The man-made or man-induced alteration of the chemical, physical, biological, thermal, and radiological integrity of water.
POTW TREATMENT PLANT: That portion of the POTW designed to provide treatment to wastewater.
PRE-TREATMENT REQUIREMENT: "Pre-treatment requirement" is defined in 40 CFR 403.3(r) as any substantive or procedural pre-treatment requirement, other than a national pretreatment standard, applicable to IUS.
PRE-TREATMENT OR TREATMENT: The reduction of the amount of pollutants, the removal of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes by other means, except as prohibited by 40 CFR Section 403.6(d).

PRE-TREATMENT STANDARD: Any (present or future regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to Industrial Users.
PUBLIC SEWER: A sewer in which all owners of abutting properties shall have equal rights, and is controlled by public authority.
PUBLICLY OWNED TREATMENT WORKS (POTW): The treatment works as defined by Section 212 of the Act; which is owned by the City of Maryville, Missouri. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of City wastewater of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a wastewater treatment plant. For the purposes of this Article, *"POTW"* shall also include any sewers that convey wastewaters to the POTW from persons outside the City who are users of the City's POTW.
RECEIVING STREAM: Any natural watercourse into which sewage is discharged.
RECORDS: Such books, documents, papers, apparatus, data, readings, records of analysis, plans and graphs as may be required for the proper operation of the publicly owned treatment works.
SANITARY SEWAGE: (See Normal Domestic Wastewater).
SANITARY SEWER: A sewer which carries sewage and/or industrial wastes to which storm, surface and ground waters are not intentionally admitted.
SEWAGE: Any combination of water-carried wastes from residences, buildings, industrial establishments, institutions, manufacturing plants, processing plants, commercial establishments, or other places in which such wastes are produced, together with such ground, surface, storm or other water as may be present.
SEWER: A pipe or conduit for carrying sewage.
SHALL: Is mandatory; *MAY:* Is permissive.
SIGNIFICANT INDUSTRIAL USER: As per 40 CFR 403.3(t), *"significant industrial user"* is defined as:

1. Any Categorical Industrial User (CIU).
2. Any other IU which:
    a. Discharges an average of twenty-five thousand (25,000) gallons or more of process wastewater per day;
    b. Contributes a process wastewater which makes up five percent (5%) or more of the dry weather average hydraulic or organic capacity of the POTW;
    c. Is designated as such by the Control Authority on the basis that it has a reasonable potential to adversely affect the POTW's operation or to violate a pre-treatment standard or requirement.

SIGNIFICANT NON-COMPLIANCE: Pursuant to 40 CFR 403.8(f)(2)(vii), an IU is in *"significant non-compliance"* if its violation meets one or more of the specific criteria listed in this Section. If the POTW determines that an IU is in Significant non-compliance (SNC), that user must be included on the annual publication list. In Section 10-326.d of the ordinance, the City uses an old Federal definition which defines *"significant violation"* as "a violation which remains uncorrected forty-five (45) days after non-compliance, which is part of a pattern of non-compliance over a 12-month period, which involves a failure to accurately report non-compliance".
SLUG: Any discharge of wastewater, sewage, or industrial liquid wastes which, for a given pollutant parameter, exceeds for any period longer than fifteen (15) minutes, more

than (5) times its average twenty-four (24) hour concentration during normal operation.
STANDARD INDUSTRIAL CLASSIFICATION (SIC): Classification pursuant to the Standard Industrial Classification Manual issued the Executive Office of the President, Office of Management and Budget, 1971.
STANDARD METHODS: The laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater", as prepared, approved and published jointly by the "American Public Health Association" and "American Waterworks Association" and "Water Pollution Control Federation".
STATE: The State of Missouri.
STORM SEWER OR STORM DRAIN: A sewer which carries stormwater, surface water, drainage and some industrial water discharges, such as cooling and air-conditioning water, but excludes sewage and industrial wastes.
STORMWATER: Any flow occurring during or following any form of natural precipitation and resulting therefrom.
SUSPENDED SOLIDS: Solids that either float on the surface of, or are suspended in, water, wastewater or other liquids and which are removable by laboratory filtering.
TOXIC POLLUTANT: Any pollutant or combination of pollutants listed as toxic in (present or future) regulations promulgated by the Administrator of the EPA under the provision of Section 307(a)(1) of the Act.
TRAP: A device for retaining sand, slit, grit mineral material, petroleum solvent, grease or oil by gravity differential separation from wastewater and of a design and capacity approved by the City.
UNPOLLUTED WATER AND WASTE: Any water or waste containing none of the following: Emulsified grease or oil, acid, or alkali, phenols or other substances imparting taste and odor in receiving water; toxic poisonous substances in suspension, colloidal state or solution; and noxious or odorous gases. It shall contain not more than ten (10) milligrams per liter (10 mg/l) of suspended solids or five (5) day BOD. The color shall not exceed fifty (50) standard color units.
USER: Any person who contributes, causes, or permits the contribution of wastewater into the City's POTW.
WASTEWATER: (See Sewage)
WASTEWATER TREATMENT WORKS: An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes synonymous with waste treatment plant or wastewater treatment plant.
WATERCOURSE: A natural surface drainage channel for stormwater and ground water in which a flow of water occurs, either continuously or intermittently.
WATERS OF THE STATE: All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface, or underground, natural or artificial, public or private, which are contained within, flow through or border upon the State of Missouri or any portion thereof.

B. Unless the context of usage indicates otherwise, the meaning of terms in the Article not defined in this Section shall be defined in the Glossary: Water and Wastewater Control Engineering, prepared by the Joint Editorial Board of the American Public Health and Association, American Society of Civil Engineers, American Waterworks Association and Water Pollution Control Federation, copyright 1969.

C. Abbreviations shall have these designated meanings:
   1 BOD: Biochemical Oxygen Demand (five (5) day, unless otherwise noted as "Ultimate BOD")
   2. CFR: Code of Federal Regulations
   3. COD: Chemical Oxygen Demand
   4. EPA: Environmental Protection Agency
   5. L: Liter
   6. mg: Milligrams
   7. mg/l: Milligrams Per Liter
   8. DNR: (Missouri) Department of Natural Resources
   9. NODES: National Pollutant Discharge Elimination system
   10. POTW: Publicly Owned Treatment Plant
   11. USC: United States Code
   12. SIC: Standard Industrial Classification
   13. SWDA: Solid Waste Disposal Act. (R.O. 2008 §710.010; Ord. No. 5050 §1, 5-11-92)

SECTION 710.020: USE OF SEWERS REQUIRED -- UNLAWFUL ACTS

It shall be unlawful for any person, firm or corporation within the City or in any area under the jurisdiction of the City, to perform any of the following:

1. Deposit in any unsanitary manner upon public or private property any human or animal excrement, garbage or other objectionable waste.
2. Discharge to any natural outlet or storm sewer any sewage, industrial wastes, polluted water, or any other substance which constitutes a nuisance or hazard to the public health or welfare, except where suitable treatment has been provided in accordance with subsequent provisions of the Article.
3. Construct, install or maintain any privy, privy vault, cesspool or other facility intended or used for the disposal of sewage, except private sewage disposal systems as hereinafter provided. (R.O. 2008 §710.020; Ord. No. 5050 §1, 5-11-92)

SECTION 710.030: TOILET FACILITIES AND SEWER CONNECTION REQUIRED

The owner of any house, building or property used for human occupancy, employment or recreation or other purpose, situated within the City, is hereby required, at their expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Article, within ninety (90) days after the date of official notice to do so; provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line. (R.O. 2008 §710.030; Ord. No. 5050 §1, 5-11-92)

SECTION 710.040: PRIVATE SEWAGE DISPOSAL

A. Exclusion thereof, no private sewage disposal system construction shall be permitted within the City Limits.

B. *Abandonment.* At such times as public sanitary sewer becomes available to a property served by a private sewage disposal system, as provided in Section 710.020(2), a direct connection shall be made to the public sewer within sixty (60) days in compliance with this Article, and the private sewage disposal facilities shall be abandoned, cleaned of sludge, and filled with a suitable material. (Concrete) (R.O. 2008 §710.040; Ord. No. 5050 §1, 5-11-92)

SECTION 710.050: BUILDING SEWERS AND CONNECTIONS

A. A separate and independent building sewer shall be provided for every building; except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.

B. *Connection Permit Required.* No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Director of Public Works. There shall be three (3) classes of building sewer connection permits:
   1. For residential services;
   2. For commercial service; and
   3. For service to establishments producing industrial wastes.

