



CITY OF RAYMORE
AGENDA ITEM INFORMATION FORM

DATE: Nov. 25, 2019

SUBMITTED BY: Jim Cadoret

DEPARTMENT: Development Services

<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Presentation	<input type="checkbox"/> Public Hearing
<input type="checkbox"/> Agreement	<input type="checkbox"/> Discussion	<input type="checkbox"/> Other	

TITLE / ISSUE / REQUEST

Bill 3503: Edgewater at Creekmoor Seventh Final Plat

STRATEGIC PLAN GOAL/STRATEGY

3.2.4: Provide quality, diverse housing options that meet the needs of our community.

FINANCIAL IMPACT

Award To:
Amount of Request/Contract:
Amount Budgeted:
Funding Source/Account#:

PROJECT TIMELINE

Estimated Start Date	Estimated End Date
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STAFF RECOMMENDATION

Approval

OTHER BOARDS & COMMISSIONS ASSIGNED

Name of Board or Commission: Planning and Zoning Commission
Date: Nov. 19, 2019
Action/Vote: Approval, 8-0

LIST OF REFERENCE DOCUMENTS ATTACHED

Staff Report
Development Agreement
Final Plat Drawing

REVIEWED BY:

Jim Feuerborn

BACKGROUND / JUSTIFICATION

Cooper Land Development Inc. filed a request for final plat approval for Edgewater at Creekmoor Seventh Plat, an 11-lot single-family development proposed west of Creekmoor Drive and north of Hampstead Drive. The development agreement outlines the requirements of the developer in completion of this phase of the subdivision.

BILL 3503

ORDINANCE

"AN ORDINANCE OF THE CITY OF RAYMORE, MISSOURI, APPROVING THE EDGEWATER AT CREEKMOOR SEVENTH PLAT LOTS 219 THROUGH 229 AND TRACTS I AND J, LOCATED IN SECTION 4, TOWNSHIP 46N, RANGE 32W, RAYMORE, CASS COUNTY, MISSOURI."

WHEREAS, the Planning and Zoning Commission met and reviewed this request and submits a recommendation of approval on the application to the City Council of the City of Raymore, Missouri; and

WHEREAS, the City Council of the City of Raymore, Missouri, in accordance with the provisions of the Raymore Unified Development Code, has held a meeting to approve the dedication to the public use of any street or ground shown upon the plat; and

WHEREAS, the City Council of the City of Raymore, Missouri, finds and declares that the provisions contained and enacted are in pursuance of and for the purpose of securing and promoting the public safety, health, and general welfare of persons in the City of Raymore in their use of public rights-of-ways.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RAYMORE, MISSOURI, AS FOLLOWS:

Section 1. The City Council makes its findings of fact as contained in the staff report and accepts the recommendation of the Planning and Zoning Commission.

Section 2. That the subdivision known as Edgewater at Creekmoor Seventh Plat Lots 219 through 229 and Tracts I and J is hereby approved for the tract of land described below:

A TRACT OF LAND IN THE SOUTHEAST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 46 NORTH, RANGE 32 WEST, IN THE CITY OF RAYMORE, CASS COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEASTERLY CORNER OF THAT PORTION OF THE PLAT OF WESTBROOK AT CREEKMOOR, THIRTEENTH PLAT IDENTIFIED AS LOTS 369, 370 AND TRACT JJ, , A SUBDIVISION IN SAID CITY, COUNTY AND STATE; THENCE NORTH 35°-09'-12" EAST, ALONG THE EASTERLY LINE OF SAID PLAT, A DISTANCE OF 164.46 FEET; THENCE NORTH 10°-56'-37" EAST, CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTHERLY LINE OF LOT 185 OF THE PLAT OF EDGEWATER AT CREEKMOOR, SIXTH PLAT, A SUBDIVISION IN SAID CITY, COUNTY AND STATE; THENCE SOUTH 79°-03'-23" EAST, ALONG SAID SOUTHERLY LOT LINE, A DISTANCE OF 65.47 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH 23°-18'-40" EAST, ALONG THE EASTERLY LINE OF SAID LOT, A DISTANCE OF 114.81 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 84°-33'-49" EAST, ALONG THE SOUTHERLY LINE OF LOT 186 OF LAST SAID PLAT AND ITS EASTERLY EXTENSION THEREOF, A DISTANCE OF 25.50 FEET; THENCE SOUTH 13°-23'-04" WEST, A DISTANCE OF 50.48 FEET; THENCE SOUTH 75°-57'-31" EAST, A DISTANCE OF 152.86 FEET; THENCE NORTH 78°-15'-23" EAST, A DISTANCE OF 35.68 FEET; THENCE NORTH 52°-52'-47" EAST, A DISTANCE OF 30.55 FEET; THENCE NORTH 9°-47'-04" EAST, A DISTANCE OF 42.62 FEET; THENCE NORTH 40°-34'-14" WEST, A DISTANCE OF 61.09 FEET; THENCE NORTH 17°-56'-27" EAST, A DISTANCE OF 38.00 FEET; THENCE NORTH 57°-21'-05" EAST, A DISTANCE OF 61.48 FEET; THENCE NORTH 49°-28'-29" EAST, A DISTANCE OF

53.26 FEET; THENCE NORTH 44°-30'-01" EAST, A DISTANCE OF 71.08 FEET; THENCE NORTH 34°-47'-55" EAST, A DISTANCE OF 81.52 FEET; THENCE NORTH 69°-29'-47" EAST, A DISTANCE OF 58.20 FEET; THENCE NORTH 86°-15'-45" EAST, A DISTANCE OF 51.76 FEET; THENCE NORTH 74°-19'-51" EAST, A DISTANCE OF 13.47 FEET; THENCE SOUTH 82°-59'-57" EAST, A DISTANCE OF 14.92 FEET; THENCE SOUTH 11°-15'-02" EAST, A DISTANCE OF 46.46 FEET; THENCE SOUTH 7°-47'-15" EAST, A DISTANCE OF 53.31 FEET; THENCE SOUTH 1°-14'-34" WEST, A DISTANCE OF 64.79 FEET; THENCE SOUTH 8°-43'-18" EAST, A DISTANCE OF 39.69 FEET; THENCE SOUTH 2°-32'-27" WEST, A DISTANCE OF 43.77 FEET; THENCE SOUTH 11°-15'-51" EAST, A DISTANCE OF 65.13 FEET; THENCE SOUTH 26°-03'-45" EAST, A DISTANCE OF 51.41 FEET; THENCE SOUTH 28°-42'-08" EAST, A DISTANCE OF 68.13 FEET; THENCE SOUTH 2°-00'-59" EAST, A DISTANCE OF 50.00 FEET; THENCE SOUTH 87°-59'-01" WEST, A DISTANCE OF 69.78 FEET; THENCE SOUTH 2°-00'-59" EAST, A DISTANCE OF 149.73 FEET; THENCE SOUTH 88°-49'-46" WEST, A DISTANCE OF 366.81 FEET; THENCE NORTH 79°-03'-23" WEST, A DISTANCE OF 401.80 FEET TO THE POINT OF BEGINNING. CONTAINING 280153 SQUARE FEET OR 6.431 ACRES, MORE OR LESS.

Section 3. The Development Agreement between the City of Raymore, Missouri, and Cooper Land Development, Inc. is approved and the Mayor is authorized to execute said agreement on behalf of the City of Raymore, Missouri.

Section 4. Traffic Control Signage. The following stop signs shall be established within the City of Raymore:

- Rayburn Court at Hampstead Drive, at the northwest corner

Section 5. Effective Date. The effective date of approval of this Ordinance shall be coincidental with the Mayor's signature and attestation by the City Clerk.

Section 6. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

DULY READ THE FIRST TIME THIS 25TH DAY OF NOVEMBER, 2019.

BE IT REMEMBERED THAT THE ABOVE ORDINANCE WAS APPROVED AND ADOPTED THIS 9TH DAY OF DECEMBER, 2019, BY THE FOLLOWING VOTE:

Councilmember Abdelgawad
Councilmember Barber
Councilmember Berendzen
Councilmember Burke III
Councilmember Circo
Councilmember Holman
Councilmember Jacobson
Councilmember Townsend

ATTEST:

APPROVE:

Jean Woerner, City Clerk

Kristofer P. Turnbow, Mayor

Date of Signature

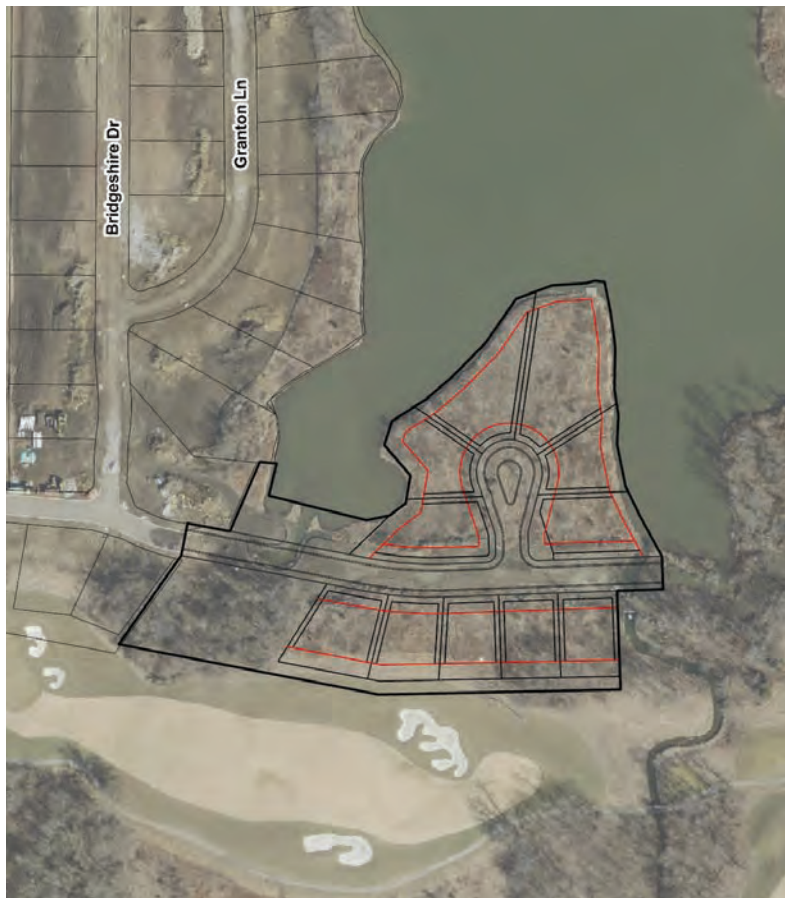


To: City Council
From: Planning and Zoning Commission
Date: November 25, 2019
Re: Case #19011 - Edgewater at Creekmoor 7th Final Plat Lots 219 thru 229 and Tracts I & J

GENERAL INFORMATION

**Applicant/
Property Owner:** Cooper Land Development, Inc.
903 N. 47th Street
Rogers, AR 72756

Property Location: Hampstead Drive, east of Creekmoor Drive.



Site Photographs:



View looking east along Hampstead Drive (Future Extension in background)



View looking toward the future extension of Hampstead Drive



View looking north along Bridgeshire Drive toward Edgewater 6th Plat.

Existing Zoning: "PUD" Planned Unit Development

Existing Surrounding Zoning: **North:** "PUD" Planned Unit Development
South: "PUD" Planned Unit Development
East: "PUD" Planned Unit Development
West: "PUD" Planned Unit Development

Existing Surrounding Uses: **North:** Single Family Residential, Creekmoor Lake
South: Golf Course
East: Undeveloped
West: Single Family Residential

Total Tract Size: 6.43

Total Number of Lots: 11 Lots, 2 Tracts

Density – units per Acre: 1.7

Growth Management Plan: The Future Land Use Plan Map contained in the Growth Management Plan identifies this area as appropriate for low-density residential development.

Major Street Plan: The Major Thoroughfare Plan Map classifies Hampstead Drive as a Minor Collector. Proposed Rayburn Court is classified as a local road.

Advertisement: City Ordinance does not require advertisement for Final Plats.

Public Hearing: City Ordinance does not require a public hearing for Final Plats

PROPOSAL

Outline of Requested Action: The applicant seeks to obtain Final Plat approval for Edgewater at Creekmoor Seventh Plat – Lots 219 thru 229 and Tracts I & J

City Ordinance Requirements: In order for the applicant to accomplish the aforementioned action they must meet the provisions of the Unified Development Code. Chapter 470 of the Unified Development Code outlines the requirements and actions that need to be taken in order to final plat property, specifically, Section 470.130.

PREVIOUS ACTIONS ON OR NEAR THE PROPERTY

1. The Preliminary Plan and Memorandum of Understanding (MOU) for Creekmoor were approved by City Council on January 26, 2004.
2. The Edgewater 6th Plat, located to the northwest, was approved by the City on February 26, 2018.

ENGINEERING DIVISION COMMENTS

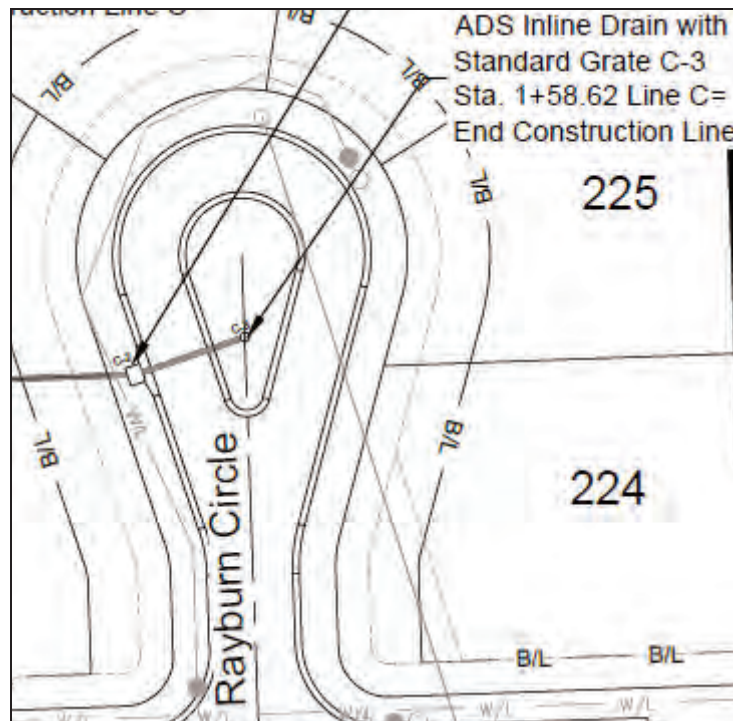
In its attached memorandum, the Engineering Division indicated the proposed final plat complies with the design standards of the City of Raymore and recommends approval of the final plat.

STAFF COMMENTS

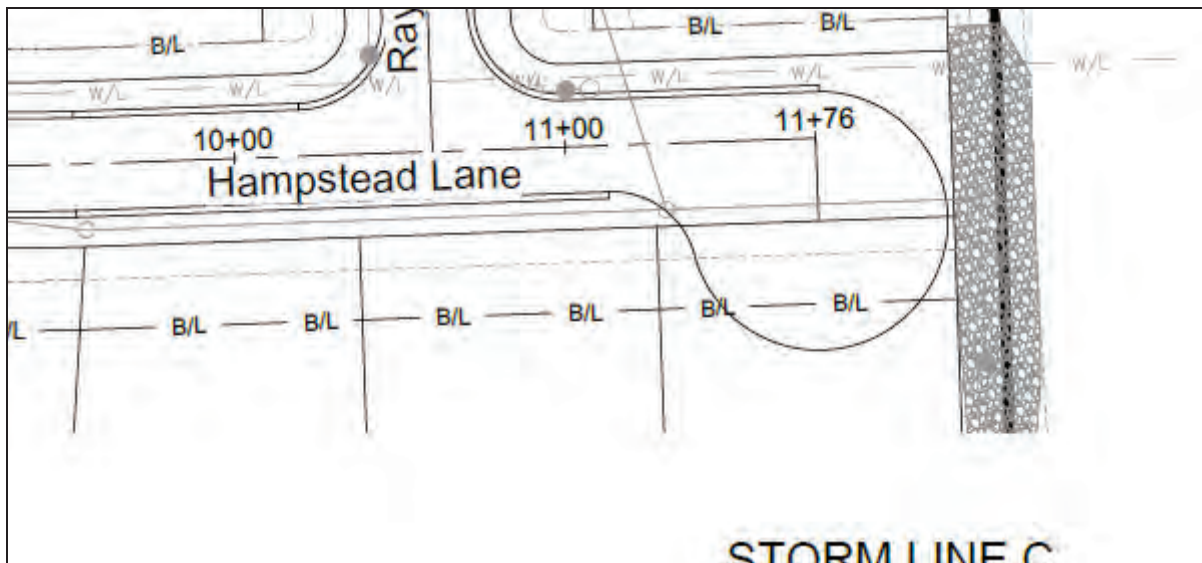
1. The current and proposed bulk and dimensional standards for the “PUD” Planned Unit Development Residential District zoning classification for the property is provided below.

Requirements	
Minimum Lot Area	
per lot	Interior Lot: 5,500 sq.ft Corner Lot: 6,050 sqft
per dwelling unit	Interior Lot: 5,500 sq.ft Corner Lot: 6,050 sqft
Minimum Lot Width (ft.)	Interior Lot: 50 ft. Corner Lot: 55 ft.
Minimum Lot Depth (ft.)	100
Yards, Minimum (ft.)	
Front	25
rear	25
side corner	15
side	7.5
Maximum Building Height (feet)	35
Maximum Building Coverage (%)	40%

2. Five foot (5') sidewalks will be required to be installed on lots within this subdivision. A transition from four foot (4') sidewalks in the previous phases of Creekmoor, to the west (Edgewater 6th, and Westbrook 12th and 13th) to five foot (5') sidewalks will be made in Tracts I and J.
3. The 100-year flood pool elevation line does extend onto lots within the proposed subdivision. While the UDC does not allow any portion of any newly created lot to extend into the floodplain, the UDC also exempts subdivisions that had obtained preliminary plat approval prior to adoption of the code provision. The Creekmoor preliminary plan and MOU were approved prior to the adoption of the code provision, thus the flood pool elevation line is allowed to extend onto lots within the subdivision. There is adequate area allowed for the building of a home on all of the affected lots. Minimum low opening elevations have been provided for all affected lots.
4. The plat and engineering construction drawings have incorporated the new tear-drop design for cul-de-sacs. This design allows for an island to be installed in the cul-de-sac as a water quality measure.



5. A temporary cul-de-sac will be required at the eastern terminus of Hampstead Lane. Pavement for the turnaround will temporarily extend onto Lot 223.



PLANNING COMMISSION PROPOSED FINDINGS OF FACT

Section 470.130 of the Unified Development Code states that the Planning and Zoning Commission will recommend approval and the City Council will approve the final plat if it finds the final plat:

1. **is substantially the same as the approved preliminary plat;**

The final plat is substantially the same as the Preliminary Development Plan and Memorandum of Understanding. Roadway alignments and lot configurations generally remain the same.

2. **complies with all conditions, restrictions and requirements of this Code and of all other applicable ordinances and design standards of the City; and;**

The proposed final plat does comply with all conditions, restrictions and requirements of the Unified Development Code and all other applicable ordinances and design standards for the City.

3. **complies with any condition that may have been attached to the approval of the preliminary plat.**

The proposed plat complies with the conditions of the Memorandum of Understanding that was attached to the approval of the preliminary plat.

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>City Council 1st</u>	<u>City Council 2nd</u>
Review	November 19, 2019	November 25, 2019	December 9, 2019

STAFF RECOMMENDATION

Staff recommends that the Planning and Zoning Commission accept the staff proposed findings of fact and forward Case #19011 Edgewater at Creekmoor Seventh Final Plat; Lots 219 thru 229 and Tracts I & J to the City Council with a recommendation for approval.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its November 19, 2019 meeting, voted 8-0 to accept the staff proposed findings of fact and forward Case #19011 Edgewater at Creekmoor Seventh Final Plat; Lots 219 thru 229 and Tracts I & J to the City Council with a recommendation for approval.

To: Planning and Zoning Commission

From: Department of Public Works

Date: November 19, 2019

RE: Edgewater 7th (Final Plat)

The Public Works and Engineering Department has reviewed the application for Edgewater 7th, and offers the following comments:

Project Location: The development phase is located in Creekmoor along Hampstead just to the east of Creekmoor Drive, near the central area of the development.

Impacts on Transportation System(s): Access to the phase will be served by a connection to Creekmoor Drive. The current roadway network is sufficient for the development phase.

Adequate Public Facilities:

Sanitary Sewer System - The project will be served by an existing gravity sewer that has manholes on each street in the phase.

Water System - The project is served by existing and extending current water mains. There is sufficient flow for the phase of the development.

Storm Water System/Water Quality - Stormwater will be collected onsite in the lake. The plans call for all water quality standards to be met. There will be a new design of the cul-de-sac that will eliminate the rock center and replace it with a paved surface and a drain. The water will then drain across the golf course to achieve the water quality.

Summary: The Public Works department has determined that the plans and specifications comply with the standards adopted by the City of Raymore with the above recommendations and that the existing facilities are of adequate size and capacity to support the proposed development.

Planning and Zoning Commission Meeting Minutes Excerpt November 19, 2019

5. Consent Agenda -

- A. Approval of Minutes from October 15, 2019 meeting.
- B. Case #19011 - Edgewater at Creekmoor Seventh Final Plat

Motion by Commissioner Urquilla, Seconded by Commissioner Petermann, to approve the consent agenda with the meeting minutes as corrected.

Vote on Motion:

Chairman Faulkner	Aye
Commissioner Wiggins	Aye
Commissioner Armstrong	Aye
Commissioner Bowie	Absent
Commissioner Acklin	Aye
Commissioner Fizer	Aye
Commissioner Petermann	Aye
Commissioner Urquilla	Aye
Mayor Turnbow	Aye

Motion passed 8-0-0.



Development Agreement

For

***Edgewater at Creekmoor Seventh Final Plat
Lots 219 thru 229
and Tracts I & J***

Legal Description Contained on Pages 2-3

**Between Cooper Land Development, Inc., Grantor
and**

**City of Raymore, Grantee
100 Municipal Circle
Raymore, MO 64083**

December 9, 2019

DEVELOPMENT AGREEMENT

THIS AGREEMENT, MADE THIS 9th day of December, 2019 by and between, **Cooper Land Development, Inc.** hereinafter referred to as "Sub-divider" and the City of Raymore, Missouri, a Municipal Corporation, hereinafter referred to as "City".

WHEREAS, Sub-divider seeks to obtain approval from the City for a subdivision to be known as **Edgewater at Creekmoor Seventh Final Plat Lots 219 thru 229 and Tracts I & J** which is located in the City of Raymore, Cass County, Missouri, and;

WHEREAS, the Sub-divider, herein defined, agrees to assume all subdivision development obligations of the City as described in this agreement, and;

WHEREAS, the City desires to ensure that the Sub-divider will accomplish certain things in order to protect the public health, safety and welfare.

NOW, THEREFORE, in consideration of the promises and covenants herein set forth, and receipt by the City of fees and costs as stated herein, the parties agree as follows:

GEOGRAPHIC LOCATION:

1. The terms of this agreement apply to the following property and all portions thereof: **Edgewater at Creekmoor Seventh Final Plat Lots 219 thru 229 and Tracts I & J**

A TRACT OF LAND IN THE SOUTHEAST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 46 NORTH, RANGE 32 WEST, IN THE CITY OF RAYMORE, CASS COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEASTERLY CORNER OF THAT PORTION OF THE PLAT OF WESTBROOK AT CREEKMOOR, THIRTEENTH PLAT IDENTIFIED AS LOTS 369, 370 AND TRACT JJ, , A SUBDIVISION IN SAID CITY, COUNTY AND STATE; THENCE NORTH 35°-09'-12" EAST, ALONG THE EASTERLY LINE OF SAID PLAT, A DISTANCE OF 164.46 FEET; THENCE NORTH 10°-56'-37" EAST, CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTHERLY LINE OF LOT 185 OF THE PLAT OF EDGEWATER AT CREEKMOOR, SIXTH PLAT, A SUBDIVISION IN SAID CITY, COUNTY AND STATE; THENCE SOUTH 79°-03'-23" EAST, ALONG SAID SOUTHERLY LOT LINE, A DISTANCE OF 65.47 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH 23°-18'-40" EAST, ALONG THE EASTERLY LINE OF SAID LOT, A DISTANCE OF 114.81 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 84°-33'-49" EAST, ALONG THE SOUTHERLY LINE OF LOT 186 OF LAST SAID PLAT AND ITS EASTERLY EXTENSION THEREOF, A DISTANCE OF 25.50 FEET; THENCE SOUTH 13°-23'-04" WEST, A DISTANCE OF 50.48 FEET; THENCE SOUTH 75°-57'-31" EAST, A DISTANCE OF 152.86 FEET; THENCE NORTH 78°-15'-23" EAST, A DISTANCE OF 35.68 FEET; THENCE NORTH 52°-52'-47" EAST, A DISTANCE OF 30.55 FEET; THENCE NORTH 9°-47'-04" EAST, A DISTANCE OF 42.62 FEET; THENCE NORTH 40°-34'-14" WEST, A DISTANCE OF 61.09 FEET; THENCE NORTH 17°-56'-27" EAST, A DISTANCE OF 38.00 FEET; THENCE NORTH 57°-21'-05" EAST, A DISTANCE OF 61.48 FEET; THENCE NORTH 49°-28'-29" EAST, A DISTANCE OF 53.26 FEET; THENCE NORTH 44°-30'-01" EAST, A DISTANCE OF 71.08 FEET;

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REQUIRED IMPROVEMENTS:

1. In accordance with the policies and ordinances of the City, the public improvements described herein shall be constructed and installed on the terms and conditions hereinafter contained. Public improvements within the Subdivision will be installed in accordance with the City of Raymore Standard Contract Documents and Technical Specifications & Design Criteria for Utility and Street Construction dated December 2017.
2. The public improvements are to be designed and installed at the Sub-divider's expense by the Sub-divider and are hereinafter referred to as "Improvements".
3. It shall be the obligation of the Sub-divider to furnish to the City plans and specifications for construction of the Improvements. Before any construction is commenced, the City Public Works Director shall approve plans and specifications for the Improvements. Once the City Public Works Director has approved the plans, any changes to the plans must be submitted to the City Public Works Director for approval.
4. The Sub-divider shall submit the appropriate grading/site/erosion control plan including appropriate sidewalk, meter elevations, and manhole elevations to the City Public Works Director for approval for development of the project. Before any construction is commenced within that phase, the City Public Works Director must approve plans for all required Improvements. It shall be the Sub-divider's responsibility to assure compliance with grading plans.
5. The Sub-divider shall provide a copy of all required State and Federal permits to the City Public Works Director prior to issuance of any City permits.
6. The Sub-divider shall provide and pay for all engineering and surveying necessary to design and construct the Improvements. The Sub-divider shall pay for all other engineering and surveying necessary to design and construct other improvements to the property.

7. The Sub-divider shall install stormwater treatment facilities (i.e. permeable pavement) in the islands in the cul-de-sac prior to City acceptance of the Improvements. The Creekmoor POA will be responsible for the maintenance of these features.

INSTALLATION AND MAINTENANCE

1. Prior to the issuance of building permits, the Sub-divider shall install all Improvements as shown on approved engineering plans of said subdivision and the City Council shall have accepted by Resolution all Improvements.

2. The Sub-divider shall be responsible for the maintenance of the Improvements for a period of two years after acceptance thereof by the City, in accordance with the City specifications and policies.

3. The Sub-divider agrees to provide the City of Raymore “as-built” plans for all Improvements as indicated on the aforementioned plans. Said plans shall be considered a part of the Improvements, for the purpose of acceptance by the City.

4. Prior to acceptance of the Improvements a waiver of mechanic’s lien shall be submitted to the City. The Sub-divider will indemnify and save the City harmless from all claims growing out of the lawful demands of subcontractors, laborers, workers, mechanics, and furnishers of machinery and parts thereof, equipment, tools, and all suppliers, incurred in the furtherance of the performance of the work. The Sub-divider shall, at the City’s request, furnish satisfactory evidence that all obligations of the nature designated above have been paid, discharged or waived.

FEES, BONDS & INSURANCE

1. The Sub-divider agrees to pay to the City a 1% Plan Review Fee and 5% Construction Inspection Fee based on the project engineer’s estimate or contract development costs of all Improvements as shown on approved engineering plans of said subdivision. The City Public Works Director shall review and determine that the costs, as presented, are reasonable. A list of these fees is provided in Attachment A.

2. The Sub-divider agrees to indemnify the City with a Certificate of Insurance as required in the Unified Development Code of the City of Raymore.

3. The Sub-divider agrees to furnish performance bonds as required in the Unified Development Code of the City of Raymore.

4. Prior to acceptance of Improvements within said subdivision, Sub-divider will provide a guarantee in the form of a Maintenance Bond that is satisfactory to the City Public Works Director. This guarantee shall be based on 50% of the cost of all Improvements shown on approved engineering plans and shall be for a period of two years after acceptance by the City.

5. The Sub-divider agrees to submit a street light plan for City approval and pay the cost of providing and installing the streetlights in accordance with the approved street light plan. The required street lights shall be installed and shall be operational prior to the acceptance of the Improvements for the subdivision.

6. The Sub-divider agrees to pay to the City a \$9 per acre fee for the placement and maintenance of outdoor warning sirens. The cost of these fees is provided in Attachment A.

7. The Sub-divider agrees to pay any **fees in lieu of parkland dedication** that are required in accordance with City Code. The total fee due for **Edgewater at Creekmoor Seventh Final Plat Lots 219 thru 229 and Tracts I & J is \$1,581.03 (One Thousand Five Hundred and Eighty-One dollars and Three Cents)**. Fees paid at the time building permit applications are to be made at a rate of **One Hundred Forty-Three dollars and seventy-three cents (\$143.73) per dwelling unit**.

8. Per Ordinance #20004, the license (excise) tax for building contractors will be charged at the time of building permits at the applicable rate at the time each building permit application is approved.

9. The Sub-divider, in the interest of the general health, welfare and safety of the Citizens of Raymore, agrees to have installed, at their cost, any traffic control devices determined to be necessary by City Staff (410.340). The technical specifications and design criteria are set forth in Public Works Department Policies 120 thru 122 and 129, Street Signage and Traffic Control Devices. The improvement must be installed prior to the City releasing any building permits.

10. The Sub-divider, in the interest of the general health, welfare and safety of the Citizens of Raymore, agree to have installed, at their cost, all required street name signage determined to be necessary by City Staff (410.340). The technical specifications and design criteria are set forth in Public Works Department Policies 120 thru 122 and 129, Street Signage and Traffic Control Devices. The improvement must be installed prior to the City releasing any building permits.

ADDITIONAL REQUIREMENTS

1. The Sub-divider agrees to comply with the regulations and policies of the utility companies having facilities within the City limits.

2. Sidewalks within Tract I and Tract J shall be designed as a transitional segment between the four-foot (4') wide sidewalks within the Edgewater at Creekmoor 6th Plat and Westbrook at Creekmoor 13th Plat, and the five-foot (5') wide sidewalks required within the Edgewater at Creekmoor 7th Plat.

4. The Sub-divider shall install sidewalk along Tract I at the time a Certificate of Occupancy has been issued for a home on Lot 229 in Edgewater at Creekmoor Seventh Plat and on Lot 185 in Edgewater at Creekmoor Sixth Plat.

4. The Sub-divider shall install sidewalk along Tract J at the time a Certificate of Occupancy has been issued for a home on Lot 219 in Edgewater at Creekmoor Seventh Plat and on Lot 370 in Westbrook at Creekmoor Thirteenth Plat.

GENERAL PROVISIONS

1. The parties agree that execution of this agreement in no way constitutes a waiver of any requirements of applicable City ordinances with which the Sub-divider must comply and does not in any way constitute prior approval of any future proposal for development.

2. The covenants herein shall run with the land described in this agreement and shall be binding and ensure to the benefit of the parties hereto and their successors or assigns and on any future and subsequent purchasers.

3. This agreement shall constitute the entire agreement between the parties and any modification hereof shall be in writing, subject to the approval of the parties.

4. If, at any time, any part hereof has been breached by Sub-divider, the City may withhold approval of any or all building permits applied for in the subdivision, until breach or breaches has or have been cured.

5. This agreement shall be recorded by the Sub-divider and its covenants shall run with the land and shall bind the parties, their assigns and successors in interest and title.

6. Any provision of this agreement which is not enforceable according to law will be severed herefrom and the remaining provisions shall be enforced to the fullest extent permitted by law.

7. The undersigned represent that they each have the authority and capacity from the respective parties to execute this Agreement. This Agreement shall not be effective until approved by ordinance duly enacted by the City Council of the City of Raymore, Missouri.

8. The Sub-divider hereby warrants and represents to the City as inducement to the City's entering into this Agreement, that the Sub-divider's interest in the Subdivision is as a fee owner.

9. The Sub-divider and City acknowledge the Memorandum of Understanding for Creekmoor Subdivision, executed by both parties and approved by City Council on January 26, 2004, June 26, 2006, July 24, 2006, July 23, 2007, and July 27, 2015 remains in effect.

10. Whenever in this agreement it shall be required or permitted that Notice or demand be given or served by either party to this agreement to or on the other party, such notice or demand shall be delivered personally or mailed by certified United States mail (return receipt requested) to the addresses hereinafter set forth. Such notice or demand shall be deemed timely given when delivered personally or when deposited in the mail in accordance with the above.

If to the City, at:

If to the Sub-divider, at:

City Manager
100 Municipal Circle
Raymore, MO 64083

William H. Kennedy, III, Esq.
903 North 47th Street.
Rogers, AR 72756

11. The Sub-divider acknowledges that this plat will expire within one year of the date the Raymore City Council approves an ordinance approving **Edgewater at Creekmoor Seventh Final Plat Lots 219 thru 229 and Tracts I & J**; and that failure for any reason to record the plat does not obligate the City to re-approve the plat no matter what improvements may have been completed in furtherance of the current plat known as **Edgewater at Creekmoor Seventh Final Plat Lots 219 thru 229 and Tracts I & J**.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first written above.

(SEAL)

THE CITY OF RAYMORE, MISSOURI

Kristofer P. Turnbow, Mayor

Attest:

Jean Woerner, City Clerk

Sub-divider – Signature

Printed Name

Sub-divider – Signature

Printed Name

Subscribed and sworn to me on this
the _____ day of _____ 20__
in the County of _____,
State of _____.

Stamp:

Notary Public: _____ My Commission Expires: _____

Attachment A

FEE CALCULATION FOR EDGEWATER AT CREEKMOOR SEVENTH PLAT

Total Cost for 'New' Public Improvements: \$409,670

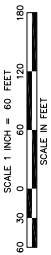
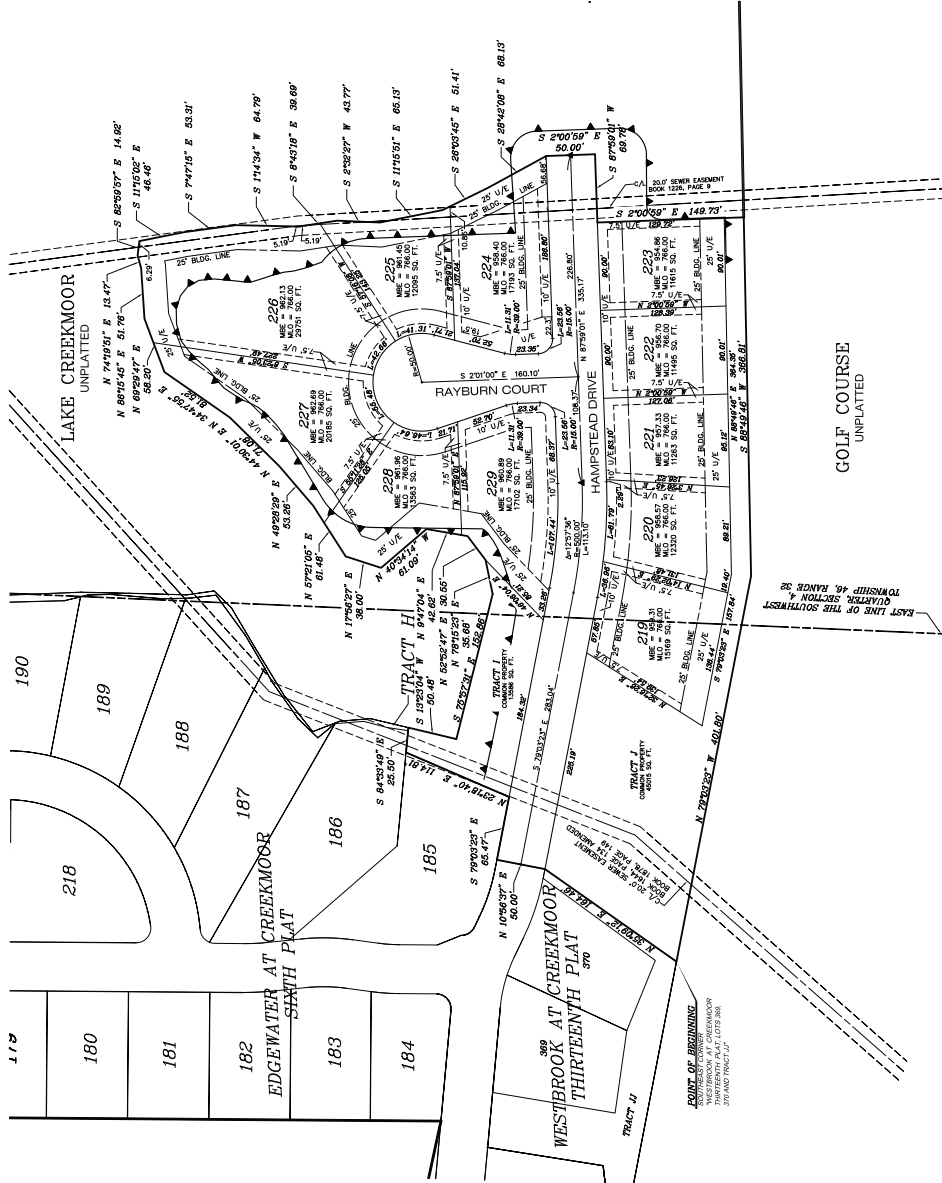
All fees and deposits shall be paid prior to recording the final plat. The land disturbance permit fee and erosion control financial security deposit shall be paid prior to commencement of any land disturbance activity (site grading), or if no land disturbance activity started prior to recording of final plat, paid at time of recording final plat.

1	Land Disturbance Permit Fee. [455.010B] 01-00-4170-0000 If fee paid prior to recording of plat, receipt # _____ <i>*must be paid prior to issuance of a land disturbance permit</i>	\$500.00
2	Erosion Control Financial Security Deposit: Developer shall provide financial security for erosion control in the amount of \$1,000 per acre. The first \$5,000 of the financial security must be by cash deposit to the City. [455.010F] 60-00-2811-0000 If deposit paid prior to recording of plat, receipt# _____ <i>*must be paid prior to issuance of a land disturbance permit</i>	\$5,000.00
	Additional erosion control financial security (The remaining deposit above the first \$5,000 due can be paid in cash) [455.010F]: (6.431 ac. total disturbed) If deposit paid prior to recording of plat, receipt# _____ If letter of credit submitted: financial institution: _____ renewal date of letter of credit: _____ <i>*must be paid prior to issuance of a land disturbance permit</i>	\$1,431.00
3	Infrastructure Construction Plan Review Fee: An amount equal to one percent (1%) of the estimated public improvement costs performed by the developer. [445.020H1] 01-00-4182-0000 <i>*must be paid prior to issuance of a construction permit</i>	\$4,096.70
4	Infrastructure Construction Inspection Fee: An amount equal to five percent (5%) of the estimated public improvement costs performed by the developer. [445.020H2] 01-00-4165-0000 <i>*must be paid prior to issuance of a construction permit</i>	\$20,483.50
5	Emergency Outdoor Warning Siren Fee: \$9.00 per acre (6.431 acres) [Schedule of Fees and Charges] 01-00-4185-0000	\$57.88

TOTAL FEES TO BE PAID PRIOR TO RECORDING PLAT.....\$57.88
TOTAL FEES TO BE PAID PRIOR TO ISSUANCE OF A LAND
DISTURBANCE PERMIT..... \$6,931.00
TOTAL FEES TO BE PAID PRIOR TO ISSUANCE OF A
CONSTRUCTION PERMIT FOR PUBLIC IMPROVEMENTS..... \$24,580.20

EDGEWATER AT CREEKMOOR- SEVENTH PLAT

LOTS 219 THROUGH 229 AND TRACTS I & J
 A SUBDIVISION IN RAYMORE, CASS COUNTY, MISSOURI
 SECTION 4, TOWNSHIP 46 N, RANGE 32 W



LEGEND	
--- (dashed line)	SETBACK LINE
--- (dashed line)	UTILITY DRAINAGE
--- (dashed line)	SEWER EXHAUST
--- (dashed line)	PROPERTY BOUNDARY
--- (solid line)	100 YEAR FLOOD
--- (solid line)	POOL LINE
--- (solid line)	CONTRACT LINES & UNPLATTED LINES

DEVELOPER:
 HENNINGSON CONSULTING, INC.
 5015 NORTH 47TH STREET, SUITE 101
 RIVERVIEW, ILLINOIS 62591

ENGINEER:
 PHILIP J. HENDON, P.L.S.
 MISSOURI STATE CERTIFICATE # 00076

SURVEYOR'S CERTIFICATION:
 I, THE UNDERSIGNED, PHILIP J. HENDON, A LICENSED SURVEYOR IN THE STATE OF MISSOURI, DO HEREBY CERTIFY THAT THE FOREGOING DESCRIBED HEREIN WHICH MEETS OR EXCEEDS THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS ADOPTED BY THE MISSOURI BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS, PROFESSIONAL SURVEYORS AND PROFESSIONAL SURVEYORS HAVE COMPLIED WITH ALL STATUTES, ORDINANCES, AND REGULATIONS GOVERNING THE PRACTICE OF SURVEYING IN THE STATE OF MISSOURI AND THAT THE SAME ARE TRULY AND CORRECTLY REPRESENTED ON THIS PLAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

ANDERSON SURVEY COMPANY
 1805 WEST 11TH STREET
 LEAS SUMMIT, MISSOURI 64665
 (816) 246-5050

19-05-1975-11
 Engineer's Seal 2



CITY OF RAYMORE
AGENDA ITEM INFORMATION FORM

DATE: Nov. 25, 2019

SUBMITTED BY: Jim Feuerborn

DEPARTMENT: Administration

<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Presentation	<input type="checkbox"/> Public Hearing
<input type="checkbox"/> Agreement	<input type="checkbox"/> Discussion	<input type="checkbox"/> Other	

TITLE / ISSUE / REQUEST

Bill 3500: City Code Recodification

STRATEGIC PLAN GOAL/STRATEGY

Goal 2.2.1: Develop plans and guidelines that communicate/encourage high standards

FINANCIAL IMPACT

Award To:
Amount of Request/Contract:
Amount Budgeted:
Funding Source/Account#:

PROJECT TIMELINE

Estimated Start Date	Estimated End Date
----------------------	--------------------

STAFF RECOMMENDATION

Approval

OTHER BOARDS & COMMISSIONS ASSIGNED

Name of Board or Commission:
Date:
Action/Vote:

LIST OF REFERENCE DOCUMENTS ATTACHED

Staff Report
Memorandum of Understanding
Preliminary Plan

REVIEWED BY:

Jim Feuerborn

BACKGROUND / JUSTIFICATION

In 2016 the City began the process of conducting a comprehensive review of the entire Code of Ordinances. This process was done in conjunction with the 10-year review of the City Charter.

The first phase of the review involved looking at those areas of the Code that were either in conflict with or didn't support the purpose or wording of the Charter. Those areas have previously been reviewed with the Council and adopted into the Code at earlier dates.

At the same time, a more comprehensive and systematic review was undertaken for the entirety of the Code. This review was done by all staff with participation especially by those departments that would be impacted by or enforcing the area being reviewed.

Once the entire Code had been reviewed with modifications completed, each Title was presented to the City Council over the course of several months to receive feedback, input, and questions. Following those meetings staff conducted one final review to incorporate Council feedback and make final wording adjustments.

The entire Code of Ordinances is now presented to the Council for adoption.

BILL 3500

ORDINANCE

“AN ORDINANCE OF THE CITY OF RAYMORE, MISSOURI, ADOPTING AND ENACTING A REVISED CODE OF ORDINANCES AND PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS EXPRESSLY PROVIDED.”

WHEREAS, the last comprehensive review and recodification of the Raymore City Code was completed in 2001; and

WHEREAS, City staff has completed a comprehensive review including suggested revisions, additions and deletions of the current City Code, the revisions of which have been presented to the City Council for input and consideration; and

WHEREAS, the City Council has provided additional suggestions, which have been incorporated into the proposed City Code for recodification.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RAYMORE, MISSOURI, AS FOLLOWS:

Section 1. Approval, adoption and enactment of the City Code. Pursuant to Section 71.943 of the Revised Statutes of Missouri, the codification of Ordinances, as set out in Titles I through III and V through VII, each inclusive of the "Code of Ordinances of the City of Raymore" is hereby adopted and enacted as the "Code of Ordinances of the City of Raymore" (except Title IV of the current Code of Ordinances identified as the Unified Development Code, which shall remain in full force and effect); said Titles I through III and V through VII (along with the current Title IV) shall supersede all other general and permanent Ordinances of the City passed on or before December 31, 2019, to the extent provided in Section 2 below.

Section 2. Repeal of legislation not contained within the Raymore City Code, legislation saved from repeal, and matters not affected by repeal.

- A. All Ordinances of a general and permanent nature of the City adopted by final passage on or before December 31, 2019, and not included in such Code or recognized and continued in force by reference therein, are hereby repealed from and after the effective date of this Ordinance, except those which may be specifically excepted by separate Ordinance, and except the following which are hereby continued in full force and effect, unless specifically repealed by separate Ordinance:
 1. Ordinances promising or guaranteeing the payment of money for the City, or authorizing the issuance of any bonds or notes of the City or any other evidence of the City's indebtedness, or authorizing any contract or obligation assumed by the City;

2. Ordinances levying taxes or making special assessments;
 3. Ordinances appropriating funds or establishing salaries and compensation, and providing for expenses:
 4. Ordinances granting franchises or rights to any person, firm or corporation;
 5. Ordinances relating to the dedication, opening, closing, naming, establishment of grades, improvement, altering, paving, widening or vacating of streets, alleys, sidewalks or public places;
 6. Ordinances authorizing or relating to particular public improvements;
 7. Ordinances respecting the conveyance or acceptances of real property or easements in real property;
 8. Ordinances dedicating, accepting, or vacating any plat or subdivision in the City or any part thereof, or providing regulations for the same;
 9. Ordinances annexing property to the City;
 10. All zoning and subdivision Ordinances;
 11. Ordinances establishing redevelopment districts such as but not limited to Tax Increment Financing Districts, Transportation Development Districts, Community Improvement Districts, etc.;
 12. All personnel Ordinances;
 13. Ordinances relating to traffic schedules (e.g. stop signs, parking limits, speed limits, etc.);
 14. Ordinances establishing tax rates for the City of Raymore;
 15. Ordinances relating to conflicts of interest and financial disclosure reports, and
 16. Any ordinance not related to adoption or amendment of the Code of Ordinances.
- B. The repeal provided for in this Section shall not be construed to revive any Ordinances or part thereof that has been repealed by a subsequent Ordinance which is repealed by this Ordinance.
- C. The repeal provided for in this Section shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Ordinance, nor

shall it affect any prosecution, suit or proceeding pending or any judgement rendered prior to such date.

Section 3. Any and all additions and amendments to such Code when passed in such form as to indicate the intention of the City Council to make the same a part thereof shall be deemed to be incorporated in such Code so that reference to the "Code of Ordinances of the City of Raymore" shall be understood and intended to include such additions and amendments.

Section 4. Violations and Penalties.

- A. Except as hereinafter provided, whenever in any rule, regulation or order promulgated pursuant to such Ordinances of the City, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such City Ordinances, rule, regulation or order doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such Ordinance of the City, or of any rule, regulation or order promulgated pursuant to such City ordinance shall be punished by a fine not exceeding the maximum amount allowed by law or the schedule of fees, as adopted, and by imprisonment for a period not to exceed ninety (90) days, or by both such fine and imprisonment.
- B. Whenever any provision of the Revised Statutes of Missouri or other Statute of this State limits the authority of the City to punish the violation of any particular provision of these Ordinances, rules, regulations or orders promulgated pursuant thereto to a fine of less amount than that provided in this Section or imprisonment for a shorter term than that provided in this Section, the violation of such particular provision of these Ordinances, rules, regulations or orders shall be punished by the imposition of not more than the maximum fine or imprisonment so authorized, or by both such fine and imprisonment.
- C. Whenever any provision of the Revised Statutes of Missouri or other Statute of this State establishes a penalty differing from that provided by this Section, for an offense similar to any offense established by these Ordinances, rules, regulations or other orders of the City, the violation of such City law, Ordinance, rule, regulation or order shall be punished by a fine or imprisonment established for such similar offense by such State law.
- D. Each day any violation of these Ordinances, rules, regulations or order promulgated pursuant thereto, shall continue, will constitute a separate offense, unless otherwise provided.
- E. Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend

to and include the causing, securing, aiding, or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited.

Section 5. In case of the amendment by the City Council of any Section of such Code for which a penalty is not provided, the general penalty as provided in Section 4. of this Ordinance shall apply to the Section as amended; or in case such amendment contains provisions for which a penalty other than the aforementioned general penalty, is provided in another Section in the same Chapter, the penalty so provided in such other Section shall be held to relate to the Section so amended, unless such penalty is specifically repealed therein.

Section 6. A copy of such Code shall be kept on file in the office of the City Clerk, preserved in a form as the City Clerk may consider most expedient. It shall be the duty of the City Clerk, or someone authorized by said officer, to insert in their designated places, all amendments to the City Code to make the same part of the City Code and to extract from such Code all provisions which from time to time may be repealed by the City Council. A copy of such Code shall be available for all persons desiring to examine the same and shall also be preserved and available for review through contracted service providers who are specialized in the electronic retention and display of municipal codes of ordinances as may be designated from time to time by the City Council.

Section 7. It shall be unlawful for any person to change or alter by additions or deletions, any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Raymore to be misrepresented. Any person violating this Section shall be punished as provided in Section 4. of this Ordinance.

Section 8. Severability. It is hereby declared to be the intention of the Raymore City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance and the Code hereby adopted are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance or the Code hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance or the Code hereby adopted.

Section 9. Effective Date. This Ordinance and the Raymore City Code adopted hereby, shall become effective January 1, 2020.

DULY READ THE FIRST TIME THIS 25TH DAY OF NOVEMBER, 2019.

BE IT REMEMBERED THAT THE ABOVE ORDINANCE WAS APPROVED AND ADOPTED THIS 9TH DAY OF DECEMBER, 2019, BY THE FOLLOWING VOTE:

Councilmember Abdelgawad
Councilmember Barber
Councilmember Berendzen
Councilmember Burke III
Councilmember Circo
Councilmember Holman
Councilmember Jacobson
Councilmember Townsend

ATTEST:

APPROVE:

Jean Woerner, City Clerk

Kristofer P. Turnbow, Mayor

Date of Signature

1 **TITLE I CHAPTER 100: - GENERAL PROVISIONS**

2 **ARTICLE I. - CITY SEAL**

3 SECTION 100.010: - CORPORATE SEAL

4 The City shall have a corporate seal which shall be kept in the office of the City
5 Clerk.

6 **ARTICLE II. - GENERAL CODE PROVISIONS**

7 SECTION 100.020: - CONTENTS OF CODE

8 This Code contains all ordinances of a general and permanent nature of the City of
9 Raymore, Missouri.

10 SECTION 100.030: - CITATION OF CODE

11 This Code may be known and cited as the "Municipal Code of the City of Raymore".

12 SECTION 100.040: - OFFICIAL COPY

13 The official copy of this Code, bearing the signature of the Mayor and attestation of
14 the City Clerk, as to its adoption, shall be kept on file in the office of the City Clerk
15 and be made available for public inspection.

16 SECTION 100.050: - ALTERING CODE

17 It shall be unlawful for any person to change or amend by additions or deletions
18 any part or portion of this Code, or to insert or delete pages, or portions thereof, or
19 to alter or tamper with the official copy of the Code in any manner which will cause
20 the law of the City to be misrepresented. Any person, firm or corporation violating
21 this Section shall be punished as provided in Sections 100.220-100.240 of this Code.

22 SECTION 100.060: - NUMBERING

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

26 SECTION 100.070: - AMENDMENTS TO CODE

27 All amendments to this Code, duly passed by the City Council, shall be submitted by
28 the City Clerk to the City's code service provider pursuant to applicable ordinances
29 for insertion in this Code.

30 SECTION 100.075: - FORCE MAJEURE

31 Each and every provision contained in this Code shall be subject to acts of God,
32 fires, strikes, floods, war and other circumstances beyond the City or other's
33 control.