C. No permit shall be issued for connection of a building sewer to any public sewer required to be constructed pursuant to a permit issued by an agency of the State of Missouri, until such public sewer has been approved and accepted by the City and a State of Missouri operating permit has been issued.

D. *Application for Permit.* In any case, the application for such a permit shall be made on a form furnished by the City which the applicant shall supplement by any plans, specifications or other information as are deemed necessary by the Director of Public Works.

E. *Costs.* All costs and expense incident to the installation and connections 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 a building sewer.

F. *Regulations and Code Applicable.* The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Plumbing Code or other applicable rules and regulations of the City. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

G. *Prohibited Connections To Building Sewer.* No person shall make connection of roof, downspout, areaway drains or other sources of surface runoff to a building sewer or building drain, which in turn is connected directly or indirectly to a public sanitary sewer.

H. *Connections, How Made.* The connection of the building sewer into the public sewer shall conform to the requirements of the Plumbing Code and other applicable rules and regulations of the City. All such connections shall be made gas-tight and water-tight.

Any deviation from the prescribed procedures and materials must be approved by the Director of Public Works before installation. Each connection shall be made at the "Y" branch designated for that property, unless a "Y" branch is not provided or cannot be located within five (5) feet of the point of measurement furnished by the City. Any connection not made at a designated "Y" branch shall be made with a tapping saddle "Y" in the upper quadrant of the sewer pipe. The breaking of a sewer pipe for insertion of a connection fitting shall be made under the supervision of a City.

I. *Inspection.* The applicant for the building sewer permit shall give notice to the City when the building sewer is ready for inspection and connection to the public sewer. Such notice shall be given at least twenty-four (24) hours prior to the commencement of the work. The connection shall be made under the supervision of the Director of Public Works or his/her duly authorized representative.

J. *Protection of Excavations.* All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Director.

K. *Damage from Sewers.* The property owner shall take all risk or damage that may result from water backflow into their premises from the public sewers. To prevent such backflow, the owner shall, at his/her own cost, install in the building drain or building sewer a self-acting valve in all cases where a backflow from the public sewers may be anticipated. The owner shall keep the valve in condition for service at all times.

L. *Information Furnished.* The City shall furnish all information is its possession as to the position, depth and grade of public sewers and the position of "Y" branches.

M. *Property Lines.* All appurtenances to building drains and building sewers, including catch basins, manholes, cleanouts, backwater valves and fittings, shall be located within the property served by such drains or sewers.

N. *Maintenance of Building Sewer.* The property owner shall be responsible for the maintenance of the building sewer or building drain from the point of connection to the public sewer to the premises served thereby, including the connection with the public sewer.

O. *Abandonment of Building Sewer.* Any building sewer, which is discontinued shall be disconnected at the public sewer. The public sewer will be repaired to prevent infiltration of ground water in a manner satisfactory to the Director of Public Works.

P. *Open Connections*. It shall be unlawful for any person constructing a sewer, house, building connection or industrial connection to a sanitary sewer leaving such connection open, unsealed or incomplete allowing storm or surface water to enter into any sanitary sewer within the City. All such openings will be tightly sealed at all points whenever work is not in progress on such sewer connections. (R.O. 2008 §710.050; Ord. No. 5050 §1, 5-11-92; Ord. No. 5099 §1, 11-9-92; Ord. No. 5532 §1, 5-27-97)

SECTION 710.060: EXCLUDED WATERS

No person shall discharge or cause to be discharged stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Uncontaminated cooling water or unpolluted industrial process waters may be accepted, under special circumstances, following review and approval by the Director of Public Works. (R.O. 2008 §710.060;

Ord. No. 5050 §1, 5-11-92)

SECTION 710.070: DISCHARGE OF STORMWATER

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Director of Public Works. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Director of Public Works, to a storm sewer, combined sewer, or natural outlet. (R.O. 2008 §710.070; Ord. No. 5050 §1, 5-11-92)

SECTION 710.080: PROHIBITED DISCHARGES

A. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Director of Public Works, that such wastes can harm the POTW or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitutes a nuisance. In forming an opinion as to the acceptability of these wastes, the Director of Public Works will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature and capacity of the POTW, degree of treatability of wastes in the wastewater treatment works and other pertinent factors. But in no case will a federally mandated prohibition be altered to be less stringent. The substances which must be considered include, but are not limited to, the following:
    1. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the POTW (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Flash point limit of less than 140°F (60°C) shall be observed.
    Prohibited materials include, but are not limited to: Gasoline, fuel oil, hexane, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides and hydrides.
    2. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or in interaction with other wastes, to injure or interfere with the POTW, constitute a hazard to humans or animals; create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment works. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307 (a) of the Act.
    3. Any herbicides and pesticides.
    4. Any waters or wastes having a pH lower than 5.5 or higher than 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW.
    5. Solids, natural man-made fibers, insoluble or emulsified oils, fats, greases, slurries or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation

of the POTW such as, but not limited to, ashes, cinders, sand, paraffin, mud, straw, shavings, metal, sawdust, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, paper dishes, cups, milk containers, bones, spent lime, grinding compounds, grass clippings, spent grain, spent hops, asphalt residues, chemical residues, acid residues, entrails, paint residues, whey, food processing bulk solids, etc., either whole or ground by garbage grinders.

6. Septic tank sludge, and all other trucked or hauled wastes, except that such sludge may be discharged at selected locations as designated for this purpose by the Director of Public Works.
7. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludge or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance, discharged to the POTW, cause the POTW to be in non-compliance with sludge or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or State criteria applicable to the sludge management method being used.
8. Any substance which will cause the POTW to violate its NPDES Permit or the receiving water quality standards.
9. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to 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. As specified in 40 CFR 403.5(b)(4), the discharge of any pollutant, including oxygen-demanding pollutants (such as Biochemical Oxygen Demand (BOD), released in a discharge at a flow rate or pollutant concentration which will cause interference, is prohibited. The Federal regulations also provide an affirmative defense for a user if that user meets both parts of a two-part test set out in 40 CFR 403.5(a)(2). The user must satisfy two conditions:
    a. It did not know, or have reason to know, that its discharge would cause pass through or interference; and
    b. It was in compliance with existing limits for each pollutant in its discharge; or, if a limit was not enacted for such pollutants(s), its discharge directly before and during the pass through or interference did not change substantially from its prior discharge(s) which occurred when the POTW remained in compliance with its NPDES Permit.
10. Any wastewater having a temperature which will inhibit biological activity in the wastewater treatment works resulting in introduction into the wastewater treatment plant which exceeds forty degrees Celsius (40°C), one hundred four degrees Fahrenheit (104°F).
11. Any water or waste containing fats, grease, wax, or oils, whether emulsified or not, in excess of one hundred milligrams per liter (100 mg/l) or containing substances which may solidify or become viscous at temperatures between thirty-

two degrees Fahrenheit (32°F) and one hundred fifty degrees Celsius (150°C), zero (0) and sixty-five degrees Celsius (65°C).

12. Any waters or wastes containing reducing substances of an organic or inorganic nature, toxic or non-toxic, which exert an immediate chlorine demand, shall not be discharged into the POTW or if the discharge of such agents will prevent the achievement of an adequate chlorine residual in the effluent of the wastewater treatment works.
13. Any waters or wastes containing phenols or other taste or odor-product substances, in concentrations exceeding limits established by the Director, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters. In no case shall any waste contain phenolic compounds in excess of five-tenths milligrams per liter (0.5 mg/l) expressed as phenols.
14. Any radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by the Director of Public Works in compliance with applicable State and Federal regulations.
15. Materials which exert or cause:
    a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or as dissolved solids (such as, but not limited to, sodium chlorine and sodium sulfate).
    b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
16. Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
17. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipment with a motor of three-fourth (¾) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Director of Public Works.
18. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.
19. Any wastes containing sulfides in excess of ten milligrams per liter (10 mg/l) expressed as hydrogen sulfide.
20. Levels of chlorinated solvents which, in the opinion of the Director of Public Works, result in conditions defined under Section 710.080(22) of this Article.
21. Waters or wastes containing substances which could interfere with the normal operation of the POTW, and/or contaminate the resulting sewage sludge or otherwise pass through the POTW, untreated, into the receiving stream.
22. Any waters or wastes containing in excess of limits of iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine demand following limits for the specified parameter:

Cyanides as CN	1.2 mg/l
Arsenic as As	0.5
Cadmium as Cd	0.69
Chromium as Cr	2.77
Copper as Cu	3.38
Lead as Pb	0.69

Zinc as Zn	2.61
Nickel as Ni	3.98
Mercury as Hg	0.02
Silver as Ag	0.43
Surfactant	100.0
Iron as Fe	15.0
Boron as B	1.0

(R.O. 2008 §710.080; Ord. No. 5050 §1, 5-11-92)

SECTION 710.090: GREASE, OIL AND SAND TRAPS

Grease, oil and sand traps shall be provided when, in opinion of the Director of Public Works, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such traps shall not be required for private living quarters or dwelling units. All traps shall be of a type and capacity approved by the Director of Public Works and shall be located as to be readily and easily accessible for clearing and inspection. Grease, oil and/or sand traps shall be installed in all new automotive service stations, garages, restaurants and other new facilities where a heavy discharge of grease and oil is to be expected. (R.O. 2008 §710.230; Ord. No. 5050 §1, 5-11-92)

SECTION 710.100: CONFIDENTIALITY

A. Information and data on a user obtained from reports, questionnaires, monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Governing Body that release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.
(*Note:* 40 CFR 403.8(f)(1)(vii) and 40 CFR 403.14)

B. When requested by the person furnishing a report, 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 upon written request to governmental agencies for uses related to this Article, the National Pollutant Discharge Elimination System (NODES) Permit, and/or the pre-treatment programs; provided however, that such portions of or part shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. (R.O. 2008 §710.240; Ord. No. 5050 §1, 5-11-92)

ARTICLE II. RATES AND CHARGES

SECTION 710.110: MEASUREMENT THROUGH WATER METERS

The quantity of water used upon any premises furnished with sewerage services by the

Combined Waterworks and Sewerage System of the City shall be measured by the water meter or meters serving the premises; provided however, that if any occupant or owner of any premises connected with the sewerage system of the City shall purchase water from a source other than the City's Combined Waterworks and Sewerage System, than such occupant or owner shall, at his/her expense, install and maintain on said premises a water meter or meters satisfactory to the Superintendent of the Combined Waterworks and Sewerage System of the City, or other representative of the City, which meter shall measure all water received on said premises from all sources, and, in such case, the sewerage rates to be charged such customer shall be based upon the aggregate quantity of water received on said premises as measured by said meter or meters. The Superintendent of the Combined Waterworks and Sewerage System of the City or other representative of the City shall have access to the premises of such customer at all reasonable times for the purpose of inspecting and testing said water meter or meters and reading of the records thereof. (R.O. 2008 §710.270; Ord. No. 5050 §1, 5-11-92)

SECTION 710.120: BASIS OF SEWER CHARGE

Residential Sewer Charge. Residential customers living in individually metered dwelling units shall be billed beginning on May first (1st) of each year and for the succeeding twelve (12) months at an average monthly amount established from the water metered in the previous October, November, December, January and February. New customers who did not have water service at their current address for the period of December through March will be billed based upon the quantity of water metered during the month. (R.O. 2008 §710.275; Ord. No. 5133 §1, 5-10-93; Ord. No. 5533 §1, 5-27-97)

SECTION 710.130: FREE SERVICE PROHIBITED

No sewerage service shall be furnished or rendered free of charge to any person. (R.O. 2008 §710.280; Ord. No. 5050 §1, 5-11-92)

SECTION 710.140: READING WATER METERS, RENDERING BILLS

The Superintendent of the Combined Waterworks and Sewerage System of the City and the City Clerk or such other officers or representatives of the City as may be designated from time to time shall cause all water meters to be read and bills for sewerage services to be rendered monthly as services accrue. All bills shall be due and payable from and after the date such bills are rendered, at the office of the City Clerk or other designated representative by the City Council, during the regular hours of business. The City Clerk or other representative of the City may calculate the amount of each bill of the customer for water and water services, and render such customer a combined bill for such water and sewerage services. (R.O. 2008 §710.290; Ord. No. 5050 §1, 5-11-92)

SECTION 710.150: UNPAID BILLS -- PENALTY

A. If any bill for sewerage services shall be and remain due and unpaid after the fifteenth (15th) day following the date of the rendition thereof, an additional charge of ten percent (10%) thereof shall be added thereto.

B. If any bill for sewerage services shall be and remain past due and unpaid as long as thirty (30) days, water service to such premises shall be disconnected and shall not be re-connected until all past due bills for both water services and sewerage services are paid in full, together with the disconnect charge and the re-connection charge of three hundred fifty dollars ($350.00). It shall be the duty of the City Clerk to notify the Superintendent of the combined water and sewer system of any delinquency in the payment of a sewage bill, and said Superintendent shall proceed immediately to disconnect the water service to the premises so in arrears. (R.O. 2008 §710.300; Ord. No. 5050 §1, 5-11-92)

SECTION 710.160: LIABILITY FOR SERVICES -- SUMS DUE -- RECOVERY
The occupant and user of the premises receiving sewerage services or water and sewerage services combined and the owner of said premises shall be jointly and severally liable to pay for such services rendered on said premises. The City shall have power to sue the occupant or the owner, or both, of such real estate in a civil action to recover any sums due for such services, plus a reasonable attorney's fee to be fixed by the court. Notwithstanding any other provision of this Section to the contrary, when an occupant is delinquent more than ninety (90) days, the owner shall not be liable for sums due for more than ninety (90) days of service. Any notice of termination of service shall be sent to both the occupant and owner of the premises receiving such service. The provisions of this Section shall apply only to residences that have their own private water and sewer lines. In instances where several residences share a common water or sewer line, the owner of the real property upon which the residences sit shall be liable for water and sewer expenses. (R.O. 2008 §710.310; Ord. No. 5050 §1, 5-11-92)

SECTION 710.170: APPLICATION FOR SERVICES
Application for sewerage services to existing premises not connected with the City's sewerage system shall be made to the City Clerk or other person designated by the City Council, by the occupant or owner of the premises to be served. Accompanied by an application fee of three hundred dollars ($300.00); thereupon such applicant shall have the right to connect with the sewerage system of the City, all costs of such connection to be borne by such applicant. (R.O. 2008 §710.320; Ord. No. 5050 §1, 5-11-92)

SECTION 710.180: PRIVATE CONTRACTS, CITY AUTHORITY
Nothing in this Chapter shall prohibit the City from entering into private contracts for the construction of sewer lines that may be necessary or expedient to the best interests of the City. (R.O. 2008 §710.330; Ord. No. 5534 §1, 5-27-97)

CHAPTER 715: SEWERS -- DISCHARGE OF INDUSTRIAL WASTE

ARTICLE I. GENERAL PROVISIONS

SECTION 715.010: PURPOSE AND POLICY

This Chapter shall apply to all industrial users of the Publicly Owned Treatment Works, and sets forth uniform requirements for industrial users of the Publicly Owned Treatment Works for the City of Maryville and enables the City of Maryville to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code Section 1251, et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 4.3). 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 water, 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, as well as 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 of Maryville to comply with its National 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. (R.O. 2008 §715.010; Ord. No. 5536 §1, 5-27-97)

SECTION 715.020: ADMINISTRATION

Except as otherwise provided herein, the Wastewater Treatment Superintendent shall administer, implement, and enforce the provisions of this Chapter. Any powers granted to or duties imposed upon the Wastewater Treatment Superintendent may be delegated as the Wastewater Treatment Superintendent deems appropriate. (R.O. 2008 §715.020; Ord. No. 5536 §1, 5-27-97)

SECTION 715.030: ABBREVIATIONS

The following abbreviations, when used in this Chapter, shall have the designated meanings:

BOD: Biochemical Oxygen Demand.
CFR: Code of Federal Regulations.
EPA: U.S. Environmental Protection Agency.
gpd: Gallons per day.
mg/l: Milligram per liters.
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. 2008 §715.030; Ord. No. 5536 §1, 5-27-97)

SECTION 715.040: DEFINITIONS

Unless provisions explicitly state otherwise, the following terms and phrases, as used in this Chapter, shall have meanings hereinafter designated.

ACT OR THE ACT: The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251 et seq.

APPROVAL AUTHORITY: Missouri Department of Natural Resources, Kansas City Regional Office, currently located at: 3800 South Elizabeth Avenue, Suite G, Independence, MO 64057-2652.