34 SECTION 100.080: - DEFINITIONS

35 When not inconsistent with the context, words in the plural number include the
36 singular number and vice versa, and the masculine gender includes the feminine
37 gender and vice versa. The words "shall" and "will" are mandatory, and "may" is
38 permissive. Unless otherwise expressly stated or clearly contrary to the context,
39 terms, phrases, words and abbreviations not defined herein shall be given the
40 meaning set forth in the City Code, and, if not defined therein, their common and
41 ordinary meaning. For further convenience, the first letter of terms, phrases, words
42 and abbreviations defined in this Chapter have been capitalized, but an inadvertent
43 failure to capitalize such letter shall not affect its meaning, nor shall the inadvertent
44 capitalization of the first letter of a term, phrase, word or abbreviation not defined
45 herein affect the meaning thereof.

46 In the construction of this Code and of all other ordinances of the City, the following
47 definitions shall be observed, unless it shall be otherwise expressly provided in any
48 Section or ordinance, or unless inconsistent with the manifest intent of the City
49 Council, or unless the context clearly requires otherwise:

50 *CITY*: The words "the City" or "this City" or "City" shall mean the City of Raymore,
51 Missouri.

52 *CITY COUNCIL*: The City Council of Raymore, Missouri.

53 *COUNTY*: The words "the County" or "this County" or "County" shall mean the
54 County of Cass, Missouri.

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

56 *DISTANCE*: Unless specifically stated otherwise in this Code, whenever a
57 measurement is referenced in this Code, it shall mean a measurement from the
58 closest point of a building to the closest point of a building.

59 *ELECTED OFFICIALS*: The Mayor and members of the City Council.

60 *KEEPER—PROPRIETOR*: Shall mean and include persons, firms, associations,
61 corporations, clubs, and partnerships, whether acting by themselves or by their
62 representatives, servants or agents.

63 *MAY*: "May" is permissive.

64 *MAYOR*: The Mayor of Raymore, Missouri.

- 65 *MONTH:* A calendar month.
- 66 *OATH:* Includes an affirmation in all cases in which an affirmation may be
67 substituted for an oath, and in such cases the words "swear" and "sworn" shall
68 be equivalent to the words "affirm" and "affirmed."
- 69 *OWNER:* The word "owner," applied to a building or land, shall include any part
70 owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of
71 the whole or a part of such building or land.
- 72 *PERSON:* Any person, firm, association, group, partnership, limited liability
73 company, corporation or any combination thereof.
- 74 *PRECEDING/FOLLOWING:* When used by way of reference to any Section of the
75 City Code means the Section next preceding or next following that in which the
76 reference is made, unless some other Section is expressly designated in the
77 reference.
- 78 *PROPERTY:* Includes real, personal and intellectual property.
- 79 *PUBLIC WAY:* Includes any street, alley, boulevard, parkway, highway, sidewalk,
80 trail or other public thoroughfare.
- 81 *REAL PROPERTY:* The terms "real property," "premises," "real estate" or "lands"
82 shall be deemed to be co-extensive with lands, tenements and hereditaments.
- 83 *RSMo.:* The abbreviation "RSMo." shall mean the latest edition of the Revised
84 Statutes of Missouri, as amended.
- 85 *SHALL:* The word "shall" is mandatory.
- 86 *SIDEWALK:* A paved path provided for pedestrian use and usually located at the
87 side of a road within the right-of-way.
- 88 *SIGNATURE:* Where the written signature of any person is required, the proper
89 handwriting of such person or their mark, or appropriate electronic affirmation
90 be intended.
- 91 *STATE:* The words "the State" or "this State" or "State" shall mean the State of
92 Missouri.
- 93 *STREET:* Shall mean a right-of-way dedicated to the public use which provides
94 vehicular and pedestrian access to adjacent properties.
- 95 *TENANT, OCCUPANT:* The words "tenant" or "occupant," applied to a building or
96 land, shall include any person who occupies the whole or a part of such building
97 or land, whether alone or with others regardless of ownership.

98 *WRITTEN, IN WRITING and WRITING WORD FOR WORD:* Includes printing,
99 lithographing, or other mode of representing words and letters, but in all cases
100 where the signature of any person is required, the proper handwriting of the
101 person, or their mark, or appropriate electronic affirmation is intended.

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

104 SECTION 100.090: - NEWSPAPER

105 Whenever in this Code or other ordinance of the City it is required that notice be
106 published in the "official newspaper" or a "newspaper of general circulation" the
107 said notice shall be published as provided for in Section 493.050 RSMo.

108 SECTION 100.095 - DELEGATION

109 Whenever in this Code, a provision appears requiring the Director of a Department
110 or another officer or employee of the City to perform an act or duty, that provision
111 will be construed as authorizing the Department Director or officer to delegate that
112 responsibility to others over whom they have authority.

113 **ARTICLE III. - CONSTRUCTION OF ORDINANCES**

114 SECTION 100.100: - WORDS AND PHRASES, HOW CONSTRUED

115 Words and phrases shall be taken in their plain or ordinary and usual sense, but
116 technical words and phrases having a peculiar and appropriate meaning in law
117 shall be understood according to their technical import.

118 SECTION 100.110: - HEADINGS

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

121 SECTION 100.120: - REPEAL OF ORDINANCES NOT TO AFFECT LIABILITIES

122 Whenever any ordinance or part of an ordinance shall be repealed or modified,
123 either expressly or by implication, by a subsequent ordinance, the ordinance or
124 part of an ordinance repealed or modified shall continue in force until the
125 subsequent ordinance repealing or modifying the prior ordinance shall go into
126 effect unless otherwise expressly provided; but not suit, prosecution, proceeding,
127 right, fine or penalty instituted, created, given, secured or accrued under any
128 ordinance prior to its repeal shall in anywise be affected, released or discharged
129 but may be prosecuted, enjoyed and recovered as fully as if such ordinance or
130 provisions had continued in force, unless it shall be therein otherwise expressly
131 provided.

132 SECTION 100.130: - REPEALING LAW REPEALED, FORMER LAW NOT REVIVED, WHEN

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

140 SECTION 100.140: - SEVERABILITY

141 It is hereby declared to be the intention of the City Council that the Chapters,
142 Sections, paragraphs, sentences, clauses and phrases of this Code are severable,
143 and if any phrase, clause, sentence, paragraph, Section, or Chapter of this Code
144 shall be declared unconstitutional or otherwise invalid by the valid judgment or
145 decree of any Court of competent jurisdiction, such unconstitutionality or invalidity
146 shall not affect any of the remaining phrases, clauses, sentences, paragraphs,
147 Sections, and Chapters of this Code since the same would have been enacted by
148 the City Council without the incorporation in this Code of any such unconstitutional
149 or invalid phrase, clause, sentence, paragraph or Section.

150 SECTION 100.150: - TENSE

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

156 SECTION 100.160: - NOTICE

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

- 159 1. By delivering the notice to the person to be notified personally or by leaving
160 the same at their residence, office or place of business with some person of
161 suitable age and discretion, or
- 162 2. By mailing the notice by certified or **registered** regular mail to such person
163 at their last known address, or
- 164 3. If the person to be notified is unknown, or may not be notified under the
165 requirements of Subsections (1) or (2) of this Section, then by posting the
166 notice in some conspicuous place on the premises at least five (5) days
167 before the act or action concerning which the notice is given is to take
168 place. No person shall interfere with, obstruct, mutilate, conceal, or tear

169 down any official notice or placard posted by any City Officer, unless
170 permission is given by said Officer.

171 4. In the event that any of the foregoing notices of last resort may be
172 publication by notice in a newspaper pursuant to court order.

173 SECTION 100.170: - NOTICE—EXCEPTIONS

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

176 SECTION 100.180: - COMPUTATION OF TIME

177 The time in which an act is to be done will be computed by excluding the first day
178 and including the last day. If the last day is a Sunday or legal holiday observed by
179 the City, that day will be excluded. When the period of time prescribed or allowed is
180 less than seven days, intermediate Sundays and legal holiday observed by the City
181 will be excluded in the computation. Any half holidays will not be counted as a legal
182 holiday for the purposes of this Code.

183 SECTION 100.190: - GENDER

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

187 SECTION 100.200: - JOINT AUTHORITY

188 Words importing joint authority to multiple persons shall be construed as authority
189 to a majority of such persons.

190 SECTION 100.210: - NUMBER

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

195 **ARTICLE IV. - PENALTIES**

196 SECTION 100.220: - PENALTY PROVISIONS

197 A. Whenever in this Code or any other ordinance of the City, or in any rule,
198 regulation, notice or order promulgated by any officer or agency of the City
199 under authority duly vested in them, any act is prohibited or is declared to be
200 unlawful or an offense, a municipal ordinance violation, or the doing of any act
201 is required or the failure to do any act is declared to be unlawful or an offense, a
202 municipal ordinance violation, and no specific penalty is provided for the

203 violation, upon conviction of a violation of any such provision of this Code or of
204 any such ordinance, rule, regulation, notice or order, the violator shall be
205 punished by a fine not exceeding five hundred dollars (\$500.00) or by
206 imprisonment not exceeding ninety (90) days or by both such fine and
207 imprisonment; provided, that in any case the penalty for an offense is fixed by
208 Ordinance, RSMo., Missouri Supreme Court Order or Court ordered penalty, and
209 no other, shall be imposed for such offense.
210

211 B. Notwithstanding any provisions to the contrary, the following conditions shall
212 apply to minor traffic violations as defined by Section 479.350 RSMo. and
municipal ordinance violations as defined in Raymore City Code.

213 1. The Raymore Municipal Court shall not assess a fine, if combined with the
214 amount of court costs, totaling in excess of two hundred twenty-five dollars
215 ~~(\$250.00)~~ ~~(\$225.00)~~ for minor traffic violations.
216

217 C. For Unified Development Code and Property Maintenance Code violations
218 committed within a twelve (12) month period beginning with the first violation,
219 two hundred dollars (\$200.00) for the first municipal ordinance violation, two
220 hundred seventy five dollars (\$275.00) for the second municipal ordinance
221 violation, three hundred fifty dollars (\$350.00) for the third municipal ordinance
222 violations and four hundred fifty dollars (\$450.00) for the fourth and any
subsequent municipal ordinance violations.

223 D. The Raymore Municipal Court shall not assess costs if the case is dismissed or a
224 defendant is determined to be indigent based upon standards set by the
225 presiding judge. The standards shall reflect model rules and requirements
226 developed by the Supreme Court. Courts shall not sentence a person to
227 confinement for a minor traffic violation except for the following violations:

- 228 • Alcohol and substance abuse violations;
 - 229 • Endangering health or welfare of others;
 - 230 • Eluding an officer;
 - 231 • Giving a false statement to an officer; and
 - 232 • Failure to pay a fine but only if nonpayment violates the terms of probation.
- 233

SECTION 100.230: - EVERY DAY A VIOLATION

234 Every day a violation of this Code or any other ordinance or any such rule,
235 regulation, notice or order shall continue shall constitute a separate offense.

SECTION 100.240: - RESPONSIBILITY

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

241 **ARTICLE V. - MISCELLANEOUS PROVISIONS**

242 SECTION 100.250: - MISSOURI LOCAL GOVERNMENT EMPLOYEES RETIREMENT
243 SYSTEM

244 The City shall participate in the Local Government Employees Retirement System as
245 authorized from time to time by the City Council.

246 SECTION 100.260: - INSUFFICIENT CHECK CHARGE

247 The charge for return of bad checks written to the City shall be approved by the
248 Governing Body and listed in the Schedule of Fees and Charges maintained in the in
249 the Finance Department.

250 **CHAPTER 105: - ELECTIONS**

251 **ARTICLE I. - WARDS**

252 SECTION 105.010: - BOUNDARIES OF WARDS

253 The City ward boundaries shall be, and are hereby amended to provide the
254 boundary lines of the wards as described on the map which is hereby adopted and
255 incorporated as the legal description of said boundaries.

256 **ARTICLE II. - GENERAL AND SPECIAL ELECTIONS**

257 SECTION 105.020: - DATE OF GENERAL ELECTION

258 A general election for the elective officers of this City shall be held on the first (1st)
259 Tuesday after the first (1st) Monday in April of each year.

260 1. On the first (1st) Tuesday after the first (1st) Monday in April, 1998 and
261 every three (3) years thereafter an election shall be held by the qualified
262 voters of the City for the election of a Mayor.

263 2. On the first (1st) Tuesday after the first (1st) Monday in April of each year an
264 election shall be held by the qualified voters of the City for election of
265 Councilmembers.

266 SECTION 105.025: - COUNCILMEMBER TERMS

267 Councilmembers shall be elected to serve staggered two (2) year terms, with four
268 (4) Councilmember positions coming up for the April election in even-numbered
269 years and four (4) Councilmember positions coming up for the April election in
270 odd-numbered years.

271 SECTION 105.030: - DECLARATION OF CANDIDACY—DATES FOR FILING

272 Any person who desires to become a candidate for an elective City office at the
 273 general City election shall file with the City Clerk, not prior to the hour of 8:00 A.M.,
 274 on the fifteenth (15th) Tuesday prior to, nor later than 5:00 P.M., on the eleventh
 275 (11th) Tuesday prior to the next City municipal election, a written declaration of
 276 their intent to become a candidate at said election. Filing shall be made in person
 277 unless a person is unable to appear in person because of physical disability and the
 278 declaration is accompanied by a sworn statement of a licensed physician so stating
 279 the disability or if the person is a member of the Armed Forces of the United States
 280 on active duty and the declaration is accompanied by a sworn statement of the
 281 person's commanding officer so stating the status of active duty as provided in
 282 Section 155.355 RSMo. Placement of candidate names on the ballot shall be
 283 determined by random number drawing in ascending order for those filing on the
 284 first day of the opening of filing. The City Clerk shall keep a permanent record of the
 285 names of the candidates, the offices for which they seek election, and the date of
 286 their filing.

287 SECTION 105.040: - FILING FEE OF CANDIDATES

288 Each candidate for an elective office in the City Government of the City prior to
 289 filing declaration papers for respective elective office, shall pay to the City Clerk, a
 290 non-refundable filing fee approved by the Governing Body and listed in the
 291 Schedule of Fees and Charges maintained in the Finance Department. The filing
 292 fees received shall be placed in the General Revenue Fund of the City.

293 SECTION 105.050: - DECLARATION OF CANDIDACY—NOTICE TO PUBLIC

294 The City Clerk shall on or before the sixteenth (16th) Tuesday prior to an election at
 295 which City offices are to be filled by said election, notify the general public of the
 296 opening filing date, the office or offices to be filled, the proper place for filing and
 297 the closing filing date of the election. Such notification may be accomplished by
 298 legal notice published in at least one newspaper of general circulation in the City.

299 SECTION 105.060: - DECLARATION OF CANDIDACY—FORM

300 A. The form of said written declaration of candidacy shall be as follows:

STATEMENT OF CANDIDACY	
STATE OF MISSOURI)
) SS

COUNTY OF CASS)
----------------	---

301 I, _____, being first duly sworn, state that I reside at _____, City of
302 Raymore, County of Cass, Missouri; that I am a qualified voter in the ward
303 containing my place of residence; that I have reached the age of 25; that I have
304 been a resident of the City for two (2) years; that, "if filing for the office of
305 Councilmember", I have been a resident of my respective ward for six (6)
306 months; that I am not currently aware that I am in arrears for any filing or
307 payment of any State income taxes, personal property taxes, municipal taxes,
308 real property taxes on the place of residence, as stated on the declaration of
309 candidacy form, liens, or I am not a past or present corporate officer of any fee
310 office that owes any taxes to the State, other than those taxes which may be in
311 dispute, or forfeitures or defalcation in office, that I have not been found guilty
312 of or pled guilty to a felony under the federal laws of the United States of
313 America or to a felony under the laws of this State or an offense committed in
314 another state that would be considered a felony in this State; I am in
315 compliance with all provisions of Section 115.306 RSMo, as amended; I am not
316 aware of any information that would prohibit me from fulfilling any bonding
317 requirements for the office for which I am filing, and that I have filed a complete
318 and notarized Candidate's Affidavit of Tax Payments with the Department of
319 Revenue if applicable, and that I do hereby declare myself a candidate for the
320 office of (here name the office), to be voted upon at the municipal election to be
321 held on the first (1st) Tuesday of April, 20 _____, and am eligible therefore, and
322 I hereby request that my name be printed upon the official ballot for said
323 election for said office, and state that I will serve as such officer, if elected.

324 Signed:

325 _____

326 Subscribed and sworn to before me this _____ day of _____, 20 __.

327 City Clerk

328 City of Raymore

329 (S E A L)

330 B. Each candidate filing for municipal office, shall submit with their declaration of
331 candidacy form, a copy of the "Affirmation of Tax Payments and Bonding
332 Requirements" as required to be filed with the Missouri Department of
333 Revenue if applicable.

334 SECTION 105.070: - NOTICE OF ELECTIONS

335 A. Not later than 5:00 P.M. on the tenth (10th) Tuesday prior to any election,
336 except a special election to decide an election contest, tie vote, or a delay in
337 notification pursuant to Subsection (B) of this Chapter, or pursuant to the
338 provisions of Section 115.399 RSMo., the officer or agency calling the election
339 shall notify the election authorities responsible for conducting the election. The
340 notice shall be in writing, shall specify the name of the officer or agency calling
341 the election and shall include a certified copy of the legal notice to be published
342 pursuant to Subsection (2) of Section 115.127 RSMo. The notice and any other
343 information required by this Section may, with the prior notification to the
344 election authority receiving the notice, be accepted by electronic transmission
345 prior to 5:00 P.M. on the tenth (10th) Tuesday prior to the election, provided
346 that the original copy of the notice and a certified copy of the legal notice to be
347 published shall be received in the office of the election authority within three (3)
348 business days from the date of the electronic transmission. In lieu of a certified
349 copy of the legal notice to be published pursuant to Subsection (2) of Section
350 115.127 RSMo., each notice of a special election to fill a vacancy shall include
351 the name of the office to be filled, the date of the election and the date by
352 which candidates must be selected or filed for the office. Not later than the
353 fourth (4th) Tuesday prior to any special election to fill a vacancy called by a
354 political subdivision or special district, the officer or agency calling the election
355 shall certify a sample ballot to the election authorities responsible for
356 conducting the election.

357 B. Except as provided for in Sections 115.247 and 115.359 RSMo., if there is no
358 additional cost for the printing or reprinting of ballots or if the political
359 subdivision or special district calling for the election agrees to pay any printing
360 or reprinting costs, a political subdivision or special district may, at any time
361 after certification required in Subsection (A) of this Chapter, but no later than
362 5:00 P.M. on the sixth (6th) Tuesday before the election, be permitted to make
363 late notification to the election authority pursuant to court order, which, except
364 for good cause shown by the election authority in opposition thereto, shall be
365 freely given upon application by the political subdivision or special district to
366 the circuit court of the area of such subdivision or district.

367 SECTION 105.080: - WHEN CITY ELECTION IS HELD CONCURRENTLY WITH STATE OR
368 COUNTY ELECTION

369 In all cases in which a City election is to be held concurrently with a State or County
370 election, the City Clerk shall deliver to the County Clerk a certified copy of all
371 ordinances or resolutions of the City Council calling for such election within such
372 time as is required by State law after the adoption of any such ordinance or
373 resolution.

374 SECTION 105.090: - CONFORMANCE OF CITY ELECTIONS WITH STATE LAW

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

377 **CHAPTER 110: - MAYOR AND CITY COUNCIL**

378 **ARTICLE I. - MAYOR**

379 SECTION 110.010: - QUALIFICATIONS OF MAYOR—TERMS OF OFFICE

380 The Chief Executive Officer of the City shall be the Mayor, who shall be elected by
381 the qualified voters of the City, and shall hold their office for a term of three (3)
382 years, and until their successor shall be elected and qualified. No person shall be
383 Mayor who is not twenty-five (25) years of age prior to commencing a term of office,
384 a citizen of the United States, an inhabitant and resident of the City at the time of
385 and for at least two (2) years next preceding their election, and a qualified voter
386 during their term of office; nor shall any person be a candidate for Mayor, elected
387 the Mayor, or hold office as Mayor, who is in arrears for unpaid City taxes, subject
388 to any City liens or forfeitures, and shall comply with all provisions of Section
389 115.306 RSMo.

390 SECTION 110.015: - OATH

391 Before entering upon the discharge of the duties of their office, the Mayor shall
392 take and subscribe to an oath or affirmation before the City Clerk that they possess
393 all the qualifications prescribed of this City; they will support the Constitution of the
394 United States and of this State, and this Code and other ordinances of this City, and
395 that they will faithfully discharge their official duties.

396 SECTION 110.020: - COMMITTEES APPOINTED

397 A. There shall be no standing committees.

398
399 B. The Mayor, or when applicable, the Mayor Pro Tempore, with the advice and
400 consent of a majority of the Council, may establish special committees as they
401 deem necessary or proper and, with the advice and consent of a majority of the
402 Council, may appoint such persons to those committees as they deem
appropriate.

403 SECTION 110.030: - PROCLAMATIONS, MEETINGS, ELECTIONS

404 The Mayor shall have the power to issue proclamations, call mass meetings and
405 regular and special elections in such a manner as this Code or other ordinances or
406 State law may provide.

407 SECTION 110.040: - MAY REMIT FINES, GRANT PARDONS, ETC.

408 The Mayor shall have power to remit fines and forfeitures, and to grant reprieves
409 and pardons for offenses arising under this Code or other ordinances of the City.

410 SECTION 110.050: - APPOINT CERTAIN OFFICERS

411 In accordance with the provisions of the City Charter and the City Code, the Mayor,
412 with the advice and consent of six (6) out of eight (8) members of the entire City
413 Council, shall have the power to appoint the City Manager, City Attorney,
414 Prosecuting Attorney, and Municipal Judge. The Mayor shall also, with the advice
415 and consent of a majority of the City Council, appoint the citizen members of the
416 Planning and Zoning Commission, Park Board, Board of Adjustment and such other
417 officers as they may be authorized to appoint.

418 SECTION 110.060-110.070: - RESERVED

419 SECTION 110.060: - PRESIDING OVER CITY COUNCIL—VOTING
420 RIGHTS—SUPERVISION OF CITY AFFAIRS

421 The Mayor shall preside over the City Council, but shall not vote on any question,
422 except in the case of a tie, nor preside over or vote in cases when they are an
423 interested party, shall exercise a general supervision over the affairs of the City, and
424 shall take care that this Code or other ordinances of the City, and the State laws
425 relating to such City, are complied with. Whenever an action under this Code
426 requires the vote of the Council, the Mayor may vote to break a tie in accordance
427 with Section 4.4 of the Charter.

428 SECTION 110.070: - COMMUNICATIONS TO COUNCIL

429 The Mayor shall, at least annually, communicate a State of the City address to the
430 Council. In the event there is a vacancy in the office of the Mayor with no elected
431 Mayor available to give the State of the City address, the Mayor Pro Tempore shall
432 deliver such address.

433 SECTION 110.080: - APPROVAL OF BILLS—VETO POWER

434 An ordinance or resolution adopted by the Council shall be presented to the Mayor
435 for the Mayor's approval. The Mayor shall either sign the same or, within ten (10)
436 days of receipt of the ordinance or resolution, return it to the City Council, with a
437 written statement of the Mayor's reasons for disapproval. For purposes of this
438 Section and Section 4.4 of the City Charter, the word "receipt" shall mean the date
439 of final passage of an ordinance or the adoption of a resolution. Ordinances or
440 resolutions vetoed by the Mayor shall be considered at the next regular meeting of
441 the Council, and the Council may pass the ordinance or resolution over the veto by
442 an affirmative vote of three-fourths ($\frac{3}{4}$) of the entire Council. If any ordinance or
443 resolution be neither signed nor returned by the Mayor within ten (10) days of

444 receipt by the Mayor, the same shall be deemed approved by the Mayor as if the
445 Mayor had signed it.

446 **Cross reference**— As to similar provisions, see §4.4(c) of the City Charter.

447 SECTION 110.090-110.110: - RESERVED

448 **ARTICLE II. - CITY COUNCIL**

449 SECTION 110.120: - QUALIFICATIONS OF COUNCILMEMBERS—TERMS OF OFFICE

450 No person shall be eligible to the office of Councilmember who is not twenty-five
451 (25) years of age prior to commencing a term of office, a citizen of the United
452 States, and an inhabitant and resident of the City for at least two (2) years next
453 before their election, and a resident of the ward from which they are elected for at
454 least six (6) months preceding election; shall remain a resident of their Ward and a
455 qualified voter during their term of office; nor shall any person be a candidate for
456 Councilmember, elected a Councilmember, or hold office as a Councilmember, who
457 is in arrears for any unpaid City taxes, subject to any City liens or forfeitures, and
458 shall comply with all provisions of Section 115.306 RSMo, as amended. All members
459 of the Council shall hold their office for a term of two (2) years.

460 SECTION 110.130: - OATH

461 Before entering upon the discharge of the duties of their office, each
462 Councilmember shall take and subscribe to an oath or affirmation before the City
463 Clerk that they possess all the qualifications prescribed of this City; they will
464 support the Constitution of the United States and of this State, and this Code and
465 other ordinances of this City, and that they will faithfully discharge their official
466 duties.

467 SECTION 110.140: - MEMBERSHIP

468 The members of the City Council shall be two (2) in number from each Ward of the
469 City.

470 SECTION 110.145: - PROCEDURE FOR FILLING VACANCIES ON CITY COUNCIL

471 A. When a vacancy occurs on the Council, the Council shall:

- 472 1. Give public notice that a vacancy exists and that the Council will receive
473 applications for the position for a period of fourteen (14) days from the date
474 of the notice;
- 475 2. Upon expiration of the fourteen-day application period, give public notice of
476 those persons who applied for the position and notice of when the Council
477 will hold a public meeting to interview applicants and receive information

- 478 from citizens who would be eligible to vote for the applicants if the
479 applicants were running for election;
- 480 3. Hold a public meeting to interview the applicants and receive information
481 from citizens who would be eligible to vote for the applicants if the
482 applicants were running for election;
- 483 4. Appoint a qualified applicant to fill the vacancy until the next regular
484 municipal election or, if the Council finds that no qualified person has
485 applied, repeat the foregoing process until a qualified applicant has been
486 appointed.
- 487 5. The appointee shall be sworn in and seated at the beginning of the next
488 regular or special meeting of the Council.
- 489 B. Applications shall be made on forms provided by the City. Application forms
490 shall contain at least the following:
- 491 1. A statement or information indicating that the applicant meets the
492 requirements for the position set forth in the Charter and Raymore City
493 Code;
- 494 2. A brief listing of education, training, or experience that would be of benefit
495 in the position; and
- 496 3. A brief statement describing why the applicant wants to be appointed.

497 **ARTICLE III. - CITY COUNCIL MEETINGS**

498 SECTION 110.150: - REGULAR MEETINGS

- 499 A. The City Council shall meet in regular meeting session in the Council room of
500 City Hall on the second (2nd) and fourth (4th) Mondays of each month at such
501 time as may be provided by the Council.
- 502 B. The City Clerk shall give notice as required by Chapter 610 RSMo.
- 503 C. When any such meeting day is a holiday, the regular meeting shall be held at
504 such time as may be provided by the Council.
- 505 D. The Council may, by motion, reschedule or dispense with any regular meeting,
506 but at least one (1) meeting, regular or special, must be held in each calendar
507 month.

508 SECTION 110.155: - SPECIAL MEETINGS

- 509 A. Special meetings may be called by the Mayor or by three (3) of the members of
510 the Council by request filed with the City Manager, who shall direct the City
511 Clerk to prepare a notice of such special meetings as required by Chapter 610
512 RSMo., stating the time, place and object of the meeting.

513 SECTION 110.160 - WORK SESSIONS

514 A. The City Council may meet in work session in the Council room of City Hall on
515 the first (1st) and third (3rd) Mondays of each month at such time as may be
516 provided by the Council. If needed or requested, the City Council may meet in
517 work session on the fifth (5th) Monday of the month.

518 B. When any such meeting day is a holiday, the work session may be held at such
519 time as may be provided by agreement of the Mayor and Council.

520 C. The Mayor and Council may dispense with any work session at their discretion.

521 SECTION 110.165 - PUBLIC MEETINGS

522 All meetings of the City Council shall be open to the public except when closed as
523 provided in Chapter 610 RSMo.

524 SECTION 110.170: - MEETING PROCEDURES TO BE FOLLOWED WHEN INSTALLING
525 NEWLY ELECTED COUNCILMEMBERS AND/OR MAYOR

526 A. The introduction of any item, which has not been before the City Council prior
527 to the current Council meeting, is considered new business. Since it is
528 inappropriate to consider new business prior to disposing of any old business
529 and since it is important that the City Council not delay the conducting of the
530 peoples' business, the first (1st) regularly scheduled meeting following the
531 election/re-election of the Mayor and/or Councilmembers will be scheduled,
532 per existing ordinance, and will contain only one (1) item of business: "AN
533 ORDINANCE DECLARING THE RESULTS OF THE ELECTION."

534 B. The City Clerk will publish notice that a special City Council meeting will be held
535 on the same date as the meeting described in Subsection A. above. The special
536 meeting agenda will contain all of the agenda items, which normally would have
537 been included in the regular meeting.

538 SECTION 110.175: - QUORUM

539 A majority of the members of the Council shall constitute a quorum for the
540 transaction of its business.

541 SECTION 110.180: - COMPELLING ATTENDANCE

542 In case that a lesser number than a quorum shall convene at a regular or special
543 meeting of the City Council, the majority of the members present are authorized to
544 direct the Chief of Police or other City Officer to send for and compel the
545 attendance of any or all absent members upon such terms and conditions and at
546 such time as such majority of the members present shall agree.

547 SECTION 110.190: RESERVED

548 SECTION 110.200: - MAYOR TO PRESIDE OVER COUNCIL

549 **Cross reference**— As to similar provisions, see §4.4(a) of the City Charter.

550 SECTION 110.210: - COUNCIL TO SELECT MAYOR PRO TEMPORE, TERM

551 The Council shall elect one (1) of their own number who shall be styled "Mayor Pro
552 Tempore" and who shall serve for a term of one (1) year.

553 SECTION 110.220: - MAYOR PRO TEMPORE-DUTIES

554 During the physical absence in person or disability of the Mayor or when any
555 vacancy shall happen in the office of Mayor by death, resignation, removal from the
556 City, removal from office, refusal to qualify or from any other cause whatever, the
557 Mayor Pro Tempore shall, for the time being, perform the duties of Mayor, with all
558 the rights, privileges, powers and jurisdiction of the Mayor, until such vacancy is
559 filled or such disability is removed; or, in case of temporary absence, until the
560 Mayor's physical return subject to the voting limitations imposed by Article III,
561 Section 3.4 of the Raymore Charter.

562 SECTION 110.230: - RULES OF ORDER

563 The proceedings of the City Council shall be controlled by the latest edition of
564 Robert's Rules of Order, except as otherwise provided by the City Council Rules of
565 Procedure, the City's ordinances, the City's Charter, and applicable State and
566 federal laws and regulations, which shall take precedence in any case where there
567 is a conflict.

568 SECTION 110.240: - DECORUM

569 The individual presiding over any meeting of the City Council shall preserve
570 decorum during proceedings of the City Council.

571 SECTION 110.250: - VOTING

572 A. Voting shall be by a show of hands, and the "ayes" and "nays" shall be recorded
573 in the minutes. Except as otherwise provided in the Charter or City Code, the
574 affirmative vote of a majority of the entire Council shall be necessary to adopt
575 any ordinance.

576 B. Unless legally disqualified or abstaining, every member of the Council shall vote
577 upon every question and when requested by any member the vote upon any
578 question shall be taken by "ayes" and "nays" and be recorded.

579 C. Whenever an action under this Code requires the vote of the Council, this shall
580 mean a vote of a majority of a quorum of the Councilmembers present. In the
581 event of a tie of the Councilmembers, the Mayor may vote to break a tie in
582 accordance with Section 110.080 of the Code.

583 D. Whenever an action under this Code requires the vote of the entire Council, this

584 shall mean a vote of at least five (5) of the eight (8) Councilmembers present. In
585 the event of a four (4) to four (4) tie of the eight (8) Councilmembers, the Mayor
586 may vote to break the tie in accordance with Section 110.080 of the Code.

587 **Cross reference**— As to similar provisions, see §3.13(c) of the City Charter.

588 SECTION 110.260: - RESERVED

589 SECTION 110.270: - EXPRESSION OF DISSENT OR PROTEST BY MEMBER

590 Any member of the City Council shall have the right to express dissent from or
591 protest against any ordinance or resolution of the Council and to have the reason
592 entered in the minutes. Such dissent or protest must be filed in writing and
593 presented to the Council not later than the next regular meeting following the date
594 of the passage of the ordinance or resolution to which objection is taken.

595 SECTION 110.280: - RESERVED

596 SECTION 110.290: - PROCEDURE AS TO ORDINANCES, RESOLUTIONS, ETC.

597 A. All ordinances and resolutions shall be introduced to the City Council in written
598 form. All proposed ordinances shall be reviewed by the City Attorney or bear
599 their certification that they are in correct form. A copy shall be sent to each
600 member of the City Council in advance of the meeting. Failure to follow the
601 procedure shall not invalidate any ordinance or resolution adopted by the City
602 Council.

603 B. The second (2nd) readings of all bills except those regarding special
604 assessments, appropriations, or designated as an "Emergency Bill" shall be
605 conducted at a subsequent meeting to that at which they are introduced.

606 C. "Emergency bill" is defined as a bill needing formal Council approval due to
607 specific time restraints, or involving an issue of health, safety, and/or public
608 welfare or as determined by the Mayor on a case by case basis.

609 D. Every emergency ordinance shall be read in full at least once in an open Council
610 meeting, except that the portion of an emergency ordinance setting out real
611 estate legal descriptions, or the terms of bond sales, certificates of
612 indebtedness, capital notes, lease purchase agreements, certificates of
613 participation and installment purchase agreements shall not be required to be
614 read in full. An ordinance may be passed as an emergency measure on the day
615 of its introduction if it contains a declaration describing in clear and specific
616 terms the facts and reasons constituting the emergency and receives the
617 affirmative vote of three-fourths ($\frac{3}{4}$) of the entire Council. Every proposed
618 emergency ordinance shall allow public comment to be heard prior to a vote
619 being taken at its second reading.

620 E. Approval of a resolution shall require an affirmative vote of a majority of the
621 Council.

622 F. Whenever this Code shall be amended, the title of each amendatory ordinance,
623 adapted to the particular circumstances and purposes of the amendment, shall
624 be substantially as follows:

625 1. To amend any Section:

626 "An Ordinance to amend Section _____ (or Sections _____ and
627 _____) of the Code of the City of Raymore."

628 2. To insert a new Section, Article, Chapter or Title:

629 "An Ordinance amending the Municipal Code of the City of Raymore,
630 Missouri by adding a new Section (or new Sections, a new Article, a new
631 Chapter, or a new Title, as the case may be) which new Section (Sections,
632 Article, Chapter or Title) shall be designated as Section _____ (or
633 Sections _____ and _____) of Chapter _____ of Title
634 _____ (or proper designation if a Chapter or Title is added) of said
635 Code."

636 3. To repeal a Section, Chapter or Title:

637 "An Ordinance repealing Section _____ (or Sections _____ and
638 _____ , Chapter _____ , Title _____ (etc., as the case may
639 be) of the Municipal Code of the City of Raymore, Missouri."

640 **Cross reference**— As to similar provisions, see § 3.13(g) of the City Charter.

641 SECTION 110.300: - WHEN BILLS MAY BE AMENDED

642 Any bill shall be subject to amendment until the vote upon final passage.

643 SECTION 110.310: - RULES OF PROCEDURE

644 The City Council may by resolution prescribe and enforce such rules as it may find
645 necessary for the expeditious transaction of its business, but such rules shall be
646 subordinate to the City's ordinances, the City's Charter, and applicable State and
647 federal laws and regulations, which shall take precedence in any case where there
648 is a conflict.

649 SECTION 110.320: - ATTENDANCE AND OATH OF WITNESSES—FEE FOR EXECUTION
650 OF PROCESS

651 The City Council shall have power to compel the attendance of witnesses and the
652 production of papers and records relating to any subject under consideration in
653 which the interest of the City is involved, and shall have power to call on the Chief
654 of Police of the City, or a sworn Law Enforcement Officer of the County in which
655 such City is located, to execute such process. The Chief of Police shall receive such
656 fees as are allowed by law in the Circuit Court for similar services, to be paid by the

657 City. The Mayor or Mayor Pro Tempore and City Clerk shall have power to
658 administer oaths to witnesses.

659 SECTION 110.330: - AMENDMENT OR SUSPENSION OF RULES

660 Any rule of the Council may be repealed, altered or amended by a majority vote of
661 the members. Every amendment offered shall lie on the table until the next
662 meeting of the Council before being voted upon except by the unanimous consent
663 of all elected members of the City Council (including the Mayor). Any rule may be
664 suspended by a majority vote of the members of the Council, or quorum being
665 present by unanimous consent.

666 **ARTICLE IV. - RESERVED**

667 **CHAPTER 111: - CODE OF CONDUCT FOR ELECTED OFFICIALS**

668 SECTION 111.010: - DECLARATION OF POLICY

669 The citizens of Raymore have a right to expect that every elected official will
670 conduct themselves in a manner that will tend to preserve public confidence in and
671 respect for the government they represent. This chapter lists the types of conduct
672 that elected officials shall be prohibited from engaging in, and governs the
673 procedure for the investigation, judgment and discipline of any elected official who
674 is allegedly in violation.

675 SECTION 111.020: - RESERVED

676 SECTION 111.030: - QUALIFICATIONS

- 677 1. *Mayor.* The Mayor shall not at any time during his term of office lack any
678 qualification for the office prescribed by Section 4.2(a) of the City Charter and
679 Section 110.010 of the City Code.
- 680 2. *Councilmembers.* No Councilmember shall at any time during his term of office
681 lack any qualification for the office prescribed by Section 3.2(b) of the City
682 Charter and Section 110.120 of the City Code.

683 SECTION 111.040: - HOLDING OTHER ELECTED OFFICE; CITY EMPLOYMENT

684 Except where authorized by law or pursuant to an agreement between the City and
685 another entity of government, no elected official shall hold any other compensated
686 elected governmental office or any City employment during the term for which they
687 were elected to office.

688 SECTION 111.050: - FELONY CONVICTIONS

689 No elected official shall be convicted of a felony during their term of office.

690 SECTION 111.060: - PAYMENT OF TAXES

691 No elected official shall fail to pay, by its original due date without valid reason, any
692 valid tax or assessment that is owed to the City which is being disputed in good
693 faith.

694 SECTION 111.070: - ATTENDANCE OF COUNCIL MEETINGS

695 No elected official shall fail to attend three (3) consecutive regular meetings of the
696 Council or more than twenty-five percent (25%) of the Council's regular meetings or
697 work sessions during any twelve (12) month period without being excused by the
698 Council.

699 SECTION 111.080: - FAIR AND EQUAL TREATMENT

- 700 1. Impartiality. No elected official shall grant or make available to any person any
701 consideration, treatment, advantage or favor beyond that which it is the general
702 practice to grant or make available to the public at large.
- 703 2. No elected official shall request, use or permit the use of any publicly owned or
704 publicly supported property, vehicle, equipment, labor or service for the
705 personal convenience or the private advantage of himself or any other person.
706 This Section shall not be deemed to prohibit an elected official from requesting,
707 using or permitting the use of such publicly owned or publicly supplied
708 property, vehicle, equipment, material, labor or service which it is the general
709 practice to make available to the public at large or which are provided as a
710 matter of stated public policy for the use of officials and employees in the
711 conduct of official business.

712 SECTION 111.090: - CONFLICTS OF INTEREST; DISCLOSURE

713 No elected official shall violate the conflicts of interest and disclosure provisions of
714 Chapter 125 of the City Code.

715 SECTION 111.100: - GIFTS AND FAVORS

716 No elected official shall accept any valuable gift, whether in the form of service,
717 loan, thing or promise, from any person which to his knowledge is interested
718 directly or indirectly in any manner whatsoever in business dealings with the City;
719 nor shall any such elected official (1) accept any gift, favor or thing of value that may
720 tend to influence him in the discharge of his duties, or (2) grant in the discharge of
721 his duties any improper favor, service or thing of value. The prohibition against gifts
722 or favors shall not apply to an occasional non pecuniary gift, insignificant in value,
723 or an award publicly presented in recognition of public service, or any gift that
724 would have been offered or given if he were not an elected official. Purchase of a
725 meal for an elected official shall not be deemed a valuable gift, but shall be
726 disclosed on the record unless the meal would have been purchased if he were not
727 an elected official.

728 SECTION 111.110: - CONFIDENTIAL INFORMATION

- 729 1. No elected official shall, without prior formal authorization of the public body
730 having jurisdiction, disclose any confidential information concerning any other
731 official or employee, or any other person, or any property or governmental
732 affairs of the City.
- 733 2. No elected official shall use or permit the use of any confidential information to
734 advance the financial or personal interest of himself or any other person.

735 SECTION 111.120: - ADMINISTRATIVE POLICY MATTERS —INTERFERENCE WITH CITY
736 EMPLOYEES

737 Except as provided under Section 3.11 of the City Charter, the Council or its
738 individual members shall not interfere with or provide direction to City Officers and
739 employees who are subject to the direction and supervision of the City Manager
740 except through the City Manager, and neither the Council nor its individual
741 members shall give orders to any such officer or employee, either publicly or
742 privately. Neither the Council or any of its individual members shall in any manner
743 dictate the appointment or removal of any City administrative officers or
744 employees whom the City Manager or the City Manager's subordinates are
745 empowered to appoint, but the Council as a group may express its views and fully
746 and freely discuss with the City Manager anything pertaining to appointment and
747 removal of such officers and employees.

748 SECTION 111.130: - OPEN MEETINGS AND RECORDS

749 No elected official shall knowingly violate the State's open meetings and records
750 laws, namely Chapter 610 RSMo.

751 SECTION 111.140: - ADVISORY OPINIONS

- 752 1. When any elected official has a doubt as to the applicability of any provision of
753 this chapter to a particular situation, or as to the definition of terms used
754 herein, they may apply to the City Attorney for an advisory opinion. The elected
755 official shall have the opportunity to present their interpretation of the facts at
756 issue and of the applicability of provisions of the Chapter before such advisory
757 opinion is made.
- 758 2. Such advisory opinion, if relied upon by an elected official, shall be strongly
759 considered as a defense in any subsequent actions concerning the elected
760 official who sought the opinion and acted on it in good faith, unless material
761 facts were omitted or misstated in the request for an advisory opinion.

762 SECTION 111.150: - HEARING OFFICER

- 763 1. *Appointment.* If a motion to appoint a Hearing Officer is made and seconded,
764 and receives a majority vote of the Council, then the Mayor (or the Mayor Pro
765 Tempore, if applicable) shall, with the advice and consent of a majority of the

766 Council, appoint a person to act as a Hearing Officer to determine if an elected
767 official has violated provisions of this Chapter. Upon appointment, the Hearing
768 Officer shall have jurisdiction over alleged violations of this chapter and shall
769 serve for a term of two (2) years, unless discharged by the Mayor upon a
770 majority vote of the City Council before the expiration of said term.

771 2. *Qualifications and powers.* The Hearing Officer shall hold no other office or
772 employment with the City, and shall have the power to subpoena witnesses,
773 administer oaths, take testimony and require the production of evidence to a
774 public hearing held before the Hearing Officer in accordance with all the
775 requirements of due process. The Hearing Officer may seek the advice of the
776 City Attorney regarding violations of this Chapter; however, if the City Attorney
777 gave an advisory opinion as to the alleged violation, the Hearing Officer may,
778 with a majority vote of the Council, retain independent legal counsel to assist
779 and advise them and/or the Council regarding interpretation of this Chapter
780 and the operation and/or effect of this Chapter to any factual pattern.

781 3. *Findings and conclusions.* The Hearing Officer shall make written findings of fact
782 and conclusions of law based thereon as it relates to a determination
783 concerning whether or not the conduct of the elected official was in violation of
784 this Chapter, and shall, upon conclusion of his investigation, report his findings
785 and conclusions to the City Council.

786 SECTION 111.160: - SANCTIONS

787 Violation of any provision contained in Sections 111.030 through 111.070 of this
788 Chapter shall constitute a cause for forfeiture of office and declaring of a vacant
789 seat by the Council pursuant to Section 3.8 of the Raymore Charter. Violation of any
790 provision contained in Sections 111.080 through 111.130 of this Chapter may
791 constitute a cause for censure, suspension, forfeiture of office including declaring
792 of a vacant seat by the Council pursuant to Section 3.8 of the Raymore Charter, or
793 other disciplinary action. However, the City Council shall not impose sanctions upon
794 an elected official unless such sanctions receive an affirmative vote of three-fourths
795 ($\frac{3}{4}$) of the members of the Council.

796 SECTION 111.170: - JUDICIAL REVIEW

797 Decisions made by the City Council under this Chapter shall be subject to review by
798 the Courts as a contested case pursuant to Sections 536.100 through 536.140
799 RSMo.

800 SECTION 111.180: - DISTRIBUTION OF THE CODE OF CONDUCT CHAPTER

801 The City Clerk shall distribute a copy of this Chapter to every elected or appointed
802 official before beginning the duties of office or immediately after any amendments
803 are approved.

804 SECTION 111.190: - SEVERABILITY

805 If any provision of this Chapter is found by a court of competent jurisdiction to be
806 invalid or unconstitutional, or if the application of this Chapter to any person or
807 circumstances is found to be invalid or unconstitutional, such invalidity or
808 unconstitutionality shall not affect the other provisions or applications of this
809 Chapter which can be given effect without the invalid or unconstitutional provision
810 or application.

811 **CHAPTER 115: - CITY ORGANIZATION**

812 **Editor's note**— The City has adopted a personnel code per the requirements of
813 Article VI, §6.2 of the City's Chapter. The personnel code is on file in the City's
814 Human Resource office.

815 **ARTICLE I. - OFFICERS AND EMPLOYEES—GENERALLY**

816 SECTION 115.010: - OFFICERS ENUMERATED

817 The Officers of this City shall consist of:

- 818 1. The following elective officers:
- 819 a. Mayor.
- 820 b. Councilmembers (two (2) from each Ward).
- 821 2. And the following appointive officers:
- 822 a. City Manager.
- 823 b. City Attorney.
- 824 c. Municipal Judge.
- 825 d. Prosecuting Attorney.
- 826 e. Such other agents as may be appointed from time to time.

827 SECTION 115.020: - TERM OF APPOINTIVE OFFICERS

828 Except as otherwise provided by the City Charter, all appointive officers shall be
829 appointed to serve at the pleasure of the Mayor and the City Council.

830 SECTION 115.030: - OFFICERS TO BE VOTERS AND RESIDENTS—EXCEPTIONS,
831 APPOINTED OFFICERS

832 Except as otherwise provided by the City Charter, all Officers elected to offices or
833 appointed to fill a vacancy in any elective office under the City Government shall be
834 voters under the laws and Constitution of this State and the ordinances of the City
835 except that Appointed Officers need not be voters of the City. No person shall be
836 elected or appointed to any office who shall at the time be in arrears for any unpaid

837 City taxes, or forfeiture or defalcation in office. All Officers, except Appointed
838 Officers, shall be residents of the City.

839 SECTION 115.040: - OFFICERS' OATH—BOND

840 Every officer of the City and their assistants, the Mayor, and every Councilmember,
841 before entering upon the duties of their office, shall take and subscribe to an oath
842 or affirmation before some court of record in the County, or the City Clerk, that they
843 possesses all the qualifications prescribed for their office by law; that they will
844 support the Constitution of the United States and of the State of Missouri, the
845 provisions of all laws of this State affecting Cities of this class, and the ordinances of
846 the City, and they will faithfully discharge their official duties; which official oath or
847 affirmation shall be filed with the City Clerk. Every Officer of the corporation, when
848 required by law or ordinance, shall, within fifteen (15) days after their appointment
849 or election and before entering upon the discharge of the duties of their office, give
850 bond to the City in such sum and with such sureties as may be designated by
851 ordinance, conditioned upon the faithful performance of their duty, and that they
852 will pay over all monies belonging to the City, as provided by law, that may come
853 into their hands. If any person elected or appointed to any office shall fail to take
854 and subscribe such oath or affirmation or to give bond as herein required, their
855 office shall be deemed vacant. For any breach of condition of any such bond, suit
856 may be instituted thereon by the City, or by any person in the name of the City to
857 the use of such person.

858 SECTION 115.050: - SALARIES

859 A. The Council shall have the power to approve the organizational salary step
860 chart through the budget process by ordinance.

861 SECTION 115.060: - ADMINISTRATION OF OATHS

862 The Mayor, Mayor Pro Tem, City Attorney, Municipal Judge and City Clerk are
863 empowered and authorized to administer oaths or affirmations in the following
864 cases:

- 865 1. The Mayor, Mayor Pro Tem, and City Attorney to witnesses or other persons
866 concerned with any subject under consideration by the City Council in
867 which the interest of the City is involved.
- 868 2. The Municipal Judge, to witnesses, jurors, or other persons relating to any
869 trial or other proceedings within the jurisdiction of their court.
- 870 3. The City Clerk, to any person certifying to any demand or claim against the
871 City concerning the correctness of the same.
- 872 4. The City Clerk to all newly elected or appointed members of the City Council,
873 newly hired, commissioned officers of the Police Department, and
874 Emergency Management personnel of the City.

875 SECTION 115.070: - RESERVED

876 **ARTICLE II. - CITY ATTORNEY**

877 SECTION 115.080: - APPOINTMENTS—TERM

878 See Section 3.10(a) of the City Charter for provisions concerning appointment of
879 City Attorney.

880 SECTION 115.090: - QUALIFICATIONS

881 No person shall be appointed to the office of the City Attorney unless they are a
882 licensed and practicing attorney at law in this State for a period of at least three (3)
883 years.

884 **Cross reference—** As to the council's ability to waive the 3 year requirement, see
885 §3.10(c) of the City Charter.

886 SECTION 115.100: - DUTIES GENERALLY

887 See Section 3.10(a) of the City Charter as to the duties of City Attorney and
888 provisions for removal from office.

889 SECTION 115.110: - REPORT TO CITY COUNCIL

890 The City Attorney shall attend all meetings of the City Council unless excused by the
891 Mayor or a majority of the City Council. Any member of the City Council may at any
892 time call upon the City Attorney for an oral or written opinion to decide any
893 question of law, but not to decide upon any parliamentary rules or to resolve any
894 dispute over the propriety of proposed legislative action.

895 SECTION 115.120: - CONFLICT OF INTEREST—TEMPORARY ABSENCE—ACTING CITY
896 ATTORNEY

897 In the event of a conflict of interest or temporary absence of the City Attorney, the
898 Mayor shall appoint an acting City Attorney.

899 SECTION 115.130: - COMPENSATION

900 A. The City Attorney shall be allowed compensation such as from time to time
901 shall be fixed by the City Council. The City Attorney shall not receive
902 compensation contingent upon the outcome of any case or matter.

903 B. In the event of a case in which the City is interested in being tried in any Circuit
904 Court, Supreme Court or Court of Appeal, then the City Council shall allow the
905 City Attorney the usual and customary fees and necessary expenses allowed in
906 like or similar cases.

907 **ARTICLE III. - PROSECUTING ATTORNEY**

908 SECTION 115.133: - PROSECUTING ATTORNEY

909 It shall be the duty of an attorney designated by the Municipality to prosecute
910 violations of the City's ordinances before the Municipal Judge or before any Circuit
911 Court Judge hearing violations of the City's ordinances.

912 SECTION 115.134 - COMPENSATION

913 The salary or fees of the Prosecuting Attorney and their necessary expenses
914 incurred in such prosecutions shall be paid by the City. The compensation of the
915 Prosecuting Attorney shall not be contingent upon the result in any case.

916 Cross reference— As to appointment, qualifications, duties and removal from office
917 see Section 3.10 of the City Charter.

918 SECTION 115.135: - REPORT TO CITY COUNCIL

919 The Prosecuting Attorney shall, upon request, report to the City Council the
920 condition of any matter pending or unsettled in the City's Municipal Court, or any
921 other proceeding pending in any other Court of which they may have charge under
922 orders of the Mayor or City Council; such disclosure being subject to the provisions
923 of Chapter 610 RSMo.

924 **ARTICLE IV. - CITY CLERK**

925 SECTION 115.140: - APPOINTMENT OF CITY CLERK

926 The City Manager shall appoint a City Clerk with the advice and consent of a
927 majority of the Council. Before entering upon the duties of their office, the City
928 Clerk shall take and subscribe to an oath or affirmation. The City Clerk shall keep
929 the journal of City Council proceedings, authenticate by signature all ordinances
930 and resolutions, and record them in full in a book kept for that purpose. The City
931 Clerk shall perform such other duties as may be required by law, by the Charter, by
932 ordinance, or by the City Manager.

933 **Cross reference**— As to similar provisions, see §3.9 of the City Charter.