AUTHORIZED REPRESENTATIVE OF THE USER: Any of the following individuals described in paragraphs (1) through (3), below, may designate another authorized representative if the authorization is in writing, specifies the individual or person responsible for the overall operation of the facility from which the discharge originates or which has overall responsibility for environmental matters for the company, and the written authorization is submitted to the Director, Public Works with a copy provided to the Wastewater Treatment Superintendent.

Unless otherwise designated, the authorized representative of the user shall be determined as follows:

1. If the user is a corporation:
    a. The president, vice president, secretary or a treasurer 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 operations facilities employing more that two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars ($25,000,000.00), 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 government facility, the director or highest official appointed or designated to oversee the operations and performance of the activates of the government facility.

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 Celsius (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 which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

CITY: The City of or the City Council of Maryville, Missouri.

CITY OF MARYVILLE WASTEWATER TREATMENT SUPERINTENDENT: The person designated by the City of Maryville to supervise the operations of the POTW, and who is charged with certain duties and responsibilities by this Chapter, or a duly authorized representative.

ENVIRONMENTAL PROTECTION AGENCY (EPA): The U.S. Environmental Protection Agency, or where appropriate, the Regional Water Management Division Director, or other duly authorized official of the 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 waste stream without regard to the flow in the waste stream 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 discreet 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 from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and, is a cause of a violation of the City of Maryville's NPDES permit or prevents 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);

and State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

MEDICAL WASTES: 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 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 sections 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;
   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 that a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Subsection (1)(b) or (c) above but otherwise alters, replaces, or adds to the existing process or production equipment.
3. Construction of a new source as defined under this Subsection 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 operations 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 Subsection.

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 which 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 of Maryville'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, government entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local government 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, agriculture 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 eliminations 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 STANDARDS 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 which appear in Section 715.100.

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 of Maryville. 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: Gray water and/or human excrement (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 waste stream 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 designated as such by the City of Maryville on the basis that it has a reasonable potential for adversely affecting the POTW's operations or for violating any pretreatment standard or requirement.

3. Upon finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operations or for violating any pretreatment standard or requirement, the City of Maryville 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 as set forth in 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.
STORMWATER: Any flow occurring during or following any form of precipitation, or 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 contribute to the POTW. (R.O. 2008 §715.040; Ord. No. 5536 §1, 5-27-97)

SECTIONS 715.050--715.090: RESERVED

ARTICLE II. GENERAL SEWER USE REQUIREMENTS

SECTION 715.100: 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 subject 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, waste streams with a closed-cup flash point of less that one hundred forty degrees Fahrenheit (140°F) (60°C) using the test methods specified in 40 CFR 261.21.
   2. Wastewater having a pH less that 5.5 or greater than 9.5, or 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 (1) inch or two and one-half (2.5) centimeters in any dimension.

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.
5. Wastewater having a temperature greater that one hundred four degrees Fahrenheit (104°F) or forty degrees Celsius (40°C), or 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) (40°C).
6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil 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 problems.
8. Trucked or hauled pollutants, except at the discharge points designated by the Wastewater Collection Superintendent in accordance with the procedures of this Chapter.
9. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations.
10. Swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the Wastewater Treatment Superintendent.
11. Sludges, screenings, or other residues from the pretreatment of industrial wastes.
12. Medical wastes, except as specifically authorized by the Wastewater Treatment Superintendent in a wastewater discharge permit.
13. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW.
14. Fats, oils, greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/l.

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. 2008 §715.100; Ord. No. 5536 §1, 5-27-97)

SECTION 715.110: NATIONAL CATEGORICAL PRETREATMENT STANDARDS

The categorical pretreatment standards found at 40 CFR Chapter I 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 Wastewater Treatment Superintendent 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 Wastewater Treatment Superintendent shall impose an alternate limit using the combined waste stream 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 fundamentally different from the

factors considered by the 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. 2008 §715.110; Ord. No. 5536 §1, 5-27-97)

SECTION 715.120: STATE PRETREATMENT STANDARDS

The Missouri State Pretreatment Standards are hereby incorporated by reference as if fully set forth herein. A copy of said Standards is located and may be reviewed at the Office of Public Works, City Hall, 415 North Market Street, Maryville, Missouri. (R.O. 2008 §715.120; Ord. No. 5536 §1, 5-27-97)

SECTION 715.130: 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 limits:

Metals	***Limit***	***Metals***	***Limit***
arsenic	0.5 mg/l	surfactant	75 mg/l
benzene	1.0 mg/l	total toxic organics	2.13 mg/l
pH	>=5.5, <=9.5	zinc	2.61 mg/l
BOD_5	200 mg/l	cadmium	0.69 mg/l
chromium	2.77 mg/l	copper	1.3 mg/l
cyanide	1.2 mg/l	lead	0.69 mg/l
mercury	0.005 mg/l	nickel	3.98 mg/l
oil and grease	75 mg/l	silver	0.43 mg/l
total phenols	0.5 mg/l	total suspended solids	300 mg/l

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 Wastewater Treatment Superintendent may impose mass limitations in addition to, or in place of, the concentration-based limitations above. (R.O. 2008 §715.130; Ord. No. 5536 §1, 5-27-97)

SECTION 715.140: RIGHT OF REVISION

The City of Maryville reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW. (R.O. 2008 §715.140; Ord. No. 5536 §1, 5-27-97)

SECTION 715.150: DILUTION

No user shall 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 Wastewater Treatment Superintendent 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. 2008 §715.150; Ord. No. 5536 §1, 5-27-97)

SECTIONS 715.160--715.190: RESERVED

ARTICLE III. PRETREATMENT OF WASTEWATER

SECTION 715.200: PRETREATMENT FACILITIES

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 prohibited discharge standards of this Chapter, within the time limitations specified by EPA, the State, or the City of Maryville Wastewater Treatment Superintendent, whichever is most stringent. 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 Wastewater Treatment Superintendent and Code Enforcement Officer of the City of Maryville for review and shall be acceptable to the Wastewater Treatment Superintendent before such facilities are constructed. The review of such plans and operating procedures shall not relieve the user from the responsibility to produce a discharge acceptable to the City of Maryville under the provisions of this Chapter. (R.O. 2008 §715.200; Ord. No. 5536 §1, 5-27-97)

SECTION 715.210: ADDITIONAL PRETREATMENT MEASURES

A. Whenever deemed necessary, the Wastewater Collection Superintendent 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 for industrial waste streams, 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. Whenever deemed necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand there shall be provided by user, grease, oil, and sand interceptors, except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity authorized by the City of Maryville Municipal Code and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired regularly, at the user's expense. (R.O. 2008 §715.210; Ord. No. 5536 §1, 5-27-97)

SECTION 715.220: ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS

At least once every two (2) years, the Wastewater Treatment Supervisor shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. Based upon evaluation, the Wastewater Treatment Superintendent may require any user to develop, submit for approval and implement such a plan. Alternatively, the

Wastewater Treatment Superintendent may develop such a plan for any user. An accidental discharge/slug control plan shall, at a minimum, address the following:

1. Description of discharge practices, including non-routine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the Wastewater Treatment Superintendent of any accidental or slug discharge, as required by Section 715.525;
4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures shall 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. 2008 §715.220; Ord. No. 5536 §1, 5-27-97)

SECTION 715.230: HAULED WASTEWATER

A. Septic tank waste may be introduced into the POTW only at locations designated by the Wastewater Collections Superintendent, and at such times as established by the Wastewater Collections Superintendent. Such waste shall comply with the provisions of Sections 715.100 through 715.150, and any other requirements established by the City of Maryville. The Wastewater Treatment Superintendent may require septic tank waste haulers to obtain wastewater discharge permits.

B. The Wastewater Treatment Superintendent shall require haulers of industrial waste to obtain wastewater discharge permits. The Wastewater Treatment Superintendent may require generators of industrial waste to obtain wastewater discharge permits. The Wastewater Treatment Supervisor may also prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Chapter.

C. Industrial waste haulers may discharge loads only at locations designated by the Wastewater Collection System Superintendent. No load may be discharged without prior consent of the Wastewater Treatment Supervisor. The Wastewater Treatment Supervisor may collect samples of each hauled load to ensure compliance with applicable standards. The Wastewater Treatment Superintendent 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 address 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. 2008 §715.230; Ord. No. 5536 §1, 5-27-97)

SECTIONS 715.240--715.290: RESERVED

ARTICLE IV. WASTEWATER DISCHARGE PERMIT APPLICATION

SECTION 715.300: WASTEWATER DISCHARGE PERMIT APPLICATION

Any individual, partnership or corporation required to seek a water discharge permit shall do so by filing an application on the form provided by the Wastewater Treatment Superintendent. Said application shall be filed at least one hundred eighty (180) days prior to the date the discharge will commence. Upon filing of said application, the Wastewater Treatment Superintendent shall either grant or deny said application within thirty (30) days of completion of the request. (R.O. 2008 §715.300; Ord. No. 5536 §1, 5-27-97)

SECTION 715.310: WASTEWATER ANALYSIS

When required by the discharge permit or when requested by the Wastewater Treatment Superintendent, a user shall submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Wastewater Treatment Superintendent is authorized to prepare a form for this purpose and may periodically require users to update this information. (R.O. 2008 §715.310; Ord. No. 5536 §1, 5-27-97)

SECTION 715.320: WASTEWATER DISCHARGE PERMIT REQUIREMENT

A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Wastewater Treatment Superintendent, except that a significant industrial user that has filed a timely application may continue to discharge for the time period specified therein.
B. The Wastewater Treatment Superintendent 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 this Chapter. Obtaining a Maryville wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements, and with any other requirements of Federal, State or municipal law. (R.O. 2008 §715.320; Ord. No. 5536 §1, 5-27-97)

SECTION 715.330: WASTEWATER DISCHARGE PERMIT -- EXISTING CONNECTIONS

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this Chapter who wishes to continue such discharges in the future shall apply to the Wastewater Treatment Superintendent for a wastewater discharge permit in accordance with the provisions of this Chapter. Said application shall occur within one hundred eighty (180) days of the effective date of this Chapter. Said applicant shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days of the effective date of this Chapter except in accordance with a wastewater discharge permit issued by the Wastewater Treatment Superintendent. (R.O. 2008 §715.330; Ord. No. 5536 §1, 5-27-97)

SECTION 715.340: WASTEWATER DISCHARGE PERMIT -- NEW CONNECTIONS

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 must be filed in accordance with the provisions of this Chapter and must be filed at least one hundred eighty (180) days prior to the date upon which any discharge will begin or recommence. (R.O. 2008 §715.340; Ord. No. 5536 §1, 5-27-97)

SECTION 715.350: WASTEWATER DISCHARGE PERMIT APPLICATION CONTENTS

All users required to obtain a wastewater discharge permit must submit a permit application. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. The Wastewater Treatment Superintendent may require all users to submit as part of an application the following information:

1. All information required by Section 715.500(B);
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;
7. Time and duration of discharges; and
8. Any other information as may be deemed necessary by the Wastewater Treatment Superintendent to evaluate the wastewater discharge permit application. (R.O. 2008 §715.350; Ord. No. 5536 §1, 5-27-97)

SECTION 715.360: 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 if 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. 2008 §715.360; Ord. No. 5536 §1, 5-27-97)

SECTION 715.370: WASTEWATER DISCHARGE PERMIT DECISIONS
The Wastewater Treatment Superintendent will evaluate the data furnished by the user, and may require additional information. Within thirty (30) days of receipt of a complete wastewater discharge permit application the Wastewater Treatment Superintendent will determine whether or not to issue a wastewater discharge permit. The Wastewater Treatment Superintendent may deny an application for a wastewater discharge permit and shall advise the applicant of the reason(s) for the denial. (R.O. 2008 §715.370; Ord. No. 5536 §1, 5-27-97)

SECTIONS 715.380--715.390: RESERVED

ARTICLE V. WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

SECTION 715.400: WASTEWATER DISCHARGE PERMIT DURATION
A permanent wastewater discharge permit shall be issued for a period of five (5) years from the effective date of the permit. At the discretion of the Wastewater Treatment Superintendent, if the operation is not fully developed and the application provides a specific date of completion of the project, a temporary wastewater discharge permit may be issued for a period not to exceed one hundred eighty (180) days from the effective date of the permit. An applicant may seek one (1) extension of the temporary wastewater discharge permit for an additional period of one hundred eighty (180) days. Said extension shall be granted only by the Director, Public Works and shall be granted only for good cause shown by applicant. (R.O. 2008 §715.400; Ord. No. 5536 §1, 5-27-97)

SECTION 715.410: WASTEWATER DISCHARGE PERMIT CONTENTS
A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Wastewater Treatment Superintendent to prevent pass through or interference, to protect the quality of the water body receiving the treatment plant effluent, to protect worker health and safety, to facilitate sludge management and disposal, and to 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 of Maryville in accordance with this Chapter and the provisions for furnishing the new owner 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 based upon the situations unique to the applicant, 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 discharged 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 the 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 Wastewater Treatment Superintendent to ensure compliance with this Chapter and State and Federal laws, rules, and regulations. (R.O. 2008 §715.410; Ord. No. 5536 §1, 5-27-97)

SECTION 715.420: WASTEWATER DISCHARGE PERMIT MODIFICATION

A. A wastewater discharge permit may be modified by the Wastewater Treatment Superintendent for good cause shown, including the following reasons:
   1. To incorporate any new or revised Federal, State or local pretreatment standards or requirements;
   2. To address significant alterations or addition to the user's operations, 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 of Maryville POTW, City of Maryville 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 permits; or
9. To reflect a transfer of the facility ownership or operation to a new owner or operator.

B. Any person, partnership or corporation aggrieved by the wastewater treatment Superintendent's refusal to modify the wastewater discharge permit may avail themselves of the appeal procedures as set forth in this Chapter. (R.O. 2008 §715.420; Ord. No. 5536 §1, 5-27-97)

SECTION 715.430: WASTEWATER DISCHARGE PERMIT TRANSFER

A. If the permittee gives at least thirty (30) days' advance notice to the Wastewater Treatment Superintendent and the Wastewater Treatment Superintendent approves the wastewater discharge permit transfer, the wastewater discharge permit may be transferred to a new owner or operator. The notice to the Wastewater Treatment Superintendent 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 operation 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.

B. Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of the facility transfer. (R.O. 2008 §715.430; Ord. No. 5536 §1, 5-27-97)

SECTION 715.440: WASTEWATER DISCHARGE PERMIT REVOCATION

A. The Wastewater Treatment Superintendent in consultation with the Director, Public Works may revoke a wastewater discharge permit for good cause, including but not limited to, the reasons set forth in this Section. In the event of an emergency situation when the Wastewater Treatment Superintendent is unable to consult with Director of Public Works, the Wastewater Treatment Superintendent may revoke the wastewater discharge permit for good cause but shall document his/her attempts to consult with the Director, Public Works and the reason(s) said consultation did not occur prior to the revocation. Reasons for revocation of the wastewater treatment permit include:
    1. Failure to notify the Wastewater Treatment Superintendent of significant changes to the wastewater prior to the discharge change;
    2. Failure to provide prior notification to the Wastewater Treatment Superintendent of changed conditions pursuant to Section 715.520;
    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 Wastewater Treatment Superintendent timely access to the facility premises and records;
    7. Failure to meet effluent limitations;

8. Failure to pay fines;
9. Failure to pay sewer charge;
10. Failure to meet compliance schedule;
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, unless said transfer is in compliance with the provisions of this Chapter. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user. A person, partnership or corporation aggrieved by revocation of its water discharge permit may avail themselves of the appeal procedures as set forth in this Chapter. (R.O. 2008 §715.440; Ord. No. 5536 §1, 5-27-97)

SECTION 715.450: 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, a minimum of one hundred eighty (180) days prior to the expiration of the user's existing wastewater discharge permit. Said application shall be submitted on the form supplied by the Wastewater Treatment Superintendent. (R.O. 2008 §715.450; Ord. No. 5536 §1, 5-27-97)

SECTION 715.460: REGULATION OF WASTE RECEIVED FROM OTHER JURISDICTIONS

A. If another municipality, or user located within another municipality, or County contributes wastewater to the POTW, upon approval by the City Council, the City of Maryville may enter into an intermunicipal agreement with the consenting municipality.

B. Prior to entering into an agreement required by Subsection (A), above, the Wastewater Treatment Superintendent shall request the following information from the contributing entity:
   1. A description of the quality and volume of wastewater discharged to the POTW by the contributing entity;
   2. An inventory of all users located within the contributing entity that are discharging to the POTW; and
   3. Such other information as the Wastewater Treatment Superintendent may deem necessary.