934 SECTION 115.150: - QUALIFICATIONS

935 The City Clerk shall be at least twenty-one (21) years of age.

936 SECTION 115.160: - DUTIES GENERALLY

937 The City Clerk shall, in addition to other duties which are or may be required of
938 them by this Code or other ordinance, attend all regular and special meetings of the
939 City Council, and shall;

- 940 1. have the custody of the books, records, papers and documents belonging
941 to the City.
- 942 2. prepare all certificates of election or appointment of the City Officers, and
943 deliver the same to the persons elected or appointed.
- 944 3. record the certificates, and oaths of all the City Officers.
- 945 4. keep a journal of the proceedings of the City Council.
- 946 5. prepare blank licenses for all purposes for which licenses are required to be
947 issued, and when required, shall cause the same to be issued, signing their
948 name and affixing the Seal of the City, and shall keep an account with the
949 Finance Director for such licenses and the amount of the license fees.
- 950 6. furnish without delay to any person, when called upon during business
951 hours to do so, certify copies of any records, books, or papers which are in
952 their custody. A reasonable fee which is approved by the Governing Body
953 and listed in the schedule of fees and charges maintained in the Finance
954 Department, may be charged, and shall be paid by the person requesting
955 certified copies and deposited into the General Fund of the City.

956 **ARTICLE V. - CITY MANAGER**

957 SECTION 115.170: - CITY MANAGER

958 There shall be a City Manager for the City.

959 SECTION 115.180: - APPOINTMENT AND TERM

960 See Section 5.1 of the City Charter for provisions concerning appointment, term
961 and removal from office of the City Manager.

962 SECTION 115.190: - QUALIFICATIONS

963 The person appointed City Manager shall be at least twenty-five (25) years of age,
964 shall be a graduate of an accredited university or college, majoring in public or
965 municipal administration or shall have the equivalent qualifications and experience
966 in financial, administration and/or public relations fields, and shall become a
967 resident of the City and reside within the City limits within one (1) year of
968 appointment. The residency requirement may be waived by a vote of three-fourths
969 ($\frac{3}{4}$) of the entire Council.

970 SECTION 115.200: - RESERVED

971 SECTION 115.210: - COMPENSATION

972 The City Manager shall receive such compensation as may be determined from
973 time to time by the City Council and such compensation shall be payable through
974 the normal payroll process.

975 SECTION 115.220: - RESERVED

976 SECTION 115.230: - DUTIES AND POWERS

977 The City Manager shall be the chief administrative officer of the City. The City
978 Manager shall be responsible to the Mayor and Council for the administration of all
979 City affairs placed in the City Manager's charge by or under the Charter. The City
980 Manager shall have the following powers and duties:

- 981 1. *Appointment and removal of employees.* The City Manager shall appoint and,
982 when the City Manager deems it necessary for the good of the City,
983 suspend or remove City employees and appointive administrative officers,
984 including the City Clerk, provided for, by or under the Charter, except as
985 otherwise provided by law, the Charter or the Personnel Code and
986 regulations thereunder adopted pursuant to Section 6.2 of the Charter. The
987 City Manager may authorize any administrative officer who is subject to the
988 City Manager's direction and supervision to exercise these powers with
989 respect to subordinates in that officer's department, office or agency.
- 990 2. *Administration of departments.* The City Manager shall direct and supervise
991 the administration of all departments, offices and agencies of the City,
992 except as otherwise provided by the Charter or by law.
- 993 3. *Attend City Council meetings.* The City Manager shall attend all Council
994 meetings unless excused by the Mayor and shall have the right to take part
995 in discussion but may not vote. The City Manager shall receive notice of all
996 special Council meetings.
- 997 4. *Enforcement of laws.* The City Manager shall see that all laws, provisions of
998 the Charter and acts of the Council subject to enforcement by the City
999 Manager, or by any person subject to the City Manager's direction and
1000 supervision, are faithfully executed.
- 1001 5. *Budget and capital program.* The City Manager shall prepare and submit a
1002 recommended annual budget and capital program to the Mayor and
1003 Council.
- 1004 6. *Finance and administrative report.* The City Manager shall submit to the
1005 Mayor and Council, and make available to the public, a complete report on
1006 the finances and administrative activities of the City at the end of each fiscal
1007 year.

- 1008 7. *Other reports.* The City Manager shall make such other reports as the
1009 Council may require concerning the operations of City departments, offices
1010 and agencies subject to their direction and supervision.
- 1011 8. *Report of financial condition of the City.* The City Manager shall keep the
1012 Mayor and Council fully advised as to the financial condition and future
1013 needs of the City and make such recommendations to the Council
1014 concerning the affairs of the City as the Mayor or Council deems desirable.
- 1015 9. *Execution of documents.* Except as otherwise provided by the Council, the
1016 City Manager shall sign on behalf of the City all instruments required to
1017 implement the Council-approved budget, all documents related to the
1018 administration and management of employees, all administrative policies,
1019 all capital project contracts and professional services agreements, and all
1020 contracts and agreements related to the administration and management
1021 of government business.
- 1022 10. *Other duties.* The City Manager shall perform such other duties as specified
1023 in the Charter, City Code or as required by the Council.

1024 **Cross reference—** As to similar provisions, see §5.2 of the City Charter.

1025 **SECTION 115.240: - INTERFERENCE BY MEMBERS OF THE COUNCIL**

1026 No member of the City Council shall directly interfere with the conduct of any
1027 department or duties of employees subordinate to the City Manager except at the
1028 express direction of the City Council, or with the approval of the City Manager.

1029 **CHAPTER 120: - BOARDS, COMMISSIONS AND COMMITTEES**

1030 **ARTICLE I. - PARK AND RECREATION BOARD**

1031 **Editor's note—** The Park and Recreation Board has been established by and
1032 functions as provided for in Chapter 90 RSMo. As to procedures for filling vacancies
1033 on the Parks and Recreation board in conformance with Chapter 90 RSMo. and
1034 Resolution 99-04, the Parks and Recreation Board shall be composed of nine (9)
1035 directors who are citizens and qualified voters of the City who have been appointed
1036 by the Mayor with the approval of the majority of the Council. The Mayor and
1037 Council state, if practicable, they shall attempt to have each ward have equal
1038 representation consisting of at least two directors from each ward. The Council
1039 agrees that to aid the Mayor in selection of each director, two Council members
1040 from each ward shall jointly submit a list of up to three names from which the
1041 Mayor shall make the final selection. The ninth director shall be selected by the
1042 Mayor from the names submitted to the Mayor by the Council members or from
1043 the citizens at large.

1044 SECTION 120.010: - BOARD ESTABLISHED

1045 A Parks and Recreation Board shall be established with a Board of nine (9) Directors
1046 appointed by the Mayor with the advice and consent of a majority of the City
1047 Council, chosen from the citizens at large with reference to their fitness for such
1048 office and no elected or appointed official, nor an employee of the Municipal
1049 Government shall be a member of said Board.

1050 SECTION 120.020: - PARKS AND RECREATION DIRECTORS—TERMS OF OFFICE

1051 The Directors shall hold office, one-third (1/3) for one (1) year, one-third (1/3) for
1052 two (2) years, and one-third (1/3) for three (3) years, from the first (1st) day of June,
1053 1970 and at their first (1st) regular meeting shall cast lots for their respective terms;
1054 and annually thereafter the Mayor shall before the first (1st) day of June of each
1055 year, appoint as before three (3) Directors, who shall hold office for three (3) years
1056 and until their successors are appointed. The Mayor may, by and with the consent
1057 of the City Council, remove any Director for misconduct or neglect of duty. A
1058 Director's absence from three (3) consecutive regular meetings or six (6) regular
1059 meetings in the year shall also constitute neglect of duty. Directors of the Board
1060 who are displaced following the realignment of Ward boundaries shall serve for the
1061 remainder of the terms.

1062 SECTION 120.030: - PARKS AND RECREATION BOARD VACANCIES—NO
1063 COMPENSATION

1064 Vacancies in the Board of Directors by removal, resignation or otherwise shall be
1065 reported to the City Council and be filled for the unexpired term as original
1066 appointments. No Director shall receive compensation as such but the City Council
1067 may provide for such expenses of the Board as may be necessary and proper.

1068 SECTION 120.040: - PARKS AND RECREATION BOARD—ORGANIZATION

1069 Said Directors shall immediately after their appointment, meet and organize by the
1070 election from their number a President and by the election of such other officers as
1071 they may deem necessary. They shall make and adopt such by-laws, rules and
1072 regulations for their guidance and for the government of the parks as may be
1073 expedient, consistent with Sections 90.500 to 90.570 RSMo.

1074 SECTION 120.050: - PARKS AND RECREATION BOARD—POWERS AND DUTIES

1075 Said Directors shall have the exclusive control of the expenditures of all money
1076 collected to the credit of the Parks and Recreation Fund and the supervision,
1077 improvement, care and custody of all parks in Raymore.

- 1078 1. All money received for such parks and recreation shall be deposited with
1079 the City to the credit of the Park and Recreation Fund and shall be kept

1080 separate and apart from the other monies and drawn upon by the properly
1081 authenticated documentation.

1082 2. Said Board shall have the power to purchase or otherwise secure ground to
1083 be used for such parks and recreation facilities as is deemed necessary.
1084 Said Board of Directors shall have the power to appoint a suitable person to
1085 take care of said parks and necessary assistants for said person and fix
1086 their compensation, and shall have the power to remove such appointees.

1087 3. It shall be the duty of the Board of Directors to recommend to the City
1088 Council the following:

1089 a. All matters relating to policy formation, programming, legislation and
1090 use of park and recreation facilities and areas;

1091 b. Make such recommendations as in the opinion of the Board will
1092 improve the effectiveness of the parks and recreation programs or
1093 facilities, including annual budgetary recommendations;

1094 c. Prepare rules and regulations (including any fees and charges)
1095 governing the conduct of persons, and use of all City park and
1096 recreational areas and facilities, which rules and regulations shall not
1097 become effective until approved by the City Council after a public
1098 hearing, which shall be held at least five (5) days after publication of the
1099 proposed rules and regulations and notice of hearing in the nearest
1100 newspaper in the area;

1101 d. Organize and conduct a City wide recreational program for all age
1102 groups as approved by the City Council. The Parks and Recreation Board
1103 shall assume such other duties as may be assigned by the Mayor or City
1104 Council.

1105 SECTION 120.060: - PARKS AND RECREATION BOARD—ANNUAL REPORT

1106 The said Board of Directors shall make on or before the second (2nd) Monday in
1107 June, an annual report to the City Council stating the condition of their trust on the
1108 first (1st) day of May of that year, the various sums of money received from the
1109 Park and Recreation Fund and other sources and how much monies have been
1110 expended and for what purposes, with such other statistics, information and
1111 suggestions as they deem to be of general interest. All such portions of such report
1112 as relate to the receipt and expenditure of money shall be verified by affidavit.

1113 SECTION 120.070: - PUBLIC PARK AND RECREATION—PRIVATE DONATIONS

1114 Any person desiring to make donations of money, personal property or real estate
1115 for the benefit of such park and recreation shall have a right to vest the title to the
1116 money or real estate so donated in the Board of Directors created under Section
1117 120.010 of this Chapter to be held and controlled by said Board when accepted
1118 according to the terms of the deed, gift, devise or bequest of such property and as

1119 to such property the said Board shall be held and considered to be the special
1120 trustees.

1121 **ARTICLE II. - CITY ARTS COMMISSION**

1122 SECTION 120.100: - BOARD ESTABLISHED

1123 An Arts Commission shall be established with a Commission of seven (7)
1124 Commissioners appointed by the Mayor with the advice and consent of the
1125 majority of the City Council, chosen from the citizens at-large with reference to their
1126 fitness for such office and no member of the Municipal Government shall be a
1127 member of said Board. There shall be one (1) Commissioner appointed from each
1128 Ward and three (3) at-large Commissioners. Commissioners of the Board who are
1129 displaced following the realignment of Ward boundaries shall serve for the
1130 remainder of the terms.

1131 SECTION 120.110: - ARTS COMMISSIONERS—TERMS OF OFFICE

1132 The Commissioners shall hold office for three (3) years and until their successors
1133 are appointed.

1134 The Mayor may, by and with the consent of the City Council, remove any
1135 Commissioner for misconduct or neglect of duty. A Commissioner's absence from
1136 three (3) consecutive regular meetings or six (6) regular meetings in the year shall
1137 also constitute neglect of duty.

1138 Vacancies on the Arts Commission by removal, resignation or otherwise shall be
1139 reported to the City Council and be filled for the unexpired term as original
1140 appointments.

1141 SECTION 120.120: - ARTS COMMISSION—NO COMPENSATION

1142 No Commissioner shall receive compensation, but the City Council may provide for
1143 expenses of the Commission as may be necessary and proper.

1144 SECTION 120.130 - ARTS COMMISSION—ORGANIZATION

1145 Commissioners shall immediately, after their appointment, meet and organize by
1146 the election from their number a Chair and Vice-Chair. They shall make and adopt
1147 such by-laws, rules and regulations for their guidance.

1148 SECTION 120.140: - ARTS COMMISSION—PURPOSE AND DUTIES

1149 The Arts Commission will:

1150 A. Engage citizens to cultivate art in the community;

- 1151 B. Promote close cooperation between the City and all private citizens,
1152 institutions, and agencies interested in or conducting activities related to
1153 the arts in the City, so that all arts resources within the community may be
1154 coordinated to maximize promotion and support of the arts;
- 1155 C. Facilitate communication between arts organizations; and
- 1156 D. Serve as an advisory board to the City Council in all arts-related matters,
1157 including long range planning, fund allocations process, and comprehensive
1158 and strategic planning.

1159 SECTION 120.150: - ARTS COMMISSION—FUND FOR BETTERMENT OF COMMISSION

1160 The City may from time to time appropriate funds, in its discretion, for the
1161 Commission that will enhance the general welfare and benefit of the City as a
1162 whole.

1163 **CHAPTER 125: - CONFLICTS OF INTEREST**

1164 SECTION 125.010: - DECLARATION OF POLICY

1165 The proper operation of government requires that public officials and employees
1166 be independent, impartial and responsible to the people; that government
1167 decisions and policy be made in the proper channels of the governmental
1168 structure; that public office not be used for personal gain; and that the public have
1169 confidence in the integrity of its government. In recognition of these goals, there is
1170 hereby established a procedure for disclosure by certain officials and employees of
1171 private financial or other interests in matters affecting the City.

1172 SECTION 125.020: - CONFLICTS OF INTEREST

- 1173 A. All elected and appointed officials as well as employees of the City must comply
1174 with applicable Sections of Chapter 105 RSMo. on conflicts of interest as well as
1175 any other State law governing official conduct.
- 1176 B. Any member of the City Council who has a "substantial personal or private
1177 interest" in any measure, bill, order, or ordinance proposed or pending before
1178 such City Council must disclose that interest to the City Clerk and such
1179 disclosure shall be recorded in the minutes of the City Council. "Substantial or
1180 private interest", is defined as ownership by the individual, their spouse, or
1181 their dependent children, whether singularly or collectively, directly or
1182 indirectly, of ten percent (10%) or more of any business entity, or of an interest
1183 having a value of ten thousand dollars (\$10,000.00) or more, or the receipt of a
1184 salary, gratuity, or other compensation or remuneration of five thousand
1185 dollars (\$5,000.00), or more, per year from any individual, partnership,
1186 organization, or association within any calendar year.

1187 C. Any elected or appointed officer, employee, or member of any committee,
1188 authority, board or commission of the City who has any direct or indirect
1189 substantial financial interest as defined by the conflict of interest Statutes of
1190 Missouri shall make known that interest and shall refrain from voting upon or
1191 otherwise participating in their capacity as a City Officer, employee or member
1192 in such transaction. Any City Officer, employee or member who willfully
1193 conceals such a substantial financial interest or willfully violates the
1194 requirements of this Section shall be guilty of malfeasance in office or position
1195 and shall forfeit the office or position. Violation of this Section with the express
1196 or implied knowledge of the party transacting business with the City shall
1197 render the transaction voidable by the City.

1198 **Cross reference**— As to similar provisions, see §14.1 of the City Charter.

1199 **SECTION 125.030: - DISCLOSURE REPORTS**

1200 Each elected official, candidates for elective office, the Chief Administrative Officer,
1201 the Chief Purchasing Officer, and any full-time general counsel, shall disclose in
1202 writing by May first (1st), if any such transactions occurred during the previous
1203 calendar year in accordance with Section 105.485 RSMo. and the annual personal
1204 finance disclosure ordinance adopted by the City Council.

1205 **SECTION 125.040: - FINANCIAL INTEREST STATEMENTS—WHEN FILED**

1206 A. The financial interest statements shall be filed at the following times, but no
1207 person is required to file more than one (1) financial interest statement in any
1208 calendar year:

1209 1. Every person required to file a financial interest statement shall file the
1210 statement annually no later than May first (1st) and the statement shall
1211 cover the calendar year ending the immediately preceding December
1212 thirty-first (31st); provided that any member of the City Council may
1213 supplement the financial interest statement to report additional interests
1214 acquired after December thirty-first (31st) of the covered year until the date
1215 of filing of the financial interest statement.

1216 2. Each person appointed to office shall file the statement within thirty (30)
1217 days of such appointment or employment.

1218 B. Financial disclosure reports giving the financial information required in Section
1219 125.030 of this Chapter shall be filed with the City and the Missouri Ethics
1220 Commission. The reports shall be available for public inspection during normal
1221 business hours.

1222 **CHAPTER 130: - MUNICIPAL COURT**

1223 **SECTION 130.010: - COURT ESTABLISHED**

1224 The City has established a Municipal Court, to be known as the Raymore Municipal
1225 Court, a Division of the 17th Judicial Circuit Court of the State of Missouri.

1226 SECTION 130.020: - JURISDICTION

1227 The Municipal Court shall have jurisdiction to hear and determine all cases
1228 involving alleged violations of ordinances of the City, and to assess punishment, by
1229 fine or incarceration, as provided. The Municipal Court shall be subject to the rules
1230 of the Missouri Supreme Court and the Circuit Court of which it is part. (Charter
1231 §7.1, 11-4-97)

1232 SECTION 130.030: - MUNICIPAL JUDGE—APPOINTMENT AND TENURE

1233 A qualified person shall be appointed Municipal Judge of the City by the Mayor,
1234 such appointment subject to the approval of a three-quarter ($\frac{3}{4}$) vote of the entire
1235 Council of the City. The party appointed Municipal Judge shall serve for a period of
1236 two (2) years, with the first such term to begin one (1) day subsequent to the
1237 expiration of the normal term now in progress.

1238 SECTION 130.040: - MUNICIPAL JUDGE—QUALIFICATIONS

1239 The person appointed Municipal Judge shall comply with all requirements presently
1240 set forth in City ordinances, RSMo., and the Missouri Supreme Court Rules except
1241 that said person appointed need not be a resident of the City and may serve as
1242 Municipal Judge in other municipalities. The Municipal Judge shall have been
1243 licensed to practice law in this State for a period of at least three (3) years.

1244 SECTION 130.050: - MUNICIPAL JUDGE—COMPENSATION

1245 The Municipal Judge shall receive such compensation as may be determined from
1246 time to time by the City Council.

1247 SECTION 130.060: - MUNICIPAL JUDGE—VACATION/FORFEITURE OF OFFICE

1248 A. The Municipal Judge shall vacate their office under the following circumstances:

- 1249 1. Upon removal from office by the State Commission on retirement, removal
1250 and discipline of Judges, as provided in Missouri Supreme Court Rule 12,
- 1251 2. Upon attaining their seventy-fifth (75th) birthday, or
- 1252 3. Upon the Judge's death, resignation, or removal from office in any manner
1253 authorized by the Charter or by law, or upon forfeiture of the office.

1254 B. A Municipal Judge shall forfeit their office if the Judge:

- 1255 1. At any time during the term of office lacks any qualification for the office
1256 prescribed by the Charter or by law,
- 1257 2. Violates any prohibition as provided in Section 7.2(d) of the Charter, or

1258 3. Violates the requirements of Section 14.1 of the Charter.

1259 **Cross reference**— As to similar provisions, see §7.2(e—f) of the City Charter.

1260 SECTION 130.070: - SUPERINTENDING AUTHORITY

1261 The Municipal Court of the City shall be subject to the rules of the Circuit Court of
1262 which it is a part and to the rules of the State Supreme Court. The Municipal Court
1263 shall be subject to the general administrative authority of the Presiding Judge of the
1264 Circuit Court, and the Judge and Court personnel of said Court shall obey their
1265 directives.

1266 SECTION 130.080: - MUNICIPAL JUDGE—REPORT TO CITY COUNCIL

1267 The Municipal Judge shall cause to be prepared within the first ten (10) days of
1268 every month the Municipal Division Summary Reporting Form from the previous
1269 month. The same shall be prepared under oath by the Court Administrator or the
1270 Municipal Judge. This report will be filed with the City Clerk, who shall forward the
1271 same to the City Council of the City for examination at its first (1st) session
1272 thereafter. The Municipal Court shall, within ten (10) days after the first (1st) of the
1273 month, pay to the City the full amount of all fines collected during the preceding
1274 months, if they have not previously been paid.

1275 SECTION 130.090: - INTERFERENCE BY MEMBERS OF THE COUNCIL

1276 No member of the City Council shall directly interfere with the conduct of any court
1277 case. The Municipal Judge shall use their free and independent judgment in the
1278 decision of cases and no member of the City Council shall interfere with that
1279 judgment.

1280 SECTION 130.100: - DOCKET AND COURT RECORDS

1281 The Municipal Judge shall be a conservator of the peace and shall;

1282 1. Keep a docket in which every case commenced before them and the
1283 proceedings will be entered;

1284 2. Keep such other records as may be required. The docket and records shall
1285 be records of the Circuit Court of Cass County.

1286 3. Deliver the docket and records of the Municipal Court, and all documents
1287 pertaining to their office, to their successor in office or to the Presiding
1288 Judge of the Circuit.

1289 SECTION 130.110: - MUNICIPAL JUDGE—POWERS AND DUTIES GENERALLY

1290 The Municipal Judge shall be and is authorized to:

- 1291 1. Establish a Violations Bureau as provided for in the Missouri Rules of
1292 Practice and Procedure in Municipal and Traffic Courts and Section 479.050
1293 RSMo.
- 1294 2. Administer oaths and enforce due obedience to all orders, rules and
1295 judgments made by them, and may fine and imprison for contempt
1296 committed before them while holding court, in the same manner and to the
1297 same extent as a Circuit Judge.
- 1298 3. Commute the term of any sentence, stay execution of any fine or sentence,
1299 suspend any fine or sentence, and make such other orders as the Municipal
1300 Judge deems necessary relative to any matter that may be pending in the
1301 Municipal Court.
- 1302 4. Make and adopt such rules of practice and procedure as are necessary to
1303 implement and carry out the provisions of this Chapter, and to make and
1304 adopt such rules of practice and procedure as are necessary to hear and
1305 decide matters pending before the Municipal Court and to implement and
1306 carry out the provisions of the Missouri Rules of Practice and Procedure in
1307 Municipal and Traffic Courts. Any and all rules made or adopted may be
1308 annulled or amended by an ordinance limited to such purpose; provided
1309 that such ordinance does not violate or conflict with, the provisions of the
1310 Missouri Rules of Practice and Procedure in Municipal and Traffic Courts or
1311 RSMo.
- 1312 5. The Municipal Judge shall have such other powers, duties and privileges as
1313 are or may be prescribed by the laws of this State, this Code or other
1314 ordinances of this City.
- 1315 6. The Municipal Judge shall perform all duties as outlined in the Raymore City
1316 Charter, Raymore Municipal Code of Ordinances and RSMo.

1317 SECTION 130.120: RESERVED

1318 SECTION 130.130: - VIOLATIONS BUREAU

1319 The Municipal Judge may establish a Violations Bureau and adopted a schedule of
1320 fines and court costs, in respect to which payments may be accepted by the Court
1321 Administrator in satisfaction thereof, in compliance with orders of Missouri
1322 Supreme Court Rule 37 or RSMo. The Violations Bureau shall accept the designated
1323 fines and issue receipts to those violators permitted to plead guilty through the
1324 Violations Bureau. The Municipal Judge has established certain offenses that shall
1325 require appearance before the Court. The Violations Bureau shall follow such
1326 procedure as may be prescribed by the ordinances of the City or as may be
1327 required by any laws of this State. The City shall provide all expenses incident to the
1328 operation of the Violations Bureau. The Court Administrator is designated as the
1329 Violations Clerk for the Violations Bureau.

1330 SECTION 130.140: - WHEN PERSON CHARGED MAY ELECT TO APPEAR AT BUREAU

1331 A. Any person charged with an offense for which payment of a fine may be made
1332 to the Violations Bureau shall have the option of paying such fine within the time
1333 specified in the notice of summons at the Violations Bureau upon entering a plea of
1334 guilty and upon waiving appearance in court; or may have the option to personally
1335 appear in court to enter a plea of guilty or not guilty. Upon a plea of not guilty the
1336 person shall be entitled to a trial as authorized by law.

1337 B. The payment of a fine to the Bureau shall be deemed an acknowledgement of
1338 conviction of the alleged offense, and the Bureau, upon accepting the prescribed
1339 fine, shall issue a receipt to the violator acknowledging payment.

1340 SECTION 130.150: - VIOLATIONS BUREAU TO KEEP RECORDS

1341 The Violations Bureau shall keep records and submit to the Judge hearing violations
1342 of City ordinances summarized monthly reports of all notices issued and arrests
1343 made for violations of traffic laws and ordinances in the City and of all fines
1344 collected by the Violations Bureau or the court, and of the final disposition or
1345 present status of every case of violation of the provisions of said laws and
1346 ordinances. Such records shall be so maintained as to show all types of violations
1347 and the totals of each. Said records shall be public records.

1348 SECTION 130.160: - TRAFFIC VIOLATIONS—SURRENDER AND DEPOSIT MISSOURI
1349 OPERATOR OR CHAUFFEUR'S LICENSE IN LIEU OF BOND—WHEN

1350 At the discretion of the arresting Law Enforcement Officer, the Municipal Court may
1351 accept the Missouri driver's license of an accused in all traffic cases involving motor
1352 vehicles arising within the City in lieu of a cash bond in order to insure the
1353 attendance of the accused at Municipal Court.

1354 SECTION 130.170: - ISSUANCE AND EXECUTION OF WARRANTS

1355 All warrants issued by a Municipal Judge shall be directed to the Chief of Police. The
1356 warrant shall be executed by the Chief of Police unless the warrants are endorsed
1357 in the manner provided for warrants in criminal cases, and, when so endorsed,
1358 shall be served in other counties, as provided for in warrants in criminal cases.

1359 SECTION 130.180: - ARRESTS WITHOUT WARRANTS

1360 The Chief of Police may, without a warrant, make arrest of any person who commits
1361 an offense in their presence, but such officer shall, before the trial file a written
1362 complaint with the Judge hearing violations of municipal ordinances.

1363 SECTION 130.190: - JURY TRIALS

1364 Any person charged with a violation of a municipal ordinance of this City shall be
1365 entitled to a trial by jury as provided by law.

1366 SECTION 130.180: - RESERVED

1367 SECTION 130.200: - SUMMONING OF WITNESSES

1368 It shall be the duty of the Municipal Judge to summon all persons whose testimony
1369 may be deemed essential as witnesses at the trial, and to enforce their attendance
1370 by attachment, if necessary. The fees of witnesses shall be the same as those fixed
1371 for witnesses in trials before Associate Circuit Judges and shall be taxed as other
1372 costs in the case. When a trial shall be continued by a Municipal Judge, it shall not
1373 be necessary to summon any witnesses who may be present at the continuance;
1374 but the Municipal Judge shall notify such witnesses to attend before them on the
1375 day set for trial to testify in the case, and enter the names of such witnesses on
1376 their docket, which notice shall be valid as a summons.

1377 SECTION 130.210: - TRANSFER OF COMPLAINT TO ASSOCIATE CIRCUIT JUDGE

1378 If, in the progress of any trial before a Municipal Judge, it shall appear to the Judge
1379 that the accused ought to be put on trial for an offense against the criminal laws of
1380 the State and not before them as-Municipal Judge, they shall immediately stop all
1381 further proceedings within the jurisdiction of the Municipal Court and cause the
1382 complaint to be made before an Associate Circuit Judge within the County.

1383 SECTION 130.220: - JAILING OF DEFENDANTS

1384 If, in the opinion of the Municipal Judge, the City has no suitable and safe place of
1385 confinement, the Municipal Judge may commit the defendant to the County Jail or
1386 other authorized place of confinement, and it shall be the duty of the Chief Law
1387 Enforcement Officer, if space for the prisoner is available in the County Jail or other
1388 authorized place of confinement, upon receipt of a Warrant of Commitment from
1389 the Judge to receive and safely keep such prisoner until discharged by due process
1390 of law. The Municipality shall pay the board of such prisoner at the same rate as
1391 may be allowed to such entity for the keeping of such prisoner in their custody. The
1392 same shall be taxed as cost.

1393 SECTION 130.230: - PAROLE OR PROBATION, WHEN GRANTED—CERTIFICATE—
1394 CONDITIONS OF PROBATION—MODIFICATION OF CONDITIONS

1395 A. Any Judge hearing violations of municipal ordinances may, when in their
1396 judgment it may seem advisable, grant a parole or probation to any person who
1397 shall plead guilty or who shall be convicted after a trial before such Judge. When
1398 a person is placed on probation they shall be given a document explicitly stating
1399 the conditions on which they are being released.

1400 B. In addition to such other authority as exists to order conditions of probation,
1401 the court may order conditions which the court believes will serve to
1402 compensate the victim of the crime, any dependent of the victim, or society in
1403 general. Such conditions may include, but need not be limited to:

- 1404 1. Restitution to the victim or any dependent of the victim, in an amount to be
1405 determined by the judge; and
- 1406 2. The performance of a designated amount of free work for a public or
1407 charitable purpose, or purposes, as determined by the judge.
- 1408 C. A person may refuse probation conditioned on the performance of community
1409 service. If they do so, the court shall decide the extent or duration of sentence
1410 or other disposition to be imposed and render judgment accordingly. Any
1411 county, city, person, organization, or agency, or employee of a county, city,
1412 organization or agency charged with the supervision of such free work or who
1413 benefits from its performance shall be immune from any suit by the person
1414 placed on parole or probation or any person deriving a cause of action from
1415 them if such cause of action arises from such supervision of performance,
1416 except for intentional torts or gross negligence. The services performed by the
1417 probationer or parolee shall not be deemed employment within the meaning of
1418 the provisions of Chapter 288 RSMo.
- 1419 D. The court may modify or enlarge the conditions of probation at any time prior
1420 to the expiration or termination of the probation term.

1421 SECTION 130.240: - TRIAL DE NOVO —RIGHT—TIME

1422 Except where there has been a plea of guilty or the case has been tried with a jury,
1423 the defendant shall have a right of trial de novo before a Circuit Judge or upon
1424 assignment before an Associate Circuit Judge. An application for a trial de novo
1425 shall be filed within ten (10) days after judgment and shall be filed in such form and
1426 perfected in such manner as provided by Supreme Court rule.

1427 SECTION 130.250: - FAILURE TO APPEAR

1428 Any person who willfully violates their written promise to appear or who shall fail to
1429 appear at the time and place scheduled in response to any summons or warrant
1430 shall be guilty of an ordinance violation regardless of disposition of the charge
1431 upon which they were originally arrested or summoned, with the exception of
1432 minor traffic violations as defined in Section 479.350 RSMo., being a municipal
1433 ordinance violation not involving an accident or injury, which does not involve the
1434 operation of a commercial vehicle and violations where the Department of Revenue
1435 is authorized to assess no more than four (4) points to a person's driving record
1436 upon conviction, and it excludes speeding violations for exceeding the speed limit
1437 by more than nineteen (19) miles per hour or violations in a construction or school
1438 zone.

1439 SECTION 130.260: - BREACH OF RECOGNIZANCE

1440 In the case of a breach of any recognizance entered into before a Municipal Judge
1441 or an Associate Circuit Judge hearing a municipal ordinance violation case, the same
1442 shall be deemed forfeited and the Judge shall cause the same to be prosecuted

1443 against the principal and surety, or either of them, in the name of the Municipality
1444 as plaintiff. Such action shall be prosecuted before a Circuit Judge or Associate
1445 Circuit Judge, and in the event of cases caused to be prosecuted before a Municipal
1446 Judge, such shall be noted on the disposition of the proceedings before the
1447 Municipal Judge. All monies recovered in such actions shall be paid over to the City.

1448 SECTION 130.270: - DISQUALIFICATION OF MUNICIPAL JUDGE FROM HEARING
1449 PARTICULAR CASE

1450 A Municipal Judge shall be disqualified to hear any case in which they are in anyway
1451 conflicted or, if before the trial is commenced, the defendant or the prosecutor files
1452 an affidavit that the defendant or the Municipality, as the case may be, cannot have
1453 a fair and impartial trial by reason of the interest or prejudice of the Judge. Neither
1454 the defendant nor the City shall be entitled to file more than one (1) affidavit or
1455 disqualification in the same case.

1456 SECTION 130.280: - ABSENCE OF JUDGE, PROCEDURE

1457 A. If the Municipal Judge is absent, sick or disqualified from acting, the Municipal
1458 Judge or Court Administrator may designate any other Municipal Judge in the
1459 17th Judicial Circuit Court who shall agree to hear the matter.

1460 B. Pursuant to Section 478.240 RSMo., whenever any substitute Municipal Judge
1461 hears a case pending before the Municipal Court of the City, the substitute
1462 Judge shall receive compensation as agreed to by the substitute judge and the
1463 Municipal Court and will be paid upon the submission of appropriate
1464 reimbursement request.

1465 SECTION 130.290: - ADMINISTRATOR OF MUNICIPAL COURT

1466 The office of Court Administrator is hereby established. The duties of said Court
1467 Administrator shall be as follows:

- 1468 1. Collect fines for violations of offenses as may be described, and the Court
1469 costs.
- 1470 2. Take oaths and affirmations.
- 1471 3. Accept signed complaints and allow the same to be signed and sworn to or
1472 affirmed before them.
- 1473 4. Sign and issue subpoenas requiring the attendance of witnesses and sign
1474 and issue subpoenas duces tecum.
- 1475 5. Accept the appearance, waiver of trial and plea of guilty and payment of
1476 fine and costs in Violations Bureau cases or as directed by the Municipal
1477 Judge.

- 1478 6. Perform all other duties as provided for by ordinance, by rules of practice
1479 and procedure adopted by the Municipal Judge and by the Missouri Rules of
1480 Practice and Procedure in Municipal and Traffic Courts and by RSMo.
- 1481 7. Maintain, properly certified by the City Clerk, a complete copy of the
1482 ordinances of the City which shall constitute prima facie evidence of such
1483 ordinance before the Court.

1484 SECTION 130.300: - COURT COSTS

- 1485 A. In addition to any fine that may be imposed by the Municipal Judge there shall
1486 be assessed as costs in all cases the following, except when the case is
1487 dismissed, the defendant is found not guilty, or the defendant is found to be
1488 indigent:
- 1489 1. Cost of court in the amount approved by the Governing Body and listed in
1490 the Schedule of Fees and Charges maintained in the Finance Department.
- 1491 2. Costs for the training of Police Officers in the amount approved by the
1492 Governing Body and listed in the Schedule of Fees and Charges maintained
1493 in the Finance Department.
- 1494 3. Other costs, such as for the issuance of a warrant, a commitment, or a
1495 summons, as provided before the Associate Circuit Judge in criminal
1496 prosecutions.
- 1497 4. Actual costs assessed against the City by the owner of any jail for
1498 confinement in said Jail.
- 1499 5. An additional sum approved by the Governing Body and listed in the
1500 Schedule of Fees and Charges maintained in the Finance Department for
1501 Crime Victims Compensation Fund shall be assessed and all sums collected
1502 pursuant to this Subsection shall be distributed as follows:
- 1503 a. Ninety-five percent (95%) of such fees shall be paid to the Director of
1504 Revenue of the State of Missouri for deposit to the Crime Victims'
1505 Compensation Fund and the Services to Victims Fund as provided in
1506 Section 595.045 RSMo.
- 1507 b. Five percent (5%) shall be paid to the City.
- 1508 6. Mileage, in the same amount as provided to the Sheriff in criminal
1509 violations, for each mile and fraction thereof the officer must travel (both
1510 directions) in order to serve any warrant or commitment or order of this
1511 Court.
- 1512 7. The Municipal Court Judge shall assess an additional Domestic Violence
1513 Shelter surcharge in an amount in compliance with Section 488.607 RSMo.,
1514 and as approved by the Governing Body and listed in the Schedule of Fees
1515 and Charges maintained in the Finance Department for each case filed for
1516 violation of Municipal ordinances. The Court Administrator shall collect the
1517 additional Court costs and promptly disburse them no less often than

1518 monthly to the City. The City shall use the proceeds of these additional
1519 Court costs only for the purpose of providing operating expenses for
1520 shelters for victims of domestic violence that are qualified under State law
1521 to receive the proceeds of these additional costs.

1522 8. Cost for the Peace Officer Standards and Training Commission Fund shall
1523 be in an amount as approved by the Governing Body and listed in the
1524 Schedule of Fees and Charges maintained in the Finance Department. Such
1525 fees collected shall be deposited into the Peace Officer Standards and
1526 Training Commission Fund to be used Statewide for training Law
1527 Enforcement Officers. Such payments should be made by check payable to
1528 the "Treasurer State of Missouri" and mailed each month to:

1529 Budget Director
1530 Department of Public Safety
1531 P.O. Box 749
1532 Jefferson City, MO 65102

1533 9. A fee to be paid into the Inmate Prisoner Detainee Prisoner Security Fund in
1534 the amount approved by the Governing Body and listed in the Schedule of
1535 Fees and Charges maintained in the Finance Department for the purposes
1536 authorized by Section 488.5026 RSMo.

1537 10. Reimbursement of certain costs of arrest.

1538 a. Upon a plea or a finding of guilt for an offense of violating the
1539 provisions of an ordinance of the City involving alcohol- or drug-related
1540 traffic offenses, the Court may, in addition to imposition of any
1541 penalties provided by law, order the convicted person to reimburse the
1542 Police Department for the costs associated with such arrest.

1543 b. Such costs hereby authorized shall include the reasonable cost of
1544 making the arrest, including the cost of any chemical test made as
1545 authorized or required by law or ordinance to determine the alcohol or
1546 drug content of the person's blood, and the costs of processing,
1547 charging, booking and holding such person in custody.

1548 c. The Chief of Police shall establish a schedule of such costs hereby
1549 authorized and shall submit the same to the Municipal Judge. However,
1550 the Court may order the costs reduced if it determines that the costs
1551 are excessive.

1552 d. These costs shall be calculated as additional costs by the Municipal
1553 Court and shall be collected by the court in the same manner as other
1554 costs and fees are collected and remitted to the City.

1555 e. Upon receipt of such additional costs authorized by this Section, the City
1556 shall retain such costs in a separate fund to be known as the "DWI/Drug
1557 Offense Cost Reimbursement Fund." Monies with such fund shall be
1558 appropriated to the Police Department in amounts equal to those costs

1559 so collected and shall be used by such Department specifically to
1560 enhance and support the enforcement and prosecution of alcohol- and
1561 drug-related traffic laws within the City.

1562 SECTION 130.310: - COURT COSTS—ASSESSED AGAINST PROSECUTING WITNESS

1563 The costs of any action may be assessed against the prosecuting witness and
1564 judgment be rendered against them that they pay the same and stand committed
1565 until paid in any case where it appears to the satisfaction of the Municipal Judge
1566 that the prosecution was commenced without probable cause and from malicious
1567 motives.

1568 SECTION 130.320: - INSTALLMENT PAYMENT OF FINE

1569 When a fine is assessed for violating an ordinance, it shall be within the discretion
1570 of the Judge assessing the fine to provide for the payment of a fine on an
1571 installment basis under such terms and conditions as they may deem appropriate.

1572 **CHAPTER 135: - PURCHASING POLICY**

1573 SECTION 135.010: - GENERAL PROVISIONS

1574 A. This Chapter provides guidelines to be followed in purchasing goods and
1575 services for the City. These policies and procedures supersede all prior
1576 purchasing directives, memoranda, and practices. The City Manager shall be
1577 responsible for enforcing this policy.

1578 B. *Lowest Best Quality Competition.* All purchasing will demonstrate a reasonable
1579 and good faith effort to obtain goods and services at the lowest possible cost
1580 with the optimum quality needed. Competition among suppliers shall be
1581 encouraged.

1582 C. *Preference Area Vendors.* Vendors will be treated in a fair and professional
1583 manner with preference given to area vendors, if all other things are equal.

1584 D. *Conflict Of Interest.* Any officer or employee of the City is expressly prohibited
1585 from accepting, directly or indirectly, from any person, company, firm or
1586 corporation to which any purchase order or contract is, or might be awarded,
1587 any rebate, gift, money, or anything of value whatsoever, except where given
1588 for the use and benefit of the City. No City employee or official shall have a
1589 financial interest in any purchase or contract issued by the City. Violation of this
1590 provision is basis for dismissal.

1591 E. *Budget Goal.* The City Council sets goals, priorities, and standards for the City
1592 programs and services through adoption of the annual budget. The budget
1593 establishes expenditure levels for each department. No further Council action is
1594 required to initiate purchases within the budget limits.

1595 F. *Department Director Authority.* Department Directors are granted full
1596 responsibility and broad discretion by the City Manager to make purchases
1597 within the scope of their departmental appropriations subject to the rules
1598 contained within these regulations. Budget appropriations do not mandate
1599 expenditure unless the need continues to exist at the time of purchase. The City
1600 Manager may establish spending levels below those budgeted if revenue
1601 collections are inadequate to fulfill budgetary needs.

1602 G. *Sales Tax Exemption.* All City purchases are exempt from the sales taxes of
1603 Missouri and its political subdivisions.

1604 SECTION 135.020: - COMPETITIVE QUOTES AND PROPOSALS

1605 A. *Items Over Five Hundred Dollars.* Any item which exceeds five hundred dollars
1606 (\$500.00) purchased individually shall require competitive quotes. Quotes will
1607 be obtained in writing, by telephone, email, online, or from current catalog price
1608 lists. Quotes shall be solicited from at least three (3) vendors.

1609 B. *Purchases Over One Thousand Dollars.* Individual purchases which exceed one
1610 thousand dollars (\$1,000.00) need to be signed by the City Manager as well as
1611 meet the requirements for items over five hundred dollars (\$500.00).

1612 C. *Purchases Over Ten Thousand Dollars.* Purchases in excess of ten thousand
1613 dollars (\$10,000.00) require legal advertisement, written specifications, sealed
1614 proposals, and are awarded by the City Council.

1615 Sealed proposals shall be submitted to the Purchasing Specialist for public
1616 opening and evaluation prior to City Council action.

1617 D. *Purchases Requiring City Council Approval.*

1618 1. Contracts.

1619 2. Agreements.

1620 3. Purchases over ten thousand dollars (\$10,000.00).

1621 E. *Exceptions.* These guidelines may be modified or waived under any of the
1622 conditions listed below. Written justification for such must be submitted with
1623 the purchase order.

1624 1. The goods or services are available from only one (1) vendor;

1625 2. Any emergency; (an emergency status must be approved by the
1626 Department Director)

1627 3. A concession or maintenance service agreement is being renewed for good
1628 workmanship, material, or performance for no more than one (1) year;

1629 4. It is advantageous to purchase through the purchasing contracts of other
1630 governmental agencies;

- 1631 5. The services are not conducive to lowest price for proposals such as legal,
1632 engineering, audit, or medical services;
- 1633 6. For purchases that are of an on-going, repetitive nature, i.e., concrete,
1634 asphalt, equipment repairs, or any other items approved by the City
1635 Manager or Assistant City Manager. Purchases may be made by
1636 Department Directors on a price/availability basis, for purchases up to five
1637 hundred dollars (\$500.00), without obtaining separate quotes on each
1638 purchase; or
- 1639 7. Professional services for architecture, engineering, or land surveying shall
1640 be obtained as a Request for Qualifications (RFQus) which is outlined in the
1641 Standard Operating Procedure Manual on file with the Purchasing
1642 Specialist.
- 1643 F. *Single Quotes Or Proposals.* When only one (1) quotes or proposal is received in
1644 response to a solicitation, City staff may enter into negotiations with the sole
1645 responder to the quotes/proposal solicitation. If staff believes that the following
1646 three (3) conditions have been met, then the negotiated award may be
1647 recommended to the City Council.
- 1648 1. The contractor is qualified and background and reference check has been
1649 completed.
- 1650 2. The Department Director determines that the quote/proposal, fully
1651 addresses the scope of work outlined and meets all of the conditions set
1652 forth in the general and specific requirements.
- 1653 3. The Request for Proposal/Quote (RFP) was properly and effectively
1654 advertised and a diligent effort was made to notify vendors of the RFP.

1655 SECTION 135.030: - SURPLUS, RECOVERED AND CONFISCATED PROPERTY

- 1656 A. A detailed list of any surplus, obsolete, or worn-out, department property shall
1657 be submitted to the Purchasing Specialist with recommendation for disposal.
1658 Upon request, items may be transferred to another department subject to
1659 approval of the City Manager.
- 1660 B. Surplus property may be sold by public auction with authorization of the City
1661 Council. Unsold items may be disposed of upon approval of the City Manager.
- 1662 C. Disposal of recovered or confiscated property shall be governed and controlled
1663 by the adopted policies of the affected City Departments.

1664 SECTION 135.040: - GENERAL PROCUREMENT AUTHORITY LIMIT

1665 The City Manager is authorized to approve purchases up to ten thousand dollars
1666 (\$10,000) without review by the City Council.

1667 **CHAPTER 140: - FINANCES**

1668 **ARTICLE I. - FISCAL YEAR**

1669 SECTION 140.010: - FISCAL YEAR

1670 The Fiscal Year of this City shall begin on November first (1st) and end on October
1671 thirty-first (31st) of the succeeding year.

1672 **ARTICLE II. - BUDGET**

1673 SECTION 140.020: - BUDGET REQUIRED

1674 Prior to the commencement of each fiscal year, a budget for the City shall be
1675 prepared, and the same will be presented to and approved by the City Council. The
1676 approved budget shall be on file in the Finance Department.

1677 SECTION 140.030: - BUDGET CONTENTS

1678 The annual budget shall present a complete financial plan for the next fiscal year.
1679 The following shall be included in the budget:

- 1680 1. A budget message from the City Manager shall describe the important
1681 features of the budget and to point out any major changes from the
1682 previous year.
- 1683 2. An estimate of revenues which are expected to be received during the next
1684 year from all sources, plus a comparative statement of revenues for the
1685 previous two (2) budget years. These comparisons shall be shown by year,
1686 fund, and source.
- 1687 3. An estimate of the expenditures that are proposed to be spent during the
1688 budget year, plus a comparative statement of actual expenditures for the
1689 previous two (2) years. These comparisons should be shown by year, fund,
1690 activity and object.
- 1691 4. The amount of money required to pay any interest, amortization, or
1692 redemption charges which the City will owe during the budget year.
- 1693 5. A general summary of the total proposed budget.

1694 SECTION 140.030: - EXPENDITURES LIMITED

1695 Expenditure estimates in the budget shall not be larger in amount than the total
1696 anticipated revenue plus available fund balance for the budget year.

1697 SECTION 140.040: - DEBT LIMITED

1698 The City shall not incur any debts which aggregate an amount greater than the
1699 anticipated revenues for the budget year, without the approval of the voters of the
1700 City, as required by law.

1701 **ARTICLE III. - RECORDS MANAGEMENT**

1702 SECTION 140.080: - CITY CLERK KEEP RECORDS

1703 A. The records of the City shall be kept in the custody of the City Clerk in
1704 accordance with Chapter 109 RSMo.

1705 B. The word "record" or "records" shall mean the original of any document, book,
1706 paper, photograph, map, sound recording or other material regardless of
1707 physical form or characteristics, made or received pursuant to law or in
1708 connection with the transaction of official business.

1709 C. The City Clerk may delegate custody of City records to another City employee
1710 after satisfying themselves as to the safety of said records.

1711 **CHAPTER 145: - TAXES**

1712 SECTION 145.010: - IMPOSITION OF CITY SALES TAX

1713 A. Pursuant to the authority granted by and subject to the provisions of Sections
1714 94.500 to 94.550 RSMo., a tax for general revenue purposes is hereby imposed
1715 upon all sellers for the privilege of engaging in the business of selling tangible
1716 personal property or rendering taxable services at retail to the extent and in the
1717 manner provided in Sections 144.010 to 144.525 RSMo., and the rules and
1718 regulations of the Director of Revenue. The rate of the tax shall be one percent
1719 (1%) on the receipts from the sale at retail of all tangible personal property or
1720 taxable services at retail within the City.

1721 B. The municipal sales tax on sales of metered water services, electricity, electrical
1722 current, natural, artificial or propane gas, wood, coal or home heating oil used
1723 for non-business, non-commercial or non-industrial purposes shall be one
1724 percent (1%).

1725 SECTION 145.020: - SALES TAX FOR TRANSPORTATION

1726 There is hereby imposed a transportation sales tax of one-half of one percent
1727 (0.5%) as authorized by Section 94.700 RSMo.

1728 SECTION 145.030: - SALES TAX FOR CAPITAL IMPROVEMENTS

1729 The City has imposed a City sales tax for capital improvements at the rate of
1730 one-half of one percent (0.5%) as authorized by Sections 144.010 to 144.525 RSMo.

1731 SECTION 145.040: - SALES TAX FOR STORMWATER CONTROL AND LOCAL PARKS

1732 A. The City hereby imposes a sales tax of one-half of one percent (.5%) for the
1733 purpose of providing funding for stormwater control and local parks with an
1734 established formula set for the distribution of the monies received to be used
1735 only for stormwater control and local parks in the City as authorized by Sections
1736 644.032-644.033 RSMo.

1737 B. The monies received from the stormwater control and local parks sales tax shall
1738 be distributed with stormwater and parks each receiving forty percent (40%) for
1739 their respective functions. The remaining twenty percent (20%) shall be
1740 reserved for stormwater control and park purposes. However, the annual
1741 distribution of this remaining twenty percent (20%) shall be subject to the
1742 annual budgeting process. This remaining twenty percent (20%) may only be
1743 used for stormwater control and park purposes in conformance with State law.

1 **CHAPTER 200: - POLICE DEPARTMENT**

2 SECTION 200.010: - GENERALLY

3 This Chapter consists of the rules and regulations for the operation of the Police
4 Department of this City. To the extent that this Chapter conflicts with the provisions
5 of any Police Department policies, this Chapter shall prevail.

6 SECTION 200.020: - CHIEF OF POLICE-AUTHORITY

7 Under the direction of the City Manager, the Chief of Police is directly responsible
8 for the effective operation of the Police Department and all of its employees,
9 consistent with local, state, and federal law.

10 SECTION 200.030: - CHIEF OF POLICE-DUTIES

11 The Chief of Police is responsible for the leadership and administrative oversight of
12 the Police Department and Emergency Management.

13 SECTION 200.040: - PERSONNEL ASSIGNMENTS

14 Assignment of all Police Department employees is at the discretion of the Chief of
15 Police. For purposes of this Chapter, the term "Police Officer" applies to all sworn
16 Police Officers of the Department, the term "Communications Officer" refers to all
17 persons hired to perform dispatching responsibilities, the term "Animal Control
18 Officer" refers to any employee who is hired to perform animal control
19 responsibilities, and the term "support personnel" applies to all other persons
20 employed by the Department.

21 SECTION 200.050: - POLICE OFFICERS-DUTIES

22 The fundamental duties of a Police Officer includes serving the community,
23 preserving the public peace, preventing crime, detecting and arresting violators of
24 the law, protecting life and property, and enforcing all criminal laws of the State of
25 Missouri, federal laws when appropriate, and ordinance of the City.

26 SECTION 200.060: - STANDARD OF CONDUCT

27 Police Officers are expected to conduct themselves in a manner that reflects
28 positively on the City. Their actions, both on duty and off duty, will display the
29 highest degree of integrity, service and commitment to public safety. Violations of
30 law, department and/or City operational procedures are addressed as personnel
31 actions.

32 SECTION 200.070: - RULES, REGULATIONS AND ORDERS

33 Each member of the Department will be furnished with a copy of any rules,
34 regulations, and orders issued by the Chief of Police or the City which they shall be
35 familiar with at all times.

36 SECTION 200.080: - AGE QUALIFICATIONS FOR POLICE OFFICERS

37 All Police Officers employed by the City shall be between the ages of twenty-one
38 (21) and full retirement age as designated by the Social Security Administration.

39 SECTION 200.090: - POLICE ACTION-EMERGENCY SITUATION OUTSIDE CITY
40 LIMITS-MUTUAL AID

41 Any Police Officer of the City may provide assistance in emergency situations
42 outside of the City limits in accordance with RSMo. for the Missouri Mutual Aid
43 System or separate mutual aid agreements.

44 SECTION 200.100: - AUTOMATIC ALARM SYSTEMS PROGRAMMED INTO
45 911-PROHIBITED

46 Prohibition. No person, company, or corporation shall keep, maintain, design, wire
47 or program any type of alarm system to automatically dial the City's 911 Emergency
48 Telephone Service.