C. An intermunicipal agreement, as required by Subsection (A), above, shall contain the following conditions:
   1. A requirement for the contributing entity to adopt a sewer ordinance which is at least as stringent as this Chapter and local limits which are at least as stringent as those set forth in this Chapter. The requirement shall specify that such Chapter and limits must be revised as necessary to reflect changes made to the City of

Maryville's ordinance or local limits;

2. A requirement for the contributing entity to submit a revised user inventory on at least an annual basis;
3. A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing entity; which of theses activities will be conducted by the Wastewater Treatment Superintendent; and which of these activities will be conducted jointly by the contributing entity and the Wastewater Treatment Superintendent;
4. A requirement for the contributing entity to provide the Wastewater Treatment Superintendent with access to all information that the contributing entity obtains as part of its pretreatment activities;
5. Limits on the nature, quality, and volume of the contributing entity's wastewater at the point of discharge to the POTW;
6. Requirements for monitoring the contributing entity's discharge;
7. A provision ensuring the Wastewater Treatment Superintendent access to the facilities of users located within the contributing entity's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Wastewater Treatment Superintendent; and
8. A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

D. In the event that the City of Maryville has entered into an intermunicipal agreement with a consenting municipality, the City of Maryville shall have full rights and authority to take all legal actions necessary to impose or enforce terms of the pretreatment standards and requirements directly against non-compliant dischargers, in the event contributing jurisdiction is unable or unwilling to take such action. Such action shall include the fines and jail terms as set forth in this Chapter, as well as any other procedures envisioned by the terms of this Chapter. (R.O. 2008 §715.460; Ord. No. 5536 §1, 5-27-97)

SECTIONS 715.470--715.490: RESERVED

ARTICLE VI. REPORTING REQUIREMENTS

SECTION 715.500: 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 6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Wastewater Treatment Superintendent a report which contains the information listed in Subsection (B), below. At least ninety (90) days prior to commencement of their discharge, new sources and sources that become categorical users subsequent to the promulgation of an applicable categorical standard shall submit to the Wastewater Treatment Superintendent a report which contains the information listed in Subsection (B), listed 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 their 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 waste stream formula set out in 40 CFR 403.6(e).
   5. *Measurements of pollutants.*
      a. The categorical pretreatment standards applicable to each regulated process.
      b. Where required by the standards or by the Wastewater Treatment Superintendent, the results of sampling and analysis identifying the nature and concentration, and/or mass 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 the analytical requirements of this Chapter.
      c. Sampling must be performed in accordance with the sample collection procedures 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. If pretreatment standards are not being met on a consistent basis, said certification shall state whether additional operation and maintenance and/or additional pretreatment is required to meet the pretreatment standards and requirements.
   7. *Compliance schedule.* If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the report shall state the shortest schedule by which the user will provide such additional pretreatment and/or operation and maintenance. The completion date in this schedule shall not be later that the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 715.505.
   8. *Signature and certification.* All baseline monitoring reports must be signed and certified as true, accurate and complete. It shall be in violation of this Chapter to submit a baseline monitoring report that is not true, accurate and complete. (R.O. 2008 §715.500; Ord. No. 5536 §1, 5-27-97)

SECTION 715.505: COMPLIANCE SCHEDULE PROGRESS REPORTS

The following conditions shall apply to the compliance schedule required by Section 715.500(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 facilities 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 Wastewater Treatment Superintendent not later than fourteen (14) days following each date in the schedule, and following the final date of compliance. Said report shall include 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.
4. In no event shall more that thirty (30) days elapse between such progress reports to the Wastewater Treatment Superintendent. (R.O. 2008 §715.505; Ord. No. 5536 §1, 5-27-97)

SECTION 715.510: 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 within ninety (90) days following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Wastewater Treatment Superintendent a report containing the information described in Section 715.500(B)(4--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 as true, accurate and complete. It shall be in violation of this Chapter to submit a compliance report that is not true, accurate and complete. (R.O. 2008 §715.510; Ord. No. 5536 §1, 5-27-97)

SECTION 715.515: PERIODIC COMPLIANCE REPORTS

A. At a frequency determined by the Wastewater Treatment Superintendent but in no case less than twice per year (in June and December), all significant industrial users shall 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 as true, accurate and complete. It shall be a violation of this Chapter to submit a periodic compliance report that is not true, accurate and complete.

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 requirements in this Section monitors any pollutant more frequently than required by the Wastewater Treatment Superintendent by using the sample collection procedures prescribed in this Chapter, the results of this monitoring shall be included in the report. (R.O. 2008 §715.515; Ord. No. 5536 §1, 5-27-97)

SECTION 715.520: REPORTS OF CHANGED CONDITIONS

At least thirty (30) days before the change, each user must notify the Wastewater Treatment Superintendent of any planned, significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater.

1. The Wastewater Treatment Superintendent may require the user to submit such information as deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application.
2. In response to changed conditions or anticipated changed conditions, the Wastewater Treatment Superintendent may issue a wastewater discharge permit under Section 715.360 or modify an existing wastewater discharge permit or modify an existing wastewater discharge permit in accordance with the procedures of this Chapter.
3. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, or the discharge of any previously unreported pollutants. (R.O. 2008 §715.520; Ord. No. 5536 §1, 5-27-97)

SECTION 715.525: REPORTS OF POTENTIAL PROBLEMS

A. In the case of any discharge that may cause potential problems for the POTW, which shall include accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, the user shall immediately telephone and notify the Wastewater Treatment Superintendent 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. Unless waived by the Wastewater Treatment Superintendent, the user shall submit within five (5) days following such discharge, 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. Such notification shall not relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this Chapter.
C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to notify 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 notification procedure. (R.O. 2008 §715.525; Ord. No. 5536 §1, 5-27-97)

SECTION 715.530: REPORTS FROM UNPERMITTED USERS

All users not required to obtain a wastewater discharge permit shall provide appropriate reports as required by the Wastewater Treatment Superintendent. (R.O. 2008 §715.530; Ord. No. 5536 §1, 5-27-97)

SECTION 715.535: NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING

If sampling performed by a user indicates a violation, the user must notify the Wastewater Treatment Superintendent 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 Wastewater Treatment Superintendent within thirty (30) days after becoming aware of the violation. However, the user is not required to repeat the sampling and analysis if the Wastewater Treatment Superintendent monitors at the user's facility at least once a month, or if the Wastewater Treatment Superintendent samples between the user's initial sampling and when the user receives the results of this sampling. (R.O. 2008 §715.535; Ord. No. 5536 §1, 5-27-97)

SECTION 715.540: DISCHARGE OF HAZARDOUS WASTE

The City of Maryville POTW does not allow the discharge of any hazardous waste into the POTW. (R.O. 2008 §715.540; Ord. No. 5536 §1, 5-27-97)

SECTION 715.545: ANALYTICAL REQUIREMENTS

Unless otherwise specified in an applicable categorical pretreatment standard, all pollutant analyses, including sampling techniques, to be submitted as a part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be preformed in accordance with procedures approved by EPA. (R.O. 2008 §715.545; Ord. No. 5536 §1, 5-27-97)

SECTION 715.550: SAMPLE COLLECTION

A. Except as indicated in Subsection (B), below, the user must collect wastewater samples using flow proportional composite collection techniques. However, in the event flow proportional sampling is not feasible, the Wastewater Treatment Superintendent may authorize the use of time proportional sampling or a minimum of four (4) grab samples if 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 techniques. (R.O. 2008 §715.550; Ord. No. 5536 §1, 5-27-97)

SECTION 715.555: TIMING
Written reports will be deemed to have been submitted on the date postmarked by the United States Postal Service. 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. 2008 §715.555; Ord. No. 5536 §1, 5-27-97)

SECTION 715.560: 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, the exact place, method, and type of sampling; the name of the person(s) taking the sample; the dates analyses were performed; who performed the analyses; the analytic 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 period of any litigation concerning the user or the City of Maryville, or where the user has been specifically notified of a longer retention period by the Wastewater Treatment Superintendent. (R.O. 2008 §715.560; Ord. No. 5536 §1, 5-27-97)

SECTIONS 715.570--715.590: RESERVED

ARTICLE VII. COMPLIANCE MONITORING

SECTION 715.600: RIGHT OF ENTRY -- INSPECTION AND SAMPLING
The Wastewater Treatment Superintendent 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 Wastewater Treatment Superintendent ready access to all parts of the premises for the purposes of inspection, sampling, record 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 Wastewater Treatment Superintendent will be permitted to enter without delay for the purpose of performing specific responsibilities.
2. The Wastewater Treatment Superintendent 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 Wastewater Treatment Superintendent 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 at least annually to insure 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 Wastewater Treatment Superintendent. The cost of clearing such access shall be born by the user.
5. Unreasonable delays in allowing the Wastewater Treatment Superintendent access to the user's premises shall be a violation of this Chapter. (R.O. 2008 §715.600; Ord. No. 5536 §1, 5-27-97)