49 SECTION 200.110 PENALTY

50 Upon conviction or a plea of guilty, any person, firm or corporation violating or
51 failing to comply with any of the provisions of this Chapter shall be, subject to the
52 penalty provisions provided for in Section 100.220 of the City Code.

53 **CHAPTER 205: - ANIMAL CONTROL**

54 SECTION 205.010: - RESERVED

55 SECTION 205.020: - PURPOSE

56 The purpose of this Code is to protect the public health, safety and welfare of the
57 animals and citizens of Raymore. These include but are not limited to:

- 58 1. To protect citizens and other animals from dangerous animals.
- 59 2. To minimize safety hazards and ensure that the public health and welfare
60 will be safeguarded.
- 61 3. To ensure adequate care for animals.
- 62 4. To preserve the value of the property throughout the City.

63 5. To provide mechanisms for the enforcement and administration of this Code
64 to ensure that the above purposes are accomplished.

65 SECTION 205.030: - APPLICABILITY OF CITY CODE

66 Owners of every animal/pet shall conform to the requirements of this Code,
67 regardless of when an animal/pet was acquired.

68 SECTION 205.040: - INTERPRETATION

69 If any Section, Subsection, sentence, clause, phrase or portion of this Chapter is for
70 any reason held invalid or unconstitutional by any court of competent jurisdiction,
71 such portion shall be deemed a separate, distinct and independent, and such
72 holding shall not affect the validity of the remaining portions thereof.

73 SECTION 205.050: - DEFINITIONS

74 For the purpose of this Chapter, the following words and phrases shall have the
75 following interpretation and/or meanings indicated below:

76 *ABANDONED:* The condition of an animal being deserted, or having the
77 protection of its owner or caregiver withdrawn.

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

81 *ANIMAL:* Any living vertebrate or invertebrate creature, domestic or wild, except
82 human beings.

83 *ANIMAL CONTROL OFFICER:* Any member of the Police Department, person, firm,
84 association or corporation authorized by the City or contracted with the City to
85 enforce this Chapter.

86 *AT LARGE:* An animal that is off the premises of the owner and not under the
87 control of the owner or a member of their immediate family or their agent, by
88 leash.

89 *BITTEN:* Any contact between an animal's mouth and teeth, and skin of a bite
90 victim which causes visible trauma such as a puncture wound, laceration,
91 abrasion, or other piercing of the skin.

92 *COURT:* The Raymore Municipal Court, a Division of the 17th Judicial Circuit
93 Court of the State of Missouri.

94 *DANGEROUS ANIMAL:* Any animal declared to be a dangerous animal as set forth
95 in Section 205.130 of the Raymore City Code.

DOMESTIC ANIMAL: Any animal domesticated by a person so as to live and breed in a tame condition.

FENCE: Any barrier consisting of posts, wire, boards or electronic means used to prevent entry to property or confine animals to the same.

FOWL: Hens, roosters, ducks, geese, turkeys, doves, pigeons, cornish game hens or other fowl raised for profit, hobby or kept as pets.

KEEPING AND HARBORING: To feed or shelter an animal at the same location for three (3) or more consecutive days.

LIVESTOCK: Horses, mules, sheep, goats, cattle, swine and other domesticated animals, excluding dogs and cats.

OWNER: In addition to its ordinary meaning, any person who keeps or harbors an animal or profession to be owning, keeping, or harboring an animal.

PET: Any animal kept for pleasure rather than utility.

RESTRAINT: An instrument or a means of restraining an animal either by electronic means, fence, leash or by verbal commands to which the animal immediately responds.

SERVICE ANIMALS: Any animal that is individually trained to do work or perform tasks for the benefit of an individual with a disability or an animal trained for public safety purposes.

UNPROVOKED: Occurring without motivation or provocation.

WILD ANIMAL: Any animal which can normally be found living in a state of nature and not ordinarily tame or domesticated.

WILDLIFE: All wild or exotic birds, mammals, fish and other aquatic and amphibious forms, and all other wild animals, regardless of classification, whether resident, migratory or imported, protected or unprotected.

SECTION 205.060: - LICENSE

It shall be unlawful for any person to own, keep or harbor any dog or cat over six (6) months of age living within the corporate limits of the City without registering such dog or cat and paying a license fee.

SECTION 205.070: - LICENSE REGISTRATION/FEE

- A. Any person, firm or corporation owning, keeping or harboring any dog or cat over the age of six (6) months living within the corporate limits of Raymore shall pay a license registration fee approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department. Proof of

current vaccinations from a licensed veterinarian must be presented at the time of license registration for dogs and cats. Public safety and service animals are exempt from the license registration fee imposed by this Section.

- B. It shall be the duty of the City upon receipt of the license fee to keep in a record suitable for the registration of dogs and cats. Following payment of the registration fee, the owner will be provided a receipt and issued a metallic tag associated with the registration number.
 - 1. Lost tags. When a tag is lost, another may be issued according to the Schedule of Fees and Charges approved by the Governing Body and maintained in the Finance Department.
 - 2. Dog or cat tags—removal of. It shall be unlawful to remove the license tag of any animal which does not belong to that person.

SECTION 205.080: - LICENSE FEE-WHEN PAYABLE

The license fee shall be due on January first (1st) of each year. Applications made after January thirty- first (31st) are subject to a penalty approved by the governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department. Residents relocating to the City after January first (1st), may have the fee prorated to the nearest quarter of the year.

SECTION 205.090: - ANTI-RABIES VACCINATION REQUIRED

A. Should any dog or cat be picked up by the Animal Control Officer that does not have a current tag, and the owner is unable to show proof of vaccination, such owner, prior to release of the dog or cat, shall be responsible for any costs associated with impoundment.

SECTION 205.100: - NUMBER OF DOGS AND CATS

The owning, harboring or keeping of four (4) dogs and cats total over six (6) months of age upon any property in the City shall be deemed a nuisance. Upon adequately showing that the premises are so situated and that special circumstances exist which would not constitute a nuisance to the neighborhood, the owner or keeper may request a use variance from the Board of Adjustment under the Unified Development Code to keep or harbor a combination of more than four dogs or cats upon adequately showing that the premises are so situated and that special circumstances exist which would not constitute a nuisance to the neighborhood.

SECTION 205.110: - RUNNING AT LARGE UNLAWFUL

A. It shall be unlawful for any owner, keeper or harbinger of an animal to allow an animal to run at large within the City. An animal shall be kept within the owner's private premises by some person in charge of the animal. An animal shall be deemed running at large unless:

1. The animal is on the premises of the owner; or
 2. The animal is confined within a building, enclosure or the passenger compartment of a motor vehicle; or
 3. On a durable leash, cord, chain, similar restraint or under the physical control of a competent person who is capable of controlling the animal.
- B. The owner of any animal found running at large, shall be responsible for any costs associated with impoundment. Any owner who is in violation or fails to comply with any of the provisions of this Chapter shall be, upon conviction or a plea of guilty, subject to the penalty provisions provided for in Section 100.220 of the City Code.

SECTION 205.115: - IMPOUNDMENT

- A. Any animal found in the City running at large in violation of Section 205.110 or otherwise in violation of this Chapter, may be placed in the City animal shelter.
- B. Every animal placed in the City's animal shelter shall be held for recovery by the owner for a period of not less than five (5) regular business days. (A regular business day is a day during which the animal shelter is open for business to the public.)
- C. Upon the impoundment of any animal, the owner of the animal, if known, shall be notified. If the owner is unknown, all efforts shall be made to identify and contact the owner.
- D. In case the owner shall desire to reclaim the animal from the animal shelter, the owner must:
1. If the owner is a resident of the City, produce proof that the animal has a valid City license;
 2. If the owner is not a resident of the City, produce proof that the animal has had a valid rabies vaccination as required by this Chapter;
 3. Pay all maintenance costs, as established from time to time by the City, for keeping the animal while in the animal shelter as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department;
 4. Pay the impoundment fee as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department.
- E. If an impounded animal is not reclaimed by the owner within five (5) days after impoundment and notice of such impoundment, the animal may be placed in a good home or transferred to another facility for adoption.

SECTION 205.120: - FEMALE DOGS AND CATS

It shall be unlawful to keep or harbor any female dog or cat within an unconfined area during such time as she is in heat. The owner shall keep such dog or cat confined in a building or secure structure or in a veterinary hospital or boarding kennel in a manner that such female animal cannot come in contact with other animals.

SECTION 205.130: - DANGEROUS ANIMALS

- A. It shall be unlawful for any person's animal to inflict or attempt to inflict bodily injury to any person or other animal whether or not the owner is present. However, this shall not apply to an attack by a dog under the control of a Law Enforcement Officer or to an attack upon an uninvited intruder who has entered the owner's property with criminal intent.
- B. A dangerous animal is one that:
1. Has inflicted a severe or fatal injury on a human being. (Severe injury means any physical injury resulting directly from an animal's bite that results in broken bones, lacerations requiring stitches or in-patient hospitalization. A victim who receives severe injuries must provide the Police Department with a signed physician's statement documenting injury and treatment qualifying such as a severe injury or sign an authorization for release of such statement;
 2. Has killed a dog, cat or other domestic animal without provocation while off the owner's property;
 3. Is owned or harbored primarily or in part for animal fighting;
 4. Has bitten a human being without provocation on public or private property;
 5. When unprovoked, chases or approaches a person upon the streets, sidewalks or any public grounds or private property other than the property of the owner in a menacing fashion or apparent attitude of attack, regardless of whether or not a person is injured by such animal; or
 6. Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise threaten the safety of human beings and domestic animals.
- C. Law Enforcement Officers shall have the authority to designate any animal as a dangerous animal upon receiving evidence that the animal meets any of the criteria for a dangerous animal set forth in Subsection (B) above. When such a designation is made, at least one (1) owner of the animal, if known, shall be served a summons notifying the person of the designation and informing them of their right to appeal such designation by appearing in court. Pending a disposition by the court, the animal must be confined in such a manner as

determined by the Animal Control Officer. The Animal Control Officer shall be authorized to require confinement of the animal by permitting the owner to have the animal confined at a veterinary facility or kennel, or by permitting the animal to be confined on the owner's premises in such secure facilities as are approved by the Animal Control Officer. If the animal is deemed dangerous by the court, the court shall issue an order to have the animal euthanized or removed from the City. If removal is authorized by the court, the animal shall be placed in the custody of Animal Control while the owner makes immediate arrangements to have the animal removed from the City. If the animal is not removed within twenty-four (24) hours, animal control shall make arrangements for humane euthanization after an order from the Raymore Municipal Judge.

D. Exceptions to dangerous animal classification:

1. With the exception of Subsection (B)(1) above, no animal may be declared to be dangerous if the injury, damage or threat was sustained by a person who, at the time, was committing an illegal act upon the premises occupied by the owner of the animal; was teasing, tormenting, abusing or assaulting the animal; has in the past been observed or reported to have teased, tormented, abused or assaulted the animal; or was committing or attempting to commit a crime.
2. With the exception of Subsection (B)(1) above, the Animal Control Officer may, because of extenuating circumstances, determine from the investigation of an incident that an animal is not dangerous. However, the owner may be warned of the animal's tendencies and to take appropriate action to prevent subsequent incidents. This, however, does not exempt the owner from being cited for other Animal Control ordinance violations.

- E. Any owner of an animal declared to be a dangerous animal and is in violation of, or failure to comply with any of the provisions of this Section shall be, upon conviction or a plea of guilty, subject to the penalty provisions provided for in Section 100.220 of the City Code. In addition, the dangerous animal shall be subject to immediate seizure and impoundment.

SECTION 205.135: - TRAPPING-TAMPERING WITH TRAPS

It shall be unlawful for anyone to set or use traps within the City limits unless authorized by the Police Department. If a trap is approved, said property owner may request a trap from Animal Control and immediately inform Animal Control if an animal is caught. Furthermore, it is a violation of this Section for anyone to tamper with, alter or otherwise damage any trap set by Animal Control.

SECTION 205.140: - RESERVED

SECTION 205.150: - ANIMAL BITES-QUARANTINE

If it has been determined that an animal has bitten a human or another animal, the animal is to be quarantined for a period of no less than ten (10) days and may be placed at the residence of the owner at the discretion of the Animal Control Officer, if a current rabies vaccination record is produced. If no current rabies vaccination record exists, the animal will be quarantined in the City's animal shelter or a veterinarian of the Animal Control Officers choosing, and the owner shall be notified of the location of quarantine. The animal must remain within the City limits for the entire period of quarantine.

SECTION 205.160: -RESERVED

SECTION 205.170: - CITY TO BE NOTIFIED-RABIES CONTROL

If an animal infected with rabies is delivered to a veterinary hospital or clinic, notice of the name and location of such hospital or clinic shall be immediately furnished to the City by the owner, keeper of such animal, or Animal Control Officer. In addition, the City shall be notified immediately by the veterinarian in charge of an animal in the event of the death of the animal while under observation in a veterinary hospital or animal clinic.

SECTION 205.180: - VETERINARY CARE REQUIRED-RABIES CONTROL

It shall be the duty of the owner or keeper of any infected animal upon receiving notice of the infection to immediately place such animal in a duly licensed veterinary hospital or clinic where the animal shall be confined for a period of at least ten (10) days or to convey or cause such animal to be conveyed to an animal shelter which is to be designated by the City, where such animal shall be secured or confined for a period of at least ten (10) days, at the expense of the owner or keeper of said animal.

SECTION 205.190: - CERTAIN ANIMALS MAY BE EUTHANIZED

Animals that are so severely diseased, dangerous, or injured, may be euthanized without impoundment by any licensed veterinarian or Law Enforcement Officer.

SECTION 205.200: - ANIMAL NEGLECT OR ABANDONMENT

- A. A person is guilty of animal neglect when they have custody or ownership or both of an animal and fails to provide adequate care or adequate control which could result in harm or inhumane conditions to the animal.
- B. A person is guilty of animal abandonment when they have knowingly abandoned an animal in any place without making provisions for its adequate care.
- C. Animal neglect or animal abandonment are ordinance violations. Upon conviction or a plea of guilty, any person, firm or corporation violating or failing

to comply with any of the provisions of this Chapter shall be subject to the penalty provisions provided for in Section 100.220 of the City Code.

- D. In addition to any other penalty imposed by this Section, the court may order a person found guilty of animal neglect or animal abandonment to pay all reasonable costs and expenses necessary as allowed by RSMo. 578.009.

SECTION 205.205: - RESCUE OF ANIMAL FROM VEHICLES UNDER DANGEROUS WEATHER CONDITIONS

Whenever any animal is found confined in a motor vehicle in a public place under weather conditions that endanger its life as determined by Animal Control or a Law Enforcement Officer, The Officers are authorized to enter such vehicle and rescue such animal and impound it in accordance with this Chapter. A prominent written notice shall be left on the vehicle advising that the animal has been removed and impounded in accordance with this Section.

SECTION 205.210: - NOISY ANIMALS

The keeping or harboring of any animal which is frequently and habitually loud (barking, howling, yelping or making any other loud or unusual noise) and frequently disturbs the peace of any neighborhood, based on a signed complaint, is prohibited and declared to be a public nuisance and unlawful under this Code. It shall be the duty of any person harboring or keeping such loud animal to abate said nuisance, and if they fail to do so, the City may impound the animal or take any other appropriate action to abate said nuisance.

SECTION 205.215: - OFFENSIVE ODORS

It shall be unlawful for any person to keep any animals in a pen, shed, yard or other confined area within the City limits from which offensive odors are emitted. The maintaining of animals in such conditions shall be a violation of this Section.

SECTION 205.220: - PUBLIC NUISANCES

Any animal or group of animals which behave in the following manner will be considered a public nuisance:

1. Molests any passerby or chases passing vehicles, including bicycles, when upon public property.
2. Attacks any other animal.
3. Is in heat and not properly confined.
4. Is running at large.
5. Damages public or private property.
6. Barks, whines, howls, meows or creates any other disturbance which is continuous or untimely so as to disturb an individual who is a neighbor and

who does in writing state they will so testify if called upon to testify about such matter under oath. For purposes of this Section, a "neighbor" is defined as an individual residing in a residence structure which is within one hundred (100) yards of the property on which the animal is kept or harbored.

7. Is ridden on, driven or led on public property in such a manner to obstruct or interfere with vehicular or pedestrian traffic.
8. Causes injury to a person.
9. Threatens or causes a condition which endangers public health or safety.
10. Impedes refuse collection by ripping any bag or tipping any container of refuse.
11. If a neighbor signs a complaint that the animal is entering upon the neighbor's property and it is found on that neighbor's property after that complaint.

SECTION 205.230: - EXOTIC AND WILD ANIMALS

- A. It shall be unlawful for any person to own, keep or harbor any non-human living creature that is not customarily regarded as capable of being domesticated or any non-human living creature whose size, inherent characteristics, physical attributes or dangerous propensities make it a threat to human health whose nature precludes it being safely kept in captivity or to whom captivity would be detrimental to its health.
- B. With the exception of areas zoned agricultural or rural estate, the following animals are specifically prohibited: chickens, turkeys, pot bellied pigs, ducks, sheep, goats, and otters.
- C. Zoological parks performing animal exhibitions and circuses are exempt from the requirements of this Chapter and may exhibit, display or allow wild animals to perform upon acquiring the proper permits to do so under the Codes of the City.
- D. Any person finding or capturing any wild animal shall make a report to the Animal Control Officer within twenty-four (24) hours of the time of capture.
- E. Upon conviction or a plea of guilty, any person, firm or corporation violating or failing to comply with any of the provisions of this Chapter shall be subject to the penalty provisions provided for in Section 100.220 of the City Code.

SECTION 205.240: - ANIMAL ABUSE

- A. A person is guilty of animal abuse when a person violates the provisions of 578.012 RSMo.

SECTION 205.250: - ASSAULT ON A POLICE ANIMAL

A person commits the offense of assault on a Police animal as provided for in 575.353 RSMo.

SECTION 205.260: - ANIMAL FIGHTING UNLAWFUL

It shall be unlawful for any person to promote, train animals for, conduct, participate in or collect any monies from or on account of non-human animal fighting. Upon conviction or a plea of guilty, any person, firm or corporation violating or failing to comply with any of the provisions of this Chapter shall be subject to the penalty provisions provided for in Section 100.220 of the City Code.

SECTION 205.270: - REMOVAL OF EXCREMENT

- A. No person owning, keeping or having custody of a dog or cat shall allow or permit excrement of their animal to remain on public property, private property other than the owner of the animal without consent of the owner or occupant or allow the excrement to cause foul odor on the owner's property.
- B. Any person owning, keeping or having custody of an animal shall immediately remove the excrement deposited by the animal if deposited on property other than that of the owner of the animal.

SECTION 205.280: - RESERVED

SECTION 205.290: - KENNELS

Any person, firm or corporation that maintains in this City a kennel where dogs are kept for sale having obtained a license under this Code shall not be required to obtain dog licenses for such dogs under this Code.

SECTION 205.300: - OFFENSES INVOLVING TAGS

It is unlawful to counterfeit or transfer animal license tags.

SECTION 205.310: - TAG REFUND

No refunds shall be made on any animal license fee because of the animal leaving the City before the expiration of the license or death of the animal.

SECTION 205.320: - IMPOUNDING FEES

Any animal impounded in the public animal shelter of the City shall be released to the owner upon compliance with Section 205.115 and payment of impoundment and maintenance fees approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department.

SECTION 205.330: - NOTICE TO OWNER

Notice of impoundment shall immediately be made, if possible, by the City to the owner or keeper of the animal as shown by the licensing records of the City or if known to the Animal Control Officer. Failure to receive such notice, within five (5) days, shall not prevent the City or its authorized agency from carrying out the provisions of this Chapter.

SECTION 205.340: - RESERVED

SECTION 205.350: - RESERVED

SECTION 205.360: - INTERFERENCE WITH OFFICERS

It is unlawful for any unauthorized person to take or attempt to take from any Officer any animal taken up by them in compliance with this Code or in any manner to interfere with or hinder such Officer in the discharge of their duties under this Code.

SECTION 205.370: - PENALTY FOR VIOLATIONS OF CHAPTER

Upon conviction or a plea of guilty, any person, firm or corporation violating or failing to comply with any of the provisions of this Chapter shall be subject to the penalty provisions provided for in Section 100.220 of the City Code.

CHAPTER 210: - OFFENSES

ARTICLE I. - DOMESTIC VIOLENCE POLICY

SECTION 210.010: - GENERAL PROVISIONS

A person commits the offense of abuse if they violate any of the provisions of Sections 455.010-455.085 RSMo.

SECTION 210.020-210.040: - RESERVED

SECTION 210.050: - 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.

ARTICLE II. - OFFENSES AGAINST A PERSON

SECTION 210.060: - ASSAULT

A person commits the offense of assault if they violate any of the provisions of Sections 565.050-565.079 RSMo.

SECTION 210.070: - HARASSMENT

A person commits the offense of harassment if they violate any provisions of Sections 565.090 and 565.091 RSMo.

ARTICLE III. - OFFENSES CONCERNING ADMINISTRATION OF JUSTICE

SECTION 210.080: - RESISTING OR INTERFERING WITH ARREST

A. A person commits the offense of resisting or interfering with arrest if they violate any provisions of Section 575.150 RSMo.

SECTION 210.090: - AIDING THE ESCAPE OF A PRISONER

A. A person commits the offense of aiding the escape of a prisoner if they violate any provisions of Section 575.230 RSMo.

SECTION 210.100: - HINDERING PROSECUTION-PROHIBITED

A person commits the offense of hindering prosecution if they violate any provisions of Section 575.030 RSMo.

SECTION 210.110: - OBSTRUCTING GOVERNMENT OPERATIONS-PROHIBITED

A person commits the offense of obstructing governmental operations if they purposely obstruct, impair, hinder or pervert the performance of a governmental function by using or threatening violence, force or other physical interference or obstacle.

SECTION 210.120: - FALSE REPORTS

- A. A person commits the offense of making a false report if they knowingly:
1. Give false information to a Police or Law Enforcement Officer for the purpose of implicating another person in a crime; or
 2. Makes a false report or causes a false report to be made to a Police or 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

3. Make a false report to a Police or Law Enforcement Officer that a crime has occurred or is about to occur.
- B. It is a defense to a prosecution under Subsection (A) of this Section, that the person retracted the false statement or report before the Police or Law Enforcement Officer or any other person took substantial action in reliance.
- C. The defendant shall have the burden of injecting the issue of retraction under Subsection (B), of this Section.

SECTION 210.130: - TAMPERING WITH PHYSICAL EVIDENCE

A person commits the offense of tampering with physical evidence if they:

1. Alters, destroy, suppress or conceal any record, document or thing with purpose to impair its verity, legibility or availability in any official proceeding or investigation; or
2. Make, present or use 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 210.140: - TAMPERING WITH PUBLIC RECORD

A person commits the offense of tampering with a public record if with the purpose to impair the verity, legibility, or availability of a public record:

1. They knowingly makes a false entry in or falsely alters any public record; or
2. Knowing they lack authority to do so, they destroy, suppress or conceal any public record.

SECTION 210.150: - 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, they interfere with or obstruct such person.
- B. "Process" includes any writ, summons, subpoena, warrant other than an arrest warrant, or other process or order of a court.

SECTION 210.160: - 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, they disrupt or disturb 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 210.170: - MISUSE OF OFFICIAL INFORMATION

A public servant commits the offense of misuse of official information if, in contemplation of official action by themselves or by a governmental unit with which they are associated, or in reliance on information to which they have access in their official capacity and which has not been made public, they knowingly:

1. Acquire a pecuniary interest in any property, transaction, or enterprise which may be affected by such information or official action; or
2. Speculate or wager on the basis of such information or official action; or
3. Aid, advise or encourage another to do any of the foregoing with purpose of conferring a pecuniary benefit to any person.

SECTION 210.180: - FALSE IMPERSONATION

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

1. Falsely represent themselves to be a public servant with purpose to induce another to submit to their pretended official authority or to rely upon their pretended official acts, and
 - a. Perform an act in that pretended capacity; or
 - b. Cause another to act in reliance upon their pretended official authority; or
2. Falsely represent themselves 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. Perform an act in that pretended capacity; or
 - b. Cause another to act in reliance upon such representation.

B. False impersonation is a misdemeanor.

SECTION 210.190: - REFUSAL TO IDENTIFY AS A WITNESS

A. A person commits the offense of refusal to identify as a witness if, knowing they have witnessed any portion of a crime, or of any other incident resulting in physical injury or substantial property damage, upon demand by a Police or Law Enforcement Officer engaged in the performance of their official duties, they refuse to report or give a false report of their name and present address to such Officer.

B. Refusal to identify as a witness is a misdemeanor.

ARTICLE IV. - OFFENSES CONCERNING PUBLIC PEACE

SECTION 210.200: - PEACE DISTURBANCE

- A. A person commits the offense of peace disturbance if:
1. They unreasonably and knowingly disturb or alarm another person or persons by:
 - a. Loud noise; or
 - b. Offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient; or
 - c. Threaten to commit a felonious act against any person under circumstances which are likely to cause a reasonable person to fear that such threat may be carried out; or
 - d. Fight; or
 - e. Create a noxious and offensive odor.
 2. They are 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.
- B. Peace disturbance is a misdemeanor.

SECTION 210.210: - PRIVATE PEACE DISTURBANCE

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

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

SECTION 210.220: - PEACE DISTURBANCE DEFINITIONS

For the purposes of Sections 210.200 and 210.210 of this Chapter, the following words shall have the following interpretation and/or meanings indicated below:

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 210.230: - DISORDERLY CONDUCT

- A. Any person who shall do or engage in any of the following shall be guilty of disorderly conduct and shall be guilty of a misdemeanor:
1. Any person who shall act in a violent or tumultuous manner toward another whereby any person is placed in fear of the safety of their life, limb, or health.
 2. Any person who shall act in a violent or tumultuous manner toward another, whereby property of any person is placed in danger of being destroyed or damaged.
 3. Any person who shall endanger lawful pursuits of another by acts of violence, angry threats, and abusive conduct.
 4. Any person who shall cause, provoke, or engage in any fight, brawl, or riotous conduct, so as to endanger life, limb, health, or property of another.
 5. Any person who shall assemble or congregate with another or others for the purpose of causing, provoking, or engaging in any fight or brawl.
 6. Any person who shall be found jostling or roughly crowding or pushing any person in any public place.
 7. Any person who shall collect in bodies or in crowds, for any unlawful purposes, as defined by current ordinances of the City.
 8. Any person who shall assemble or congregate with another or others for the purpose of or with the intent to engage in gaming.
 9. Any person who shall frequent any public place with intent to obtain money from another by an illegal and fraudulent scheme, trick, artifice, or device.
 10. Any person who assembles with another or others for the purpose of engaging in any fraudulent scheme, device, or trick to obtain any valuable thing in any place, or from any person in the City, or who shall aid or abet.
 11. Any person who shall accost or attempt to force their company upon any person or attempt to pick up any person against that person's will.
 12. Any person who utters, while in a state of anger, in the presence of another, any bawdy, lewd, or obscene words or epithets.
 13. Any person who frequents any place where gaming or the illegal sale or possession of alcoholic beverages or narcotics or dangerous drugs is practiced, allowed or tolerated.

14. Any person who shall act in a dangerous manner toward others.
 15. Any person who shall use "fighting words" directed towards any person who becomes outraged and thus creates turmoil.
 16. Any person who shall assemble or congregate with another, or others for the purpose of trouncing upon another.
 17. Any person who shall, by acts of violence, interfere with another's pursuit of a lawful occupation.
 18. Any person who shall congregate with another or others in or on any public way, so as to halt the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered by a Law Enforcement Officer or other lawful authority.
- B. *Penalty.* Upon conviction or a plea of guilty, any person, firm or corporation violating or failing to comply with any of the provisions of this Chapter shall be subject to the penalty provisions provided for in Section 100.220 of the City Code.

SECTION 210.235: - FUNERAL PROTESTS PROHIBITED

- A. Every citizen may freely speak, write and publish the person's sentiments on all subjects, being responsible for the abuse of the right, but no person shall picket or engage in other protest activities, nor shall any association or corporation cause picketing or other protest activities to occur within three hundred (300) feet of any residence, cemetery, funeral home, church, synagogue, or other establishment during or within one (1) hour before or one (1) hour after the conducting of any actual funeral or burial service at that place.
- B. As used in this section, "other protest activities" means any action that is disruptive or undertaken to disrupt or disturb a funeral or burial service.
- C. As used in this section, "funeral" and "burial service" mean the ceremonies and memorial services held in conjunction with the burial or cremation of the dead, but this section does not apply to processions while they are in transit beyond any three hundred (300) foot zone that is established under subsection (A) above.
- D. *Penalty.* Upon conviction or a plea of guilty, any person, firm or corporation violating or failing to comply with any of the provisions of this Chapter shall be subject to the penalty provisions provided for in Section 100.220 of the City Code.

ARTICLE V. - OFFENSES AGAINST PROPERTY

SECTION 210.240: - ARTICLE DEFINITIONS

As used in this Article, the following words shall have the meanings as provided in Section 570.010 RSMo.

SECTION 210.250: - STEALING-PENALTIES

- A. A person commits the offense of stealing if they appropriate property or services of another with the purpose to deprive them, either without their consent or by means of deceit or coercion.
- B. Evidence of the following is admissible in any criminal prosecution under this Section on the issue of the requisite knowledge or belief of the alleged stealer:
 - 1. That they failed or refused to pay for property or services of a hotel, restaurant, inn or boarding house;
 - 2. That they 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. That they left the hotel, restaurant, inn or boarding house with the intent to not pay for property or services;
 - 4. That they surreptitiously removed or attempted to remove their baggage from a hotel, inn or boarding house.

SECTION 210.260: - TAMPERING

- A. A person commits the offense of tampering if they:
 - 1. Tamper with property of another for the purpose of causing substantial inconvenience to that person or to another; or
 - 2. Unlawfully ride in or upon another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle; or
 - 3. Tamper or make connection with property of a utility; or
 - 4. Tamper with, or causes to be tampered with, any meter or other property of an electric, gas, steam or water utility, the effect of which tampering is either:
 - a. To prevent the proper measuring of electric, gas, steam or water service; or
 - b. To permit the diversion of any electric, gas, steam or water service.
- B. In any prosecution under Subdivision (4) of Subsection (A) of this Chapter, 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 or more of the effects described in Subdivision

(4) of Subsection (A) of this Chapter, 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.

SECTION 210.270: - TRESPASS IN THE FIRST DEGREE

- A. A person commits the offense of trespass if they knowingly enters unlawfully or knowingly remains unlawfully in a building or habitable structure or upon real or personal property.
- B. A person does not commit the offense of trespass by entering or remaining upon real or personal property unless the real or personal 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.
- C. Trespass in the first degree is a misdemeanor.

SECTION 210.280: - TRESPASS IN THE SECOND DEGREE

A person commits the offense of trespass in the second degree if they enter unlawfully upon real or personal property of another. This is an offense of absolute liability.

SECTION 210.285: - TRESPASS OF A SCHOOL BUS

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

SECTION 210.290: - PROPERTY DAMAGE

A person commits the offense of property damage if:

- 1. They knowingly damages property of another; or
- 2. They damage property for the purpose of defrauding an insurer.

SECTION 210.300: - 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 they 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 under this Section to prove the requisite knowledge or belief of the alleged receiver:

1. That they were found in possession or control of other property stolen on separate occasions from two (2) or more persons;
2. That they received other stolen property in another transaction within the year preceding the transaction charged;
3. That they acquired the stolen property for a consideration which they knew was far below its reasonable value.

SECTION 210.305: - IDENTITY THEFT-PENALTY-RESTITUTION

- A. A person commits the offense of identity theft if they knowingly and with the intent to deceive or defraud obtain, possess, transfer, use, or attempts to obtain, transfer or use, one (1) or more means of identification not lawfully issued for his use.
- B. Upon conviction or a plea of guilty, any person, firm or corporation violating or failing to comply with any of the provisions of this Chapter shall be subject to the penalty provisions provided for in Section 100.220 of the City Code.
- C. In addition to the provisions of Subsection (B) of this Section, the court may order that the defendant make restitution to any victim of the offense. Restitution may include payment for any costs, including attorney fees, incurred by the victim:
 1. In clearing the credit history or credit rating of the victim; and
 2. In connection with any civil or administrative proceeding to satisfy any debt, lien, or other obligation of the victim arising from the actions of the defendant.

SECTION 210.307: - FINANCIAL EXPLOITATION OF THE ELDERLY AND DISABLED

- A. A person is guilty of the offense of financial exploitation of an elderly or disabled person if such person stands in a position of trust and confidence with the elderly or disabled person, and such person knowingly and by deception or intimidation 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 their property thereby benefiting such person or detrimentally affecting the elderly or disabled person. Financial exploitation of an elderly or disabled person is a misdemeanor if the value of the property is less than two hundred fifty dollars (\$250.00).
- B. *Definitions.* For the purpose of this Section, the following words and phrases shall have the following interpretation and/or meanings indicated below:

DECEPTION: A misrepresentation or concealment of material facts 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 who suffers from a physical or mental impairment resulting from disease, injury, functional disorder or congenital condition which renders such person incapable of avoiding or preventing the commission of an offense.

ELDERLY PERSON: A person sixty (60) years of age or older who is suffering from a disease or infirmity associated with advanced age and manifested by physical, mental or emotional dysfunctioning to the extent that such person is incapable of avoiding or preventing the commission of the offense.

INTIMIDATION: The communication to an elderly or disabled person that they will be deprived of food and nutrition, shelter, prescribed medication, or medical care and treatment.

- C. For purposes of this Section, a person stands in a position of trust and confidence with an elderly or disabled person when such person:
1. Is a parent, spouse, adult child or other relative by blood or marriage of the elderly or disabled person;
 2. Is a joint tenant or tenant in common with the elderly or disabled person with knowledge of such relationship;
 3. Has a legal or fiduciary relationship with the elderly or disabled person; or
 4. Has a relationship with the elderly or disabled person as a health care or personal care worker.

- D. Nothing in this Section shall be construed to limit the remedies available to the victim pursuant to any State law relating to domestic violence.
- E. 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 their property, but through no fault of their own has been unable to provide such assistance.
- F. 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.
- G. 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.

ARTICLE VI. - OFFENSES AGAINST MORALS

SECTION 210.310: - SEXUAL MISCONDUCT

A person commits the offense of sexual misconduct in the second degree if he:

1. Exposes their genitals under circumstances in which they know that their conduct is likely to cause affront or alarm; or
2. Has sexual contact in the presence of a third person or persons under circumstances in which they know that such conduct is likely to cause affront or alarm.

SECTION 210.320: - ENDANGERING THE WELFARE OF A CHILD

A. A person commits the offense of endangering the welfare of a child if:

1. They, with criminal negligence, act in a manner that creates a substantial risk to the life, body or health of a child less than seventeen (17) years old; or
2. They knowingly encourage, aid or cause 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.; or
3. Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen (17) years old, they recklessly fail or refuse to exercise reasonable diligence in the care or control of such child to prevent them 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; or

4. They knowingly encourage, aid or cause 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 579.105 RSMo.
- B. Nothing in this Section shall be construed to mean the welfare of a child is endangered for the sole reason that they are being provided non-medical remedial treatment recognized and permitted under the laws of this State.
- C. Endangering the welfare of a child is a misdemeanor.

SECTION 210.325: - 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 motor bus 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, such person shall be guilty of a misdemeanor and shall be, upon conviction or a plea of guilty, subject to the penalty provisions provided for in Section 100.220 of the City Code. (577.300 RSMo.)

SECTION 210.327: - CONTRIBUTING TO DELINQUENCY

It shall be unlawful for any parent, legal guardian or other person, by their acts to encourage any juvenile to smoke or use marijuana, or to encourage any juvenile to use any controlled substance as defined in Chapter 195, RSMo., or to encourage, cause or contribute to the delinquency of such juvenile so that such juvenile may become a delinquent or neglected child as defined by 568.060 RSMo. Any person violating any provision of this Section shall be deemed guilty of a misdemeanor.

ARTICLE VII. - OFFENSES CONCERNING WEAPONS

SECTION 210.330: - WEAPONS-CARRYING CONCEALED-OTHER UNLAWFUL USE

- A. A person commits the offense of unlawful use of weapons if they knowingly:
1. Discharges or shoots a firearm within the City limits;
 2. Possess a firearm or projectile weapon while intoxicated;*** **(council discussion)**
 3. Exhibits, in the presence of one (1) or more persons a firearm or any other weapon readily capable of lethal use in an angry or threatening manner; or
 4. Carry a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.
- B. Subparagraphs (1), (2), (4) and (5) of Subsection (A) of this Section shall not apply to or affect any of the following:
1. All State, County and municipal Police or Law Enforcement Officers possessing the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of Counties or municipalities of the State, or any person summoned by such Officers to assist in making arrests or preserving the peace while actually engaged in assisting such Officer;
 2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;
 3. Members of the Armed Forces or National Guard while performing their official duty;
 4. Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the State and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the Federal Judiciary;
 5. Any person whose bona fide duty is to execute process, civil or criminal;
 6. Any Federal probation Officer;
 7. Any State Probation or Parole Officer, including supervisors and members of the Board of Probation and Parole;
 8. Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established under 590.750 RSMo.; and
 9. The discharge of firearms in connection with any event authorized by the City Council.

10. Exception for hunters. The prohibition of this Section shall not be construed to forbid the legal taking of game or target practice on property zoned for agricultural use when such hunting or target practice is conducted at least one hundred fifty (150) yards from any roadway, and one hundred fifty (150) yards from any dwelling or place of business. ***** (council discussion)**
 11. Exception for licensed and other specific premises. The prohibition of this Section shall not apply to licensed shooting galleries or in private grounds or premises under circumstances when such instruments can be fired, discharged, or operated in such a manner as not to endanger persons or property, and also in such a manner as to prevent the projectile from traversing any grounds or space outside the limits of such gallery grounds, or residence. ***** (council discussion)**
- C. Subparagraphs (1), (3), and (5) of Subsection (A) of this Section do not apply when the person 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 person is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in their dwelling unit or upon business premises over which the person has possession, authority or control, or is traveling in a continuous journey peaceably through the City. Subparagraph (5) of Subsection (A) of this Section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event.
- D. Nothing in this Section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.
- E. This Section shall not authorize any person to carry concealed firearms into:
1. Any Police, Sheriff or Highway Patrol Office or Station without the consent of the Chief Law Enforcement Officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
 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 Subparagraph 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 Subparagraph 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 Subparagraph (6) of this Subsection. Nothing in this Subparagraph shall preclude those persons listed in Subparagraph (1) of Subsection (B) of Section 210.330 while within their jurisdiction and on duty, those persons listed in Subparagraphs (1), (2), (3), (4), (5), (6), (7) and (8) of Subsection 210.330 (B), or such persons who serve in a law enforcement capacity for a court as may be specified by Supreme Court Rule pursuant to Subsection (4) of Section 210.330, from carrying a concealed firearm within any of the areas described in this Subparagraph. Possession of a firearm in a vehicle on the premises of any of the areas listed in this Subparagraph 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 Governing Body of a unit of local government; or any meeting of the City Council or a committee of the City Council, except that nothing in this Subparagraph shall preclude a member of the body from carrying a concealed firearm at a meeting of the body which they are a member. 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 place where the carrying of a firearm is prohibited by Missouri State Law;
7. Any establishment licensed to dispense intoxicating liquor or non-intoxicating beer 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 Subparagraph 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 Subparagraph 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 in the premises. Nothing in this Subparagraph authorizes any individual to possess any firearm while intoxicated;

8. Any place where the carrying of a firearm is prohibited by Federal Law;
9. Any higher education institution or elementary or secondary school facility without the consent of the Governing Body of the higher education or 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;
10. Any portion of a building used as a childcare facility without the consent of the manager. Nothing in this Subparagraph shall prevent the operator of a child care facility in a family home from owning or possessing a firearm;
11. 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;
12. 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 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 from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, from carrying concealed firearms on the property of the employer. If the business or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying concealed firearms 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 from carrying a concealed firearm in vehicles owned by the employer;
13. 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;

14. 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.
- G. Carrying of a concealed firearm in a location specified in Subparagraph (1) to (15) of Subsection (F) of this Section by any individual shall not be a criminal act but may subject the person to denial to the premises or removal from the premises. If such person refuses to leave the premises and a Law Enforcement Officer is summoned, such person may be issued a citation.
- H. Upon conviction or a plea of guilty, any person, firm or corporation violating or failing to comply with any of the provisions of this Chapter shall be subject to the penalty provisions provided for in Section 100.220 of the City Code.
- I. Subparagraphs (1) to (5) of Subsection (A) of this Section shall not apply to persons who are engaged in a lawful act of self defense of person or property.

SECTION 210.333: - UNLAWFUL TRANSFER OF WEAPONS

A person commits the offense of unlawful transfer of weapons if they:

1. Knowingly sell, lease, loan, give away or deliver any weapon as defined in 571.010 RSMo. 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., sell, lease, loan, give away or deliver any weapon as defined in 571.010 RSMo. 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 their official duty; or
2. Recklessly, as defined in Section 562.016, RSMo., sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to a person who is intoxicated.

SECTION 210.335: - DISCHARGING AIR GUN, ETC.

- A. Any person within the limits of this City who shall discharge any BB gun, spring gun, air gun or paintball gun, or shall shoot any bow, pebble, bullet, slug 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. ***** (council discussion)**
- B. *Exception For Hunters.* The prohibition of this Section shall not be construed to forbid the legal taking of game or target practice on property zoned for agricultural use when such hunting or target practice is conducted at least one hundred fifty (150) yards from any roadway, and one hundred fifty (150) yards from any dwelling or place of business. ***** (council discussion)**

SECTION 210.337: - LEAVING THE SCENE OF A SHOOTING-LIMITATION ON ARREST POWERS

- A. A person commits the offense of leaving the scene of a shooting when, being in possession of a firearm or projectile weapon as defined in Section 571.010, RSMo., such person discharges such firearm or projectile weapon and causes injury or death to another person and such person, knowing that he has caused such injury or death, leaves the place of the shooting without giving his name, address, and driver's license number, if applicable, to a Law Enforcement Officer. If no such officer is in the vicinity where the shooting occurs, the person must provide such information to the nearest Police Station or Law Enforcement Officer. A person is not in violation of this Section if he leaves the scene of a shooting in order to obtain medical assistance or contact law enforcement authorities to notify them of the shooting, so long as such person returns to the scene of the shooting or otherwise provides the information required by this Section to a Law Enforcement Officer within a reasonable time after the shooting.
- B. All Law Enforcement Officers and reserve Law Enforcement Officer certified under the provisions of Chapter 590, RSMo., shall have authority to investigate shootings and arrest a person who violates Subsection (A) of this Section, except that conservation agents may enforce such provisions as to hunting related shootings. For the purpose of this Section, a "hunting-related shooting" shall be defined as any shooting in which a person is injured as a result of hunting activity that involves the discharge of a hunting weapon.
- C. Leaving the scene of a shooting is a misdemeanor.

ARTICLE VIII. - OFFENSES CONCERNING DRUGS AND ALCOHOL

SECTION 210.340: - MARIJUANA-CULTIVATION, POSSESSION, USE, DISTRIBUTION-PROHIBITED

It shall be unlawful for any person or any officer or employee of any firm, corporation or association, except as allowed under Chapter 195 of RSMo., or as allowed under Article XIV of the Missouri Constitution regarding the cultivation, manufacturing, storage, transfer, testing, distribution, and use of medical marijuana and marijuana-infused products, to plant, cultivate, protect, harvest, cure, prepare, barter, sell, give away, or use, or offer to sell, furnish or give away, or to have in their possession marijuana as defined in said Chapter 195, RSMo.

SECTION 210.350: - DRUG PARAPHERNALIA-POSSESSION, MANUFACTURE, DELIVERY, SALE-PROHIBITED

- A. *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 195.418, RSMo.

- B. "*Controlled Substance*" as used herein shall be defined and include the following:
1. Cannabis which includes marijuana, hashish and other substances which are identified as including any parts of the plant Cannabis Sativa, whether growing or not; the seeds, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independent by means of chemical synthesis or by a combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except the resin extracted), fiber, oil or cake, or the sterilized seeds of such plant which is incapable of germination; and
 2. "*Controlled substances*" as defined and enumerated in Chapter 195 of the Missouri Revised Statutes in effect upon the passage of this Section.
 3. "*Controlled substances*" does not include:
 - a. Medical marijuana or marijuana-infused products allowed under Article XIV of the Missouri Constitution; or
 - b. Medical marijuana or marijuana-infused products allowed under any permit issued by the Missouri Department of Health and Senior Services; or
 - c. Medical marijuana or marijuana-infused products in the possession of a qualifying patient or primary caregiver with a valid identification card issued by the Missouri Department of Health and Senior Services.
- C. "*Drug paraphernalia*" as used herein shall be defined and include all equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance or an imitation

controlled substance in violation of Sections 195.005 to 195.418, RSMo. It includes, but is not limited to:

1. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
2. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances or imitation controlled substances;
3. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance or an imitation controlled substance;
4. Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances or imitation controlled substances;
5. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances or imitation controlled substances;
6. Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances or imitation controlled substances;
7. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or otherwise cleaning or refining, marijuana;
8. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances or imitation controlled substances;
9. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances or imitation controlled substances;
10. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances or imitation controlled substances;
11. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenteral injecting controlled substances or imitation controlled substances into the human body;
12. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

- a. Metal, wood, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
- b. Water pipes;
- c. Carburetion tubes and devices;
- d. Smoking and carburetion masks;
- e. Roach clips meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
- f. Miniature cocaine spoons and cocaine vials;
- g. Chamber pipes;
- h. Carburetor pipes;
- i. Electric pipes;
- j. Air-driven pipes;
- k. Chillums;
- l. Bongs;
- m. Ice pipes or chillers.

In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

- 1. Statements by an owner or by anyone in control of the object concerning its use;
- 2. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance or imitation controlled substance;
- 3. The proximity of the object, in time and space, to a direct violation of Sections 195.005 to 195.418, RSMo.;
- 4. The proximity of the object to controlled substances or imitation controlled substances;
- 5. The existence of any residue of controlled substances or imitation controlled substances on the object;
- 6. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons who they know, or should reasonably know, intend to use the object to facilitate a violation of Sections 195.005 to 195.418, RSMo.; the innocence of an owner, or of anyone in control of the object, as to direct violation of Sections 195.005 to 195.418, RSMo., shall not

prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;

7. Instructions, oral or written, provided with the object concerning its use;
8. Descriptive materials accompanying the object which explain or depict its use;
9. National or local advertising concerning its use;
10. The manner in which the object is displayed for sale;
11. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
12. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;
13. The existence and scope of legitimate uses for the object in the community;
14. Expert testimony concerning its use.

SECTION 210.360: - UNLAWFUL DISTRIBUTION TO A MINOR, PENALTY

A person commits the offense of unlawful distribution of a controlled substance to a minor if *they* violate Section 579.020 RSMo., by distributing or delivering any controlled substance to a person under seventeen (17) years of age who is at least two (2) years that person's junior.

SECTION 210.370: - ADVERTISEMENTS OF DRUG PARAPHERNALIA

It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

SECTION 210.380: - PENALTY

Upon conviction or a plea of guilty, any person, firm or corporation violating or failing to comply with any of the provisions of this Chapter shall be subject to the penalty provisions provided for in Section 100.220 of the City Code.

ARTICLE IX. - INCHOATE OFFENSES

SECTION 210.390: - ATTEMPTED OFFENSES

- A. A person is guilty of attempt to commit an offense when, with the purpose of committing the offense, they do any act which is a substantial step towards the commission of the offense. A "substantial step" is conduct which is strongly corroborative of the firmness of the person's purpose to complete the commission of the offense.
- B. It is no defense to a prosecution under this Section that the offense attempted was, under the actual attendant circumstances, factually or legally impossible of commission, if such offense could have been committed had the attendant circumstances been as the person believed them to be.

ARTICLE X. - SALE OF TOBACCO PRODUCTS TO MINORS

SECTION 210.400: - DEFINITIONS

For the purpose of this Article, the following words and phrases shall have the following interpretation and/or meanings indicated below:

DISTRIBUTE or DISTRIBUTION: to furnish, give, provide, or to attempt to do so, whether gratuitously or for any type of compensation.

DISTRIBUTOR: a person who distributes a tobacco product.

ELECTRONIC TOBACCO PRODUCT: any device that can be used to deliver aerosolized or vaporized nicotine to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen or e-hookah. Electronic smoking device includes any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device. Electronic smoking device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

PERSON: any natural person, partnership, joint venture, society, club, trustee, trust, association, organization, or corporation, or any officer, agent, employee, factor, or any other personal representative thereof, in any capacity.

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.

RECIPIENT: any person who obtains or attempts to obtain a tobacco product.

SAMPLING: The distribution to members of the general public of tobacco products or electronic tobacco products as a sample.

TOBACCO PRODUCT: any product that is made from or derived from tobacco, and is intended for human consumption or is likely to be consumed, whether smoked,

heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, snus, or an electronic smoking and/or vaping device. The term includes any component or accessory used in the consumption of tobacco products, such as filters, rolling papers, pipes, or liquids used in electronic smoking and/or vaping devices. Tobacco product does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act. This is to include a tobacco product distributed to members of the general public at no cost or at nominal cost for product promotional purposes.

SECTION 210.410: - PROHIBITION OF THE SALE OR DISTRIBUTION OF TOBACCO PRODUCTS AND ELECTRONIC TOBACCO PRODUCTS TO ANYONE UNDER TWENTY-ONE (21) YEARS OF AGE

- A. No person shall sell or distribute any tobacco product or electronic tobacco products to anyone under the age of twenty-one (21). This subsection shall not apply to the distribution by family members on property that is not open to the public.
- B. Upon conviction or a plea of guilty, any person, firm or corporation violating or failing to comply with any of the provisions of this Chapter shall be subject to the penalty provisions provided for in Section 100.220 of the City Code.
- C. The owner of an establishment at which tobacco products or electronic tobacco products are sold at retail or distributed shall cause to be prominently displayed in a conspicuous place at every display from which tobacco products or electronic tobacco products are sold or distributed a sign that shall contain in lettering at least one-half (½) inch high on a white background, the following:

"IT IS A VIOLATION OF RAYMORE CITY CODE FOR TOBACCO PRODUCTS OR ELECTRONIC TOBACCO PRODUCTS TO BE SOLD TO ANY PERSON UNDER THE AGE OF TWENTY-ONE."
- D. It shall be unlawful for any person to engage in tobacco product or electronic tobacco product distribution to persons under twenty-one (21) years of age.
- E. A person selling or distributing tobacco products or electronic tobacco product 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 twenty-one (21).
- F. If a sale is made by an employee of the owner of an establishment in violation of this Section, both the establishment and the employee may be guilty of an offense and subject to penalties as provided for in Section 100.220 of this Code. If a tobacco product or electronic tobacco product sample is distributed by an employee of a company conducting the sampling, such employee and the

company may be guilty of an offense and subject to penalties as provided for in Section 100.220 of this Code.

- G. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for violation of this Section. No person shall be liable for more than one (1) violation of this Section on any single day.

CHAPTER 215: - FIREWORKS

SECTION 215.005: - DEFINITIONS

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

AERIAL LUMINAIRE: As used in this Section, the term "Aerial Luminaire" shall mean, and refer to, an airborne paper lantern containing a small candle or other device for fuel that heats air from inside the lantern causing the lantern to rise into the air and remain airborne until the candle or other heat source is not sufficient to cause it to remain airborne at which point it descends until it comes to rest in a tree, in vegetation, or on the ground or it comes in contact with other objects which stop its descent.

CONSUMER FIREWORKS: Explosive devices designed primarily to produce visible or audible effects by combustion. This term includes aerial devices and ground devices, all of which are classified as fireworks, UN0336, 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.

SPECIAL FIREWORKS: Explosive devices designed primarily to produce visible or audible effects by combustion, deflagration or detonation. This term includes devices containing more than two (2) grains (130 mg) of explosive composition intended for public display. These devices are classified as fireworks, UN0335, 1.3G by regulation of the United States Department of Transportation, as amended from time to time, and which were formerly classified as class B display fireworks by regulation of the United States Department of Transportation.

SECTION 215.010: - LIMITED PERMISSION FOR THE SALE AND DISCHARGE OF FIREWORKS WITHIN THE CITY

The City Council hereby grants permission in accordance with the provisions of this Chapter for the limited sale and discharge within the City of consumer fireworks, except those consumer fireworks items commonly known as bottle or stick rockets and Roman candles and aerial luminaires as defined in section 215.005 which are prohibited. Except as expressly set forth in this Chapter, all other sales and discharges of fireworks are prohibited.

SECTION 215.020: - SALE PROHIBITED-EXCEPTION DURING CERTAIN TIMES

It shall be unlawful for any person to sell or offer for sale any type or kind of fireworks within the corporate limits of the City except permitted consumer fireworks may be sold between 10:00 A.M-10 P.M., June twenty-eighth (28th) to July fourth (4th).