SECTION 715.610: SEARCH WARRANTS

If the Wastewater Treatment Superintendent has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause that there may be a violation of this Chapter; that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City of Maryville 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 Wastewater Treatment Superintendent may seek issuance of a search warrant. (R.O. 2008 §715.610; Ord. No. 5536 §1, 5-27-97)

SECTION 715.620: CONFIDENTIAL INFORMATION

Unless the user specifically requests, and is able to demonstrate to the satisfaction of the Wastewater Treatment Superintendent that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law, information and data on a user obtained from reports, surveys, wastewater discharge permit application, wastewater discharge permits, and monitoring programs, and from the Wastewater Treatment Superintendent's inspection and sampling activities, shall be available to the public without restriction. 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. Any such non-disclosure 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 process 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. (R.O. 2008 §715.620; Ord. No. 5536 §1, 5-27-97)

SECTION 715.630: PUBLICATION OF USERS IN SIGNIFICANT NON-

COMPLIANCE

At least annually, the Wastewater Treatment Superintendent shall publish in a newspaper of general circulation published in Nodaway County, Missouri, a list of the users who, 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 monthly 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 Wastewater Treatment Superintendent determines 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 Wastewater Treatment Superintendent's exercise of his/her emergency authority to halt or prevent such a discharge;
5. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or obtaining 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 standards, 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 Wastewater Treatment Superintendent determines will adversely affect the operation or implementation of the local pretreatment program. (R.O. 2008 §715.630; Ord. No. 5536 §1, 5-27-97)

SECTIONS 715.640--715.690: RESERVED

ARTICLE VIII. AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

SECTION 715.700: AFFIRMATIVE DEFENSES TO UPSET

A. For the purposes of this Section, *"upset"* means an exceptional incident in which there is unintentional and temporary non-compliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
B. An upset shall constitute an affirmative defense to an action brought for non-compliance with categorical pretreatment standards if the requirements of Subsection (C) below, are met.
C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
    1. An upset occurred and the user can identify the cause(s) of the upset;
    2. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and
    3. The user has submitted the following information to the Wastewater Treatment Superintendent within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days; and
        a. A description of the indirect discharge and cause of non-compliance;
        b. The period of non-compliance, including exact dates and time; or, if not corrected, the anticipated time the non-compliance is expected to continue; and
        c. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the non-compliance.
    4. In any enforcement proceeding, the burden of proof shall be upon the user seeking to establish the occurrence of an upset.
    5. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for non-compliance with categorical pretreatment standards.
    6. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails. (R.O. 2008 §715.700; Ord. No. 5536 §1, 5-27-97)

SECTION 715.710: AFFIRMATIVE DEFENSES TO PROHIBITED DISCHARGE STANDARDS

A user shall have an affirmative defense to an enforcement action brought against it for non-compliance with the general discharge standards prohibitions of this Chapter or the specific discharge standard prohibitions of this Chapter, if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

1. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

2. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City of Maryville was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements. (R.O. 2008 §715.710; Ord. No. 5536 §1, 5-27-97)

SECTION 715.720: AFFIRMATIVE DEFENSES TO BYPASS

A. *Definitions.* As used in this Section, the following terms shall have these prescribed meanings:
BYPASS: The intentional diversion of waste streams from any portion of a user's treatment facility.
SEVERE PROPERTY DAMAGE: Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Subsections (C) and (D) of this Section.

C. *Bypass--Notice.*
   1. If a user knows in advance of the need for a bypass, it shall submit prior notice to the Wastewater Treatment Superintendent at least ten (10) days before the date of the bypass.
   2. A user shall submit oral notice to the Superintendent of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.
   3. If the oral report has been received within twenty-four (24) hours, the Wastewater Treatment Superintendent may waive the written report requirement on a case-by-case basis.

D. *Bypass--Prohibited Or Approved.*
   1. Bypass is prohibited, and the Superintendent may take an enforcement action against a user for a bypass, unless:
      a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
      b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

c. The user submitted notices as required under Subsection (C) of this Section.

2. The Wastewater Treatment Superintendent may approve an anticipated bypass, after considering its adverse effects, if the Wastewater Treatment Superintendent determines that it will meet the three (3) conditions listed in Subsection (D)(1) of this Section. (R.O. 2008 §715.720; Ord. No. 5536 §1, 5-27-97)

SECTIONS 715.730--715.790: RESERVED

SECTION 715.800: WASTEWATER TREATMENT RATES

A. Section 710.110 of the Municipal Code of the City of Maryville is adopted herein by reference as if fully set forth.

B. *Commercial, Industrial, Public Institutional Sewer Charge.* Any user of water other than a domestic or residential water user who uses water for commercial or industrial purposes and said water is not discharged into the sewer system of the City may have said water metered through a subtracting meter in order to obtain credit for the sewer charge. The charge then made to said customer shall be based upon the amount of water furnished the customer during the month, less the amount recorded by the subtracting meter which was not discharged into the sewerage system of the City.

C. Sections 710.140 through 710.170 of the Municipal Code of the City of Maryville, are adopted herein by reference as if fully set forth. (R.O. 2008 §715.800; Ord. No. 5536 §1, 5-27-97)

SECTION 715.810: PRETREATMENT CHARGES AND FEES

The City of Maryville does hereby adopt reasonable fees for reimbursement of cost of setting up and operating the City of Maryville's Pretreatment Program which include the following:

1. Fees for wastewater discharge permit application including the cost of processing such applications:
   a. One hundred dollars ($100.00).
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:
   a. *Collections of samples--bi-annual.*
      (1) Forty dollars ($40.00) per year.
         (a) Two hundred dollars ($200.00) per five (5) year permit.
   b. *Analyzing discharge--bi-annual.*
      (1) Five hundred dollars ($500.00) per year.
         (a) Two thousand five hundred dollars ($2,500.00) per five (5) year permit.
   c. *Reviewing monitoring reports submitted by users--bi-annual.*
      (1) Thirty dollars ($30.00) per year.
         (a) One hundred fifty dollars ($150.00) per five (5) year permit.
3. Fees for reviewing and responding to accidental discharge procedures and construction:

a. As incurred by the City of Maryville.
4. Fees for filing appeals:
   a. As incurred by the City of Maryville.
5. Other fees as the City of Maryville 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 of Maryville. (R.O. 2008 §715.810; Ord. No. 5536 §1, 5-27-97)

SECTIONS 715.820--715.890: RESERVED

ARTICLE IX. ADMINISTRATIVE REMEDIES

SECTION 715.900: NOTIFICATION OF VIOLATION
When the Wastewater Treatment Superintendent 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 Wastewater Treatment Superintendent may serve upon that user a written notice of violation. Within ten (10) 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 Wastewater Treatment Superintendent. Submission of this plan does not relieve the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this Section shall be a bar against, nor a prerequisite for, taking any other action against the user. (R.O. 2008 §715.900; Ord. No. 5536 §1, 5-27-97)

SECTION 715.905: CONSENT ORDERS
The Wastewater Treatment Superintendent may enter into consent orders, assurances 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 this Chapter and shall be judicially enforceable. (R.O. 2008 §715.905; Ord. No. 5536 §1, 5-27-97)

SECTION 715.910: COMPLIANCE ORDERS
When the Wastewater Treatment Superintendent 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 Wastewater Treatment Superintendent 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. 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. 2008 §715.910; Ord. No. 5536 §1, 5-27-97)

SECTION 715.915: CEASE AND DESIST ORDERS

When the Wastewater Treatment Superintendent finds that a user has violated, or continues to violate, any provision of this Chapter, a wastewater discharge permit or order issued hereunder, any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Wastewater Treatment Superintendent 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 preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

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. 2008 §715.915; Ord. No. 5536 §1, 5-27-97)

SECTION 715.920: EMERGENCY SUSPENSIONS

After informal notice to the user, the Wastewater Treatment Superintendent may immediately suspend a user's discharge, 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. After notice and opportunity to respond, the Wastewater Treatment Superintendent may also immediately suspend a user's discharge, where that discharge 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 Wastewater Treatment Superintendent 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 Wastewater Treatment Superintendent may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Wastewater Treatment Superintendent that the period of endangerment has passed.
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. Said statement shall be submitted to the Wastewater Treatment Superintendent ten (10) days prior to the date of any show cause or termination hearing. Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Chapter. (R.O. 2008 §715.920; Ord. No. 5536 §1, 5-27-97)

SECTION 715.925: TERMINATION OF DISCHARGE

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 of this Chapter.