SECTION 215.030: - PERMIT REQUIRED

No person or entity shall sell or display for sale any fireworks within the corporate limits of this City without first obtaining a permit from the City for such sale or display. Each location shall require a separate permit.

1. Applications for fireworks stand/tent permits shall be made on or before the second (2nd) Monday in May of each year to the City Clerk. Applicants must be at least age eighteen (18) years of age. Said applications must be approved by the City Clerk pursuant to the requirements outlined in this Chapter. Any applications received after the second (2nd) Monday in May, may be denied by the City Clerk.
2. Permit fee for said fireworks permit shall be approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department.
3. The following shall be submitted with the application:
 - a. A letter from the property owner approving the location.
 - b. A letter from the fire district approving said application and location.
 - c. A detailed conceptual plan of the proposed tent area indicating access points to the site and parking areas.
 - d. A copy of Missouri retail sales tax license, if a for profit entity.
 - e. A current certificate of "No Tax Due" from the Missouri Department of Revenue if the permit application is a for profit entity. This shall not apply to any sales tax obligation which is contested by the applicant in good faith and resolution of which is being diligently pursued by the applicant.
4. Before a permit will be issued, a certificate of insurance showing general liability coverage of no less than the amount of the current City's sovereign immunity level, must be submitted and naming the City as an additional insured.
5. A permit for fireworks stand/tent will not be issued if said location is within three hundred (300) feet of another fireworks stand/tent.

6. No fireworks stand/tent shall be located on a property zoned residential or within three hundred (300) feet of any residential structure, preschool and/or K-12 school building.
7. No permit shall be issued if the Public Works Director determines the access to the site is not safe or adequate.
8. No permit shall be issued to a license applicant in the following year if that applicant was previously issued a citation for continuing to operate a fireworks tent/stand when the permit was suspended by the City and was found guilty of said violation.
9. After preliminary approval by the City Clerk, the Code Enforcement Officer, Building Official and the Fire Marshal will inspect and approve the stand/tent for use before the City Clerk issues the permit.
10. In the event of a denial of an application by the City Clerk, the applicant may file an appeal to the City Manager to review the decision of the City Clerk in denying the application for issuance of a fireworks permit for sale or display for sale of fireworks. Such appeal shall be heard within 48 hours of the date and time the appeal was filed with the City Manager. The City Manager shall make the decision and shall set forth the grounds for granting or denial of the permit.
11. Any applicant aggrieved by a decision of the City Manager may appeal that decision to the City Council provided the appeal is filed within ten days of the City Manager's decision.

SECTION 215.040: - SELLERS TO DISPLAY SIGN

Every person who shall sell or display for sale any fireworks or firecrackers shall display in a conspicuous place a sign or placard, printed in bold letters not smaller than one (1) inch in height, the following:

FIREWORKS-NO SMOKING

SHOOTING OF FIREWORKS
IS PROHIBITED

ON RAYMORE STREETS AND SIDEWALKS,
IN CITY PARKS AND OTHER PUBLIC PROPERTY
AND IN BUSINESS DISTRICTS

CONSUMER FIREWORKS MAY ONLY BE SOLD
AND DISCHARGED DURING THE FOLLOWING TIMES:
(times sale and discharge permitted)

BOTTLE OR STICK ROCKETS, ROMAN CANDLES, AND AERIAL LUMINAIRES
ARE PROHIBITED FROM BEING SOLD OR DISCHARGED
AT ANY TIME WITHIN THE CITY OF RAYMORE

SECTION 215.050: - SALE FROM PUBLIC PROPERTY PROHIBITED

Fireworks shall not be sold or advertised for sale from any street, alley, sidewalk or other public property within the corporate limits of the City.

SECTION 215.060: - DISCHARGE PROHIBITED AT CERTAIN TIMES AND IN CERTAIN PLACES

- A. It shall be unlawful for any person to discharge or shoot any type of fireworks at any time within the City except permitted consumer fireworks may be discharged:
 - 1. Between 10:00 A.M. and 10:00 P.M. July first (1st) through July third (3rd); and
 - 2. Between 10:00 A.M. and 12:00 Midnight on July fourth (4th); unless any of said days fall on a Sunday, in which case permitted consumer fireworks may not be discharged before noon on that day.
- B. Except as otherwise set forth in this Chapter, it shall be unlawful for any person to discharge any type of fireworks at any time in or on any public street, public sidewalk, public park or trail, public grounds or within the business district of the City, unless the City Council grants express approval.
- C. The City Council, by resolution, may permit the discharge of special fireworks on public or private property on July fourth (4th) or such other date as the Council may authorize, if the same is a public display for which no admission charge is collected and if the same is sponsored and conducted by the City or one (1) or more local organizations.

SECTION 215.070: - SALES TO CHILDREN, SALES BY CHILDREN, UNLAWFUL-EXCEPTIONS-EXPLODING FIREWORKS NEAR GASOLINE PUMPS, CERTAIN BUILDINGS OR FROM OR AT MOTOR VEHICLES, PROHIBITED-DEMONSTRATING AND TESTING ALLOWED-REQUIREMENTS

- A. It is unlawful to attempt to sell or to sell at retail any fireworks to children under the age of fourteen (14) years except when such child is in the presence of a parent or guardian.
- B. It is unlawful for any person under the age of sixteen (16) to sell fireworks or work in a facility where fireworks are stored, sold or offered for sale unless supervised by an adult.
- C. It is unlawful to explode or ignite fireworks within three hundred (300) feet of any church, hospital, mental health facility, school or within three hundred (300) feet of a permanent structure where fireworks are stored, sold or offered for sale.
- D. No person shall ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle, nor shall any person place or throw

any ignited article of fireworks into or at a motor vehicle or at or near any person or group of people.

- E. No person shall ignite or discharge fireworks within three hundred (300) feet of any gasoline pump, gasoline filling station.
- F. Nothing in Sections 320.106 to 320.161, RSMo., shall be construed to prevent permittees from demonstrating or testing fireworks. Any such demonstration or test shall require the notification and approval of the local fire service or the State Fire Marshal.

SECTION 215.075: - SUSPENSION OF PERMIT

- A. A permit to sell fireworks may be immediately suspended by the City Clerk for the following causes:
 - 1. Permittee violates any provision of Chapter 215.
 - 2. Permittee does not comply with the requirements of Chapter 435: Signs of the Unified Development Code.
 - 3. Permittee does not immediately correct a violation of City Code when contacted by the City Code Enforcement Officer or Building Official.
- B. Upon correction of a violation(s) for which a permit has been suspended the City Clerk may reinstate the permit.
- C. An appeal of the suspension of a permit may be filed in accordance with Section 215.030. The permit shall remain suspended until the appeal is heard by the City Manager.

SECTION 215.080: - PENALTIES

- A. Upon conviction or a plea of guilty, any person, firm or corporation violating or failing to comply with any of the provisions of this Chapter shall be subject to the penalty provisions provided for in Section 100.220 of the City Code.
- B. Any person, firm or corporation violating or failing to comply with any of the provisions of this Chapter shall be subject to immediate confiscation of any prohibited fireworks.

CHAPTER 220: - NUISANCES

ARTICLE I. - RESERVED

ARTICLE II. - ABANDONED PROPERTY

SECTION 220.030: - DEFINITIONS

For the purpose of this Article, the following words and phrases shall have the following interpretation and/or meanings indicated below:

ABANDONED PROPERTY: Any unattended motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel removed or subject to removal from public or private property as provided in this Article, whether or not operational.

PERSON: Any natural person, corporation or other legal entity.

RIGHT-OF-WAY: The entire width of land between the boundary lines of a public road or State highway, including any roadway.

ROADWAY: That portion of a public road or State highway ordinarily used for vehicular travel, exclusive of the berm or shoulder.

TOWING COMPANY: Any person or entity which tows, removes or stores abandoned property.

URBANIZED AREA: An area with a population of fifty thousand (50,000) or more designated by the Bureau of the Census, within boundaries to be fixed by the State Highways and Transportation Commission and local officials in cooperation with each other and approved by the Secretary of Transportation. The boundary of an urbanized area shall, at a minimum, encompass the entire urbanized area as designed by the Bureau of the Census.

SECTION 220.040: - ABANDONED VEHICLES PROHIBITED

As provided in RSMo., 577.080, abandoned vehicles are prohibited.

SECTION 220.050: - RESERVED

SECTION 220.060: - 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.

Upon conviction or a plea of guilty, any person, firm or corporation violating or failing to comply with any of the provisions of this Chapter shall be subject to the penalty provisions provided for in Section 100.220 of the City Code.

SECTION 220.070: - 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 as provided for in Section 304.155.1 RSMo.

SECTION 220.080: - REMOVAL OF ABANDONED PROPERTY ON PRIVATE REAL PROPERTY

- A. *Generally.* The City, including the Police Department, may tow motor vehicles from real property which are deemed a public safety hazard or are derelict junk, scrapped, disassembled or otherwise harmful to the public health as provided in Section 304.157-304.158 RSMo.

SECTION 220.085: - GENERAL PROVISIONS AND PROCEDURES

- A. *Payment Of Charges.* The owner of abandoned property removed as provided in this Article shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in Section 220.090.
- B. *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.
- C. *Lienholder Repossession.* If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall notify the 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 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.
- D. *Notice To Owner/Tow Lien Claim.* Any towing company which comes into possession of abandoned property pursuant to this Article and who claims a lien for recovering, towing or storing abandoned property shall give notice to the title owner and to all persons claiming a lien, 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.
- E. *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's license information.
- F. *Notice To Owner.* Notice as to the removal of any abandoned property pursuant to this Article shall be made in writing within five (5) working days to the

registered owner and any lienholder of the fact of the removal, the grounds for the removal, and the place to which the property has been removed by either:

1. The public agency authorizing the removal; or
2. The towing company, where authorization was made by an owner or lessee of real property.

If the abandoned property is stored in any storage facility, a copy of the notice shall be given to the operator of the facility. The notice provided for in this Section shall include the amount of mileage if available shown on the abandoned property at the time of removal.

- G. *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.
- H. *Storage Facilities.* Persons operating or in charge of any storage facility where the abandoned property is stored pursuant to this Article shall accept cash for payment of towing and storage by the registered owner or the owner's agent claiming the abandoned property.

SECTION 220.090: - MAXIMUM CHARGES

- A. A towing company may only assess reasonable storage charges for abandoned property towed without the consent of the owner. Reasonable storage charges shall not exceed the charges for vehicles which have been towed with the consent of the owner on a negotiated basis. Storage charges may be assessed only for the time in which the towing company complies with the procedural requirements of this Article.
- B. The 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 Article and with Sections 304.155 to 304.158, RSMo. Upon conviction or a plea of guilty, any person, firm or corporation violating or failing to comply with any of the provisions of this Chapter shall be subject to the penalty provisions provided for in Section 100.220 of the City Code.
- C. A towing company may impose a charge of not more than one-half (½) of the regular towing charge for the towing of abandoned property at the request of the owner of private real property or that owner's agent pursuant to this Article if the owner of the abandoned property or the owner's agent returns to the abandoned property before it is removed from the private real property. The regular towing charge may only be imposed after the abandoned property has been removed from the property and is in transit.

SECTION 220.095: - 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.

ARTICLE III. -GREENWAYS AND NATURAL AREAS

SECTIONS 220.100—220.135: - RESERVED

SECTION 220.140: - PENALTY FOR VIOLATION

Upon conviction or a plea of guilty, any person, firm or corporation violating or failing to comply with any of the provisions of this Chapter shall be subject to the penalty provisions provided for in Section 100.220 of the City Code. Each day such public nuisance remains unabated shall constitute a separate offense.

CHAPTER 221: - GREENWAY REGULATIONS

SECTION 221.010: - DEFINITIONS

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

GREENWAY(S): Any stream channel, its adjacent stream buffer as determined by the provisions of Section 455.040 of the Unified Development Code, and any and all native vegetation or natural areas within the stream buffer.

NATURAL AREA(S): Includes all land within a greenway that is within the floodplain, the stream buffer, or the stream channel.

NATIVE OR ADAPTIVE VEGETATION: includes native plantings that are planted in natural areas whether occurring naturally or installed by man. The owner shall install signs in designated areas indicating the area that is protected by this Section.

SECTION 221.020: -MOWING OF NATIVE VEGETATION/NATURAL AREAS PROHIBITED

It shall be unlawful for any person, other than those whose obligation it is to maintain a greenway, to mow native vegetation and natural areas designated within the greenway, except as permitted in the stream buffer maintenance plan approved with the final plat for the property.

SECTION 221.030: - DISTURBANCE OF NATIVE VEGETATION/NATURAL AREAS PROHIBITED

It shall be unlawful for any person, other than those whose obligation it is to maintain a greenway or those persons with written permission of the property owner responsible for ensuring such maintenance, to perform or authorize to be performed the following activities in native vegetation/natural areas designated in greenways:

1. Clear cut, selectively cut, burn or remove trees or other vegetation;
2. Apply or store fertilizers, pesticides, herbicides and/or other chemicals;
3. Grading, stripping of topsoil, plowing or cultivating;
4. House, graze or otherwise maintain animals;
5. Remove or otherwise disturb vegetation in a manner that is inconsistent with erosion control and buffer protection measures prescribed by the latest revision of the Kansas City APWA Best Management Practices Manual.

SECTION 221.040: - FILLING OR DUMPING IN NATIVE VEGETATION/NATURAL AREAS PROHIBITED

It shall be unlawful for any person, other than those whose obligation it is to maintain a greenway or those persons with written permission of the property owner responsible for such maintenance, to perform or authorize to be performed the following activities in native/natural areas designated in greenways:

1. Add soil or other materials to fill areas;
2. Dump trash, grass clippings or other non-native materials;
3. Construct drains, ditches or other drainage systems to drain the buffer area;
4. Construct stormwater drainage systems from private property that drain into natural areas, except those designed prior to final plat approval.

SECTION 221.050: - OTHER ACTIVITIES/STRUCTURES PROHIBITED IN NATIVE VEGETATION/NATURAL AREAS

It shall be unlawful for any person, other than those whose obligation it is to maintain a greenway or those persons with written permission of the property owner responsible for such maintenance, to perform or authorize to be performed the following activities in native vegetation/natural areas designated in greenways:

1. Operate motor vehicles;
2. Construct any permanent structures including, but not limited to, storage buildings, fences, roads, driveways and fire pits;

3. Store hazardous or noxious materials;
4. Store any personal property including, but not limited to, lawn ornaments, wood piles, play sets, trampolines and other recreational amenities.

SECTION 221.060: - LIABILITY LIMITED FOR INJURIES IN NATIVE VEGETATION/NATURAL AREAS

The property owner shall not be held liable for injuries or damage incurred by any individuals or groups operating equipment in greenways for a purpose in violation with this Chapter.

SECTION 221.070: - PERMITTED ACTIVITIES

The following structures, practices and activities are permitted in the greenways and natural areas with specific design or maintenance features, subject to the review and approval of the City:

1. Activities for the purpose of building one (1) of the following:
 - a. A stream crossing by a driveway, transportation route or utility line;
 - b. Public water supply intake or public wastewater outfall structures;
 - c. Public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to a waterway, fishing platforms and overlooks;
 - d. Paved foot trails and paths;
 - e. Activities to restore and enhance stream bank stability, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used.
2. Crossings for roads, bridges and utilities:
 - a. The right-of-way should be the minimum width needed to allow for maintenance access and installation.
 - b. The angle of the crossing shall be as close as perpendicular to the stream or buffer as is practicable to minimize clearing requirements.
 - c. The minimum number of road crossings should be used within each subdivision and no more than one (1) crossing is allowed for every one thousand (1,000) feet of buffer.
3. Public sewer line easements paralleling a waterway, except that all easements (permanent and construction) and land disturbance should be at least twenty-five (25) feet from the top of the bank. This includes such impervious cover as is necessary for the operation and maintenance of the utility including, but not limited to, manholes, vents and valve structures.

4. Within an easement of any utility existing at the time this Chapter takes effect or approved under the terms of this Chapter, land disturbance activities and such impervious cover as is necessary for the operation and maintenance of the utility including, but not limited to, manholes, vents and valve structures.
5. Emergency work necessary to preserve life or property. However, when emergency work is performed under this Section, the person performing it shall report such work to the Public Works Director on the next business day after commencement of the work. Within ten (10) days thereafter, the person shall apply for a permit and perform such work within such time period as may be determined by the Public Works Director to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area.
6. Placement of structures for the control and monitoring of water quality and water quantity within a stream buffer as required by the City.

SECTION 221.080: - VIOLATIONS

Upon conviction or a plea of guilty, any person, firm or corporation violating or failing to comply with any of the provisions of this Chapter shall be subject to the penalty provisions provided for in Section 100.220 of the City Code.

CHAPTER 225: - LITTER

SECTION 225.010: - DEFINITIONS

LITTER: For purposes of this Section, litter shall mean any solid waste, recyclable material, or yard waste that may accumulate on any building, lot or premises.

SECTION 225.020: - LITTER IN PUBLIC PLACES

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the City except in public receptacles or authorized private receptacles.

SECTION 225.030: - MANNER OF DEPOSITING LITTER

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

SECTION 225.040: - SWEEPING LITTER INTO PUBLIC PLACES

- A. No person shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway.

SECTION 225.050: - BURNING LITTER, LEAVES, ETC.-PROHIBITED

No person shall burn any litter as defined in Section 225.005 in any street, gutter, or other public place within the City.

SECTION 225.060: - SIDEWALKS TO BE KEPT FREE OF LITTER

Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter. Persons owning or occupying places of business within the City shall keep the front of their business premises free of litter.

SECTION 225.070: - LITTERING BY PERSONS IN VEHICLES

- A. No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the City, or upon private property.
- B. No driver of any vehicle shall allow any passenger in that vehicle to throw or deposit litter upon any street or other public place within the City, or upon private property.

SECTION 225.080: - TRANSPORTATION OF LITTER

No person shall drive or move any truck or other vehicle hauling or transporting litter within or about the City, unless such vehicle is so constructed and the load secured so as to prevent any of the contents being blown, dropped or deposited upon any street, alley or other public place.

SECTION 225.090: - LITTERING ON ANY PRIVATE PREMISES

No person shall throw or deposit litter on any private property within the City, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property owned by another.

CHAPTER 230: - CURFEW

SECTION 230.010: - DEFINITIONS

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

MINOR: Anyone under the age of seventeen (17) years. It does not include anyone under the age of seventeen (17) years who is legally married. An "emancipated minor" is not included in the term "minor".

PUBLIC PLACE: Any place to which the public, or a substantial group of the public has access including, but not limited to, streets, highways, sidewalks, parking lots, vacant lots, parks and common areas in and about apartment buildings, office buildings, schools, shops and places of entertainment.

SECTION 230.020: - CURFEW ESTABLISHED

It shall be unlawful for any minor under the age of seventeen (17) years to loiter, idle, wander, stroll, play in or travel upon the public streets, highways, roads, alleys, playgrounds, parks and public buildings, or any unsupervised public places between the hours of 11:00 P.M. and 6:00 A.M. of the following day; except that the hours for Saturday and Sunday shall be 12:00 Midnight to 6:00 A.M. The provisions of this Section shall not apply in the following instances:

1. When such person is accompanied by his or her parent, guardian or other adult person having the lawful care and custody of such person;
2. When such person is upon an errand directed by his or her parent, guardian or other adult person having the lawful care and custody of such person;
3. When such person is returning from or going directly to home from a school or religious activity;
4. When such person is returning from or going directly to home from lawful employment that makes it necessary to be in the above-referenced places during the prescribed period of time; and
5. Any other errand as judged by the Law Enforcement Officer to be fair and just.

SECTION 230.030: - MINORS VIOLATING CURFEW

Any minor violating any provision of Section 230.020 may be taken into custody for referral to the Juvenile Court of Cass County, Missouri, or be delivered to the juvenile officer of said court, or person acting for him, for such disposition as may appear proper to the said Juvenile Court or juvenile officer. The minor may also be detained until claimed by a parent or legal guardian or escorted to the address where they reside.

SECTION 230.040: - PARENTAL RESPONSIBILITY

It shall be unlawful for the guardian, parent or other adult person having the care and custody of a minor under the age of seventeen (17) years to knowingly permit such minor to violate any provision of Section 230.020 above.

SECTION 230.050: - PENALTY

Upon conviction or a plea of guilty, any person, firm or corporation violating or failing to comply with any of the provisions of this Chapter shall be subject to the penalty provisions provided for in Section 100.220 of the City Code.

CHAPTER 235: - SOLID WASTE AND RECYCLABLES

SECTION 235.010: - DEFINITIONS

For the purpose of this Article, the following words and phrases shall have the following interpretation and/or meanings indicated below:

APPROVED INCINERATOR: An incinerator which complies with all current regulations of the Missouri Air Conservation Commission.

BULKY RUBBISH: Non-decaying solid wastes consisting of combustible and/or non-combustible waste materials from dwelling units, commercial, industrial, institutional, or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste collection vehicles by solid waste collectors, with the equipment available.

COLLECTION: The removal and transportation of solid waste and/or recyclables from its place of storage to its place of processing or disposal.

DEMOLITION AND CONSTRUCTION WASTE: Waste materials from the construction or destruction of residential, industrial or commercial structures.

DWELLING UNITS: Any room or group of rooms located within a structure, and forming a single habitable unit with facilities which are used, or are intended to be used for living, sleeping, cooking, and eating.

GARBAGE: Animal or vegetable wastes capable of decaying resulting from the handling, preparation, cooking, serving or consumption of food.

HAZARDOUS WASTES: Any waste or combination of wastes, as determined by the Missouri Division of Environmental Quality by rules and regulations, which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, or pose a present or potential threat to the health of humans or the environment.

MULTIPLE HOUSING FACILITY: A structure containing more than one (1) dwelling unit.

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

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

RECEPTACLE: A containers originally manufactured for residential solid waste and recyclables. Galvanized metal containers, rubber or fiberglass containers, and plastic containers which do not become brittle in cold weather are included in this definition.

RESIDENTIAL CONTAINER: A container used for placing residential solid waste and recyclables at the curb or alley. This may include a receptacle, as defined elsewhere in this section, or bags that are designed for storage of solid waste and recyclables which are well secured so as not to allow trash to be spread by the elements or by animals.

RECYCLABLES: a substance or object that can be processed and used again.

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

SOLID WASTE AND RECYCLABLES DISPOSAL: The process of discarding or disposing of unwanted material.

SOLID WASTE MANAGEMENT: The entire solid waste system of storage, collecting, transportation, processing and disposal of solid waste.

STORAGE: The keeping, maintaining or storing of solid waste or recyclables from the time of its production until the time of its collection.

YARD WASTES: Leaves, grass clippings, yard and garden vegetation and Christmas trees collected for disposal. The term does not include stumps, roots or shrubs with intact root balls.

SECTION 235.020: - DUTY TO PROVIDE FOR SOLID WASTE DISPOSAL FROM PREMISES

Every residential, institutional, commercial or business, industrial and agricultural establishment producing solid waste within the corporate limits of the City shall provide for the proper disposal of such solid waste from its premises.

SECTION 235.030: - SOLID WASTE AND RECYCLABLES STORAGE-INSTITUTIONAL, COMMERCIAL, BUSINESS, INDUSTRIAL OR AGRICULTURAL ESTABLISHMENTS

The occupant of every institutional, commercial or business, industrial or agricultural establishment producing solid waste and recyclables within the corporate limits of the City shall provide sufficient and adequate containers for the storage of all solid waste and recyclables except bulky rubbish and demolition and construction waste to serve each such establishment; and to maintain such solid waste and recycling containers at all times in good repair.

SECTION 235.040: - SOLID WASTE AND RECYCLABLES CONTAINERS-DUTY TO USE

The occupant of every dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment shall place all solid waste and recyclables to be collected in proper solid waste and recyclables containers, except as otherwise provided, and shall maintain such solid waste and recyclables containers and the area surrounding them in a clean, neat and sanitary condition at all times.

SECTION 235.050: - RESIDENTIAL CONTAINERS

Residential containers, as defined in Section 235.010 of this Chapter, shall be used for disposal of residential solid waste and recyclables.

SECTION 235.060: - COMMERCIAL CONTAINERS

Commercial solid waste and recyclables shall be stored in solid waste and recyclables containers as approved by regulations issued by the City. The containers shall be waterproof, leakproof and shall be covered at all times except when depositing waste or recyclables, or removing the contents; and shall meet all requirements of City regulations.

SECTION 235.070: - YARD WASTES

Yard wastes shall be stored and maintained as to prevent the dispersal of wastes.

SECTION 235.080: - COLLECTION OF SOLID WASTE AND RECYCLABLES

The City may provide for the collection of solid waste and recyclables as follows:

1. The City may provide for the collection of all residential solid waste and recyclables in the City, provided however that the City may provide the collection service by contracting with a person, County, or other City or a combination, for the entire City or portions, as deemed to be in the best interests of the City.
2. The City may, at its discretion, provide commercial solid waste and recyclables collection services upon specific application of the owners or persons in charge. However, in the event that such application is not made

or approved, it shall be the duty of such establishment to provide for collection of all solid waste and recyclables produced upon any such premises.

SECTION 235.090: - SOLID WASTE AND RECYCLABLES-WHAT IS COLLECTED OR BECOMES PROPERTY OF COLLECTION AGENCY

All solid waste and recyclables placed at the curb for collection shall become the property of the disposal agency contracted by the property owner or the City.

SECTION 235.100: - PLACEMENT OF WASTE AND RECYCLABLES FOR COLLECTION

Tree limbs and yard waste, as described in Section 235.070 shall be placed at the curb or alley for collection. Solid Waste and recyclables containers as required by this Section 235.060 of this Chapter, for storage of other residential solid waste and recyclables materials shall be placed at the curb or alley for collection. Any solid waste and recyclables containers, tree limbs, yard wastes or other solid waste and recyclables permitted by this Chapter to be placed at the curb for collection shall not be placed until after 5:00 P.M. the day before the regularly scheduled collection day. Solid Waste and recyclables containers shall be removed from the curb or alley by 8:00 A.M. the day after the day of scheduled collection.

SECTION 235.110: - MAY ENTER PRIVATE PROPERTY

Solid waste and recyclables collectors, which may be employed by the City or a solid waste and recyclables collection agency operating under contract with the City, are authorized to enter upon private property for the purpose of collecting solid waste and recyclables as required by this Chapter. Solid waste and recyclables collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste and recyclables without a valid court order or permission from the property owner.

SECTION 235.120: - COLLECTION FREQUENCY

All residential solid waste and recyclables shall be collected at least once weekly. Commercial solid waste and recyclables shall be collected at appropriate intervals to avoid the creation of a public nuisance as defined by City Code Section 545.445.

SECTION 235.130: - STORAGE OF CONTAINERS ON PRIVATE PROPERTY

Residential solid waste and recyclables containers shall be stored upon the residential premises. Commercial solid waste and recyclables containers shall be stored upon private property, unless the owner shall have been granted written permission from the City to use public property for such purposes. Any commercial solid waste and recyclables storage site shall be well-drained; fully accessible to collection equipment, City Code Enforcement, public health personnel and fire inspection personnel.

SECTION 235.140: - COLLECTION VEHICLES

All collection vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid waste and recyclables.

SECTION 235.150: - EARTH AND ROCK FROM EXCAVATION

Permits shall not be required for the removal, hauling or disposal of earth and rock material from grading or excavation activities, however, all such material shall be conveyed in vehicles, trucks or receptacles so constructed and maintained that none of the material being transported shall spill upon the public rights-of-way.

SECTION 235.160: - DISPOSAL OF SOLID WASTES AND RECYCLABLES

Solid wastes and recyclables shall be disposed of at a processing facility or disposal area approved by the City and complying with all requirements of the Missouri Department of Natural Resources.

SECTION 235.170: - DISPOSAL OF HAZARDOUS WASTES

The City may, by regulation, classify certain wastes as hazardous wastes which will require special handling and shall be disposed of only in a manner acceptable to City regulation, and which meet all State and Federal regulations.

SECTION 235.180: - OCCUPATIONAL LICENSE REQUIRED

- A. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste or recyclables within the corporate limits of the City, without first obtaining an occupational license from the City Clerk as provided in Chapter 605 of the City Code.

SECTION 235.190: - LIABILITY INSURANCE REQUIRED

No such license shall be issued until the applicant, in addition to all other requirements set forth, shall submit with their application evidence of a satisfactory public liability insurance policy, covering all operations of such applicant pertaining to such business and all vehicles to be operated in the conduct of the business.

- A. The permittee shall procure, maintain, and provide proof of insurance coverage for injuries to persons and/or property damage as may arise from or in conjunction with, the work performed on behalf of the City of Raymore by the permittee, its agents, representatives, employees or subcontractors.
- B. The City of Raymore shall be named as an additional insured under such insurance contracts (except for Worker's Compensation coverage). All coverage for the City shall be written on a primary basis, without contribution from the City's coverage.

- C. A Certificate of Insurance will be required before the issuance of a permit. All policies shall be issued on an occurrence form in amounts established by the City, but not less than limits established for sovereign immunity.
- D. Should any such policy be canceled, the City shall be notified of such cancellation by the insurance carrier in writing not less than ten (10) days prior to the effective date of such cancellation, and provisions to that effect shall be incorporated in the policy, which shall also place upon the company writing such policy the duty to give such notice.

SECTION 235.200: - APPLICATION FOR OCCUPATIONAL LICENSE

Each applicant for an occupational license shall state in their application:

1. The nature of the license desired, as to collect, transport, process, or dispose of solid waste and recyclables or any combination;
2. The characteristics of solid waste and recyclables to be collected, transported, processed and/or disposed;
3. The number of solid waste and recyclables vehicles to be operated;
4. The precise location or locations of solid waste and recyclables processing or disposal facilities to be used;
5. The boundaries of the collection area; and
6. Such other information as may be required by City regulation.

SECTION 235.210: - APPROVAL-FEE REQUIRED

If the application shows that the applicant will collect, transport, process or dispose of solid waste and recyclables without hazard to the public health or damage to the environment and in conformity with the laws of the State of Missouri and this Chapter and other Ordinances, the City Clerk shall issue the license authorized by this Chapter. The license shall be issued for the calendar year for which the license application is submitted and each applicant shall pay a fee in an amount approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department for each solid waste and recyclables processing or disposal facility to be operated and for each collection vehicle to be used. If in the opinion of the City Manager modifications can be made to the application regarding service, equipment, or mode of operation, so as to bring the application within the intent of this Chapter, the City Manager shall notify the applicant setting forth the modification to be made and the time in which it shall be done.

SECTION 235.220: - AMOUNT OF FEES

The fees for the occupational license required under this Chapter shall be approved by the Governing Body and listed in the schedule of fees and charges maintained in the Finance Department.

SECTION 235.230: - LICENSE NOT TRANSFERABLE

No license issued under this Chapter shall be transferred or assigned or used in any way by any person other than the one to whom it was issued.

SECTION 235.240: - DURATION-PRORATION AND REFUND OF FEES

All licenses issued under the provisions of this Chapter shall expire on the thirty-first (31st) day of December following the issuance. For a partial year license, the fee shall be prorated for the first (1st) time, at a rate of five percent (5%) of the license fee per month after June first (1st) and each month thereafter. No license fee shall be refundable upon sale, transfer or dissolution of the business for which the license was issued.

SECTION 235.250: - LICENSE DENIAL

- A. If the applicant does not make the modifications pursuant to the notice given by the City Manager as described in Section 235.230 of this Chapter within the time limit specified, or if the application does not clearly show that the collection, transportation, processing or disposal of solid wastes and recyclables will create no public health hazard or be without harmful effects on the environment, the application shall be denied and the applicant notified by the City Manager, stating the reasons for such denial.
- B. Nothing in this Section shall prejudice the right of the applicant to reapply after the rejection of their first (1st) application, provided that all respects of the reapplication comply with the provisions of this Chapter.

SECTION 235.260: - LICENSE RENEWAL

The annual license may be renewed upon submitting a renewal application and payment of the fee or fees in an amount approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department, if the business has not been modified. If modifications have been made, the applicant shall reapply for a license.

SECTION 235.270: - INSPECTIONS

In order to ensure compliance with the laws of this State, this Chapter, and the rules and regulations authorized, the City Manager is authorized to direct the inspection of all phases of solid waste and recyclables management within the City. No inspection shall be made in any residential unit unless authorized by the occupant or by due process of law. In all instances where such inspections reveal

violations of this Chapter, the rules and regulations authorized for the storage, collection, transportation, processing or disposal of solid waste and recyclables, or the laws of the State of Missouri, notice of each violation shall be issued stating the violation or violations found, the time and date and the corrective measure(s) to be taken, together with the time in which such corrections shall be made.

SECTION 235.280: - REVOCATION OF LICENSE

In all cases, when the corrective measures have not been taken within the time specified, the City Manager shall suspend or revoke the license involved in the violation; however, in those cases where an extension of time will permit correction and there is no public health hazard created by the delay, one extension of time not to exceed the original time period may be given.

SECTION 235.290: - RULES AND REGULATIONS

The City Council may make, amend, revoke, and enforce reasonable and necessary rules and regulations governing but not limited to:

1. Preparation, draining and wrapping of garbage and recyclables materials deposited in solid waste and recyclables containers.
2. Specifications for solid waste and recyclables containers, including the type, composition, equipment, size and shape.
3. Identification of solid waste and recyclables containers and of the covers, and of equipment appertaining, if any.
4. Weight limitations on the combined weight of solid waste and recyclables containers and the contents, and weight and size limitations on bundles of solid waste and recyclables too large for solid waste and recyclables containers.
5. Storage of solid waste and recyclables in solid waste and recyclables containers.
6. Sanitation, maintenance and replacement of solid waste and recyclables containers.
7. Schedules and routes for collection of solid waste and recyclables.
8. Collection points of solid waste and recyclables containers.
9. Collection and disposal of solid waste and recyclables.
10. Processing facilities and fees.
11. Disposal facilities and fees.
12. Records of quantity and type of wastes and recyclables received at processing and/or disposal facilities.

13. Handling of special wastes such as toxic wastes, sludges, ashes, agricultural, construction, bulky wastes, tires, automobiles, oils, greases, etc.

SECTION 235.300: - PROHIBITED PRACTICES

It shall be unlawful for any person to:

1. Deposit solid waste or recyclables in any solid waste or recyclables container other than their own, without the written consent of the owner of such container and/or with the intent to avoid payment of the service charge provided for solid waste and recyclables collection and disposal;
2. Interfere in any manner with solid waste and recyclables collection equipment or with solid waste and recyclables collectors in the lawful performance of their duties as such whether such equipment or collectors shall be those of the City or those of a solid waste and recyclables collection agency operating under contract with the City;
3. Burn solid waste or recyclables unless an approved incinerator is provided or unless a variance has been obtained from the Missouri Department of Natural Resources;
4. Dispose of solid waste or recyclables at any facility or location which is not approved by the City and the Missouri Department of Natural Resources;
5. Engage in the business of collecting, transporting, processing or disposing of solid waste and recyclables within the corporate limits of the City without an occupational license from the City, or operate under an expired license, or operate after a license has been suspended or revoked.

SECTION 235.310: - SERVICE CHARGE

A service charge may be imposed for the collection and disposal of solid waste and recyclables for each dwelling unit and each commercial establishment to which such service may be provided under the provisions of this Chapter.

SECTION 235.320: - FEES AND BILLING

- A. The City Council shall by Resolution from time to time establish and impose fees for the City's solid waste and recyclables collection services to reimburse the City for the costs incurred through the contract with a solid waste and/or recyclables provider. A schedule of such fees and charges approved by the Governing Body shall be maintained and on file in the Finance Department.
- B. The Director of Finance shall be responsible for billing and collecting said fees and shall bill the same on a monthly basis in such method and manner as the Director of Finance deems most effective.
- C. Delinquent fees—Penalty.

If fees remain unpaid thirty (30) days after the beginning of the service period for which the bill is rendered, then such bill shall be delinquent and subject to a penalty of ten percent (10%). For each month the bill remains unpaid, and up to the date of certification of any special tax bill pursuant to Section 235.320(E) of this Section, an additional penalty of five percent shall be applied to the accumulating balance of the delinquent bill.

D. Delinquent fees-Collection policies-Hearing and appeal.

The Director of Finance is authorized to establish collection policies for delinquent fees, penalties, and interest, including, but not limited to, payment plans and, if approved by the City Manager, the waiver of penalties and interest and amnesty.

E. Delinquent fees-Special tax bill issued to person failing to pay their bill.

1. The Director of Finance may certify a special tax bill against the property served if outstanding fees remain delinquent for at least ninety (90) days following the date that service is halted.
2. The Director of Finance shall prepare and certify the special tax bill against the property. The special tax bill shall identify the City as lien holder, the legal description of the property assessed, the date of delinquency, and the amount of the assessment, including any accrued penalty and the cost of recording shall also be included in the assessment. The Director may record the bill with the Cass County Recorder of Deeds and/or the Cass County Collector's Office.

F. Collections and foreclosure authorized.

If fees remain delinquent sixty (60) days following the certification of a special tax bill, the Director of Finance may refer the matter to the City Attorney for collection, including, if deemed necessary by the City Attorney, the initiation of foreclosure proceedings. The delinquent party shall be liable to the City for all reasonable costs and attorney fees incurred.

CHAPTER 240: - EMERGENCY MANAGEMENT

SECTION 240.010: - ESTABLISHMENT OF AGENCY

There is hereby created within and for the City, an emergency management organization to be known as the Raymore Emergency Management Department which is responsible for the preparation and implementation of emergency functions required to prevent, minimize and repair injury and damage due to disasters, to include emergency management of resources and administration of such economic controls as may be needed to provide for the welfare of the people, and emergency activities (excluding functions for which military forces are primarily

responsible) in accordance with Chapter 44, RSMo., and supplements, and the Missouri Emergency Operations Plan adopted.

SECTION 240.020: - ORGANIZATION

This Department shall consist of a Director and other members appointed by the Mayor or other designated representative to conform to the State organization and procedures for the conduct of emergency operations as outlined in the State Emergency Operations Plan.

SECTION 240.030: - FUNCTIONS

The Department shall perform emergency management functions within the limits of the City, and may conduct these functions outside the territorial limits as directed by the Governor during the time of emergency pursuant to the provisions of Chapter 44, RSMo., and other regional mutual aid agreements.

SECTION 240.040: - EMERGENCY MANAGEMENT DIRECTOR

- A. The Director shall have direct responsibility for the organization, administration and operations of local emergency management activities.
- B. The Director shall be responsible for maintaining records and accounting for the use and disposal of all items of equipment placed under the jurisdiction of the Emergency Management Department.

SECTION 240.050: - EMERGENCY MANAGEMENT DIRECTOR

The Mayor and the Director, in accordance with Chapter 44, RSMo., and supplements may:

1. Appropriate and expend funds, make contracts, obtain and distribute equipment, materials and supplies for emergency management purposes; provide for the health and safety of persons, including emergency assistance to victims of natural and manmade disasters, or national emergency; the safety of property; and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the federal and state emergency management agencies;
2. In the event of a national emergency or severe local emergency endangering public health, welfare, life or public property, waive the normal purchasing/supply requisition procedures, upon approval of the Mayor, or other designated representative, and in accordance with RSMo., and any local emergency procurement procedures formally adopted by the City.

3. Appoint, provide, or remove rescue teams, auxiliary fire and police personnel and other emergency operations teams, units or personnel who may serve without compensation.
4. With the approval of the Governor and consistent with the State Emergency Operations Plan, enter into mutual aid agreements with other public and private agencies within and without the State for reciprocal emergency aid.
5. Accept donated goods/services to benefit disaster victims, and services, materials, equipment, supplies or funds granted or loaned by the Federal Government for disaster mitigation, preparedness, response and recovery purposes.

SECTION 240.060: - OATH

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

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

CHAPTER 245: - RESERVED

CHAPTER 250: - PARK PROPERTY REGULATIONS

SECTION 250.005: - DEFINITIONS

For the purpose of this Chapter, the following words and phrases shall have the following interpretation and/or meanings indicated below:

DIRECTOR: The Director of Parks and Recreation.

DOMESTIC ANIMAL: Any animal domesticated by a person so as to live and breed in a tame condition.

LIVESTOCK: Horses, mules, sheep, goats, cattle, swine and other domesticated animals, excluding dogs and cats.

MOTOR VEHICLE: Any motorized self-propelled device used by a person for mobility. Motorized vehicle as term is used herein shall specifically exclude motorized wheelchairs designed for, and used solely by, a mobility impaired person for locomotion and that is suitable for use in indoor pedestrian areas.

PARK AMENITY(IES): Any building, structure, bridge, park improvement, equipment or other such public property, and/or accessories under the control and care of the Parks and Recreation Board.

PRIVILEGE: Any opportunity to enroll in a scheduled recreation program, attend or observe a scheduled recreation program, volunteer for a scheduled recreation program held in a City owned park or facility.

PARKS AND RECREATION PERSONNEL: Any full-time, part-time or volunteer personnel charged with the responsibility for overseeing organizing, maintaining or assisting with parks and recreation programs and property, whether on duty or off duty.

PUBLIC PARK: Any property or recreational facility owned or used by the City for recreational purposes and designated for such purposes by the City Council.

PARKS AND RECREATION PROPERTY/FACILITIES: Any land and facility(ies) owned by the City and under the care and control of the Parks and Recreation Board.

RESERVATION: Any private use of park lands and facilities.

SECTION 250.010: - SUSPENSION OF PRIVILEGES

The Parks and Recreation Director may suspend, forfeit, cancel or revoke any reservation or privilege or may refuse to grant the same for a period not to exceed one (1) year after the violation. The decision of the Director shall be final unless appealed to the Parks and Recreation Board on or before the fourteenth (14th) business day following the day notice of such decision is given. The appeal shall be filed with the Parks and Recreation Director and shall substantially set forth the grievance of the party appealing and shall be heard at the next regular meeting of the Parks and Recreation Board.

SECTION 250.015: - POLICE DEPARTMENT AUTHORITY

It shall be the duty of the Police Department to assist Parks and Recreation Department personnel in the enforcement of this Chapter.

SECTION 250.020: - TIME PUBLIC PARKS OPEN AND CLOSE TO PUBLIC

The operating hours at all City owned parks, shall be dawn to 11:00 p.m. The general public is prohibited from using the parks of the City during other hours, except with the written permission of the Parks and Recreation Director.

SECTION 250.025: - TRAFFIC REGULATIONS IN THE PUBLIC PARKS OF THE CITY

It shall be unlawful for any person in any park to:

1. Fail to obey any posted traffic signs.
2. Ride or drive any motor vehicle in excess of the posted speed limit of ten (10) miles per hour on all roads and streets in the public parks of the City that are opened for travel by such vehicles.
3. Ride or drive any motor vehicle on any park property except paved roads, paved parking areas and such other park areas as may be designated by the Parks and Recreation Director. This excludes motorized vehicles designated for and used solely by a mobility impaired person.
4. Park any motor vehicle anywhere other than paved parking areas and other such park areas as may be designated by the Director of Parks and Recreation.
5. Fail to obey any park employee or Police Officer authorized to direct traffic within a park by the Director of Parks and Recreation to control vehicular traffic within such park.

SECTION 250.030: - ALCOHOLIC BEVERAGES NOT PERMITTED

No person shall possess any alcoholic beverage in any City park or facility nor carry, transport, or otherwise bring any alcoholic beverage into any City park or park facility unless approved by City staff through the Parks and Recreation Board's permitting process.

SECTION 250.035: - RESERVED

SECTION 250.040: - ANIMAL REGULATIONS IN PUBLIC PARKS

It shall be unlawful for any person to:

1. Allow any livestock, as defined in this Chapter, to be in the parks of the City without the written permission of the Park Board.

2. Allow domestic animals as defined in this Chapter, to enter public parks without a proper license issued by the City or other appropriate issuing agency.
3. Allow domestic animals as defined in this Chapter, to enter public parks without being under the control of their owner except in areas designated as off-leash.

SECTION 250.050: - GO-CARTS/KARTS, ATVS, MINI-BIKES, GOLF CARTS PROHIBITED IN PUBLIC PARKS

All go-carts, all-terrain vehicles (ATVs), golf carts, mini-bikes and other such electric or gas powered personal conveyance machines or other vehicles commonly known or described to fit the definition are prohibited to be in the parks without the written permission of the Parks and Recreation Board. This excludes motorized vehicles designed for and used solely by a mobility impaired person that is suitable for use in outdoor pedestrian areas.

SECTION 250.055: - ROLLER SKATING, BICYCLING, SKATEBOARDING PROHIBITED EXCEPT IN DESIGNATED AREAS

It shall be unlawful for any person upon roller skates, bicycles or skateboards or riding in or by means of any coaster, toy vehicle or similar device to interfere with the intended use of sidewalks, parking lots, playing court areas, public facilities or other such public properties.

SECTION 250.060: - MODEL AIRPLANES AND REMOTE CONTROL DEVICES

It shall be unlawful to operate any model airplane or remote control devices in public parks without written permission from Parks and Recreation Director.

SECTION 250.070: - BUSINESS ACTIVITIES PROHIBITED IN PUBLIC PARKS

No person shall display or offer for sale any article, object, service or training in public parks without written permission from the Parks and Recreation Director.

SECTION 250.080: - HUNTING PROHIBITED

It shall be unlawful for any person to hunt, shoot, kill, trap, injure, pursue or taunt in any way any bird or animal on or within a City park.

SECTION 250.085: - OVERNIGHT CAMPING

It shall be unlawful for any person to camp in a public park. Overnight camping is permitted in designated areas set aside for organized groups with approval by staff through the Parks and Recreation Board's permitting process.

SECTION 250.090: - OPEN BURNING PROHIBITED

No bonfire or other open burnings will be permitted on public property except in public park areas designated by the Parks and Recreation Board and approved through the permitting process.

SECTION 250.100: - PUBLIC PARKS RULES AND REGULATIONS-GENERALLY

The following rules and regulations shall apply in the public parks:

1. The City shall not be held liable for injuries or damage incurred by any individuals or groups using park property.
2. Users shall obey all permanent and temporary boundaries erected by or on behalf of the City.
3. No obstacles shall be placed on the property without specific permission of the Parks and Recreation Director.
4. No golfing shall be permitted.
5. No climbing on buildings or structures-not intended for this purpose.
6. No bathing, swimming or ice skating permitted in pond and lakes located on park property.
7. The City shall not be responsible or liable for personal or organizational items left in concession stands or the parks (the users shall assume all responsibility).
8. City staff may cancel events or activities, or close the parks due to unsafe conditions or activities which may be destructive to the Raymore park facilities due to extenuating circumstances.
9. The Raymore Parks and Recreation Board may recommend, and the City Council may approve, written agreements with organizations pertaining to the use of park land and facilities by uniquely qualified not-for-profit organizations.

SECTION 250.110: - FISHING ACTIVITIES-CATCH LIMITS

Fishing is permitted at Johnston Lake at Hawk Ridge Park and Recreation Park Pond. Recreational fishing is governed by the Missouri State Fishing Regulations and Wildlife Code. All persons who are required by State law to obtain a fishing license must do so. State quantity limits apply on all fish. Cleaning of fish on Park property is prohibited

SECTION 250.120: - BOATS, WATERCRAFT, AND PERSONAL FLOTATION DEVICES PROHIBITED

All boats, watercraft, and personal flotation devices are prohibited from water features located on public parks.

SECTIONS 250.130—250.290: - RESERVED

SECTION 250.300: - PLAYGROUND RULES AND REGULATIONS

Equipment shall be used by the age group and in the manner for which it was designed. Use of playground equipment shall be at the patron's risk. Adult supervision is recommended.

SECTION 250.350: - TRAIL RULES AND REGULATIONS

Trail users shall adhere to the following standard etiquette:

1. Share the trail. Ride, walk or run on the right, pass on the left.
2. Stay on the trail. Creating your own trail or cutting switchbacks creates erosion, damages habitat and causes new trails which cannot be maintained.
3. Bicyclists yield to runners and walkers. Keep your bike under control and at a safe speed.
4. Downhill traffic should yield to uphill traffic. When in doubt, give the other user the right of way.
5. Use unpaved trails only when they are dry, not muddy or wet, to avoid leaving ruts or prints.
6. Issue a verbal warning when you are planning to pass other trail users.

SECTION 250.400: - SKATE PARK RULES AND REGULATIONS

- A. The skate park is designed for skateboards, inline skates and roller skates only.
- B. The skate park is an unsupervised skate-at-your-own-risk facility. Children should be supervised by an adult.
- C. Use of protective gear is encouraged.
- D. Glass containers, loud music, disorderly behavior and motorized vehicles are prohibited.
- E. Food and beverage consumption and possession are prohibited from the skate surface including concrete areas surrounding the skate park.
- F. The addition of ramps, jumps and other obstacles are not allowed. The removal or relocation of park appurtenances is not permitted.
- G. The Parks and Recreation Board reserves the right to close the skate park facility or to ask people to leave the facility for any circumstances deemed necessary.

SECTION 250.450: - RESERVED

SECTION 250.450: - PARK RULES AND REGULATIONS-OTHER RECREATIONAL AMENITIES

- A. Bicycles, skateboards, inline skates and roller skates are prohibited from tennis and basketball courts.
- B. Courts are unsupervised play-at-your-own-risk facilities. Children should be supervised by an adult at all times.
- C. Scheduled recreation programs take priority over drop-in play in all facilities.

CHAPTER 251: - BACKGROUND CHECKS

SECTION 251.010: - PURPOSE-REQUIRED

Background checks are required pursuant to the Parks and Recreation standard operating procedure and policy.

SECTION 251.020: - PENALTY

Any program not requiring background checks of its coaches or volunteers allowing disqualified coaches to participate in its activities shall be prohibited from using City facilities.

CHAPTER 252: - LINEAR PARK REGULATIONS

SECTION 252.010: - DEFINITIONS

For the purpose of this Chapter, the following words and phrases shall have the following interpretation and/or meanings indicated below:

LINEAR PARK(S): Any stream corridor, greenway or stream buffer dedicated to the City as public park land.

NATIVE OR ADAPTIVE VEGETATION: includes native plantings that are planted in natural areas whether occurring naturally or installed by man.

SECTION 252.020: - MOWING OF NATIVE OR ADAPTIVE VEGETATION AREAS PROHIBITED

It shall be unlawful for any person, other than those whose obligation it is to maintain the linear parks, to mow native or adaptive vegetation designated as public parks, except with the written permission of the Park Board.

SECTION 252.030: - DISTURBANCE OF NATIVE OR ADAPTIVE VEGETATION AREAS PROHIBITED

It shall be unlawful for any person, other than those whose obligation it is to maintain the linear parks or those persons with written permission of the Park Board, to perform or authorize to be performed the following activities in linear parks:

1. Clear cut, selectively cut, burn or remove trees or other vegetation.
2. Apply or store fertilizers, pesticides, herbicides and/or other chemicals.
3. Grading, stripping of topsoil, plowing or cultivating.
4. House, graze or otherwise maintain animals.
5. Add soil or other materials to fill area.
6. Dump trash, grass clippings or other non-native materials.
7. Construct drains, ditches or other drainage systems to drain the buffer area.
8. Construct stormwater drainage systems from private property that drain into natural areas, except those designed prior to final plat approval.
9. Operate motor vehicles.
10. Construct any permanent structures including, but not limited to, storage buildings, fences, roads, driveways and fire pits.
11. Store hazardous or noxious materials.
12. Store any personal property including, but not limited to, lawn ornaments, wood piles, play sets, trampolines and other recreational amenities.

SECTION 252.040: - PERMITTED ACTIVITIES

The following structures, practices and activities are permitted in the stream buffer of any linear public park with specific design or maintenance features, subject to the review and approval of the City.

- A. Activities for the purpose of building one (1) of the following:
 1. A driveway, transportation route or utility line crossing a stream.
 2. Public water supply intake or public wastewater outfall structures.
 3. Public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlook.
 4. Paved foot trails and path.

5. Activities to restore and enhance stream bank stability, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used.
- B. Crossings for roads, bridges and utilities:
1. The right-of-way should be the minimum width needed to allow for maintenance access and installation.
 2. The angle of the crossing shall be as close to perpendicular to the stream or buffer as is practicable to minimize clearing requirements.
 3. The minimum number of road crossings should be used within each subdivision.
- C. Public sewer line easements paralleling the creek, except that all easements (permanent and construction) and land disturbance should be at least twenty-five (25) feet from the top of the bank. This includes such impervious cover as is necessary for the operation and maintenance of the utility including, but not limited to, manholes, vents and valve structures.
- D. Within an easement of any utility existing at the time this Chapter takes effect or approved under the terms of this Chapter, land disturbance activities and such impervious cover as is necessary for the operation and maintenance of the utility including, but not limited to, manholes, vents and valve structures.
- E. Emergency work necessary to preserve life or property. However, when emergency work is performed under this Section, the person performing it shall report such work to the Public Works Director on the next business day after commencement of the work. Within ten (10) days thereafter, the person shall apply for a permit and perform such work within such time period as may be determined by the Public Works Director to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area.
- F. Placement of structures for the control and monitoring of water quality and water quantity within a stream buffer as required by the City.

SECTION 252.050: - VIOLATIONS

Upon conviction or a plea of guilty, any person, firm or corporation violating or failing to comply with any of the provisions of this Chapter shall be subject to the penalty provisions provided for in Section 100.220 of the City Code.

CHAPTER 260: - TREE MAINTENANCE AND CARE

SECTION 260.010: - TITLE

This Chapter will be known as the Tree Maintenance Code and may be cited as such, and will be referred to in this Chapter as the "Code".

SECTION 260.020: - PURPOSE

This Chapter establishes policies, regulations, and standards necessary to ensure that the City will realize the benefits provided by its urban forest.

The purpose of this Code is to protect the public health, safety, and welfare of the citizens of Raymore by requiring trees to be maintained in a healthy and non-hazardous condition through good arboriculture practices. These general objectives include, among others, the following specific purposes:

1. To protect pedestrians from falling or low hanging tree limbs and branches.
2. To reduce resident exposure to potential hazardous conditions in the event of damaging storms.
3. To protect the character of residential, commercial and public areas.
4. To preserve the value of the property throughout the City.
5. To provide mechanisms for the enforcement and administration of the Code to ensure that the above purposes are accomplished.

SECTION 260.030: - INTERPRETATION

- A. In any case where a provision of the Code is found to be in conflict with a provision of any other ordinance or other legislation of the City existing on the effective date of the Code, the provision which establishes the higher standard for the promotion and protection of the safety and health of the people shall prevail.
- B. In any case where a determination of definition or identification of tree hazard is needed, the opinion of the City Arborist shall prevail.

SECTION 260.040: - DEFINITIONS

For the purpose of this Chapter the following words and phrases shall have the following interpretation and/or meanings indicated below:

CITY ARBORIST: A City staff member designated by the City Manager who is certified in the practice of arboriculture.

OFFICIAL TREE LIST: A list of trees provided for in the City's Tree Management Strategic Plan.

PUBLIC TREE: Any tree or shrub growing on any publicly-owned land except street right-of-way.

PRIVATE TREE: Any tree or shrub growing on privately-owned land, including those trees planted between the sidewalk and street.

REMOVAL OR REMOVE: The cutting or removing of fifty percent (50%) or more of a crown trunk or root system of a tree, or any action which results in immediate danger of falling.

TOP/TREE TOPPING: Removing the vertical leader stems and cutting tree limbs back to a stub, bud or a lateral branch not large enough to assume a terminal role, resulting in decay of the trunk and/or main branches and sprout production. Usually involves removing more than one-third (1/3) of the tree canopy.

TREE MANAGEMENT STRATEGIC PLAN: A written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees.

SECTION 260.050: - ESTABLISHMENT OF A CITY TREE BOARD

- A. There is hereby created and established a Tree Board for the City.
- B. Composition and Term. The City Tree Board shall consist of five (5) members. Those members shall be three (3) citizens appointed by the Mayor with the advice and consent of the City Council chosen from the citizens at large, the City Arborist, and the Parks and Recreation Director. Appointments shall be made by August 1 of each year. Members shall serve for three-year terms, excepting that, for the term set to begin August 1, 2013, one (1) member shall be appointed for a one-year term, one (1) member shall be appointed for a two-year term, and one (1) member shall be appointed for a three-year term.
- C. Duties. The City Tree Board shall have the following duties:
 - 1. To study, investigate and advise the Park Board and City Council regarding the care, preservation, pruning, planting, replanting, removal or disposition of trees.
 - 2. To prepare a Tree Management Strategic Plan and to update such plan as needed. The Tree Management Strategic Plan shall include goals for City arboriculture efforts and information on tree trimming requirements, i.e., clearance distances.
 - 3. To prepare and annually update an Official Tree List. The Official Tree List shall designate species of trees not recommended for planting in the City. The List shall also include a list of tree species permitted to be planted on street right-of-way.
 - 4. To assist City staff in the preparation of the annual City budget for tree planting and maintenance activities including the City's arboretum.
 - 5. To educate residents on the advantages of trees and the planting and maintenance of all trees within the community.

6. To assist the City in preparing an annual Arbor Day proclamation and observance.
7. To assist the City in maintaining the certification as a Tree City USA.

SECTION 260.060: - PUBLIC TREE CARE AND MAINTENANCE

- A. The City shall have the right to plant, and the duty to prune, maintain and remove public trees as a matter of public safety or to enhance the symmetry and beauty of such public areas.
- B. The City Arborist may remove or cause or order to be removed, any tree presenting an unsafe condition or which by reason of its nature is injurious to sewers, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest.
- C. All public tree maintenance shall conform to the ANSI A300 standards for tree care operations.

SECTION 260.070 - PRIVATE TREE CARE AND MAINTENANCE

- A. It shall be the duty of any person or persons owning or occupying real property bordering on any street upon which property there may be trees, to prune such trees in such a manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs or obstruct views of any street or alley intersection. There shall be a clear space of thirteen (13) feet above the street surface or eight (8) feet above the sidewalk and pedestrian trail surfaces.
- B. It shall be the duty of any person or persons owning or occupying real property bordering on any street, park or other public land, on which there may be trees that are diseased or insect infested, to remove, spray or treat such trees in such a manner that they will not infect or damage nearby public vegetation or cause harm to the community or citizens.
- C. The City Manager may order trees on private land that cause obstructions or present insect or disease problem or otherwise present a danger to public health or safety be pruned, removed or treated.

SECTION 260.080 - OCCUPATIONAL LICENSE REQUIRED

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing public or private trees within the City without first applying and procuring a City occupational license in accordance with Chapter 605 of the City Code.

SECTION 260.090 - LOCAL GOVERNMENT DISCLAIMS LIABILITY

Nothing in this Chapter shall be deemed to impose any liability for damages or a duty of care and maintenance upon the City or upon any of its officers or

employees, nor to relieve the owner of any private property from the duty to keep any tree, shrub or plant upon any street area on his property or under his control in such a condition as to prevent it from constituting a hazard or impediment to travel or vision upon any street, park, boulevard, alley or public place within the City. The person in possession of or the owner of any private property shall have a duty to keep the trees upon the property and under their control in a safe and healthy condition.

SECTION 260.100 - TREE TOPPING PROHIBITED

It shall be unlawful as normal practice for any person, firm or City department to top any public tree. Crown reduction by a qualified arborist may be substituted, where appropriate. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this prohibition at the determination of the City Arborist.

SECTION 260.110 - UNAUTHORIZED PLANTING OR REMOVAL

It shall be unlawful for any person other than officials, agents and employees of the City to remove public trees or to remove or plant trees in City parks without the written approval of the City.

SECTION 260.120 - DAMAGE OF PUBLIC TREES

No person shall damage, cut, carve, transplant, remove, or attach any accessory to public trees without written permission from the Parks and Recreation Director.

SECTION 260.130 - INTERFERENCE

No person shall hinder, prevent, delay or interfere with the City Arborist, or City Manager in carrying out the execution or enforcement of this Chapter.

SECTION 260.135 ENFORCEMENT

The City Arborist or Code Enforcement Officer are charged with the responsibility for the enforcement of this Chapter and may serve notice, abate, or to any person, firm, or corporation in violation or institute legal proceedings as may be required and the City Attorney is authorized to institute appropriate proceedings to that end.

SECTION 260.140 - PENALTY FOR VIOLATION

Upon conviction or a plea of guilty, any person, firm or corporation violating or failing to comply with any of the provisions of this Chapter shall be subject to the penalty provisions provided for in Section 100.220 of the City Code. A property owner charged for abatement shall not incur a penalty in addition to the City's cost of abatement.

CHAPTER 270: - RESTRICTIONS ON SMOKING IN PUBLIC PLACES

SECTION 270.010: - DEFINITIONS

For the purpose of this Chapter, the following words and phrases shall have the following interpretation and/or meanings indicated below:

BAR: Any licensed establishment which serves liquor on the premises for which not more than ten percent (10%) of the gross sales receipts of the business are supplied by food purchases, either for consumption on the premises or elsewhere.

BUSINESS: A sole proprietorship, partnership, joint venture, corporation, limited liability company (LLC) or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural or other professional services are delivered; and private clubs.

EMPLOYEE: A person who is employed by an employer in consideration for direct or indirect monetary wages or profit and a person who volunteers his or her services for a non-profit entity.

EMPLOYER: A person, business, partnership, limited liability company (LLC), association, corporation, including a municipal corporation, trust or non-profit entity that employs the services of one (1) or more individual persons.

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 interior ceiling.

HEALTH CARE FACILITY: An office or institution providing care or treatment of diseases, whether physical, mental or emotional.

PLACE OF EMPLOYMENT: An area under the control of a public or private employer that employees normally frequent during the course of employment including, but not limited to, work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways and vehicles. A private residence is not a "place of employment" unless it is used as a child care, adult day care or health care facility.

PRIVATE CLUB: An organization, whether incorporated or not, which is the owner, lessee or occupant of a building or portion used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent or athletic purposes, but not for pecuniary gain and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of

directors, executive committee or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of Federal income tax as a club under 26 U.S.C. Section 501. A private club is a "public place" when being used for a function to which the general public is invited.

PUBLIC PLACE: An enclosed area to which the public is invited or in which the public is permitted, including, but not limited to, banks, educational facilities, gaming facilities, health care facilities, hotels and motels, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters and waiting rooms. A private residence is a "public place" when it is used as a child care, adult day care or health care facility.

RESTAURANT: An eating establishment, including, but not limited to, 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 is prepared on the premises or elsewhere for serving elsewhere. The term "restaurant" shall include a bar area within the restaurant.

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 where alcohol is served.

RETAIL TOBACCO STORE: A retail store used primarily for the sale of smoking materials and smoking accessories in which the sale of other products is incidental and where smoking is permitted within the public place. "Retail tobacco store" does not include a tobacco department of a larger commercial establishment such as a department store, discount store or bar or retail stores used primarily for the sale of smoking materials where no provisions for smoking within the public place are provided or permitted.

SERVICE LINE: An indoor line in which one (1) or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money.

SHOPPING MALL: An enclosed public walkway or hall area that serves to connect retail or professional establishments.

SMOKING: Inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe or other lighted tobacco product, or any medical marijuana or marijuana-infused product, in any manner or in any form.

SPORTS ARENA: Sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition or witness sports or other events.

SECTION 270.020: - APPLICATION OF CHAPTER TO CITY OWNED FACILITIES

All enclosed facilities, including buildings and vehicles owned, leased or operated by the City, shall be subject to the provisions of this Chapter.

SECTION 270.030: - PROHIBITION OF SMOKING IN ENCLOSED PUBLIC PLACES

Smoking shall be prohibited in all enclosed public places, except as defined by Section 191.769, RSMo., (2-4) and (6) within the City

SECTION 270.040: - PROHIBITION OF SMOKING IN PLACES OF EMPLOYMENT

Smoking shall be prohibited in all enclosed facilities within places of employment, except those businesses where smoking is not regulated. Smoking is not prohibited in vehicles if occupied exclusively by the driver or if all passenger(s) consent. Smoking is not prohibited in the place of employment of a sole proprietor with no other employee(s) or in a place of employment of any individual who is the sole employee at a facility to which the public is not invited or in a place of employment where smoking is not regulated.

SECTION 270.050: - PROHIBITION OF SMOKING IN OUTDOOR AREAS

Smoking shall be prohibited in the following outdoor places:

1. Within a reasonable distance of one hundred (100) feet outside entrances, operable windows and ventilation systems of enclosed areas where smoking is prohibited, so as to insure that tobacco smoke does not enter those areas.
2. In all private outdoor arenas, stadiums, skate parks, ball fields and amphitheaters, except in designated smoking areas, which may be established only in perimeter areas at least one hundred (100) feet from any seating areas or concession stands. Smoking shall also be prohibited in and within one hundred (100) feet of bleachers and grandstands for use by spectators at sporting and other public events.
3. In all City park property.
4. In all public transit stations, platforms and shelters under the authority of the City.

SECTION 270.060: - WHERE SMOKING NOT REGULATED

Notwithstanding any other provision of this Chapter to the contrary, the following areas shall be exempt from the provisions of Sections 270.030, 270.040 and 270.050:

1. Private residences, except when used as a childcare, adult day care or health care facility.
2. Private clubs, except when being used for a function to which the general public is invited; provided that smoke from such clubs does not infiltrate into areas where smoking is prohibited under the provisions of this Chapter.
3. Outdoor areas of places of employment except those covered by the provisions of Section 270.050.
4. Businesses licensed as restaurant bars or bars, as defined in this Chapter, as of the effective date of this Chapter.
5. Businesses licensed as bars, as defined in this Chapter, subsequent to the effective date of this Chapter.
6. Performers upon the stage provided the smoking is a required part of a theatrical production.
7. Any property owned or leased by a State or Federal governmental agency.

SECTION 270.070: - SIGNAGE REQUIRED

Any establishment where smoking is not regulated must post at every entrance signage at a height and location conspicuous to persons entering the establishment with primary lettering of not less than one (1) inch in height clearly stating: "WARNING! Secondhand smoke causes coronary heart disease, lung cancer and premature death, according to the Surgeon General of the United States. Smoking is not regulated in this establishment."

SECTION 270.080: - RESERVED

SECTION 270.090: - DECLARATION OF ESTABLISHMENT AS NON-SMOKING

Notwithstanding any other provision of this Chapter, an owner, operator, manager or other person in control of an establishment, facility or outdoor area may declare that entire establishment, facility or outdoor area as a non-smoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of Section 270.100 is posted.

SECTION 270.100: - POSTING OF SIGNS

- A. "No Smoking" signs shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this

Chapter, by the owner, operator, manager or other person in control of that place.

- B. Every public place and place of employment where smoking is prohibited by this Chapter shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited. Every vehicle that constitutes a place of employment under this Chapter shall have at least one (1) conspicuous sign, visible from the exterior of the vehicle, clearly stating that smoking is prohibited.
- C. All ashtrays shall be removed from any area where smoking is prohibited by this Chapter by the owner, operator, manager or other person having control of the area.

SECTION 270.110: - RESERVED

SECTION 270.120: - ENFORCEMENT

- A. This Chapter shall be enforced by the City Code Enforcement Officer, Police Department, or City Manager.
- B. Notice of the provisions of this Chapter shall be given to all applicants for a business license in the City.
- C. Any citizen who desires to register a complaint under this Chapter may initiate enforcement with the City Code Enforcement Officer.
- D. The Code Enforcement Officer shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this Chapter.
- E. An owner, manager, operator or employee of an establishment regulated by this Chapter shall inform persons violating this Chapter of the provisions of this Chapter.
- F. Notwithstanding any other provision of this Chapter, an employee or private citizen may bring legal action to enforce this Chapter.
- G. In addition to the remedies provided by the provisions of this Section, the Code Enforcement Officer or any person aggrieved by the failure of the owner, operator, manager or other person in control of a public place or a place of employment to comply with the provisions of this Chapter may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

SECTION 270.130: - VIOLATIONS AND PENALTIES

- A. Upon conviction or a plea of guilty, any person, firm or corporation violating or failing to comply with any of the provisions of this Chapter shall be subject to the penalty provisions provided for in Section 100.220 of the City Code.
- B. In addition to the fines established by this Section, violation of this Chapter by a person who owns, manages, operates or otherwise controls a public place or

place of employment may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.

- C. Violation of this Chapter is hereby declared to be a public nuisance which may be abated by the Code Enforcement Officer by restraining order, preliminary and permanent injunction or other means provided for by law and the City may take action to recover the costs of the nuisance abatement.
- D. Each day on which a violation of this Chapter occurs shall be considered a separate and distinct violation.

SECTION 270.140: - PUBLIC EDUCATION

The City shall engage in a continuing program to explain and clarify the purposes and requirements of this Chapter to citizens affected by it and to guide owners, operators and managers in their compliance with it. The program may include publication of a brochure for affected businesses and individuals explaining the provisions of this Chapter.

SECTION 270.150: - OTHER APPLICABLE LAWS

This Chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

CHAPTER 280: - NOISE AND PEACE DISTURBANCE STANDARDS

SECTION 280.010: - PROHIBITION ON NOISE

A person commits the offense of noise disturbance if he willfully makes, continues or causes to be made or continued any loud and "raucous noise", which term shall mean any sound which, because of its volume level, duration and character, annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within the limits of the City.

SECTION 280.020: - ACTS DECLARED AS PUBLIC NUISANCES

The following acts are declared to be public nuisances:

1. The operation of any musical instrument, public address systems and all kinds and types of sound amplification systems between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be audible to any person outside of the building or vehicle in which it is located or off the property upon which it is located.
2. The use of any motor vehicle so out of repair, so loaded or in such manner as to create loud grating, grinding, rattling or other loud and raucous noise

or which is not equipped with a muffler in good working order and in constant operation so as to prevent loud and raucous noise.

3. Any excavation, site grading and site construction work, and any building construction activity not completely contained within an enclosed building, occurring between the hours of 8:00 p.m. and 7:00 a.m. on any day, except in case of urgent necessity in the interest of public health and safety, and then only with authorization from the Building Official.

SECTION 280.030: - EXCEPTIONS

The following actions are exempt from the provisions of this Chapter:

- A. Noises not directly under the control of the property owner, lessor, or operator of the premises.
- B. Noises of safety signals, warning devices and emergency pressure relief valves.
- C. Transient noise of mobile sources, including automobiles, trucks, airplanes, and railroads.
- D. Occasional outdoor gatherings, public dances, shows and sporting and entertainment events provided said events are pursuant to a permit or license issued by the appropriate jurisdiction relative to the staging of said events.
- E. Air-conditioning or refrigeration systems or associated equipment.
- F. Cries for emergency assistance and warning calls.
- G. Radios, sirens, horns and bells on police, fire and other emergency response vehicles.
- H. Parades, fireworks displays and other special events for which a permit has been obtained from the City, within such hours as may be imposed as a condition for the issuance of the permit.
- I. Activities on or in municipal and school athletic facilities and on or in publicly owned property and facilities, provided that such activities have been authorized by the owner of such property or facilities or its agent.
- J. Fire alarms and burglar alarms, prior to the giving of notice and reasonable opportunity for the owner or tenant in possession of the premises served by any such alarm to turn off the alarm.
- K. Religious worship activities, including but not limited to bells and organs.

SECTION 280.040: - PERSONS RESPONSIBLE

Any person, owner, agent or supervisor in charge of operating, ordering, directing or allowing the operation or maintenance of the device or machine creating a noise as prohibited in this Chapter shall be deemed guilty of violating this Chapter.

SECTION 280.050: - PENALTY FOR VIOLATION

Upon conviction or a plea of guilty, any person, firm or corporation violating or failing to comply with any of the provisions of this Chapter shall be subject to the penalty provisions provided for in Section 100.220 of the City Code.

1 **TITLE III CHAPTER 300: - GENERAL PROVISIONS**

2 SECTION 300.010: - MODEL TRAFFIC ORDINANCE-ADOPTION -EXCEPTIONS

3 Chapter 300 RSMo., consisting of Sections 300.010 through 300.600, as amended,
4 commonly known as the "Model Traffic Ordinance" is hereby adopted as the traffic
5 ordinance of this City with the exception of the following Sections: 300.015,
6 300.020, 300.025, 300.045, 300.050, 300.070 and 300.435 RSMo. All references to
7 Traffic Division in the Model Traffic Ordinance are changed to read Police
8 Department.

9 SECTION 300.020: - DEFINITIONS

10 The words and phrases included in or defined in Section 300.010 RSMO. are
11 adopted in the Chapter with the following additions or amendments.

12 *LOW SPEED VEHICLE* or *LSV* : A (4) four-wheeled motor vehicle capable of a top speed
13 greater than twenty (20) miles per hour, but not greater than twenty-five (25) miles
14 per hour, and otherwise satisfies the definition of "low-speed vehicle" as provided
15 in Section 304.029 RSMo.

16 *NEIGHBORHOOD VEHICLE*: Includes Low Speed Vehicles and Golf Carts.

17 **CHAPTER 305: - TRAFFIC ADMINISTRATION**

18 SECTION 305.010: - POLICE DEPARTMENT TO INVESTIGATE ACCIDENTS

19 The provisions of RSMo. 300.030 are adopted in this Section.

20 SECTION 305.020: - TRAFFIC ACCIDENT STUDIES

21 The provisions of RSMo.300.035 are adopted in this Section.

22 SECTION 305.030: - TRAFFIC ACCIDENT REPORTS

23 The provisions of RSMo.300.040 are adopted in this Section.

24 SECTION 305.040: - POLICE DEPARTMENT TO DESIGNATE METHOD OF IDENTIFYING
25 FUNERAL PROCESSIONS

26 The provisions of RSMo. 300.055 are adopted in this Section.

27 SECTION 305.050: - CITY TRAFFIC ENGINEER

28 The provisions of RSMo. 300.060 are adopted in this Section.

29 SECTION 305.060: - EMERGENCY AND EXPERIMENTAL REGULATIONS

30 The provisions of RSMo.300.065 are adopted in this Section.

31 **CHAPTER 310: - ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS**

32 SECTION 310.010: - AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS

33 The provisions of RSMo.300.075 are adopted in this Section.

34 SECTION 310.020: - OBEDIENCE TO POLICE AND FIRE DEPARTMENT OFFICIALS

35 The provisions of RSMo. 300.080 are adopted in this Section.

36 SECTION 310.030: - PERSONS PROPELLING PUSH CARTS OR RIDING ANIMALS TO
37 OBEY TRAFFIC REGULATIONS

38 The provisions of RSMo. 300.085 are adopted in this Section.

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

41 The provisions of RSMo. 300.090 are adopted in this Section with the exception of
42 play streets which are not allowed by Ordinance of the City.

43 SECTION 310.050: - PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS

44 The provisions of RSMo.300.095 are adopted in this Section.

45 SECTION 310.060: - AUTHORIZED EMERGENCY VEHICLES

46 The provisions of RSMo. 300.100 are adopted in this Section.

47 SECTION 310.070: - OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED
48 EMERGENCY VEHICLES

49 The provisions of RSMo. 300.105 are adopted in this Section.

50 SECTION 310.080: - IMMEDIATE NOTICE OF ACCIDENT

51 The provisions of RSMo. 300.110 are adopted in this Section.

52 SECTION 310.090: - WRITTEN REPORT OF ACCIDENT

53 The provisions of RSMo. 300.115 are adopted in this Section.

54 SECTION 310.100: - WHEN DRIVER UNABLE TO REPORT

55 The provisions of RSMo. 300.0120 are adopted in this Section.

56 SECTION 310.110: - PUBLIC INSPECTION OF REPORTS RELATING TO ACCIDENTS

57 The provision of RSMo. 610.100 are adopted in this Section.

58 SECTION 310.120: - LEAVING THE SCENE OF A MOTOR VEHICLE ACCIDENT

59 The provisions of RSMo. 577.060 are adopted in this Section.

60 **CHAPTER 315: - TRAFFIC CONTROL DEVICES**

61 SECTION 315.010: - AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES

62 The provisions of RSMo. 300.130 are adopted in this Section.

63 SECTION 315.020: - MANUAL AND SPECIFICATIONS FOR TRAFFIC CONTROL DEVICES

64 The provisions of RSMo.300.135 are adopted in this Section.

65 SECTION 315.030: - OBEDIENCE TO TRAFFIC CONTROL DEVICES

66 The provisions of RSMo. 300.030 are adopted in this Section.

67 SECTION 315.040: - WHEN OFFICIAL TRAFFIC CONTROL DEVICES REQUIRED FOR
68 ENFORCEMENT PURPOSES

69 The provisions of RSMo. 300.145 are adopted in this Section.

70 SECTION 315.050: - OFFICIAL TRAFFIC CONTROL DEVICES-PRESUMPTION OF
71 LEGALITY

72 The provisions of RSMo. 300.150 are adopted in this Section.

73 SECTION 315.060: - TRAFFIC CONTROL SIGNAL LEGEND-RIGHT TURN ON RED
74 LIGHT, WHEN

75 The provisions of RSMo. 300.155 are adopted in this Section.

76 SECTION 315.070: - PEDESTRIAN CONTROL SIGNALS

77 The provisions of RSMo. 300.160 are adopted in this Section.

78 SECTION 315.080: - FLASHING SIGNALS

79 The provisions of RSMo. 300.165 are adopted in this Section.

80 SECTION 315.090: - LANE DIRECTION CONTROL SIGNALS

81 The provisions of RSMo. 300.170 are adopted in this Section.

82 SECTION 315.100: - DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS OR MARKINGS

83 The provisions of RSMo. 300.170 are adopted in this Section.

84 SECTION 315.110-315.130: - RESERVED

85 SECTION 315.140: - CITY TRAFFIC ENGINEER TO DESIGNATE CROSSWALKS AND
86 ESTABLISH SAFETY ZONES

87 The provisions of RSMo. 300.195 are adopted in this Section.

88 SECTION 315.150: - TRAFFIC LANES

89 A. In addition to the provisions of RSMo. 300.200, the City Traffic Engineer is
90 authorized to establish designated bicycle lanes as defined by Section 300.330
91 RSMo.

92 B. A designated bicycle lane shall not be obstructed by a parked or standing
93 motor vehicle or other stationary object. A motor vehicle may be driven in a
94 designated bicycle lane only for the purpose of a lawful maneuver to cross the lane
95 or to provide for safe travel. In making an otherwise lawful maneuver that requires
96 traveling in or crossing a designated bicycle lane, the driver of a motor vehicle shall
97 yield to any bicycle in the lane.

98 **CHAPTER 320: - SPEED REGULATIONS**

99 SECTION 320.010: - STATE SPEED LAWS APPLICABLE

100 The provisions of RSMo. 300.205 are adopted in this Section.

101 SECTION 320.020: - REGULATION OF SPEED BY TRAFFIC SIGNALS

102 The provisions of RSMo. 300.210 are adopted in this Section.

103 SECTION 320.030: - SPEED LIMITS ESTABLISHED

104 A. No person shall operate or drive a motor vehicle (except emergency vehicles
105 on emergency runs) or any other conveyance on any street, boulevard,
106 thoroughfare, or public way, in this City, at any time, at a rate of speed in excess of
107 twenty-five (25) miles per hour except as posted.

108 B. No person shall operate or drive a motor vehicle or other conveyance upon
109 any designated roadway within three hundred (300) feet of any public or private
110 school at a rate of speed in excess of fifteen (15) miles per hour during the period
111 as posted; except that the City Council may adopt higher speed limits in a particular
112 school zone upon a finding that such higher speed limits are appropriate in that
113 particular instance; and the City Council may change the number of feet before any
114 public or private school within which no person shall operate or drive a motor
115 vehicle or other conveyance upon a finding that such would be appropriate in a
116 particular instance.

117 SECTION 320.040: - SPEED LIMIT SIGNS

118 A. Whenever a zone in which the maximum speed at which a vehicle may be
119 driven shall have been prescribed by ordinance, the City Traffic Engineer shall cause
120 appropriate signs to be placed in conspicuous positions on the street.
121

122 B. Nothing in this Section shall be so construed as to prevent the enforcement
123 of speed limitations prescribed for specified, general districts of the City, whether
or not maximum speed signs are placed or maintained in such districts.

124 **CHAPTER 325: - TURNING MOVEMENTS**

125 SECTION 325.010: - REQUIRED POSITION AND METHOD OF TURNING AT
126 INTERSECTION

127 The provisions of RSMo. 300.215 are adopted in this Section.

128 SECTION 325.020: - AUTHORITY TO PLACE AND OBEDIENCE TO TURNING MARKERS

129 The provisions of RSMo. 300.220 are adopted in this Section.

130 SECTION 325.030: - AUTHORITY TO PLACE RESTRICTED TURN SIGNS

131 The provisions of RSMo. 300.225 are adopted in this Section.

132 SECTION 325.040: - OBEDIENCE TO NO-TURN SIGNS

133 The provisions of RSMo. 300.230 are adopted in this Section.

134 SECTION 325.050: - LIMITATIONS ON TURNING AROUND

135 The provisions of RSMo. 300.235 are adopted in this Section.

136 SECTION 325.060: - RESERVED

137 **CHAPTER 330: - ONE-WAY STREETS AND ALLEYS**

138 SECTION 330.010: - AUTHORITY TO SIGN ONE-WAY STREETS AND ALLEYS

139 The provisions of RSMo. 300.240 are adopted in this Section.

140 SECTION 330.020: - ONE-WAY STREETS AND ALLEYS

141 The provisions of RSMo. 300.245 are adopted in this Section.

142 SECTION 330.030: - AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT ON
143 STREETS DURING CERTAIN PERIODS

144 The provisions of RSMo. 300.250 are adopted in this Section.

145 **CHAPTER 335: - STOP AND YIELD INTERSECTIONS, RAILROAD CROSSINGS**

146 SECTION 335.010: - THROUGH STREETS DESIGNATED

147 The provisions of RSMo. 300.255 are adopted in this Section.

148 SECTION 335.020: - SIGNS REQUIRED AT THROUGH STREETS

149 The provisions of RSMo. 300.260 are adopted in this Section.

150 SECTION 335.030: - OTHER INTERSECTIONS WHERE STOP OR YIELD REQUIRED

151 The provisions of RSMo. 300.265 are adopted in this Section.

152 SECTION 335.040: - STOP AND YIELD SIGNS

153 The provisions of RSMo. 300.270 are adopted in this Section.

154 SECTION 335.050: - VEHICLE ENTERING STOP INTERSECTION

155 The provisions of RSMo. 300.275. are adopted in this Section.

156 SECTION 335.060: - VEHICLE ENTERING YIELD INTERSECTION

157 The provisions of RSMo. 300.280 are adopted in this Section.

158 SECTION 335.070: - EMERGING FROM ALLEY, DRIVEWAY OR BUILDING

159 The provisions of RSMo. 300.285 are adopted in this Section.

160 SECTION 335.080: - STOP WHEN TRAFFIC OBSTRUCTED

161 The provisions of RSMo. 300.290 are adopted in this Section.

162 SECTION 335.090: - RESERVED

163 SECTION 335.100: - RIGHT-OF-WAY AT INTERSECTION-SIGNS AT INTERSECTIONS

164 The provisions of RSMo. 304.351 are adopted in this Section.

165 **CHAPTER 340: - MISCELLANEOUS DRIVING RULES**

166 SECTION 340.010: - FOLLOWING EMERGENCY VEHICLE PROHIBITED

167 The provisions of RSMo. 300.300 are adopted in this Section.

168 SECTION 340.020: - CROSSING FIRE HOSE

169 The provisions of RSMo. 300.305 are adopted in this Section.

170 SECTION 340.030: - DRIVING THROUGH FUNERAL OR OTHER PROCESSION

171 The provisions of RSMo. 300.310 are adopted in this Section.

172 SECTION 340.040: - DRIVING IN PROCESSION

173 The provisions of RSMo. 300.315 are adopted in this Section.

174 SECTION 340.050: - RESERVED

175 SECTION 340.060: - WHEN PERMITS REQUIRED FOR PARADES AND PROCESSIONS

176 No procession or parade shall occupy, march or proceed along any street except in
177 accordance with a permit issued by the Chief of Police and such other regulations
178 which may apply.

179 SECTION 340.070: - VEHICLE SHALL NOT BE DRIVEN ON A SIDEWALK

180 The provisions of RSMo. 300.330 are adopted in this Section.

181 SECTION 340.080: - LIMITATIONS ON BACKING

182 The provisions of RSMo. 300.335 are adopted in this Section.

183 SECTION 340.090: - OPENING AND CLOSING VEHICLE DOORS

184 The provisions of RSMo. 300.340 are adopted in this Section.

185 SECTION 340.100: - RIDING ON MOTORCYCLES, ADDITIONAL PASSENGER,
186 REQUIREMENTS

187 The provisions of RSMo. 300.345 are adopted in this Section.

188 SECTION 340.110: - RIDING BICYCLE ON SIDEWALKS OR CITY DESIGNATED TRAILS,
189 LIMITATIONS - MOTORIZED BICYCLES PROHIBITED

190 A. Whenever any person is riding a bicycle upon a sidewalk or City designated
191 trail, such person shall yield the right-of-way to any pedestrian and shall give
192 audible signal before overtaking and passing such pedestrian.

193 B. No person shall ride a motorized bicycle upon a sidewalk or City designated
194 trail.

195 SECTION 340.120: - ALL-TERRAIN VEHICLES, PROHIBITED-EXCEPTIONS, OPERATION
196 OF UNDER AN EXCEPTION-PROHIBITED USES-PENALTY

197 The provisions of RSMo. 300.348 and 304.013 are adopted in this Section.

198 SECTION 340.130: - RIDING BICYCLES, SLEDS, ROLLER SKATES, BY ATTACHING TO
199 ANOTHER VEHICLE, PROHIBITED

200 The provisions of RSMo. 300.350 are adopted in this Section.

201 SECTION 340.140: - CONTROLLED ACCESS

202 The provisions of RSMo. 300.355 are adopted in this Section.

203 SECTION 340.141: - AVOIDANCE OF ANY TRAFFIC CONTROL DEVICE

204 A. *Avoidance Of any traffic control device.* The driving of a motor vehicle onto,
205 across and out of any commercial, private property on, or near, the corner of any
206 street intersection without stopping on the or government property for the
207 purpose of transacting business solely to avoid a traffic control device is prohibited.

208 Upon conviction or a plea of guilty of this Section, any person, firm or corporation
209 violating or failing to comply with any of the provisions of this Chapter shall be
210 subject to the penalty provisions provided for in Section 100.220 of the City Code.

211 SECTION 340.150: - RESERVED

212 SECTION 340.160: - DRIVING THROUGH SAFETY ZONE PROHIBITED

213 The provisions of RSMo. 300.365 are adopted in this Section.

214 SECTION 340.170: - CARELESS AND IMPRUDENT DRIVING

215 The provisions of RSMo. 304.012 are adopted in this Section.

216 Any person who violates the provisions of this Section is guilty of a misdemeanor.

217 SECTION 340.180: - SLOW SPEED-REGULATION OF

218 The provisions of RSMo. 304.011 are adopted in this Section.

219 SECTION 340.190: - RESERVED

220 SECTION 340.200: - DRIVE ON RIGHT OF HIGHWAY

221 The provisions of RSMo. 304.015 are adopted in this Section.

222 SECTION 340.210: - PASSING REGULATIONS-VIOLATIONS-PENALTIES

223 The provisions of RSMo. 304.016 are adopted in this Section.

224 SECTION 340.220: - DISTANCE AT WHICH VEHICLE MUST FOLLOW-PENALTY

225 The provisions of RSMo. 304.017 are adopted in this Section.

226 SECTION 340.230: - HAND AND MECHANICAL SIGNALS, VIOLATIONS-PENALTY

227 The provisions of RSMo. 304.019 are adopted in this Section.

228 SECTION 340.240: - SCHOOL BUSES, DRIVERS TO STOP FOR, WHEN-SIGNS
229 REQUIRED ON BUSES

230 The provisions of RSMo. 304.050 are adopted in this Section.

231 SECTION 340.250: - HANDICAPPED PERSONS WITH ASSISTIVE TECHNOLOGY OR
232 SERVICE ANIMALS

233 The driver of a vehicle approaching a pedestrian who is utilizing assistive
234 technology or a marked service animal, shall yield to such pedestrian, and any
235 driver who fails to take such precautions shall be liable in damages for any injury
236 caused to the pedestrian and any injury caused to the pedestrian's service animal;
237 provided that the pedestrian not carrying assistive technology or using a service
238 animal in any of the places. Accommodations or conveyances listed in Section
239 209.150 RSMo., shall have all of the rights and privileges conferred by law upon
240 other persons.

241 SECTION 340.260: - DRIVER'S RESPONSIBILITY NOT TO OBSTRUCT TRAFFIC

242 The provisions of RSMo. 304.151 are adopted in this Section.

243 SECTION 340.270: - GLASS, TACKS, INJURIOUS SUBSTANCES, DUTY TO REMOVE
244 FROM HIGHWAY-WHEN

245 The provisions of RSMo. 304.160 are adopted in this Section.

246 SECTION 340.280: - REGULATIONS AS TO WIDTH, HEIGHT AND LENGTH OF
247 VEHICLES-EXCEPTIONS

248 The provisions of RSMo. 304.170 are adopted in this Section.

249 SECTION 340.290: - REGULATIONS AS TO WEIGHT - AXLE LOAD - TANDEM AXLE
250 DEFINED

251 The provisions of RSMo. 304.180 are adopted in this Section.

252 SECTION 340.300: - RESTRICTION ON THE USE OF METAL-TIRED VEHICLES

253 The provisions of RSMo. 304.250 are adopted in this Section.

254 SECTION 340.310: - TEXT MESSAGING AND USING A HAND-HELD MOBILE DEVICE
255 WHILE OPERATING A MOTOR VEHICLE PROHIBITED, WHEN-EXCEPTIONS-
256 DEFINITIONS-VIOLATION, PENALTY

257 The provisions of RSMo. 304.820 are adopted in this Section.

258 SECTION 340.320: NON-LOCAL COMMERCIAL CONSTRUCTION VEHICLES WITHIN
259 RESIDENTIAL NEIGHBORHOODS

260 A. For purposes of this Section 340.320, the term "non-local commercial
261 construction vehicles" shall be defined as semi-trucks and trailers, commercial
262 trucks in excess of 1/2-ton capacity and commercial trailers in excess of One
263 Thousand Six Hundred (1,600) pounds which are providing construction or
264 landscaping services, or delivery of materials and equipment for construction and
265 landscaping services to portions of residentially zoned developments where new
266 construction is progressing.

267 B. The City Traffic Engineer is hereby authorized to determine and designate
268 streets or parts of streets located within residentially zoned developments where
269 new construction is progressing upon which non-local commercial construction
270 vehicles shall be prohibited from travel without prior authorization from the Chief
271 of Police and/or the City Traffic Engineer.

272 C. In determining and designating the streets or parts of streets located within
273 residentially zoned developments upon which non-local commercial construction
274 vehicles shall be prohibited from travelling upon, the City Traffic Engineer shall;

275 1. Not establish an alternative route which negatively impacts other
276 residentially zoned developments, and

277 2. Ensure that the alternative route is readily available for the prohibited
278 non-local commercial construction vehicles.

279 D. Whenever any ordinance of the City prohibits non-local commercial
280 construction vehicles on streets or parts of streets within residentially zoned
281 developments where new construction is progressing the City Traffic Engineer shall
282 place and maintain signs giving notice thereof, and no such regulation shall be
283 effective unless such signs are in place. Signs indicating the traffic prohibition of
284 non-local commercial construction vehicles and the alternative route for the same
285 shall be placed at every intersection where the designated non-local commercial
286 construction vehicles are prohibited.

287 E. It shall be unlawful for any person to operate any vehicle in violation of such
288 markings, signs, or barriers or other devices so placed in accordance with this
289 Section.

290 F. Citations for violation of this Section may be issued to the operator of the
291 vehicle, or to the employer of the operator if such identification can be made.

292 **CHAPTER 341: - OPERATION OF NEIGHBORHOOD VEHICLES ON PUBLIC STREETS**

293 SECTION 341.010: - MUNICIPALITIES AUTHORIZED

294 Notwithstanding any other law to the contrary, the governing body of any
295 municipality may by resolution or ordinance allow persons to operate
296 Neighborhood Vehicles upon any street or highway under the governing body's
297 jurisdiction subject to the following limitations. No Neighborhood Vehicle shall
298 operate at any time on any state or federal highway or on a street or a highway
299 with a posted speed in excess of thirty-five (35) miles per hour. Notwithstanding the
300 foregoing, Neighborhood Vehicles may be operated on public streets and/or state
301 highways with posted speed limits in excess of thirty-five (35) miles per hour, but
302 not more than forty-five (45) miles per hour, for the sole purpose of crossing a
303 portion of such street or state highway. Crossing such roadways shall only occur at
304 intersections equipped with electronic traffic control signals, unless access to such
305 an intersection is not available. No Neighborhood Vehicle shall cross any street or
306 highway at an intersection where the street or highway being crossed has a posted
307 speed limit of more than forty-five (45) miles per hour.

308 SECTION 341.020: - NEIGHBORHOOD VEHICLE EQUIPMENT AND REGISTRATION

309 A. Neighborhood Vehicles operated on public streets shall be manufactured
310 and equipped in accordance with the requirements of RSMo., Chapter 304 Sections
311 304.029 and 304.034, and in any case, will minimally be equipped with the
312 following:

- 313 1. Headlamps;
- 314 2. Front and rear turn signal lamps;
- 315 3. Taillamps;
- 316 4. Stop lamps/brake lights;
- 317 5. Reflex reflectors: one (1) red on each side as far to the rear as practicable,
318 and one (1) red on the rear;
- 319 6. An exterior mirror mounted on the driver's side of the vehicle and either an
320 exterior mirror mounted on the passenger's side of the vehicle or an interior
321 mirror;
- 322 7. Seatbelts installed to cross the lap portion of all passengers;
- 323 8. Headlights, taillights, and brake lights must emit light visible at night under
324 normal atmospheric conditions on a straight, level, unlighted roadway at five
325 hundred (500) feet.

326 B. Unless otherwise required by the laws of the State of Missouri, and except as
327 expressly provided for in this Chapter of City Code, Neighborhood Vehicles are not

328 subject to the State of Missouri title or registration provisions, and are specifically
329 not subject to Chapter 385 of this Code, other than Section 385.020 (DRIVER'S
330 LICENSE REQUIRED) and Section 380.160 (USE OF SAFETY BELTS) which shall remain
331 applicable to Neighborhood Vehicles, but only as to the operation of same on
332 public streets.

333 SECTION 341.030: - OPERATION OF NEIGHBORHOOD VEHICLES ON PUBLIC CITY
334 STREETS, PERMITTED WHEN-EXEMPTIONS

335 A. A Neighborhood Vehicle may be operated upon the public City streets but
336 not state or federal highways, other than for purposes of crossing same if it meets
337 the requirements of this Chapter. Persons operating a Neighborhood Vehicle shall
338 be granted all the rights and shall be subject to all the duties applicable to the
339 driver of any other motor vehicle, except as to special regulations in this Chapter
340 and except as to those provisions which by their nature can have no application.

341 B. The operator of a Neighborhood Vehicle shall observe all traffic laws and
342 local ordinances regarding the rules of the road. A Neighborhood Vehicle may be
343 operated on all public City streets with posted speeds of thirty-five (35) miles per
344 hour or less. The provisions of this subsection shall not prohibit a Neighborhood
345 Vehicle from crossing a street or highway with a posted speed limit of up to
346 forty-five (45) miles per hour at an intersection equipped with an electronic traffic
347 control signal unless no access to such intersection is available.

348 C. No Neighborhood Vehicle may be operated on any sidewalk, path or walkway
349 designated for use by pedestrians or operators of non-motorized vehicles.

350 D. At no time shall a child or infant required to be restrained in a child safety
351 seat be transported in a Neighborhood Vehicle.

352 E. Neighborhood Vehicles shall be exempt from the requirements of Sections
353 307.350 to 307.402 RSMo. for purposes of titling and registration. Low-Speed
354 Vehicles shall comply with the standards in 49 CFR 571.500, as amended.

355 F. Every operator of a Low-Speed Vehicle shall maintain insurance in the
356 amount of at least State minimum requirements, on such Neighborhood Vehicle as
357 required by Chapter 303 RSMo. if the vehicle is to be operated upon public streets.

358 G. Each person operating a Neighborhood Vehicle on public streets shall
359 possess a valid driver's license issued pursuant to Chapter 302 RSMo.

360 H. All Neighborhood Vehicles shall be manufactured in compliance with the
361 National Highway Traffic Safety Administration standards for low-speed vehicles in
362 49 CFR 571.500, as amended.

363 I. No operator of a Neighborhood Vehicle shall carry passengers that are less
364 than sixteen (16) years of age unless the operator is the legal guardian of such
365 passenger(s).

366 J. Only the number of people the Neighborhood Vehicle is designed to seat
367 may ride at any time.

368 K. Neighborhood Vehicles are prohibited from pulling trailers, boats, jet skis,
369 other objects, people or animals on public streets and the right of way.

370 L. Every person operating a Neighborhood Vehicle on a public street of the City
371 shall be subject to all of the duties and regulations applicable to a driver of a motor
372 vehicle imposed by law, specifically including, but not limited to those laws
373 pertaining to the possession and use of drugs and alcoholic beverages and
374 operating a motor vehicle under the influence as provided for in Chapter 342 of this
375 Code.

376 SECTION 341.040: - REGISTRATION

377 A. Neighborhood Vehicles operating on public streets under the jurisdiction of
378 the City shall be registered with the City Clerk for the City.

379 B. Each application for registration shall include:

- 380
- 381 1. Basic identifying information for the Neighborhood Vehicle (make,
382 model, color and such other identifying information as the City Clerk deems
advisable);
 - 383 2. The name and address of the owner of the Neighborhood Vehicle;
 - 384 3. A copy of proof of insurance, in the amount of at least State minimum
385 requirements, if the Neighborhood Vehicle being registered is a Low Speed
386 Vehicle;
 - 387 4. A certification by the owner that the Neighborhood Vehicle meets all
388 requirements of this Chapter applicable to it as either an LSV or a Golf Cart
389 (and identifying which class of Neighborhood Vehicle is being registered).
 - 390 5. A proof of registration issued by the City in the form of a receipt for
391 registration and an identification sticker shall constitute all permits required
392 from the City. The proof of registration shall be kept in the Neighborhood
393 Vehicle at all times of operation on a public street, and the current
394 registration sticker shall be conspicuously displayed on the exterior of the
395 Neighborhood Vehicle on the left, rear bumper/fender. Registrations must be
396 renewed each calendar year, and will be deemed revoked and invalid if
397 modifications have been made to such Neighborhood Vehicle which would
398 make the owner's certification of the class of neighborhood vehicle untrue.

399 C. The City may charge a fee for each Neighborhood Vehicle registration and/or
400 renewal, as approved by the Governing Body and listed in the Schedule of Fees
401 maintained in the Finance Department.

402 D. In order to apply for new or renewal registration under this Section,
403 Neighborhood Vehicles more than two (2) years old shall pass an annual inspection
404 conducted by a licensed Missouri Vehicle Safety Inspection Station. The City Clerk
405 will maintain inspection forms which will list the Neighborhood Vehicle inspection
406 requirements as provided below. The City Clerk may provide blank inspection forms
407 to known qualified inspectors and owners of Neighborhood Vehicles upon request.

- 408 1. The Neighborhood Vehicle inspection will consist of the following:
- 409 a. Confirm that the brakes and brake lights are operational.
 - 410 b. Confirm that the parking brake (if equipped) is operational.
 - 411 c. Confirm that the steering column is operational.
 - 412 d. Confirm the existence of rear view mirror(s).
 - 413 e. Confirm the existence of a flag (not less than thirty (30) square inches
414 in area) extending not less than one (1) foot above the canopy of the vehicle
415 or not less than seven (7) feet above the ground if the vehicle is not equipped
416 with a canopy.
 - 417 f. Confirm that the Neighborhood Vehicle has not less than four (4)
418 wheels.
 - 419 g. Confirm that there is not less than two thirty-seconds (2/32) inch of
420 tread depth remaining on each tire, there are no visible tire threads or cords
421 showing and there is no visible rubber separation.

422 Upon satisfactory confirmation of each of the foregoing, the owner must return
423 the signed certificate of satisfactory inspection to the City Clerk in order to receive
424 the City registration sticker.

425 SECTION 341.050: - ADDITIONAL REGULATIONS AND EXEMPTIONS

426 A. Neighborhood Vehicles must utilize front and rear lights while being
427 operated on public streets between dusk and dawn. Brake lights are required at all
428 times.

429 B. Any person operating a Neighborhood Vehicle on a public street shall be
430 subject to the traffic regulations of Section 304.029, RSMo.

431 C. Neighborhood Vehicles permitted by this Chapter are not considered to be a
432 motor vehicle and are exempt from title requirements, State vehicle registration
433 requirements and emissions compliance certificates, all pursuant to Chapter 301,
434 RSMo.

435 **CHAPTER 342: - DRIVING WHILE INTOXICATED**

436 SECTION 342.010: - OPEN CONTAINERS OF ALCOHOL IN VEHICLES

437 A. *Definitions.* For the purpose of this Chapter, the following words and phrases
438 shall have the following interpretation and/or meanings indicated below:

439 ALCOHOLIC BEVERAGE: Intoxicating liquor.

440 INTOXICATING LIQUOR: Shall mean and include alcohol for beverage purposes,
441 alcoholic, spirituous, vinous, fermented, malt, or other liquors, or combination of
442 liquors, a part of which is spirituous, vinous, or fermented, and all preparations or
443 mixtures for beverage purposes, containing in excess of one-half of one percent
444 (0.5%) by volume.

445 B. *Prohibited.* It shall be unlawful for any person to operate a motor vehicle
446 within the City while such person shall have in possession or within easy reach an
447 open or unsealed container filled or partially filled with any alcoholic beverage.

448 C. Upon conviction or a plea of guilty, any person, firm or corporation violating
449 or failing to comply with any of the provisions of this Chapter shall be subject to the
450 penalty provisions provided for in Section 100.220 of the City Code.

451 SECTION 342.020: - DRIVING WITH EXCESSIVE BLOOD ALCOHOL CONTENT

452 The provisions of RSMo. 577.012 are adopted in this Section.

453 SECTION 342.030: - DRIVING WHILE INTOXICATED

454 The provisions of RSMo. 577.010 are adopted in this Section.

455 SECTION 342.040: - RESERVED

456 SECTION 342.050: - PENALTIES

457 The penalties for any person operating, driving or being in actual physical control of
458 a vehicle while under the influence of intoxicating liquor or drugs shall, upon
459 conviction or a plea of guilty, be subject to the penalty provisions provided for in
460 Section 100.220 of the City Code.

461 SECTION 342.060: - RESERVED

462 SECTION 342.070: - CHEMICAL TESTS FOR ALCOHOL CONTENT OF BLOOD-
463 CONSENT IMPLIED-ADMINISTERED, WHEN, HOW

464 The provisions of RSMo. 577.020 are adopted in this Section.

465 SECTION 342.080: - CHEMICAL TESTS, RESULTS ADMITTED INTO EVIDENCE, WHEN-
466 EFFECT OF

467 The provisions of RSMo. Sections 302.574 and 577.037 are adopted in this Section.

468 **CHAPTER 345: - PEDESTRIANS' RIGHTS AND DUTIES**

469 SECTION 345.010: - PEDESTRIANS SUBJECT TO TRAFFIC CONTROL DEVICES

470 The provisions of RSMo.300.370 are adopted in this Section.

471 SECTION 345.020: - PEDESTRIANS' RIGHT-OF-WAY IN CROSSWALKS

472 The provisions of RSMo. 300.375 are adopted in this Section.

473 SECTION 345.030: - PEDESTRIANS TO USE RIGHT HALF OF CROSSWALKS

474 The provisions of RSMo. 300.380 are adopted in this Section.

475 SECTION 345.040: - CROSSING AT RIGHT ANGLES

476 The provisions of RSMo. 300.385 are adopted in this Section.

477 SECTION 345.050: - WHEN PEDESTRIAN SHALL YIELD

478 The provisions of RSMo. 300.390 are adopted in this Section.

479 SECTION 345.060: - PROHIBITED CROSSING

480 The provisions of RSMo. 300.395 are adopted in this Section.

481 SECTION 345.070: - RESERVED

482 SECTION 345.080: - PEDESTRIANS WALKING ALONG ROADWAYS

483 The provisions of RSMo. 300.405 are adopted in this Section.

484 SECTION 345.090: - DRIVERS TO EXERCISE HIGHEST DEGREE OF CARE

485 The provisions of RSMo. 300.410 are adopted in this Section.

486 **CHAPTER 350: - METHOD OF PARKING**

487 SECTION 350.010: - STANDING OR PARKING CLOSE TO CURB

488 The provisions of RSMo. 300.415 are adopted in this Section.

489 SECTION 350.020: - SIGNS OR MARKINGS INDICATING ANGLE PARKING

490 The provisions of RSMo. 300.420 are adopted in this Section.

491 SECTION 350.030: - OBEDIENCE TO ANGLE PARKING SIGNS OR MARKERS

492 The provisions of RSMo. 300.425 are adopted in this Section.

493 SECTION 350.040: - RESERVED

494 **CHAPTER 355: - STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED**
495 **PLACES**

496 SECTION 355.010: - STOPPING, STANDING OR PARKING PROHIBITED

497 The provisions of RSMo. 300.440 are adopted in this Section.

498 A. Parking in the vicinity of mailboxes.

499 1. Except when necessary to avoid conflict with other traffic, or in compliance
500 with law or the directions of a Law Enforcement Officer or official traffic control
501 device, no person shall at any time stand or park directly in front of any box located
502 in the right-of-way and used for the delivery of the United States mail which opens
503 on the street side of the box, except momentarily to pick up or deliver United States
504 mail.