Subject to the other provisions of this Chapter, such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause in writing why the proposed action should not be taken. However, exercise of this option by the Wastewater Treatment Superintendent shall not be a bar to, nor a prerequisite for, taking any other action against the user. (R.O. 2008 §715.925; Ord. No. 5536 §1, 5-27-97)

ARTICLE X. ENFORCEMENT REMEDIES

SECTION 715.930: 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 or requirement, water service to the user may be severed at the direction of the City Council of the City of Maryville. Service will only recommence at the user's expense and after user has satisfactorily demonstrated its ability to comply with all applicable standards or requirements. (R.O. 2008 §715.930; Ord. No. 5536 §1, 5-27-97)

SECTION 715.935: PUBLIC NUISANCES -- REIMBURSEMENT

A violation of any provision of this Chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Wastewater Treatment Superintendent. Any person(s) creating a public nuisance shall be subject to the provisions of the City Code governing such nuisances, including reimbursing the City of Maryville for any costs incurred in removing, abating, or remedying said nuisance. (R.O. 2008 §715.935; Ord. No. 5536 §1, 5-27-97)

SECTION 715.940: INJUNCTIVE RELIEF
At the direction of City Council, and in addition to or as an alternative remedy from the provisions otherwise noted herein, when 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 Attorney may seek 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 or by the activities of the user. The City Attorney may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement that the user conduct environmental remediation. A petition for injunctive relief shall not be a bar against, nor a prerequisite for, taking any other action against a user. (R.O. 2008 §715.940; Ord. No. 5536 §1, 5-27-97)

SECTION 715.945: VIOLATION
Violation of this Chapter includes any user who knowingly makes any false statements, representations, 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. (R.O. 2008 §715.945; Ord. No. 5536 §1, 5-27-97)

SECTION 715.950: PENALTY
It shall be unlawful for any person to violate any provision of this Chapter. Upon conviction thereof, such person shall be judged guilty of an ordinance violation and punished by a fine not exceeding five hundred dollars ($500.00) or be punished by incarceration for a period not to exceed ninety (90) days, or by both such fine and incarceration. 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. (R.O. 2008 §715.950; Ord. No. 5536 §1, 5-27-97)

SECTION 715.955: REMEDIES NON-EXCLUSIVE
The remedies provided for in this Chapter are not exclusive. The City of Maryville 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 of Maryville's enforcement response plan. However, the City of Maryville may take other action against any user when the circumstances warrant, and is empowered to take more than one (1) enforcement action against any non-compliant user. (R.O. 2008 §715.955; Ord. No. 5536 §1, 5-27-97)

ARTICLE XI. APPEAL

SECTION 715.960: APPEAL OF WASTEWATER TREATMENT SUPERINTENDENT DECISION

Any individual, company, or corporation aggrieved or prejudiced by decision of the Wastewater Treatment Superintendent, or his/her designee, concerning this Chapter shall be entitled to request or review of said decision. Said review shall be conducted by the Director, Public Works pursuant to the following procedure:

1. The Public Works Department shall maintain a form for requesting review before the Director, Public Works.
2. Said request shall be filed within ten (10) days of the applicant's receipt of notice of the decision which is being reviewed. Said request for review shall state the specific manner in which the decision of the Wastewater Treatment Superintendent is alleged to be in error.
3. Upon receipt of the request for review, the Director, Public Works shall immediately notify the Wastewater Treatment Superintendent and the Superintendent shall have five (5) days in which to submit a written response of said request for review.
4. Within ten (10) days after receiving the response of the Wastewater Treatment Superintendent, or within fifteen (15) days of the filing of the notice of appeal, if no such response is submitted, the Director, Public Works shall render a decision affirming, reversing, or modifying the decision of the Wastewater Treatment Superintendent. In the alternative, if he/she deems it appropriate, the Director, Public Works may decline to render a decision and direct the matter be submitted to the City Manager for a review conducted pursuant to the following Section. (R.O. 2008 §715.960; Ord. No. 5536 §1, 5-27-97)

SECTION 715.965: APPEAL OF DIRECTOR, PUBLIC WORKS DECISION

Any individual, company, or corporation aggrieved or prejudiced by decision of the Director, Public Works, or his/her designee, concerning this Chapter shall be entitled to request or review of said decision. Said review shall be conducted by the City Manager pursuant to the following procedure:

1. The Public Works Department shall maintain a form for requesting review before the City Manager.
2. Said request shall be filed within ten (10) days of the applicant's receipt of notice of the decision which is being reviewed. Said request for review shall state the specific manner in which the decision of the Director, Public Works is alleged to be in error.
3. Upon receipt of the request for review, the City Manager shall immediately notify the Director, Public Works and the Director shall have five (5) days in which to submit a written response of said request for review.
4. Within ten (10) days after receiving the response of the Director, Public Works, or within fifteen (15) days of the filing of the notice of appeal, if no such response is submitted, the City Manager shall render a decision affirming, reversing, or modifying the decision of the Wastewater Treatment Superintendent or the Director, Public Works. In the alternative, if he/she deems it appropriate, the City Manager may decline to render a decision and direct the matter be submitted to the City Council and a review conducted pursuant to the following Section. (R.O.

2008 §715.965; Ord. No. 5536 §1, 5-27-97)

SECTION 715.970: APPEAL OF CITY MANAGER DECISION

Any individual, company, or corporation aggrieved or prejudiced by the decision of the City Manager concerning this Chapter shall be entitled to request review of said decision. Said review shall be conducted by the City Council pursuant to the following:

1. City Clerk shall maintain a form requesting a review before the City Council.
2. Said request shall be filed within fifteen (15) days of the applicant's receipt of notice of the decision of the City Manager which is alleged to be in error.
3. The notice of appeal shall state the specific reason why the decision of the City Manager is alleged to be in error.
4. Upon receipt of the appeal, the City Clerk shall immediately notify the City Manager of the receipt of the appeal and the City Manager shall have a period of five (5) days in which to prepare a written response to said appeal. A copy of said response shall be provided to appellant.
5. The hearing shall be held before the City Council not less than twenty-one (21) days after receipt by the City Clerk of the request for review, unless extended by the City Council upon mutual agreement of the parties or for good cause shown.
6. At the hearing, the City Council shall have the right to examine the drawings, diagrams, books, records, and papers pertinent to the issues before it. The City Council shall have the power to issue any necessary subpoenas over the signature of the City Clerk and to issue all necessary processes to subpoena witnesses, to compel by subpoena duces tecum issued over the signature of the City Clerk, the production of books, records, papers and other evidence; and to administer oaths and to take testimony.
7. The individual, company or corporation aggrieved shall have the full right to be represented by counsel and may produce witnesses and cross-examine all witnesses who may appear against him/her at any hearing held hereunder. Witnesses may appear voluntarily at such hearings and testimony. Before any witness shall testify in any such hearing or proceedings, said witness shall be sworn to tell the truth by the Mayor or Acting Mayor.
8. All decision, findings, and orders of the City Council to the proceeding shall be in writing. Parties to the proceedings shall be notified of the decision by the City Council by certified mail to the address listed on the request for review.
9. Based on the evidence produced at the hearing, the City Council shall issue an order as supported by the evidence, including the following:
    a. Affirm the decision of the City Manager, Director, Public Works or Wastewater Treatment Superintendent;
    b. Reverse the decision of the City Manager, Director, Public Works or Wastewater Treatment Superintendent;
    c. Affirm or reverse the decision of the City Manager, Director, Public Works or Wastewater Treatment Superintendent with such modifications to the appealed decision as Council deems appropriate and is supported by the evidence. (R.O. 2008 §715.970; Ord. No. 5536 §1, 5-27-97)

SECTION 715.975: APPEAL OF CITY COUNCIL DECISION
Following any decision or ruling by the City Council relating to this Chapter, any individual, company, or corporation aggrieved or prejudiced by said decision or ruling may seek judicial review of the matter provided by law. The City Council may stay enforcement of its decision or ruling for a period of time, not to exceed thirty (30) days, pending the filing or final disposition of an application for judicial review. (R.O. 2008 §715.975; Ord. No. 5536 §1, 5-27-97)