505 SECTION 355.020: - PARKING NOT TO OBSTRUCT TRAFFIC

506 The provisions of RSMo. 300.445 are adopted in this Section.

507 SECTION 355.030: - PARKING IN ALLEYS

508 The provisions of RSMo. 300.450 are adopted in this Section.

509 SECTION 355.040: - PARKING FOR CERTAIN PURPOSES PROHIBITED

510 The provisions of RSMo. 300.455 are adopted in this Section.

511 SECTION 355.050: - PARKING ADJACENT TO SCHOOLS

512 The provisions of RSMo. 300.460 are adopted in this Section.

513 SECTION 355.060: - PARKING PROHIBITED ON NARROW STREETS

514 The provisions of RSMo. 300.465 are adopted in this Section.

515 SECTION 355.070: - STANDING OR PARKING ON ONE-WAY STREETS

516 The provisions of RSMo. 300.470 are adopted in this Section.

517 SECTION 355.080: - STANDING OR PARKING ON ONE-WAY ROADWAYS

518 The provisions of RSMo. 300.475 are adopted in this Section.

519 SECTION 355.090: - NO STOPPING - STANDING OR PARKING NEAR HAZARDOUS OR
520 CONGESTED PLACES

521 The provisions of RSMo. 300.480 are adopted in this Section.

522 SECTION 355.100: - PARKED VEHICLE AS TRAFFIC HAZARD

523 If at any time a vehicle is in a prohibited place, or parked at a time and place where
524 parking is prohibited, for a period of ten (10) minutes or more, and such vehicle is
525 obstructing the free movement of traffic, or is causing a traffic hazard, or is directly
526 interfering with the maintenance and care, or emergency use of the streets by the
527 City and the operator or person in charge cannot be immediately located or if
528 located, fails, neglects or refuses to move said vehicle at once, the Police
529 Department may, in its discretion, in addition to the penalty provided, remove or
530 cause to be removed the vehicle pursuant to 304.155 RSMo. If at any time any
531 motor vehicle is directly interfering with the maintenance and care, or the
532 emergency use of the streets by any proper department of the City and not
533 otherwise violating any ordinance or traffic rules, the Police Department may, in its
534 discretion, immediately remove or cause to be removed said motor vehicle and
535 care for and replace the same or may deliver it to the owner, and such removal and
536 care shall be without cost to said owner.

537 SECTION 355.110: - CERTAIN VEHICLES PROHIBITED FROM PARKING ON MUNICIPAL
538 STREETS

539 A. All trucks licensed with a gross vehicle weight rating (GVWR) exceeding ten
540 thousand (10,000) pounds shall be prohibited from parking on municipal streets
541 except for the continuous loading and unloading of local delivery.

542 B. All recreational vehicles and all trailers shall be prohibited from parking on
543 municipal streets except for purposes of continuous loading and unloading for local
544 delivery.

545 SECTION 355.120: - PHYSICALLY DISABLED PARKING

546 The provisions of RSMo. 301.071, 301.142, and 301.143 are adopted in this Section.

547 A. Upon conviction or a plea of guilty, any person, firm or corporation violating
548 or failing to comply with any of the provisions of this Chapter shall be subject to the
549 penalty provisions provided for in Section 100.220 of the City Code.

550 SECTION 355.130: - PARKING, STOPPING OR STANDING PROHIBITED IN FIRE LANES

551 A. When signs have been erected marking such fire lanes, it shall be unlawful
552 for any person to stop, stand or park a vehicle within such fire lanes.

553 B. If any vehicle is found in violation of any provision of this Section and the
554 driver is not present, the owner or person in whose name such vehicle is registered
555 in the records of any City, County, or State shall be responsible for such violation
556 when such vehicle was being used with permission. Proof of the ownership as
557 aforesaid shall be prima facie evidence that such vehicle with absent driver was
558 being operated with permission of the owner.

559 C. Members of the Fire Department or Police Department are authorized to
560 remove a vehicle from a signed fire lane to the nearest garage or other place of
561 safety or to a garage designated or maintained by the Police Department. Such
562 vehicles shall be impounded until lawfully claimed or disposed of in accordance
563 with Section 375.050 of the City Code.

564 **CHAPTER 360: - STOPPING FOR LOADING OR UNLOADING ONLY**

565 SECTION 360.010: - CITY TRAFFIC ENGINEER TO DESIGNATE CURB LOADING ZONES

566 The provisions of RSMo. 300.485 are adopted in this Section.

567 SECTION 360.020: - PERMITS FOR CURB LOADING ZONES

568 The provisions of RSMo. 300.490 are adopted in this Section.

569 SECTION 360.030: - STANDING IN PASSENGER CURB LOADING ZONE

570 The provisions of RSMo. 300.495 are adopted in this Section.

571 SECTION 360.040: - STANDING IN FREIGHT CURB LOADING ZONES

572 The provisions of RSMo. 300.500 are adopted in this Section.

573 SECTION 360.050: - CITY TRAFFIC ENGINEER TO DESIGNATE PUBLIC CARRIER STOPS
574 AND STANDS

575 The provisions of RSMo. 300.505 are adopted in this Section.

576 SECTION 360.060: - STOPPING, STANDING AND PARKING OF BUSES AND TAXICABS
577 REGULATED

578 The provisions of RSMo. 300.510 are adopted in this Section.

579 SECTION 360.070: - RESTRICTED USE OF BUS AND TAXICAB STANDS

580 The provisions of RSMo. 300.515 are adopted in this Section.

581 CHAPTER 365: - STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED
582 ON CERTAIN STREETS

583 SECTION 365.010: - APPLICATION

584 The provisions of RSMo. 300.520 are adopted in this Section.

585 SECTION 365.020: - REGULATIONS NOT EXCLUSIVE

586 The provisions of RSMo. 300.525 are adopted in this Section.

587 SECTION 365.030: - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS

588 The provisions of RSMo. 300.530 are adopted in this Section.

589 SECTION 365.040: - PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN
590 STREETS

591 The provisions of RSMo. 300.535 are adopted in this Section.

592 SECTION 365.050: - STOPPING, STANDING OR PARKING PROHIBITED DURING
593 CERTAIN HOURS ON CERTAIN STREETS

594 The provisions of RSMo. 300.540 are adopted in this Section.

595 SECTION 365.060: - PARKING SIGNS REQUIRED

596 The provisions of RSMo. 300.545 are adopted in this Section.

597 SECTION 365.070: - COMMERCIAL VEHICLES PROHIBITED FROM USING CERTAIN
598 STREETS

599 The provisions of RSMo. 300.550 are adopted in this Section.

600 CHAPTER 370: - RESERVED

601 The provisions of RSMo. 300.575 are adopted in this Section.

602 SECTION 375.020: - PROCEDURE OF POLICE OFFICERS

603 The provisions of RSMo. 300.580 are adopted in this Section.

604 SECTION 375.030: - UNIFORM TRAFFIC TICKET TO BE ISSUED WHEN VEHICLE
605 ILLEGALLY PARKED OR STOPPED

606 The provisions of RSMo. 300.585 are adopted in this Section.

607 SECTION 375.040: - WARNING OF ARREST SENT UPON FAILURE TO APPEAR

608 The provisions of RSMo. 300.590 are adopted in this Section.

609 SECTION 375.050: - POLICE MAY REMOVE VEHICLE-WHEN

610 A. Members of the Police Department are authorized to remove a vehicle from
611 a street or highway to an impound lot approved by the Police Department when
612 any vehicle is left unattended, is illegally parked, or creating a hazard on any City
613 street.

614 **CHAPTER 380: - VEHICLE EQUIPMENT**

615 ARTICLE I. - LIGHT REGULATIONS

616 SECTION 380.010: - WHEN LIGHTS REQUIRED

617 The provisions of RSMo. 307.020 and RSMo. 307.040 are adopted in this Section.

618 SECTION 380.020: - HEADLAMP ON MOTOR VEHICLES

619 The provisions of RSMo. 307.045 are adopted in this Section.

620 SECTION 380.030: - MULTIPLE-BEAM HEADLAMPS-ARRANGEMENT

621 The provisions of RSMo. 307.060 are adopted in this Section.

622 SECTION 380.040: - DIMMING OF LIGHTS, WHEN

623 The provisions of RSMo. 307.070 are adopted in this Section.

624 SECTION 380.050: - TAILLAMPS, REFLECTORS

625 The provisions of RSMo. 307.075 are adopted in this Section.

626 SECTION 380.060: - AUXILIARY LAMPS - NUMBER - LOCATION

627 The provisions of RSMo. 307.080 are adopted in this Section.

628 SECTION 380.070: - COWL, FENDER, RUNNING BOARD AND BACKUP LAMPS

629 The provisions of RSMo. 307.085 are adopted in this Section.

630 SECTION 380.080: - SPOTLAMPS

631 The provisions of RSMo. 307.090 are adopted in this Section.

632 SECTION 380.090: - COLORS OF VARIOUS LAMPS - RESTRICTION OF RED LIGHTS

633 The provisions of RSMo. 307.095 are adopted in this Section.

634 SECTION 380.100: - LIMITATIONS ON LAMPS OTHER THAN HEADLAMPS-FLASHING
635 SIGNALS PROHIBITED EXCEPT ON SPECIFIED VEHICLES

636 The provisions of RSMo. 307.100 are adopted in this Section.

637 SECTION 380.110: - LIMITATION ON TOTAL OF LAMPS LIGHTED AT ONE TIME

638 The provisions of RSMo. 307.105 are adopted in this Section.

639 SECTION 380.120: - OTHER VEHICLES-HOW LIGHTED

640 The provisions of RSMo. 307.115 are adopted in this Section.

641 SECTION 380.130: - ANIMAL-DRIVEN VEHICLES, LIGHTING REQUIREMENTS-PENALTY

642 The provisions of RSMo. 307.125 are adopted in this Section.

643 **ARTICLE II. - OTHER VEHICLE EQUIPMENT**

644 SECTION 380.140: - OTHER EQUIPMENT OF MOTOR VEHICLES

645 The provisions of RSMo. 307.170 are adopted in this Section.

646 SECTION 380.150: - LOADS WHICH MIGHT BECOME DISLODGED TO BE SECURED-
647 FAILURE, PENALTY

648 The provisions of RSMo. 307.010 are adopted in this Section.

649 SECTION 380.160: - SEAT BELTS AND CHILD RESTRAINT DEVICES

650 The provisions of RSMo. 304.665, and RSMo. 307.178-307.179 are adopted in this
651 Section.

652 SECTION 380.170: - RESERVED

653 SECTION 380.180: - RESERVED

654 SECTION 380.190: - VISION REDUCING MATERIAL APPLIED TO WINDSHIELD OR
655 WINDOWS WITHOUT PERMIT PROHIBITED-PENALTY-RULES, PROCEDURE

656 The provisions of RSMo. 307.173 are adopted in this Section.

657 **CHAPTER 385: - LICENSES**

658 **ARTICLE I. - DRIVER'S AND VEHICLE LICENSES**

659 SECTION 385.010: - DRIVING WHILE LICENSE SUSPENDED OR REVOKED

660 The provisions of RSMo. 302.321 are adopted in this Section.

661 SECTION 385.020: - OPERATION OF A MOTOR VEHICLE WITHOUT PROPER LICENSE
662 PROHIBITED-MOTORCYCLES-SPECIAL LICENSE

663 The provisions of RSMo. 302.020 are adopted in this Section.

664 SECTION 385.030: - PROHIBITED USES OF LICENSE

665 The provisions of RSMo. 302.220 are adopted in this Section.

666 SECTION 385.040: - EXEMPTIONS FROM LICENSE LAW

667 The provisions of RSMo. 302.080 are adopted in this Section.

668 **ARTICLE II. - MOTOR VEHICLE LICENSE PLATES**

669 SECTION 385.050: - STATE VEHICLE LICENSE PLATES REQUIREMENTS

670 The provisions of RSMo. 301.130 are adopted in this Section.

671 SECTION 385.060: - RESERVED

672 The provisions of RSMo. 301.130 are adopted in this Section.

673 SECTION 385.070: - UNAUTHORIZED PLATES, TAGS, STICKERS, SIGNS

674 The provisions of RSMo. 301.320 are adopted in this Section.

675 SECTION 385.080: - LICENSE PLATES ON VEHICLES DISPLAYED FOR SALE

676 No person shall show, exhibit, display or have in possession for the purpose of sale
677 any motor vehicle without displaying proper and current license plates. Licensed
678 automobile dealers are exempted from this requirement.

679 SECTION 385.090: - CERTIFICATE OF OWNERSHIP REQUIRED FOR REGISTERED
680 VEHICLE

681 The provisions of RSMo. 301.190 are adopted in this Section.

682 SECTION 385.100: - TRANSFER OF CERTIFICATE OF OWNERSHIP UPON SALE OF
683 VEHICLE

684 The provisions of RSMo. 301.210 are adopted in this Section.

685 SECTION 385.110: - REMOVAL OF PLATES ON TRANSFER OF VEHICLE-USE BY
686 PURCHASER

687 The provisions of RSMo. 301.140 are adopted in this Section.

688 SECTION 385.120: - SALE BY DEALER

689 The provisions of RSMo. 301.140.4 are adopted in this Section.

690 SECTION 385.130: - RESERVED

691 SECTION 385.140: - FINANCIAL RESPONSIBILITY REQUIRED

692 The provisions of RSMo. 303.020, 303.024, 303.025, 303.160, 303.230, and 303.240,
693 are adopted in this Section.

694 SECTION 385.150: - CONVICTION FOR FAILURE TO MAINTAIN FINANCIAL
695 RESPONSIBILITY OR COURT-ORDERED SUPERVISION, COURT TO FORWARD TO
696 DIRECTOR OF REVENUE

697 The provisions of RSMo. 302.303 are adopted in this Section.

698 SECTION 385.160: - DISPLAY OF FALSE EVIDENCE OF INSURANCE-PENALTY-
699 CONFISCATION OF FALSE EVIDENCE-MISDEMEANOR

700 The provisions of RSMo. 303.178 are adopted in this Section.

701 SECTION 385.170: - ALTERATION, PRODUCTION OR SALE OF INVALID INSURANCE
702 CARD - MISDEMEANOR

703 The provisions of RSMo. 303.179 are adopted in this Section.

704 **CHAPTER 390: - EMERGENCY SNOW ROUTES**

705 SECTION 390.010: - DECLARATION OF TRAFFIC EMERGENCY

706 Whenever the Mayor determines on the basis of falling snow, sleet or freezing rain,
707 or on the basis of a weather bureau forecast that weather conditions may cause
708 hazardous or dangerous driving conditions upon the streets and roadways within
709 the City, the Mayor shall have the authority to declare a traffic snow emergency.

710 SECTION 390.020: - NOTIFICATION OF DECLARATION OF TRAFFIC SNOW
711 EMERGENCY

712 Upon the declaration of a traffic snow emergency by the Mayor, proper public
713 notification systems shall be utilized to announce that a traffic snow emergency has

714 been declared by the City and that the provisions of this Chapter are in effect
715 during said traffic emergency.

716 SECTION 390.030: - ACTS PROHIBITED DURING TRAFFIC SNOW EMERGENCY

717 The following acts shall be prohibited during a traffic snow emergency:

718 1. The parking of any motor vehicle upon an emergency snow route within the
719 City; and

720 2. The operation of a motor vehicle upon an emergency snow route so as to
721 impede the free movement of traffic upon said roadway or impede the removal or
722 treatment of snow, sleet or ice upon the roadway if the drive wheels of said vehicle
723 are not mounted with snow tires, chains or radials with the exception of vehicles
724 with dual drive wheels.

725 SECTION 390.030: - EMERGENCY SNOW ROUTES DESIGNATED

726 The City Traffic Engineer is authorized to designate certain streets as emergency
727 snow routes which shall be marked with approved signage. A list of designated
728 snow route streets are on file in the office of the City Traffic Engineer.

729 SECTION 390.050: - REMOVAL AND TOWING OF VEHICLES

730 The provisions of City Code Section 355.100 and RSMo. 304.155 are adopted in this
731 Section.

732 SECTION 390.060: - TERMINATION OF TRAFFIC SNOW EMERGENCY

733 After the declaration of a traffic snow emergency, the prohibition against parking or
734 impeding the free flow of traffic or removal of snow, sleet and ice conditions upon
735 said emergency snow routes shall remain in effect until terminated by the
736 announcement of the Mayor. Said terminations shall be made by proper public
737 notification systems.

738 SECTION 390.070: - RESERVED

739 **CHAPTER 395: - BICYCLES AND MOTORIZED BICYCLES**

740 SECTION 395.010: - BICYCLE AND MOTORIZED BICYCLE

741 As defined in RSMo. 307.180.

742 SECTION 395.020: - BRAKES REQUIRED

743 The provisions of RSMo. 307.183 are adopted in this Section.

744 SECTION 395.030: - LIGHTS AND REFLECTORS, WHEN REQUIRED-STANDARDS TO BE
745 MET

746 The provisions of RSMo. 307.185 are adopted in this Section.

747 SECTION 395.040: - RIGHTS AND DUTIES OF BICYCLE AND MOTORIZED BICYCLE
748 RIDERS

749 The provisions of RSMo. 307.188 are adopted in this Section.

750 SECTION 395.050: - RIDING TO RIGHT, REQUIRED FOR BICYCLES AND MOTORIZED
751 BICYCLES, OPERATION ON ADJACENT SHOULDER, HAND OR MECHANICAL SIGNALS

752 The provisions of RSMo. 307.190-307.192 are adopted in this Section.

753 SECTION 395.060: - PENALTY FOR VIOLATION

754 The provisions of RSMo. 307.193 are adopted in this Section.

755 SECTION 395.070: - MOTORIZED BICYCLES-LICENSE REQUIRED

756 The provisions of RSMo. 307.195 are adopted in this Section.

757 SECTION 395.080: - EQUIPMENT REQUIRED

758 The provisions of RSMo. 307.196 are adopted in this Section.

759 **SCHEDULE I. SPEED LIMITS**

760 No person shall operate a motor vehicle (except emergency vehicles on emergency
761 runs) or any other conveyance upon any street or highway, at a speed in excess of
762 twenty-five (25) miles per hour, unless otherwise designated by the City Traffic
763 Engineer. A list of designated speed limits are on file in the office of the City Traffic
764 Engineer.

765 **SCHEDULE II. RESERVED**

766 **SCHEDULE III. PARKING LIMITED OR PROHIBITED**

767 Parking on streets is allowed unless prohibited or limited by the City Council.
768 Signage is posted on roadways and outlined in a schedule on file in the office of the
769 City Traffic Engineer.

770 **SCHEDULE IV. STOP SIGNS**

771 In accordance with the provisions of Section 335.030 stop signs will be installed at
772 locations approved by the City Council and outlined in a schedule on file in the
773 office of the City Traffic Engineer.

774 **SCHEDULE V. ONE-WAY STREETS**

775 One way streets are approved by the City Council and outlined in a schedule on file
776 in the office of the City Traffic Engineer.

777 **SCHEDULE VI. RESTRICTIVE TURNS**

778 Restrictive turns are approved by the City Council and outlined in a schedule on file
779 in the office of the City Traffic Engineer.

780 **SCHEDULE VII. TRAFFIC CONTROL DEVICES**

781 In accordance with the provisions of Section 335.030, traffic control devices will be
782 installed at locations approved by the City Council and outlined in a schedule on file
783 in the office of the City Traffic Engineer.

1 **CHAPTER 500: - BUILDING REGULATIONS**

2 **ARTICLE I. - IN GENERAL**

3 SECTION 500.005: - TITLE OF CHAPTER; DESIGNATION OF BUILDING OFFICIAL

- 4 A. This Chapter shall be known as the Building and Construction Code. Unless
5 otherwise indicated by its use and context, the term "this Chapter" shall refer to
6 this Chapter 500 including all provisions incorporated by reference herein.
- 7 B. The Building Official shall be known as the official charged with the
8 administration and enforcement of the City's Building Codes, and such term
9 shall include their authorized representatives. Further, whenever the term or
10 title "administrative authority," "Code Enforcement Officer," "responsible
11 official," or "Building Official" or other similar designation is used in any of the
12 Codes adopted by reference by this Chapter, it shall be construed to mean the
13 Building Official, or their authorized representatives.

14 SECTION 500.010: - PURPOSE AND SCOPE OF CHAPTER; REFERENCED CODES

- 15 A. *Purpose.* This Chapter shall be construed to provide minimum requirements to
16 safeguard the general public safety, health and general welfare, insofar as they
17 are affected by building construction, through structural strength, adequate
18 means of egress facilities, stability, sanitary equipment, light and ventilation,
19 energy conservation, erosion and sediment control and fire safety; and in
20 general to promote safety to life and property from fire and other hazards
21 incident to the construction, design, erection, installation, alteration, addition,
22 removal, demolition, replacement, location, relocation, moving, quality of
23 materials or use and occupancy, operation and maintenance of buildings,
24 structures or premises, and to provide safety to firefighters and emergency
25 responders during emergency operations.
- 26 B. *Scope.* This Chapter provides the administrative and technical provisions to be
27 followed by all persons engaged in the construction, design, erection,
28 installation, alteration, addition, removal, demolition, replacement, location,
29 relocation, land disturbance, moving, quality of materials, or use and
30 occupancy, operation and maintenance of buildings, structures or premises, as
31 regulated by this Chapter. This Chapter does not apply to public infrastructure
32 or work in a public right-of-way except as expressly indicated herein. All
33 references to any provisions in the administrative Chapters of the referenced
34 model Codes shall be construed to be a reference to the provisions of Article I
35 of this Chapter.
- 36 C. *Referenced Codes.* The other Codes listed in Subsections (1) through (8) and
37 referenced elsewhere in this Chapter shall be considered part of the
38 requirements of this Chapter to the extent of each such reference. All
39 references within the model Codes to any building, electrical, gas, mechanical,
40 plumbing, sewage disposal, elevator or energy conservation Code shall be

41 construed to be a reference to the respective building, electrical, gas,
42 mechanical, plumbing, sewage disposal, elevator or energy conservation Code
43 specifically adopted by reference in Articles II through XI of this Chapter.

- 44 1. *Building*. The provisions of the *International Building Code*, as amended, shall
45 apply to the construction, design, erection, installation, alteration, addition,
46 removal, demolition, replacement, location, maintenance, land disturbance,
47 moving, quality of materials, or use and occupancy of every building or
48 structure or any appurtenances connected or attached to such buildings or
49 structures. (See Article II of this Chapter.)

50 Exceptions:

- 51 a. Detached one- and two-family dwellings and multiple single-family
52 dwellings (townhouses) not more than three (3) stories above grade
53 plane in height with a separate means of egress and their accessory
54 structures shall comply with the *International Residential Code*, as
55 amended. (See Article III of this Chapter.)
- 56 b. Existing buildings and structures undergoing repair, alterations or
57 additions and change of occupancy shall comply with the *International*
58 *Existing Building Code* and *NFPA 101 Life Safety Code* as amended. (See
59 Article VIII of this Chapter.)
- 60 2. *Electrical*. The provisions of the *National Electrical Code*, as amended, shall
61 apply to the installation of electrical systems, including alterations, repairs,
62 replacement, equipment, appliances, fixtures, fittings and appurtenances.
63 (See Article IV of this Chapter.)
- 64 3. *Gas*. The provisions of the *Uniform Plumbing or Mechanical Code*, as
65 amended, shall apply to the installation of gas appliances and related
66 accessories as covered in this Code.
- 67 For requirements regarding the installation and operation of residential gas
68 appliances and related accessories, see Article III of this Chapter.
- 69 For requirements regarding the installation of gas piping from the point of
70 delivery to the inlet connections of appliances in commercial applications,
71 see Article VI, *Uniform Plumbing Code* or Article V, *Uniform Mechanical Code*.
- 72 4. *Mechanical*. The provisions of the *Uniform Mechanical Code*, as amended
73 shall regulate the design, installation, maintenance, alteration and
74 inspection of mechanical systems that are permanently installed to provide
75 control of environmental conditions and related processes within buildings.
76 This Code shall also regulate those mechanical systems, system
77 components, equipment and appliances specifically addressed herein. (See
78 Article V of this Chapter.)
- 79 5. *Plumbing*. The provisions of the *Uniform Plumbing Code*, as amended, shall
80 apply to the installation, alteration, repair and replacement of plumbing

81 and fuel gas piping systems, including equipment, appliances, fixtures,
82 fittings and appurtenances, and where connected to a water or sewage
83 system and all aspects of a medical gas system. (See Article VI of this
84 Chapter.)

85 The provisions of the On-Site Private Sewage Disposal Code, as amended,
86 shall apply to private sewage disposal systems for all structures within the
87 City as referenced in Chapter 710.150 of this Code. The provisions for lawn
88 sprinkler and irrigation systems shall comply with Article X of this Chapter.

89 6. *Swimming Pools, Spas, and Hot tubs.* The provisions of the *International*
90 *Swimming Pool, Spa and Hot Tub Code*, as amended, shall apply to the
91 erection, installation, alteration, addition, repair, relocation, and
92 replacement, addition to, use or maintenance of swimming pools, spas, or
93 hot tub plumbing systems. In addition to this Code the provisions of
94 Chapter 420, Section 420.050 (B) of the Unified Development Code shall
95 also apply. (See Article VII of this Chapter.)

96 7. *Fire prevention.* The provisions of the *International Fire Code*, as amended,
97 shall apply to matters affecting or relating to structures, processes and
98 premises from the hazard of fire and explosion arising from the storage,
99 handling or use of structures, materials or devices; from conditions
100 hazardous to life, property or public welfare in the occupancy of structures
101 or premises; and, from the construction, extension, repair, alteration or
102 removal of fire suppression and alarm systems or fire hazards in the
103 structure or on the premises from occupancy or operation. (See Article XI of
104 this Chapter.)

105 8. *Energy.* The provisions of the *International Energy Conservation Code*, as
106 amended, shall apply to all matters governing the design and construction
107 of buildings for energy efficiency. (See Article IX of this Chapter.)

108 Exception:

109 Existing buildings and structures undergoing repair, alterations or additions
110 and change of occupancy shall be permitted to comply with the *International*
111 *Existing Building Code* and *NFPA 101 Life Safety Code* as amended. (See Article VIII
112 of this Chapter.)

113 D. *Process.* The Building Official shall have the responsibility to make timely
114 recommendations to update this Chapter, upon the publication of nationally
115 recognized model Codes.

116 SECTION 500.015: - CONFLICTING PROVISIONS

117 A. Wherever conflicting provisions or requirements occur between this Chapter
118 and the model Codes adopted by this Chapter, this Chapter shall apply.

119 B. Wherever conflicting provisions or requirements occur between this Chapter
120 and any other municipal Codes and laws, the most restrictive shall govern. The

- 121 provisions of this Chapter shall not be deemed to nullify any provisions of local,
122 state, or federal law.
- 123 C. Where in any specific case different Sections within this Chapter specify
124 different materials, methods of construction or other requirements, the most
125 restrictive shall govern. Where there is a conflict between a general
126 requirement and a specific requirement, the specific requirement shall be
127 applicable.
- 128 D. Where conflicts occur between any specific provisions of this Article and any
129 administrative provisions in the remaining Articles of this Chapter which are
130 then applicable, those provisions becoming the law last in time shall prevail.
- 131 E. Wherever in this Chapter reference is made to the appendix, the provisions in
132 the appendix shall not apply unless specifically adopted.
- 133 F. References to Chapter or Section numbers, or to provisions not specifically
134 identified by number, shall be construed to refer to such Chapter, Section or
135 provision of this Chapter.
- 136 G. The Codes and standards referenced in this Chapter shall be considered part of
137 the requirements of this Chapter to the extent of each such reference. Where
138 differences occur between provisions of this Chapter and referenced Codes and
139 standards, the provisions of this Chapter shall apply.

140 SECTION 500.020: - APPLICABILITY OF CHAPTER TO EXISTING BUILDINGS AND
141 BUILDING SERVICE EQUIPMENT

- 142 A. *Generally.* The legal use and occupancy of any structure existing on the date of
143 adoption of this Chapter shall be permitted to continue without change
144 provided such continued use is not dangerous to life, and as may be specifically
145 covered in this Chapter, the fire Code or as may be deemed necessary by the
146 Building Official for the general safety and welfare of the occupants and the
147 public.
- 148 B. *Ordinary repairs.* Application or notice to the Building Official is not required for
149 ordinary repairs to structures, replacement of lamps or the connection of
150 approved portable electrical equipment to approved permanently installed
151 receptacles. Such repairs shall not include the cutting away of any wall, partition
152 or portion of, the removal or cutting of any structural beam or load bearing
153 support, or the removal or change of any required means of egress, or
154 rearrangement of parts of a structure affecting the egress requirements, nor
155 shall ordinary repairs include addition to, alteration of, replacement or
156 relocation of any standpipe, water supply, sewer drainage, drain leader, gas,
157 soil, waste, vent or similar piping; electric wiring; or mechanical or other work
158 affecting public health or general safety.
- 159 C. *Construction in floodplain.* The provisions of Chapter 460 of the Unified
160 Development Code must be met for any alteration, encroachment or
161 substantial improvement accomplished in a regulatory floodplain as designated

162 on the official floodplain document.

163 SECTION 500.025: - APPROVED MATERIALS, ALTERNATE MATERIALS, DESIGN AND
164 METHODS OF CONSTRUCTION AND EQUIPMENT

- 165 A. The provisions of this Chapter are not intended to prevent the installation of
166 any material or method of construction not specifically prescribed by this
167 Chapter, provided that any such alternative has been approved.
- 168 B. The Building Official shall approve any alternative material, design or method of
169 construction that is found to be satisfactory and in compliance with the
170 provisions of this Chapter and that the material, method or work offered is, for
171 the purpose intended, at least the equivalent of that prescribed in this Chapter
172 in quality, strength, effectiveness, fire resistance, durability, safety and
173 sanitation.
- 174 C. The Building Official shall require that sufficient evidence or proof be submitted
175 to substantiate any claims that may be made regarding the use of any
176 alternative material, design, or method of construction. The details of any
177 action granting approval shall be entered into the record of the Building
178 Inspection Division.
- 179 D. Materials, equipment and devices approved by the Building Official shall be
180 constructed and installed in accordance with such approval. The use of used
181 materials which meet the requirements of this Chapter for new materials are
182 permitted. Used equipment and devices shall not be reused unless approved by
183 the Building Official.

184 SECTION 500.030: - MODIFICATIONS

185 Whenever there are practical difficulties involved in carrying out the provisions of
186 this Chapter, the Building Official shall have the authority to grant modifications for
187 individual cases, upon application of the owner or owner's representative. The
188 Building Official shall first find that a special individual reason makes the strict letter
189 of this Chapter impractical and that the modification does not lessen health, life,
190 and fire safety requirements or any degree of structural integrity. The details of
191 actions granting modifications shall be entered into the record of the Building
192 Official.

193 SECTION 500.035: - TESTS

- 194 A. Whenever there is insufficient evidence of compliance with any of the
195 provisions of this Chapter, or evidence that materials or construction do not
196 conform to the requirements of this Chapter, or in order to substantiate claims
197 for alternative materials or methods, the Building Official shall have the
198 authority to require tests as evidence of compliance to be made at no expense
199 to the City.
- 200 B. Test methods shall be as specified in this Chapter or by other recognized test

201 standards. In the absence of recognized and accepted test methods for the
202 proposed alternate, the Building Official shall approve the test procedures.

203 C. All tests shall be made by an approved agency. Reports of such tests shall be
204 retained by the Building Official for the period required for the retention of
205 records.

206 SECTION 500.040: - DUTIES AND POWERS OF THE BUILDING OFFICIAL

207 A. *General.* The Building Official is authorized and directed to enforce the
208 provisions of this Chapter. For such purposes, the Building Official shall have
209 the powers of a law enforcement officer to issue written orders in the
210 enforcement of this Chapter and deem unsafe conditions as prescribed in
211 Section 500.045 and Chapter 510 of the City Code. The Building Official shall
212 have the authority to render interpretations of this Chapter and to adopt
213 policies and procedures in order to clarify the application of its provisions. Such
214 interpretations, policies and procedures shall be in conformance with the intent
215 and purpose of this Chapter. Such interpretations, policies and procedures shall
216 not have the effect of waiving requirements specifically provided for in this
217 Chapter.

218 B. *Applications and permits.* The Building Official shall receive applications, review
219 construction documents and issue permits for the erection and alteration of
220 buildings and structures, inspect the premises for which such permits have
221 been issued and enforce compliance with the provisions of this Chapter.

222 C. *Written Notices and orders.* The Building Official shall issue all necessary written
223 notices or orders to ensure compliance with this Chapter.

224 D. *Inspections.* The Building Official shall make all of the required inspections, or
225 the Building Official shall have the authority to accept reports of inspection by
226 approved agencies or individuals. Reports of such inspections shall be in writing
227 and be certified by a responsible officer of such approved agency or by the
228 responsible individual. The Building Official is authorized to engage such expert
229 opinion as deemed necessary to report upon unusual technical issues that
230 arise, subject to the approval of the appointing authority.

231 E. *Identification.* The Building Official and/ or all designated inspectors shall carry
232 proper identification when inspecting structures or premises in the
233 performance of duties under this Chapter.

234 F. *Right of entry.* When it is necessary to make an inspection or to enforce the
235 provisions of this Chapter, or any other Code, ordinance, law, regulation or
236 administrative order within the authority of the Building Official to enforce, or
237 whenever the Building Official or an authorized representative has reasonable
238 cause to believe that there exists in any building any condition which is contrary
239 to or in violation of this Chapter, or any other Code, ordinance, law, regulation
240 or administrative order, the Building Official or an authorized representative
241 may enter the building or premises during normal work hours or, in the case of

242 an emergency at any reasonable time to inspect or to perform any duty
243 imposed upon the Building Official by this Chapter; provided if such property be
244 occupied, the Building Official shall first present proper credentials and request
245 and obtain permission to enter before entering the building or premises.
246 Reasonable effort must be made to locate the owner or other persons having
247 charge or control of the property when seeking permission for entry.

248 1. If no consent has been given to enter or inspect any building or premises,
249 no entry or inspection shall be made without the procurement of a warrant
250 from the judge presiding in the Raymore Municipal Court of the Circuit
251 Court of Cass County, or if that judge is not available, from any other judge
252 presiding in the Cass County 17th Judicial Circuit Court of Missouri. The
253 court may, among other factors, consider the following in its decision as to
254 whether a warrant shall be issued:

255 a. Eyewitness account of violation.

256 b. Citizen complaint(s).

257 c. Tenant complaint(s).

258 d. Plain view violation(s).

259 e. Violation apparent from City record(s).

260 f. Nature of an alleged violation, the threat of life or safety and imminent
261 risk of significant property damage.

262 g. Previous unabated violation(s) in the building or on the premises.

263 2. Cause supporting issuance of a warrant shall be deemed to exist in light of
264 reasonable legislative and administrative standards which show that there
265 is reason to believe that a condition of nonconformity exists with respect to
266 a building or premises in violation of the provisions of the City Code.

267 3. The Building Official may enter the premises without consent or a search
268 warrant to make an inspection or enforce any of the provisions of the City
269 Code only when an emergency exists as prescribed in Section 500.045 of
270 this Chapter, or when the premises are abandoned.

271 4. If a complaint in writing is filed by the Building Official or an authorized
272 representative, any Law Enforcement Officer, deputy, City Attorney or
273 Prosecuting Attorney of the City with the Municipal Court of the City, stating
274 that they have probable cause to believe there exists in a building or
275 structure more particularly described a violation or violations of provisions
276 of the City Code, and is within the territorial jurisdiction of the City, and if
277 such complaint is verified by the oath or affirmation stating evidential facts
278 from which such judge determines the existence of probable cause, then
279 such judge shall issue a search warrant directed to the authorized person to
280 search the structure or premises described for the purposes requested.
281 Such a search warrant may be executed and returned only within ten (10)

282 days after the date of its issuance. The person authorized to search shall
283 make a return promptly after concluding the search, and such return shall
284 contain an itemization of all violations of this Code discovered pursuant to
285 such search. Refusal to honor a search warrant and permit inspection of the
286 premises shall constitute an ordinance violation. Execution of a search
287 warrant under this Section shall not be by forcible entry.

288 5. Unless emergency conditions exist or until a written notice of violation and
289 a reasonable opportunity to correct the violation is afforded the person, a
290 summons shall not be served upon a resident, property owner, or other
291 responsible person, which alleges a violation of this Code based upon
292 conditions discovered incidental to, and solely as a result of, conducting an
293 investigation pursuant to the authority of a search warrant, but which is not
294 the subject of the search warrant.

295 G. *Stop work orders.*

296 1. *Written Notice.* Upon written notice from the Building Official that work on
297 any building or structure is being pursued contrary to the provisions of this
298 Chapter, or in an unsafe and dangerous manner, such work shall be
299 immediately stopped. The stop work order shall be in writing and shall be
300 given to any persons working on or about the structure and to any persons
301 owning, leasing, maintaining or occupying premises where work is being
302 done; and shall state the conditions under which work will be permitted to
303 resume.

304 2. *Unlawful continuance.* Any person who shall continue any work in or about
305 the structure after having been served with a stop work order, except such
306 work as that person is directed to perform to remove a violation or unsafe
307 condition, shall be in violation of the Code and subject to penalties in
308 Section 500.070 of the City Code.

309 H. *Occupancy violations.* Whenever any building or structure or building service
310 equipment regulated by this Chapter is being used contrary to the provisions of
311 the Code, the Building Official may order such use discontinued by written
312 notice served on any person causing such use to be continued. Such person
313 shall discontinue the use within the time prescribed by the Building Official
314 after receipt of such written notice to make the structure, or portion of, comply
315 with the requirements of the Code. Failing to discontinue such use when
316 ordered is a violation of this Chapter. Unless authorized by the Building Official,
317 removing a posted written notice or sign indicating that a structure is not to be
318 occupied is a violation of this Chapter and subject to penalties in Section
319 500.070.

320 I. *Department records.* The Building Official shall keep official records of
321 applications received, permits and certificates issued, fees collected, reports of
322 inspections, and written notices and order issued. Such records shall be
323 retained in the official records for the period required for retention of public

324 records.

325 J. *Liability.* The Building Official or an authorized representative charged with the
326 enforcement of this Chapter, acting in good faith and without malice in the
327 discharge of the duties required by this Chapter or other pertinent law or
328 ordinance, shall not be rendered personally liable for damages that may accrue
329 to persons or property as a result of any such official act or by reason of any act
330 or omission in the discharge of such official duties. Any suit brought against the
331 Building Official or employee because of such act or omission, performed in the
332 enforcement of any provision of this Chapter or other pertinent laws or
333 ordinances implemented through the enforcement of this Chapter or enforced
334 by the Building Official, shall be defended by the City until final termination of
335 such proceedings. Any judgment resulting of such proceeding shall be assumed
336 by the City. This Chapter shall not be construed to relieve from or lessen the
337 responsibility of any person owning, operating, or controlling any building,
338 structure or building service equipment therein for any damage to persons or
339 property caused by defects, nor shall the Building Official or the City to be held
340 as assuming any such liability by reason of the inspections authorized by this
341 Chapter or approvals issued under this Chapter.

342 K. *Cooperation of other officials and officers.* The Building Official may request, and
343 shall receive, the assistance and cooperation of other City officials so far as is
344 required in the discharge of the duties required by this Chapter or other
345 pertinent law or ordinance.

346 L. *Building numbers.* The Building Official is authorized to promulgate the
347 standards by which buildings are numbered and to assign or reassign numbers
348 and addresses according to the Addressing and Street Naming Policy as
349 adopted by the Raymore Planning and Zoning Commission.

350 M. *Rules and regulations.* The Building Official is authorized to make and
351 promulgate reasonable and necessary rules and regulations to provide for the
352 efficient administration of this Chapter, and to implement the substantive and
353 procedural requirements of this Chapter. A copy of the rules and regulations
354 shall be filed in the office of the City Clerk.

355 SECTION 500.045: - UNSAFE STRUCTURES AND EQUIPMENT

356 A. *General.* No person, firm, corporation, partnership, association, organization or
357 governmental agency properly regulated by the City shall erect, construct,
358 enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use,
359 occupy, maintain, or own any building, building use, structure, sign, appendage
360 or building service equipment in an unsafe manner.

361 B. *Conditions.* Structures or equipment which are or hereafter become unsafe,
362 unsanitary or deficient because of, but not limited to, inadequate means of
363 egress facilities, inadequate light and ventilation, or inadequate life safety
364 system; or which constitute a fire hazard, or are otherwise dangerous to human

365 life or the public welfare due to inadequate maintenance, dilapidation,
366 obsolescence, fire, disaster, damage, failure or abandonment; or which involve
367 illegal or improper use or occupancy; shall be deemed unsafe. Unsafe
368 structures shall be taken down and removed or made safe as the Building
369 Official deems necessary and as provided for in this Section and the provisions
370 of Chapter 510. A vacant structure that is not secured against entry may be
371 deemed unsafe by the Building Official.

372 C. *Written Notice.* If an unsafe condition is found, the Building Official may serve on
373 the owner, agent or person in control of the structure, a written notice that
374 describes the condition deemed unsafe and specifies the required repairs or
375 improvements to be made to abate the unsafe condition, or that requires the
376 unsafe structure to be demolished within a stipulated time. Such written notice
377 shall require the person thus notified to declare immediately to the Building
378 Official acceptance or rejection of the terms of the order.

379 D. *Method of service.* Such written notice shall be deemed properly served if a copy
380 is posted in a conspicuous place in or about the structure affected by such
381 notice, and

382 1. Delivered to the owner personally; or

383
384 2. Sent by certified mail or registered mail addressed to the owner at the last
385 known address with the return receipt requested. If the certified or
386 registered letter is returned showing that the letter was not delivered, or the
387 owner cannot be located, the posted written notice in or about the structure
388 shall be sufficient for notice. Service of such notice in the foregoing manner
389 upon the owner's agent or upon the person responsible for the structure
shall constitute service of notice upon the owner.

390 E. *Restoration.* The structure or equipment determined to be unsafe by the
391 Building Official is permitted to be restored to a safe condition. To the extent
392 that repairs, alterations, moving of building, or additions are made or a change
393 of occupancy occurs during the restoration of the structure, such repairs,
394 alterations, additions, moving or change in occupancy shall comply with the
395 requirement of Section 500.020(B) of this Chapter and the *International Existing*
396 *Building Code* as amended.

397 F. *Maintenance of signs.* All signs shall comply with the requirements of Chapter
398 435 of the Unified Development Code.

399 G. *Dangerous buildings or structures.* Any building or structure determined by the
400 Building Official as a dangerous building or structure shall comply with the
401 requirements of Chapter 510 of the City Code.

402 H. *Moving of buildings.* The moving of any building or structure in, into, through, or
403 from the City shall comply with the requirements of Chapter 520 of the City
404 Code.

405 I. *Emergency measures.* Where it reasonably appears there is an immediate danger
406 to the health, safety or welfare of any person, the Building Official may take
407 emergency measures to vacate and repair or demolish an unsafe building,
408 building use, structure, sign, equipment, or appendage in accordance with the
409 provisions of Chapter 510.

410 SECTION 500.050: - SERVICE UTILITIES

411 A. *Connection of service utilities.* No person shall make connections from a utility,
412 source of energy, fuel or power to any building or system which is regulated by
413 this Chapter for which a permit is required, until approved and released by the
414 Building Official.

415 B. *Temporary connection.* The Building Official shall have the authority to authorize
416 the temporary connection of the building or system to the utility source of
417 energy, fuel or power, as required by Section 500.075(A)(2) (a through d) for
418 permits and limitations.

419 C. *Authority to disconnect service utilities.* The Building Official shall have the
420 authority to authorize disconnection of utility service to the building, structure
421 or system regulated by the Codes adopted by this Chapter in case of emergency
422 where necessary to eliminate an immediate hazard to life or property. The
423 Building Official shall notify the serving utility, and wherever possible the owner
424 and occupant of the building, structure or service system of the decision to
425 disconnect prior to taking such action. If not notified prior to disconnecting, the
426 owner or occupant of the building, structure or service system shall be notified
427 in writing, as soon as practicable thereafter.

428 D. *Connection after order to disconnect.* No person shall make connections from a
429 utility, source of energy, fuel or power to any building or system which has been
430 disconnected or ordered to be disconnected by the Building Official or the use
431 of which has been ordered to be discontinued by the Building Official until the
432 Building Official authorizes the reconnection and use of such equipment.

433 SECTION 500.055: - RIGHT TO AN APPEAL

434 A. *Procedure for appeal of decisions relating to the Building Code.* In order to hear
435 and decide appeals of orders, decisions or determinations made by the Building
436 Official relative to the application and interpretation of this Chapter, an
437 application for appeal to the Board of Appeals shall be made within ten (10)
438 days from the date of the order, decision, or determination is made by the
439 Building Official.

440 B. Except in cases designated as emergencies, an appeal to the Board stays all
441 enforcement of the determination from which the appeal is being taken.

442 C. All appeal procedures shall comply with Chapter 540 of the City Code.

443 SECTION 500.060: - VIOLATIONS

- 444 A. *Unlawful acts.* It shall be unlawful for any person, firm, corporation, partnership,
445 association, organization or government agency properly regulated by the City
446 to erect, construct, enlarge, alter, repair, move, improve, remove, grade,
447 excavate or add any fill material, convert or demolish, equip, use, occupy,
448 maintain or own or cause land disturbance activities for any building, land, real
449 estate premises, sign structure or building service equipment or cause or
450 permit the same to be done in violation of this Chapter, or fail to comply with
451 any order issued under the authority of the Building Official, or fail to comply
452 with the duties and responsibilities of a licensed or registered contractor or
453 licensed or registered supervisor.
- 454 B. *Separate offense.* Any person, firm, corporation, partnership, association,
455 organization or governmental agency properly regulated by the City violating
456 any of the provisions of this Chapter shall be deemed guilty of an ordinance
457 violation. Each and every day or portion thereof during which any violation of
458 any of the provisions of this Chapter is committed, continued, or permitted
459 shall be a separate offense.
- 460 C. *Responsible individual.* The responsible individual(s) of a corporation shall
461 include any officer of a corporation or the person in charge of the local office of
462 such corporation.

463 SECTION 500.065: - REQUIRED LICENSES

464 Any person, firm, or organization providing residential and/or commercial
465 construction industry services, mechanical, plumbing or electrical contract or
466 subcontract work within the City shall obtain an occupational business license in
467 accordance with Chapter 605 of the City Code.

468 Exceptions to occupational business license:

- 469 1. Permits for work as required by this Chapter may be issued to any person
470 to do any work regulated by this Chapter in a single family dwelling used
471 exclusively for living purposes, including the usual accessory buildings,
472 provided that such person is an owner of record of any such dwelling and
473 accessory buildings, provided that the dwelling and accessory buildings are
474 occupied by the owner, and provided that the owner shall personally
475 purchase all material and perform all labor in connection therewith. Where
476 the work is included in a building permit issued according to this exception,
477 the owner may contract and direct the work of building trades
478 subcontractor(s), which are required to be licensed under Section 605.010.
- 479 2. Public utility companies will not be required to obtain licenses for their
480 firms or corporations or for their employees when engaged in the
481 installation, operation, and maintenance of equipment which will be used
482 for the production, generation, transmission, or distribution of the product

483 or service from the source of the product or service through the facilities
484 owned or operated by such utility company to the point of the customer
485 service, including the metering.

486 3. Provisions of this Chapter requiring employment of certified or licensed
487 mechanics, craftsman, or engineers shall apply to maintenance or
488 operation of equipment and accessories used for operations, production, or
489 processing by public utilities, government agencies, manufacturing or
490 processing plants, or commercial enterprises which maintain regular
491 maintenance and operating staff supervised by a professional engineer
492 registered by the state. However, work under such supervision shall be
493 performed to comply in all respects with all applicable provisions of this
494 Chapter, including provisions for permits and inspections.

495 4. The property owner or owner of business on the property may install a
496 temporary sign, as defined in Chapter 435 of the Unified Development
497 Code, after obtaining the required permit(s).

498 5. The owner of record may demolish any one-story building which is less than
499 one hundred twenty-one (121) square feet. Such work must be done by the
500 owner.

501 SECTION 500.070: - PENALTIES

502 A. Upon conviction or a plea of guilty, any person, firm or corporation violating or
503 failing to comply with any of the provisions of this Chapter shall be, subject to
504 the penalty provisions provided for in Section 100.220 of the City Code.

505 B. *Penalties for offenses.*

506 1. Persons convicted of certain repeat violations as set forth in Subsection
507 (B)(2) of this Section at any premises shall be punished as set forth in
508 Subsection (A) of this Section.

509 2. Person convicted of violating any of the following provisions of this Chapter
510 shall be punished as set forth in Subsection (A) of this Section:

511 a. Violating an order to stop work issued pursuant to Section 500.040(G).

512 b. Making any connection without proper authorization from the Building
513 Official after a disconnection pursuant to Section 500.050 of the City
514 Code.

515 c. Failure to obtain a permit, or working without a permit, when required
516 by this Chapter.

517 d. Failure to obtain an inspection when required by this Chapter.

518 e. Failure to obtain a certificate of occupancy when required by this
519 Chapter .

520 f. Failure to comply with all responsibilities of a licensed contractor, as set

- 521 forth in Chapter 605 of the City Clde.
- 522 g. Failure to comply with all the responsibilities of a holder of a certificate
523 of qualification, as set forth in Chapter 605 of the City Code.
- 524 h. Providing false information to the Building Official when submitting an
525 application for an occupational license, certificate of qualification, or
526 permit.
- 527 i. Permitting occupancy of any structure for which a temporary certificate
528 of occupancy has been issued and such temporary certificate of
529 occupancy has expired.
- 530 3. For purposes of this Section, only convictions within the prior three (3) years
531 before the date of the offense alleged shall be considered. Conviction(s)
532 within the prior three (3) years shall be subject to an occupational license
533 suspension or revocation as prescribed in Chapter 605 of the City Code.
- 534 C. *Other remedies.* The imposition of penalties prescribed in this Section shall not
535 preclude the City attorney from instituting appropriate action, including
536 equitable and extraordinary remedies, to prevent any unlawful construction,
537 reconstruction, alteration, repair, conversion, maintenance or use, or to
538 restrain, correct or abate a violation, or to prevent the occupancy of a building
539 or structure or portion of, or of the premises, or to prevent an illegal act,
540 conduct of business or use in or about the premises.

541 SECTION 500.075: - PERMITS REQUIRED; EXCEPTIONS

- 542 A. *Required permits; permit conditions.*
- 543 1. *Generally; emergency work; conditions of permit.*
- 544 a. It shall be unlawful to construct, enlarge, alter, repair, move, demolish,
545 or change the occupancy of a building or structure, or to erect, install,
546 repair, remove, convert or replace any electrical, gas, mechanical or
547 plumbing system, the installation of which is regulated by this Chapter,
548 or to cause any such work to be done, without making application to the
549 Building Official and obtaining the required permit; provided that the
550 repairs, as defined in Section 500.020(B) of the City Code, which do not
551 involve any violation of this Chapter, and work as specified in subsection
552 (B) of this Section, shall be exempted from this provision.
- 553 b. Emergency work. In cases of emergency, the person or other entity
554 doing work or causing work to be done may proceed with the work and
555 file application for a permit within seventy-two (72) hours after
556 commencement of emergency work. Emergency shall be considered to
557 exist only in those situations wherein life, health and safety would be
558 adversely affected if work were not commenced immediately, and the
559 burden shall be upon the person claiming such emergency to exist to
560 prove the existence of such emergency by clear and convincing

- 561 evidence.
- 562 c. Insurance. Construction industry contractor permit holders shall keep in
563 force insurance, issued by a company approved by the City Clerk's
564 office, meeting the conditions set forth in Section 605.010(B)(1) of the
565 City Code.
- 566 d. Indemnity. Every person, firm, or corporation to whom permission has
567 been granted under the terms of this Article and other ordinances to
568 utilize public property for the permit work of any building, structure, or
569 utility shall at all times assume full responsibility for such work and shall
570 hold harmless and indemnify the City and the Building Official from any
571 and all responsibility, liability, loss, or damage resulting to any persons
572 or property or caused by or incidental to the permitted work.
- 573 e. Commencement and completion of work. See Section 500.090 in this
574 Chapter pertaining to expiration and completion of granted permits.
- 575 2. *Temporary structures and uses.*
- 576 a. The Building Official is authorized to issue a permit for temporary
577 structures and temporary uses. Such permits shall be limited as to time
578 of service, but shall not be permitted for more than one hundred eighty
579 (180) days. The Building Official is authorized to grant extensions for
580 demonstrated cause.
- 581 b. Temporary structures and uses shall conform to the structural strength,
582 fire safety, means of egress, accessibility, light, ventilation and sanitary
583 requirements of the Code as necessary to ensure the public health,
584 safety and general welfare.
- 585 c. Permits for temporary electrical service installations not to exceed
586 ninety (90) days duration may be granted for fairs, carnivals, exhibitions,
587 exterior lighting for decorative display and similar purposes. Permits for
588 temporary electrical service installations not to exceed one hundred
589 eighty (180) days duration may be granted for construction jobs. The
590 time limit shall be subject to renewal, if requested in writing and if the
591 Building Official determines that the temporary permit is not being used
592 to evade the requirements of permanent electrical service installation,
593 will not adversely affect the public safety, or is justified because of
594 circumstances not within the control of the permit holder.
- 595 d. The Building Official is authorized to terminate such permit for a
596 temporary structure or use and to order the temporary structure or use
597 to be discontinued.
- 598 3. *Special nighttime building permits.*
- 599 a. Notwithstanding any other provision of this Chapter or of any other
600 provision of the City Code, no construction work, including excavation,
601 demolition, hauling, dumping or filling, may be performed between the

602 hours of 8:00 p.m. and 7:00 a.m. unless the Building Official issues a
603 special building permit authorizing the work. The following types of
604 construction work are exempted from the requirement of obtaining a
605 special night time building permit:

606 1. Emergency work authorized pursuant to Subsection (A)(1) of this
607 Section.

608 2. Construction work being completely conducted inside a closed-in
609 structure whenever such construction work does not involve the
610 use of jackhammers, air compressors or other heavy equipment or
611 continuing truck operations.

612 3. Roofing from June 1 through August 31, conducted between dawn
613 to dusk.

614 4. Framing activities for conventional, wood-framed residential
615 structures from June 1 through August 31, conducted between
616 dawn to dusk.

617 5. Paving activities from June 1 through August 31, conducted between
618 dawn to dusk.

619 b. The Building Official shall address in each special building permit issued
620 authorizing nighttime work the following items:

621 1. Traffic routes to be used by construction equipment and trucks;

622 2. Means of lighting the construction site or place of operation;

623 3. Whether the noise level shall be a provision of the permit;

624 4. The type of work to be done and the nature of the project; and

625 5. Density of the residential area potentially affected by the nighttime
626 work.

627 c. The Director of Public Works is authorized to assist the Building Official
628 in establishing criteria for the issuance of a special building permit
629 authorizing nighttime work.

630 d. Failure to obtain the special night time building permit pursuant to this
631 section may result in violation of Section 280.020 of the City Code.

632 B. *Exempted work.* A permit shall not be required for the types of work in each of
633 the separate classes of permit as listed in this Subsection. Exemption from the
634 permit requirements of this Code shall not be deemed to grant authorization
635 for any work to be done in violation of the provisions of the City Code or any
636 other laws or ordinances of the City.

637 1. *Building permits.* A building permit shall not be required for the following:

638 a. One-story detached accessory buildings used as tool and storage sheds,
639 playhouses, and similar uses provided the floor area does not exceed

- 640 one hundred ninety-nine (199) square feet.
- 641 b. Open arbors or pergolas.
- 642 c. Retaining walls which are not over four (4) feet (1219 mm) in height
643 measured from grade on the low side of the wall, unless supporting a
644 surcharge or impounding Class I, II, IIIA liquids.
- 645 d. Water tanks supported directly upon grade if the capacity does not
646 exceed five thousand (5,000) gallons (18,927 L) and the ratio of height to
647 diameter or width does not exceed 2:1.
- 648 e. Painting, papering, tiling, carpeting, cabinets, countertops and similar
649 finish work.
- 650 f. Temporary motion picture, television and theater stage sets and
651 scenery.
- 652 g. Non-fixed and movable cases, counters and partitions not over five (5)
653 feet and nine (9) inches (1753 mm) in height.
- 654 h. Patios not more than thirty (30) (762 mm) inches above grade at any
655 point and platforms and decks not more than thirty (30) inches (762
656 mm) above grade at any point, not attached to the primary structure
657 and/or not over any basement or story below.
- 658 i. Window awnings supported by an exterior wall of a Group R3 and
659 Group U occupancies when projecting not more than fifty-four (54)
660 (1372 mm) inches.
- 661 j. Sidewalks and driveways not more than thirty (30) inches (762 mm)
662 above grade, not over any basement or story below and not part of an
663 accessible right-of-way route. Permits are required for all sidewalk and
664 driveway installations and replacements in the right-of-way.
- 665 k. Prefabricated swimming pools accessory to a Group R3 occupancy,
666 detached single family dwellings, where the inside pool walls are less
667 than twenty-four (24) inches (610 mm) deep, do not exceed five
668 thousand (5,000) gallons (18,927 L) and are installed entirely above
669 grade.
- 670 l. Replacement of exterior wall covering for detached one- and two- family
671 dwellings.
- 672 m. Replacement of doors and windows in existing openings where fire
673 resistance, smoke control and opening protection are not required by
674 Articles II or III.
- 675 n. Repairs of holes in plaster or gypsum board walls.
- 676 o. Installation or replacement of wall or floor mounted cabinets (kitchen,
677 bath, etc.).

- 678 p. Installation or replacement of exterior gutters and downspouts.
679 q. Tuck-pointing brick and/ or stone masonry.
680 r. Replacement of soffits and wall or roof sheathing less than thirty-two
681 (32) square feet (2.97m²) in area in detached one- and two-family
682 dwellings.
683 s. Replacement of interior or exterior trim carpentry.
684 t. Walks, patios and driveways constructed on existing grade outside
685 public right-of-ways.
686 u. Shade cloth structures constructed for nursery or agricultural purposes
687 and not including service systems.
688 v. Swings and other playground equipment accessory to one- and two-
689 family dwellings.
690 w. Any grading or excavation of any land or premises complying with
691 Section 455.010(B)(4)(b) of the Unified Development Code.
- 692 2. *Mechanical permits.* A mechanical permit shall not be required for the
693 following:
- 694 a. Any portable heating appliance.
695 b. Any portable ventilating equipment.
696 c. Any portable cooling unit
697 d. Any portable evaporative cooler.
698 e. Replacement of a component part or assembly of an appliance which
699 does not alter its original approval and complies with other applicable
700 requirements of this Chapter.
701 f. Any refrigerating equipment which is part of the equipment for which a
702 permit has been issued pursuant to the requirements of this Chapter.
703 g. Replacement of grills and diffusers on existing mechanical ductwork.
704 h. Any self-contained refrigeration system that contains ten (10) pounds
705 (4.5 kg) or less of refrigerant, or that are actuated by motors of one (1)
706 horsepower (0.75 kW) or less.
- 707 3. *Plumbing permits.* A plumbing permit shall not be required for the following:
708 a. Repairs or replacement of defective fixtures or valves provided
709 alterations or extensions of piping systems are not made.
710 b. Clearance of stoppages.
711 c. Replacement and repair of lavatory and sink traps.
- 712 4. *Electrical permits.* An electrical permit shall not be required for the following:
713 a. Minor repair work, including the replacement of lamps or the

- 714 connection of approved portable electrical equipment to approved
715 permanently installed receptacles.
- 716 b. The installation, alteration or repair of electrical equipment of a power
717 or public service company for its use in the generation, transmission,
718 distribution or metering of electricity.
- 719 c. Replacement of snap switches, receptacles and fixtures where no
720 alteration or extension of an existing circuit is required.
- 721 5. *Sign permits.* A sign permit shall not be required for signs listed as exempt in
722 Chapter 435.020(C) of the Unified Development Code.

723 SECTION 500.080: - APPLICATION FOR PERMIT; RESPONSIBILITIES OF PERMITTEE

- 724 A. *Application for permit.* To obtain a permit required by this Chapter, the applicant
725 shall first file an application in writing on a form furnished by the Building
726 Official for that purpose. Every such application shall:
- 727 1. Identify and describe the work to be covered by the permit for which
728 application is made.
- 729 2. Describe the land on which the proposed work is to be done, by legal
730 description, street address or similar description as recorded by the Cass
731 County Recorder of Deeds office that will readily identify and definitely
732 locate the proposed building or work.
- 733 3. Indicate the use or occupancy for which the proposed work is intended.
- 734 4. State the valuation of any new building or structure or any addition,
735 remodeling or alteration to an existing building.
- 736 5. Be signed by the permit applicant, or the applicant's authorized agent, who
737 may be required to submit evidence to indicate such authority. It shall be
738 presumed that a person obtaining a permit for work on property, for which
739 the person is not the owner, obtains the permit with the knowledge and
740 consent of the owner or other person in control or in charge of the
741 property.
- 742 6. Be accompanied by construction documents and other information as
743 required in Section 500.085 of the City Code
- 744 7. Give such other data and information as may be required by the Building
745 Official.
- 746 B. The permit holder shall be responsible for the following conditions and
747 restrictions:
- 748 1. To provide minimum safety measures and equipment to protect the public
749 as prescribed by this Chapter.
- 750 2. To observe any other City ordinances prescribing measures for the safety of
751 the public.

- 752 3. To observe and comply with any other City ordinances or regulations.
- 753 4. To provide and use adequate sanitary facilities on construction sites for
754 worker use. If portable, sanitary facilities shall not be located in the public
755 right-of-way or closer than five (5) feet from a side or rear property line.
756 Sanitary facilities shall be screened and/or located in a location that is the
757 least visible to adjacent properties.
- 758 5. To provide adequate construction solid waste containers on construction
759 sites. Dumpsters, garbage cans, waste containers and other similar types of
760 containers shall be used to contain solid waste. Liquid waste and hazardous
761 materials shall be contained and disposed of at a proper waste depository.
- 762 6. To faithfully construct without departure from or disregard of drawings and
763 specifications, when such drawings and specifications have been filed with
764 and reviewed for Code compliance by the Building Official and a permit has
765 been granted for such construction.
- 766 7. To obtain inspections required by this Chapter.
- 767 8. To pay any fee assessed under the authority of this Chapter.
- 768 9. To comply with any order issued under the authority of this Chapter.
- 769 10. To maintain satisfactory levels of competence, integrity, workmanship, and
770 recognized practices.
- 771 11. For construction industry contractors, to maintain a valid occupational
772 business license(s) in the appropriate classification(s), company name, and
773 ownership, per the requirements of Chapter 605 of the City Code.
- 774 12. For construction industry contractors, to maintain an active fictitious name
775 registration with the State of Missouri, from the Office of the Secretary of
776 State, under the business name in which the permittee is obtaining permits
777 when conducting business under a name other than the licensee's given
778 name.

779 SECTION 500.085: - CONSTRUCTION DOCUMENTS

- 780 A. *Submittal documents.* Construction documents, special inspection and structural
781 observation programs and other data shall be submitted in two (2) or more sets
782 with each application for a permit. When such construction documents are not
783 prepared by a registered design professional, the Building Official may require
784 any applicant submitting such documents to demonstrate that State law does
785 not require them to be prepared by a registered design professional. The
786 Building Official may require plans, computations and specifications to be
787 prepared and designed by a registered design professional licensed by the
788 State to practice as such, even if not required by State law. The Building Official
789 may waive the submission of plans, calculations, diagrams or other data, if he
790 finds that the nature of the work applied for is such that reviewing the

- 791 documents is not necessary to obtain compliance with this Chapter.
- 792 B. Information on construction documents not governed by the Residential Code,
793 shall be obtained from the office of the Building Official and all requirements
794 shall be met.
- 795 C. *Previous approvals.* This Chapter shall not require changes in the construction
796 documents, construction or designated occupancy of a structure for which a
797 lawful permit has been heretofore issued or otherwise lawfully authorized, and
798 the construction of which has been pursued in good faith within one hundred
799 eighty (180) days after the effective date of this Chapter and has not been
800 abandoned.
- 801 D. *Design professional in responsible charge.* When it is required that documents be
802 prepared by a registered design professional, the Building Official shall require
803 the owner to engage and designate on the building permit application a
804 registered design professional who shall act as the registered design
805 professional in responsible charge. If the circumstances require, and when
806 approved by the Building Official, the owner shall be permitted to designate a
807 substitute registered design professional in responsible charge who shall
808 perform the duties required of the original registered design professional in
809 responsible charge. The Building Official shall be notified in writing by the
810 owner if the registered design professional in responsible charge is changed or
811 is unable to continue to perform the duties.
- 812 The registered design professional in responsible charge shall be responsible for
813 reviewing and coordinating submittal documents prepared by others, including
814 phased and deferred submittal items, for compatibility with the design of the
815 building.
- 816 Where structural observation is required by Section 1710 of the *International*
817 *Building Code*, the inspection program shall name the individual or firm who are to
818 perform structural observation and describe the stages of construction at which the
819 observation is to occur. The individual or firm shall comply with the duties specified
820 in Section 1704 of the *International Building Code*.
- 821 E. *Deferred submittals.* For the purposes of this Section, deferred submittals are
822 defined as those portions of the design that are not submitted at the time of
823 the application and that are to be submitted to the Building Official within a
824 specified period.
- 825 Deferral of any submittal items shall have the prior approval of the Building Official.
826 The registered design professional in responsible charge shall list the deferred
827 submittals on the construction documents for review by the Building Official.
- 828 Submittal documents for deferred submittal items shall be submitted to the
829 registered design professional in responsible charge who shall review them and
830 forward them to the Building Official with a notation indicating that the deferred
831 submittal documents have been reviewed and that they have been found to be in

832 general conformance with the design of the building. The deferred submittal items
833 shall not be installed until the design and submittal documents have been
834 approved by the Building Official.

835 F. *Amended construction documents.* Work shall be installed in accordance with the
836 reviewed construction documents, and changes which are not in substantial
837 compliance with the reviewed construction documents shall be resubmitted for
838 review as an amended set of construction documents prior to construction.

839 G. *Retention of construction documents.* One (1) set of construction documents shall
840 be returned to the applicant and shall be kept on site of the building or work at
841 all times during which the work authorized thereby is in progress. One set of
842 construction documents shall be retained by the Building Official until after final
843 inspection when it is concluded that the work complies with the provisions of
844 this Chapter, and archived per RSMo. for retention of records.

845 SECTION 500.090: - ISSUANCE OF PERMITS; EXPIRATION OF PERMITS AND
846 APPLICATIONS; SUSPENSION OR REVOCATION OF PERMITS

847 A. *Generally.*

848 1. *Application examined.* The Building Official shall examine or cause to be
849 examined the application and accompanying construction documents filed
850 by an applicant for a permit under this Chapter. Such construction
851 documents may be reviewed by other Departments of the City to verify
852 compliance with any applicable laws under their jurisdiction. If the Building
853 Official finds that the work described in an application for a permit and the
854 construction documents filed conform to the requirements of this Chapter
855 and other pertinent laws and ordinances, and that the fees specified in the
856 fee schedule have been paid, a permit shall be issued to the applicant.

857 2. *Withholding issuance of permit for payment of fees and charges.* No building
858 permit shall be issued to a person, firm or corporation that is delinquent on
859 payment of fees and charges due to the City for any property in the City.
860 Additionally, if a fee or charge is due to the City for service to, or work upon,
861 the property for which a building permit is requested, no permit shall be
862 issued until full payment is received.

863 3. *Time limitation of application.* An application for a permit for any proposed
864 work shall expire by limitation and be deemed to have been abandoned
865 ninety (90) days after the date of filing, unless such application has been
866 pursued in good faith or a permit has been issued; except that the Building
867 Official is authorized to grant one or more extensions of time for additional
868 periods not exceeding thirty (30) days each. The extensions shall be
869 requested in writing and justifiable cause demonstrated. Plans and other
870 data submitted for review, but deemed to have been abandoned, may
871 thereafter be returned to the applicant or destroyed by the Building Official.
872 In order to renew action on an application after expiration, the applicant

873 shall resubmit plans and pay a new plan review fee in accordance with the
874 fee schedule in Section 500.095 of the City Code.

875 4. *Stamped documents.* When the Building Official issues a permit where
876 construction documents are required, they shall endorse in writing or
877 stamp the construction documents "Reviewed for Code Compliance." Such
878 stamped construction documents shall not be changed, modified or altered
879 without authorization from the Building Official, and all work regulated by
880 this Chapter shall be done in accordance with the endorsed/ stamped
881 construction documents.

882 5. *Phased review for Code compliance.* The Building Official may issue a permit
883 for the construction of part of a building, structure, or building service
884 equipment before all of the construction documents for the entire building,
885 structure or building service equipment have been submitted or reviewed
886 for Code compliance, provided adequate information and detailed
887 statements have been filed complying with all pertinent requirements of
888 this Chapter. The holder of such permit shall proceed at his or her own risk
889 without assurance that the permit for the entire building, structure or
890 building service will be granted.

891 B. *Validity of permit.*

892 1. The issuance of a permit or the stamping of construction documents with
893 "Reviewed for Code Compliance" shall not be construed to be a permit for,
894 or approval of, any violation of any of the provisions of this Chapter or of
895 any other ordinance. No permit presuming to give authority to violate or
896 cancel the provisions of this Chapter or other ordinances shall be valid.

897 2. The issuance of a permit based upon reviewed construction documents
898 shall not prevent the Building Official from requiring the correction of
899 errors in the construction documents, or from preventing building
900 operations from being carried on when in violation of this Chapter or of any
901 other ordinances or laws. The Building Official is also authorized to prevent
902 occupancy or use of a structure where in violation of this Chapter or of any
903 other ordinance of the City.

904 C. *Expiration of permits.*

905 1. *Generally.* Every permit issued by the Building Official under the provisions
906 of this Chapter shall expire by limitation and become null and void if the
907 building or work authorized by such permit is not commenced within one
908 hundred eighty (180) days from the date of such permit, or, if the building
909 or work authorized by such permit is suspended or abandoned at any time
910 after the work is commenced for a period of one hundred eighty (180) days.
911 For one- and two- family dwelling construction, in addition to the above, a
912 permit shall become null and void when the granted permit date exceeds
913 three hundred sixty five (365) days. Before any work can be recommenced,
914 a new permit shall be first obtained to do so, and the fee shall be a new full

915 permit fee.
916 A permit may be extended by the Building Official for a period not to
917 exceed one hundred eighty (180) days upon written request from the
918 permittee showing that circumstances beyond the control of the permittee
919 have prevented action from being taken.

920 2. *Sign permit.* A sign permit shall authorize erection or relocation of the sign
921 or sign structure for a period of one hundred eighty (180) days. If the work
922 authorized under a permit has not been completed within one hundred
923 eighty (180) days after the date of issuance, the permit shall become null
924 and void.

925 3. *Building moving permits.* The work authorized by a moving permit shall
926 comply with Section 520.030 of the City Code.

927 4. *Demolition work.* The work authorized by a demolition permit shall be
928 continuous until the work is completed. For the purpose of this Article, the
929 term "continuous" shall mean the normal rate of progress in keeping with
930 good demolition practices. If the work is suspended for more than seven (7)
931 calendar days after the work is commenced, the job shall be deemed
932 abandoned and the permit shall expire. The Building Official may allow the
933 work to be suspended longer than seven (7) calendar days should it be
934 found that weather or other conditions beyond the control of the permit
935 holder exist. The time for demolition of a one- and two-family dwelling shall
936 not exceed forty-five (45) days from the date the demolition work
937 commences.

938 D. *Suspension or revocation.*

939 1. *Generally.* The Building Official may, in writing, suspend or revoke a permit
940 issued under the provisions of this Chapter whenever the permit is issued
941 in error or on the basis of incorrect information supplied, or in violation of
942 any provisions of this Chapter, or other pertinent laws or ordinances within
943 the City Code. The Building Official may also suspend or revoke any permit
944 issued upon failure of the holder to comply with any of the provisions of
945 this Chapter or requirements of the permit.

946 2. *Traffic control obstruction.* The Building Official may revoke a permit for the
947 erection of any sign or other structure which, by reason of its position,
948 shape or color, may obstruct or interfere with the view of or be confused
949 with any authorized traffic sign, signal or device.

950 3. *Hearings.* The holder of a permit may request a hearing before the Board of
951 Appeals as established in Section 500.055 of this Chapter, to consider the
952 suspension or revocation of a permit.

953 E. *Placement of permit.* The building permit card or copy shall be posted on site
954 until completion of the project.

955 SECTION 500.095: - SCHEDULE OF FEES

956 Permit applications shall be accompanied by the fee amount approved by the
957 Governing Body and listed in the Schedule of Fees and Charges maintained in the
958 Finance Department. A permit shall not be valid until the fees prescribed by law
959 have been paid, nor shall an amendment to a permit be released until the
960 additional fees, if any, have been paid. The payment of the fee for construction,
961 alteration, removal or demolition for work done in connection to or concurrently
962 with the work authorized by a building permit shall not relieve the applicant or
963 holder of the permit from the payment of other fees that are provided by law.

964 SECTION 500.100: - INSPECTIONS

965 A. *Authority of Building Official; duties of permittee.*

- 966 1. All construction or work for which a permit is required under this Chapter
967 shall be subject to inspection by the Building Official, and all such
968 construction or work shall remain accessible and exposed for inspection
969 purposes until approved by the Building Official. In addition, certain types
970 of construction shall have special inspections as required in Section 500.105
971 of this Chapter.
- 972 2. Approval as a result of an inspection shall not be construed to be an
973 approval of a violation of the provisions of this Chapter or of any other
974 ordinances. Inspection presuming to give authority to violate or cancel the
975 provisions of this Chapter or any other ordinances shall not be valid.
- 976 3. It shall be the duty of the permit holder to cause the work to remain
977 accessible and exposed for inspection purposes. Neither the Building
978 Official nor the City shall be liable for expense entailed in the removal or
979 replacement of any material required to allow inspection.
- 980 4. A survey of the lot may be required by the Building Official to verify that the
981 structure is located in accordance with approved plans.
- 982 5. It shall be the duty of the permit applicant to install and maintain effective
983 erosion and sediment control as specified in Section 455.020 of the Unified
984 Development Code. Should it be found that required erosion and
985 sedimentation control measures have not been installed; the Building
986 Official may refuse any inspection requests for work requiring inspections
987 until such time as the site complies with the requirements of this Chapter.
988 Should it be found that the installed erosion and sediment control
989 measures are ineffective or are not being maintained properly, the Building
990 Official shall give written notice to the permit holder. Subsequent
991 inspections may be refused if the erosion and sediment control measures
992 are ineffective, or not being maintained.
- 993 6. Before issuing a permit, the Building Official is authorized to examine or
994 cause to be examined buildings, structures and sites for which an

995 application has been filed.

996 B. *Inspection requests.* It shall be the duty of the person doing the work authorized
997 by a permit to notify the Building Official that such work is ready for inspection.
998 The Building Official may require that every request for inspection be filed at
999 least one (1) working day before such inspection is desired. Such request may
1000 be in writing or by telephone at the option of the Building Official.

1001 C. *Approval of successive portions of work, final inspection.*

1002 1. Work shall not be done beyond the point indicated in each successive
1003 inspection without first obtaining the approval of the Building Official. The
1004 Building Official, upon notification, shall make the requested inspections
1005 and shall either indicate that the portion of the construction or demolition
1006 is satisfactory as completed, or shall notify the permit holder or an agent of
1007 the permit holder wherein the construction or demolition fails to comply
1008 with this Chapter. Any portions of work which do not comply shall not be
1009 covered or concealed until authorized by the Building Official.

1010 2. There shall be a final inspection and approval of all buildings and structures
1011 when completed and ready for occupancy and use.

1012 D. *Required inspections.*

1013 1. Reinforcing steel or structural framework of any part of a building or
1014 structure shall not be covered or concealed without first obtaining the
1015 approval of the Building Official.

1016 2. The Building Official, upon notification from the permit holder or permit
1017 holder's agent, shall make the following inspections and shall either
1018 approve that portion of the construction or demolition work as completed
1019 or shall notify the permit holder or permit holder's agent wherein the
1020 construction or demolition work fails to comply with this Chapter:

1021 a. *Footing or foundation inspection.* A footing and foundation inspection
1022 shall be made after excavations for footings are complete and any
1023 required reinforcing steel is in place. For concrete foundations, any
1024 required forms shall be in place prior to inspection. All materials for the
1025 foundation shall be on the job; except, where concrete is ready-mixed in
1026 accordance with *ASTM C94*, the concrete need not be on the job. Where
1027 the foundation is to be constructed of approved treated wood,
1028 additional inspections may be required by the Building Official.

1029 b. *Concrete slab or under-floor inspection.* Concrete slab and under-floor
1030 inspection shall be made after all in-slab or under-floor reinforcing steel
1031 and building service equipment, conduit, piping accessories and other
1032 ancillary equipment items are in place but before any concrete is
1033 poured or floor sheathing installed, including the subfloor.

1034 c. *Pre-backfill.* A pre-backfill inspection shall be made after the foundation
1035 drainage and damp-proofing systems are complete and prior to

- 1036 backfilling.
- 1037 d. *Rough-in inspection.* A rough-in inspection shall be made after such work
1038 as framing, fireblocking, roof, piping, vents, ductwork, chimneys, wiring,
1039 building service equipment, etc. are in place and prior to concealment.
- 1040 e. *Fire resistive rated assembly.* A fire resistive rated assembly inspection
1041 shall be made at such time so as to verify that the construction of each
1042 fire resistive rated assembly is in accordance with its listing.
- 1043 f. *Fire resistant penetrations.* An inspection shall be made of the
1044 firestopping or fireblocking of all penetrations, joints, etc. prior to
1045 concealment.
- 1046 g. *Masonry throat inspection.* For masonry fireplaces only, a masonry throat
1047 inspection shall be made after the firebox is built and the first flue liner
1048 is in place. Construction of chimney may not continue until this
1049 inspection is approved.
- 1050 h. *Utility connection inspection.* Gas or electric service inspections shall be
1051 made prior to connection to the utility source. See Section 500.050 of
1052 this Chapter.
- 1053 i. *Performance tests.* Performance tests shall be conducted by the permit
1054 holder as required by this Chapter, or as otherwise required by the
1055 Building Official.
- 1056 j. *Demolition (basement and sewer) inspection.* A basement and sewer
1057 inspection shall be made prior to the filling of the excavation and/or
1058 final grading of the property.
- 1059 k. *Final inspection.* A final inspection shall be made after all work under
1060 permit has been completed for the building, tenant space or demolition.
- 1061 E. *Other inspections.* In addition to the inspections specified in Subsection (D) of
1062 this Section, the Building Official may make or require other inspections of any
1063 construction or demolition work to ascertain compliance with the provisions of
1064 this Chapter or any other ordinances.
- 1065 F. *Building service equipment inspection.* The requirements of this Section shall not
1066 be considered to prohibit the operation of any building service equipment
1067 installed to replace existing building service equipment serving an occupied
1068 portion of the building if a request for inspection of such building service
1069 equipment has been filed with the Building Official not more than forty-eight
1070 (48) hours after such replacement work is completed, and before any portion of
1071 such building service equipment is concealed by any permanent portion of the
1072 building.
- 1073 G. *Periodic inspections.*
- 1074 1. *Elevators.* All elevator equipment, vertical and inclined, shall be inspected as
1075 required by state law, by persons authorized to make periodic inspections

1076 and tests.

1077 2. *Existing commercial buildings or spaces.*

1078 a. *Generally.* All new and existing commercial buildings or spaces shall be
1079 inspected for structural adequacy, occupancy use, building service
1080 equipment, etc, at least once every five (5) years. A report of the findings
1081 of such inspection shall verify the conditions found on each occasion.
1082 The report shall state that, in the opinion of the Building Official or an
1083 authorized agent, the commercial building or space is safe and in such
1084 condition that it is in Code compliance for which it was originally
1085 designed with any repairs or modifications, or what areas require repair
1086 before such certification can be given.

1087 b. *Issuance of certificate of inspection.* Where the inspection indicates that
1088 the commercial building or space is in a safe operating condition, and,
1089 in the case of a new installation, conforms to this Chapter and this
1090 Article, a certificate of inspection shall be issued to the owner or the
1091 owner's agent. Such certificate shall be maintained in an appropriate
1092 location.

1093 c. *Revocation of certificate of inspection.* Any certificate issued may be
1094 revoked if it is determined that the commercial building or space is not
1095 in compliance with this Chapter, and/ or the owner or owner's agent has
1096 taken no action to correct or abate any violation(s) when notified by the
1097 Building Official.

1098 SECTION 500.105: - SPECIAL INSPECTIONS

1099 When required by the Building Official, and in addition to the inspections required
1100 by Section 500.100, of the City Code, the owner or the engineer or architect of
1101 record acting as the owner's agent shall employ one or more special inspectors
1102 who shall provide inspections during construction on the types of work listed in
1103 Chapter 17 of the *International Building Code*. All special inspection activities shall be
1104 in accordance with the policies established by the Building Official.

1105 SECTION 500.110: - CERTIFICATE OF OCCUPANCY

1106 A. *Required.* No building or structure shall be used or occupied, and no change in
1107 the existing occupancy classification of a building, structure or portion shall be
1108 made, until the Building Official has issued a certificate of occupancy as
1109 provided in this Section. Issuance of a certificate of occupancy shall not be
1110 construed as an approval of a violation of the provisions of this Chapter or of
1111 any other ordinances. Certificates presuming to give authority to violate or
1112 cancel the provisions of this Chapter or any other ordinances shall not be valid.

1113 B. *Change in use.* Changes in the use of a building shall not be made except as
1114 specified in the *International Existing Building Code*, and the City's Unified
1115 Development Code.

1116 C. *Issuance; contents.* It shall be the responsibility of the permit holder to request a
1117 final inspection and to apply for a certificate of occupancy when required. The
1118 permit holder shall be excused from this responsibility only if the owner of
1119 property has applied for and secured a certificate of occupancy. After the
1120 Building Official or an authorized representative inspects the building or
1121 structure and finds no violations of the provisions of this Chapter or other laws
1122 which are enforced by the City, the Building Official shall issue a certificate of
1123 occupancy, which shall contain the following:

- 1124 1. The building permit number.
- 1125 2. The address of the structure.
- 1126 3. A description of that portion of the structure for which the certificate is
1127 issued.
- 1128 4. A statement that the described portion of the structure has been inspected
1129 for compliance with the requirements of this Chapter for the occupancy
1130 and the use for which the proposed occupancy is classified.
- 1131 5. The name of the Building Official.
- 1132 6. The edition of the Code under which the permit was issued.
- 1133 7. The use and occupancy, in accordance with the provisions of Chapter 3 of
1134 the *International Building Code*.
- 1135 8. The type of construction as defined in Chapter 6 of the *International Building*
1136 *Code*.
- 1137 9. Any special stipulations and conditions of the building permit.
- 1138 10. Whether an automatic sprinkler system is provided throughout the
1139 building.

1140 D. *Temporary certificate of occupancy in commercial construction.* If the Building
1141 Official finds that no substantial hazard will result from occupancy of any
1142 building or portion before the building is completed, a temporary certificate of
1143 occupancy may be issued for the use of a portion of a building or structure
1144 prior to the completion of the entire building or structure.

1145 E. *Temporary certificate of occupancy in residential construction.* The Building Official
1146 is authorized to issue a temporary certificate of occupancy before the
1147 completion of the entire work covered by the permit, provided the following
1148 conditions have been met:

- 1149 1. Such portion or portions of work covered by the permit shall be occupied
1150 safely.
- 1151 2. The owner, licensed building or general contractor shall pay a one thousand
1152 dollar (\$1,000.00) bond that shall be refundable upon issuance of a
1153 permanent certificate of occupancy.
- 1154 3. The Building Official determines in their professional opinion the work

1155 items to be completed are of such a nature as to not create a situation that
1156 is of any danger to the public health, safety, or welfare.

1157 The Building Official shall identify what work items must be completed in order
1158 for a permanent certificate of occupancy to be issued. All identified work items
1159 shall be completed within the time period established by the Building Official.

1160 The Building Official shall set a time period of no more than one hundred
1161 twenty (120) days during which the temporary certificate of occupancy is valid.
1162 If all of the identified work items are not completed within the specified time
1163 period as established by the Building Official, the temporary certificate of
1164 occupancy becomes null and void; the owner, licensed builder or general
1165 contractor shall forfeit the one thousand dollar (\$1,000.00) bond and shall be
1166 subject to the violations and penalties in Subsection (F) and (G) below.

1167 F. *Violations.* It shall be unlawful for:

- 1168 1. A permit holder or building owner to permit occupancy of a structure
1169 before a certificate of occupancy is issued.
- 1170 2. A permit holder or building owner to permit occupancy of any structure for
1171 which a temporary certificate of occupancy has been issued and the
1172 temporary certificate has expired.
- 1173 3. Any person to occupy any structure for which a certificate of occupancy has
1174 not been issued.
- 1175 4. Any person to occupy any structure for which a temporary certificate of
1176 occupancy has been issued and the temporary certificate has expired.

1177 G. *Penalties.*

- 1178 1. No building or owner shall allow any person or persons to occupy any
1179 newly constructed, remodeled dwelling or building prior to final inspection
1180 (certificate of occupancy) by the Building Official or authorized agent in the
1181 Building Department, which inspection shall be requested at least
1182 twenty-four (24) hours prior to the time of final inspection. Any violation of
1183 this Subsection shall incur a fine of one thousand dollars (\$1,000.00) against
1184 the offending party's next permit to build.
- 1185 2. Should the same builder or owner be found guilty a second (2nd) time of
1186 the offense described above within a twelve (12) month period, a fine of two
1187 thousand dollars (\$2,000.00) against the offending party may be assessed
1188 to the builder's or owner's next permit to build.
- 1189 3. Should the same builder or owner be found guilty a third (3rd) time of the
1190 offense described above within a twelve (12) month period, a fine of three
1191 thousand dollars (\$3,000.00) against the offending party may be assessed
1192 to the builder's or owner's next permit to build. Additionally, builder or
1193 owner may be prohibited from obtaining a building permit within the City
1194 for a period of one (1) year from the date of the third (3rd) violation at the

1195 discretion of the Building Official. The builder or owner may appeal the
1196 Building Official's decision to Board of Appeals.

1197 4. No further building permit(s) shall be issued in the City to a builder who
1198 violates this Section of the City Code by not obtaining the required
1199 certificate of occupancy. The builder is again eligible for further building
1200 permits when the structure is in compliance and issued a certificate of
1201 occupancy. A re-inspection fee shall be charged, minimum two (2) hour fee,
1202 to the builder of a structure which violates this Section of Code and desires
1203 an inspection after the structure is inhabited.

1204 5. In addition to the fines imposed by the City as outlined above, any person
1205 violating any provision of this Section shall be subject to the penalties of
1206 Section 500.070 of this Chapter.

1207 H. *Suspension or revocation.* The Building Official may, in writing, suspend or revoke
1208 a certificate of occupancy issued under the provisions of this Chapter whenever
1209 the certificate is issued in error, or on the basis of incorrect information
1210 supplied, or when it is determined that the building or structure or portion is in
1211 violation of any provisions of this Chapter, or other pertinent laws or
1212 ordinances within this Code. The holder of a suspended certificate of occupancy
1213 may request a hearing before the Board of Appeals, as established in Chapter
1214 540 of the City Code, to consider the suspension or revocation of a certificate of
1215 occupancy.

1216 SECTION 500.115: - PREFABRICATED CONSTRUCTION

1217 A certificate of approval by an approved agency shall be furnished with every
1218 prefabricated assembly, except where all elements of the assembly are readily
1219 accessible to inspection at the site. Placement of prefabricated assemblies at the
1220 building site shall be inspected by the Building Official to determine compliance
1221 with this Chapter, and a final inspection shall be provided in accordance with
1222 Subsection 500.100(D)(2)(K) of this Chapter.

1223 SECTIONS 500.120—500.150: - RESERVED

1224 **ARTICLE II. - INTERNATIONAL BUILDING CODE**

1225 SECTION 500.155: - ADOPTION OF THE INTERNATIONAL BUILDING CODE (2012)

1226 A. The *International Building Code (2012)*, promulgated by the International Code
1227 Council, is adopted and incorporated in this Article by reference as if fully set
1228 forth, except as it is amended by the following provisions of this Section.
1229 Provisions of this Article are in addition to the provisions of the *International*
1230 *Building Code*. The following provisions coinciding with provisions of the
1231 *International Building Code* supersede, or delete, when indicated, the

1232 corresponding provisions of the *International Building Code*.

1233 All references within the model Codes to any building, electrical, gas, mechanical,
1234 plumbing, sewage disposal, elevator, energy conservation, or existing building Code
1235 are specifically adopted by reference in Articles II through XI of this Chapter,
1236 including the fire-resistive assemblies listed in the *Fire Resistance Design Manual*,
1237 *Nineteenth Edition, GA-600-09*, published by the Gypsum Association as referenced in
1238 Tables 721.1 (1 through 3) of the specified *International Building Code; American*
1239 *National Standard for Accessible and Useable Buildings and Facilities A117.1-2009; NFPA*
1240 *13-2010 Installation of Sprinkler Systems; ASTM Standards* as referenced in the
1241 *International Building Code* and the *International Residential Code; American Institute*
1242 *of Steel Construction, latest Edition; American Concrete Institute for Structural Concrete*
1243 *and Commentary ACI 318 latest Edition; the NFPA 101-2009 Life Safety Code; ICC/NSSA*
1244 *Standard for the Design and Construction of Storm Shelters, ICC 500-2008; and the*
1245 *NFPA 99 Health Care Facilities 2012 edition*.

1246 B. The following Sections of the *International Building Code* are hereby revised or
1247 added:

1248 Chapter 1, Administration, is deleted. See Article I of this Chapter.

1249 SECTION 425 - RESERVED

1250

SECTION 426

1251 PHYSICAL SECURITY FOR DWELLING UNITS

1252

1253 426.1 Purpose. The purpose of this Section is to establish minimum standards that
incorporate physical security to make dwelling units resistant to unlawful entry.

1254 426.1.1 Scope. This Section shall apply to all exterior doors providing direct access
1255 into a dwelling unit, where the exterior door is accessible from grade.

1256 Exceptions:

1257 1. Vehicle access doors.

1258 2. Storm or screen doors.

1259 426.2 Doors. Doors shall comply with Sections 426.2.1 through 426.2.3.

1260 426.2.1 Wood doors. Wood doors shall be of solid core construction such as
1261 high-density particleboard, solid wood, or wood block core with minimum nominal
1262 thickness of one and three fourths inches (1¾") at any point.

1263 Exception: Solid wood panels shall be a minimum of one inch (1") thick. The tapered
1264 portion of the panel that inserts into the groove of the door shall be a minimum of
1265 one quarter inch (¼") thick. The groove shall be a minimum of one-half inch (½") in
1266 depth.

1267 426.2.2 Steel doors. Steel doors shall be a minimum nominal thickness of one and
1268 three fourths inches (1¾") and shall have a minimum skin thickness of 24 gauge.

1269 426.2.3 Fiberglass doors. Fiberglass doors shall be a minimum nominal thickness of
1270 one and three fourths inches (1¾") and shall have a minimum skin thickness of one
1271 sixteenth inch (1/16").

1272 426.3 Door frames. Door frames shall comply with Sections 426.3.1 through 426.3.4
1273 and shall be installed in accordance with the manufacturer's installations. Door
1274 frames shall be installed prior to rough-in inspection.

1275 426.3.1 Wall framing at door openings. Door frames shall be set in openings
1276 constructed with double studs on each side. Doors with sidelights shall have double
1277 stud construction on each side of the door and on each side of the sidelight(s).
1278 Horizontal blocking shall be placed between studs at the door lock height for three
1279 (3) stud spaces on each side of the door opening.

1280 Exception: Installations provided with alternative reinforcing methods as approved
1281 by the Building Official where it is determined that such alternative methods are at
1282 least the equivalent of that prescribed with respect to strength and safety.

1283 426.3.2 Wood frames. Door jambs shall be a minimum nominal thickness of three
1284 fourths inches (¾") and shall be installed with solid backing in a manner so no void
1285 exists between the strike side of the jamb and the frame opening for a vertical
1286 distance of twelve inches (12") each side of the strike. Filler material shall consist of
1287 solid wood blocking.

1288 Exception: Installations provided with alternative reinforcing methods as approved
1289 by the Building Official where it is determined that such alternative methods are at
1290 least the equivalent of that prescribed with respect to strength and safety.

1291 426.3.3 Steel frames. Steel door frames shall be constructed of 18 gauge or heavier
1292 steel with reinforcement at the hinges and strikes. Steel frames shall be anchored
1293 to the wall in accordance with manufacturer's specifications.

1294 426.3.4 Sliding doors. Sliding door assemblies shall be installed to prevent the
1295 removal of panels and the glazing from the exterior. Shims or screws shall be
1296 installed in the upper track of doors that slide on the bottom track or doors shall be
1297 provided with equivalent protection as approved by the Building Official.

1298 426.4 Door hardware. Door hardware shall comply with Sections 426.4.1 through
1299 426.4.6.

1300 426.4.1 Hinges. Hinges for swinging doors shall comply with the following:

1301 (a) A minimum of three (3) four inch (4") hinges shall be installed on each
1302 swinging door.

1303 (b) Each hinge shall be attached to the frame with at least two (2) screws, not
1304 less than three inches (3") in length and penetrating at least one inch (1")
1305 into the nearest stud. Solid wood fillers or shims shall be used to eliminate
1306 any space between the wall structure and door frame behind each hinge.

1307 Exception: Installations provided with alternative reinforcing methods as approved
1308 by the Building Official where it is determined that such alternative methods are at
1309 least the equivalent of that prescribed with respect to strength and safety.

1310 (c) Hinges for out-swinging doors shall be equipped with mechanical interlock
1311 to preclude the removal of the door from the exterior.

1312 426.4.2 Locks. Swinging doors shall be provided with a single-cylinder deadbolt
1313 locking device (keyed on exterior only) with a minimum projection of one inch (1").
1314 The deadbolt shall penetrate at least three-fourths inch ($\frac{3}{4}$ ") into the strike receiving
1315 the projected bolt. All deadbolts shall meet ANSI grade 2 specifications.

1316 Exception: Doors with integral multi-point locking devices.

1317 426.4.3 Strike plates. The deadbolt plate shall be a minimum of 18 gauge metal with
1318 four offset screw holes. The strike plate shall be attached to the door jamb with
1319 four screws not less than three (3") in length, and penetrating at least one inch (1")
1320 into the nearest stud.

1321 Exception: Installations provided with alternative reinforcing methods as approved
1322 by the Building Official where it is determined that such alternative methods are at
1323 least the equivalent of that prescribed with respect to strength and safety.

1324 426.4.4 Door edge protector. A metal L-shaped or U-shaped door edge protector
1325 shall be installed around the bolt projection of the deadbolt to protect the door's
1326 edge or equivalent as approved by the Building Official.

1327 426.4.5 Double doors. The inactive leaf of a double swinging door shall be provided
1328 with flush bolts having an engagement of not less than one inch (1") into the head
1329 and threshold of the door frame.

1330 426.4.6 Sliding doors. All sliding glass doors shall be equipped with a secondary
1331 locking device consisting of a metal pin, a surface mounted bolt assembly, or other
1332 equivalent device as approved by the Building Official. Where used, metal pins shall
1333 be installed at the intersection of the inner and outer panels of the inside door and
1334 shall not penetrate the frame's exterior surface.

1335 426.5 Entry vision and glazing. All main or front entry doors to dwelling units shall
1336 be arranged so that the occupant has a view of the area immediately outside the
1337 door without opening the door. The view may be provided by a door viewer having
1338 a field of view not less than 180 degrees or through windows or view ports.

1339 426.6 Exterior lighting. In addition to the lighting outlet requirements of Article IV of

1340 this Chapter, exterior lighting shall be provided in accordance with this Section.

1341 426.6.1 Front and street side exterior lighting. All doors shall be protected with a
1342 minimum of one lighting outlet providing a minimum of 60 watt lighting (or energy
1343 efficient equivalent).

1344 426.6.2 Lighting protection. Lighting outlets required by this Section shall be located
1345 a minimum of eight feet (8') above grade or adjacent walking surface accessible
1346 from grade, or shall be of a type manufactured such that the light bulb is not
1347 readily accessible.

1348 SECTION 1612
1349 FLOOD LOADS

1350 See Unified Development Code, Chapter 460—Floodplain Protection

1351 1809.5.1 Frost Line. The design frost line shall be 36 inches (915 mm).

1352 2801.1 Scope. Mechanical appliances, equipment, and systems shall be
1353 constructed, installed and maintained in accordance with the Uniform Mechanical
1354 Code. Masonry chimneys, fireplaces and barbecues shall comply with the Uniform
1355 Mechanical Code and Chapter 21 of this Code.

1356 2901.1 Scope. The provisions of this Chapter is for design only; the Uniform
1357 Plumbing Code shall govern the erection, installation, alteration, repair, relocation,
1358 replacement, addition to, use or maintenance of plumbing equipment and systems.
1359 Private sewage disposal systems shall conform to the On-site Sewage Disposal
1360 Systems, Section 710.150 of the City Code.

1361 SECTION 3201
1362 GENERAL

1363 3201. 1 Scope. No part of any structure or any appendage thereto shall project
1364 beyond the property line of a building site and encroach below, on or above public
1365 property, except where allowed and authorized by the Unified Development Code,
1366 or as otherwise permitted by special ordinance.

1367 3201.2 Drainage. Drainage water collected from a roof, awning, canopy or
1368 marquee, and condensate from mechanical equipment shall not flow over a public
1369 walking surface.

1370 3202 ENCROACHMENTS, is deleted.

1371 SECTION 3303
1372 DEMOLITION

1373 3301.1 General. The work of demolition or moving of any building shall not
1374 commence until the structures required for protection of persons and property are
1375 in place. Such structures shall conform to the requirements as set forth in Chapter

1376 33 of this Article.

1377 The Building Official may require the permittee to submit plans and a complete
1378 schedule for demolition or moving work.

1379 3302.2 Scope. In addition to the other requirements of this Article and the general
1380 ordinances, this Section shall govern the demolition and moving of buildings and
1381 structures. Any device or equipment such as scaffolds, ladders, derricks, hoists or
1382 similar items used in connection with demolition shall be constructed, installed and
1383 maintained and operated in accordance with the regulations governing the
1384 construction, installation and maintained and operated in accordance with the
1385 regulations governing the construction, installation, maintenance and operation of
1386 such device or equipment as specified in other portions of this Article.

1387 3303.3 Loads. Structures or parts of structures, or any floor or temporary support,
1388 scaffolds, sidewalk barricade, bridge, device or equipment, shall not be loaded in
1389 excess of the safe carrying capacity.

1390 3303.4 Warning signs. When required, demolition jobs shall be provided with
1391 danger signs which shall be conspicuously posted around the property.

1392 3303.5 Lights. Between sunset and sunrise, adequate lights shall be provided to
1393 properly protect persons and property from hazards of pits, excavations, fences,
1394 barriers, equipment, building materials or rubbish in, upon or near a sidewalk or
1395 street.

1396 3303.6 Dust. All material to be removed shall be wet sufficiently to lay the dust
1397 incidental to its removal.

1398 3303.7 Rubbish and waste. All adjacent streets, alleys and other public ways and
1399 places shall be kept free and clear of all rubbish, refuse and loose material resulting
1400 from the moving, demolition or demolition operations.

1401 3303.8 Fences. The Building Official may require that a fence be constructed on or
1402 around any demolition site, when deemed necessary to protect the public.

1403 3303.9 Conditions of site. Upon completion of the removal of the building, structure
1404 or utility, all fencing, pedestrian protection and demolition debris and refuse of any
1405 kind shall be removed from the site. Excavations, basements or cellars may be filled
1406 with inorganic material; provided the top two feet (2') of fill shall be clean earth. The
1407 filling of such excavation may not be required when a building permit has been
1408 issued for a new building on a site and the construction is to start within forty five
1409 (45) days after the completion of demolition or moving operations. The holder of
1410 the building permit shall provide such excavation with a temporary barricade
1411 protecting the excavation on all sides as specified by the Building Official.
1412 Temporary barricades may remain in position for a time not exceeding five days,
1413 after which a solid barricade shall be provided or the excavation filled.

1414 3303.10 Temporary Erosion and Sediment Control. Erosion and sediment control
1415 measures shall be provided for disturbed areas (clearing, grading, excavating,
1416 filling, storing, or disposing of soil and earth materials) where an application has
1417 been submitted or an application is required to be submitted to the Building Official
1418 for a building permit. All erosion and sediment control measures shall comply with
1419 the adopted standards in Chapter 455 of the Unified Development Code.

1420 Chapter 34, Existing Structures, is deleted. See Article VIII of this Chapter.

1421 Appendices: The following appendix Chapters are hereby adopted:

1422 Appendix C - Group U - Agricultural Buildings

1423 Appendix H - Signs

1424 H101.1 General. Provisions of this appendix are in addition to the provisions of
1425 Chapter 435, Signs, of the Unified Development Code.

1426 A sign shall not be erected in a manner that would confuse or obstruct the view of
1427 or interfere with exit signs required by Chapter 10 or with official traffic signs,
1428 signals or devices. Signs and sign support structures, together with their supports,
1429 braces, guys and anchors, shall be kept in repair and in proper state of
1430 preservation. The display surfaces of signs shall be kept neatly painted or posted at
1431 all times.

1432 H101.2 Signs exempt from permits is deleted.

1433 Appendix I - Patio Covers

1434 Appendix J - Grading

1435 J103 is deleted.

1436 J105 is deleted.

1437 702.2 ICC/NSSA Standard for the Design and Construction of Storm Shelters, ICC
1438 500-2008 adopted by reference as part of Chapter 500 of this Code is amended and
1439 re-enacted as follows:

1440 702.2 Sanitation facilities. Toilet and hand-washing facilities shall be located within
1441 the tornado shelter area and provided in the minimum number shown in Table
1442 702.2.

1443 Table 702.2

1444 REQUIRED SANITATION FACILITIES, TORNADO SHELTERS

STORM SHELTER TYPE	TOILET FACILITIES ^a	HAND-WASHING FACILITIES
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Residential, one-and two-family dwelling	Not required	Not Required
Residential, other	1	Not Required
Community (≤ 50 occupants)	1	Not Required
Community (≥ 50 occupants)	2 minimum and 1 per 500 occupants or portions of	1 per 1000 occupants

1445 a. Community spaces used exclusively as a storm shelter may reduce the
 1446 minimum number of required toilet facilities to one (1).

1447 SECTIONS 500.160—500.170: - RESERVED

1448 **ARTICLE III. - INTERNATIONAL RESIDENTIAL CODE**

1449 SECTION 500.175: - ADOPTION OF INTERNATIONAL RESIDENTIAL CODE (2012)

1450 A. The *International Residential Code (2012)*, promulgated by the International Code
 1451 Council, is adopted and incorporated in this Article by reference as if fully set
 1452 forth, except as it is amended by the following provisions of this Section.
 1453 Provisions of this Article are in addition to the provisions of the *International*
 1454 *Residential Code*. The following provisions coinciding with provisions of the
 1455 *International Residential Code* supersede, or delete, when indicated, the
 1456 corresponding provisions of the *International Residential Code*.

1457 All references within the model Codes to any building, electrical, gas, mechanical,
 1458 plumbing, sewage disposal, elevator, energy conservation, or existing building Code
 1459 are specifically adopted by reference in Articles II through XI of this Chapter.

1460 B. The following Sections of the *International Residential Code* are hereby revised or
 1461 added:

1462 Part I, Chapter I, Scope and Administration, is deleted. See Article I of this Chapter.

1463 For temporary erosion and sediment control requirements see Section 3303.10 of
 1464 Article II of this Chapter.

1465 For temporary certificate of occupancies see Section 500.110 of Article I of this
 1466 Chapter.

1467 R202 DEFINITIONS. The following definitions have been revised or added
 1468 (remainder of Section R202 un-amended)

1469 BEDROOM; SLEEPING ROOM. An enclosed space, minimum of seventy (70) square
 1470 feet or more, primarily used for sleeping purposes and contains a closet for
 1471 storage.

1472 TOWNHOUSE. (or Row House) A single-family dwelling unit, in which each unit
 1473 extends from foundation to roof and with a yard or public way on at least two sides,
 1474 constructed:

1475 In a group of three or more attached units; or,

1476 In a group of two attached units where a property line exists between the units on
 1477 the underlying parcels.

1478 UNFINISHED BASEMENT. Portions or areas of a basement not intended or
 1479 configured (framed) as habitable rooms and limited to storage areas and the like.

1480 WATER SERVICE PIPE. The pipe from the water main or other source of potable
 1481 water supply to the first shut-off valve downstream of all of the following (as
 1482 applicable):

1483 The point of entrance into the building;

1484 The water meter; or

1485 The service backflow prevention device.

1486 Table R301.2 (1)

1487 CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND SPEED ^d (mph)	SEISMIC DESIGN CATEGORY ^f	SUBJECT TO DAMAGE FROM		
			Weathering ^a	Frost line depth ^b	Termite ^c
20 psf	90	A	Severe	36"	Moderate to Heavy

WINTER DESIGN TEMP ^e	ICE BARRIER UNDERLAYMENT REQUIRED ^h	FLOOD HAZARD ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
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6°F	YES	See UDC Chapter 460	927°F days	55.5°
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1488 (See 2012 *International Residential Code* for footnotes)

1489 R303.4 Mechanical ventilation. Where the air infiltration rate of a dwelling unit is
 1490 less than 3 air changes per hour when tested with a blower door at a pressure of
 1491 0.2 inch w.c. (50 Pa) in accordance with Section N1102.4.1.2, the dwelling unit shall
 1492 be provided with whole house ventilation in accordance with Section M1507.3.

1493 R309.1 Floor surface. Garage floor surfaces shall be of approved non-combustible
 1494 material.

1495 The area of floor used for parking of automobiles or other vehicles shall be sloped
 1496 to facilitate the movement of liquids to a drain only if discharged to daylight, or
 1497 towards the main vehicle entry doorway.

1498 R309.2 Carports. Carports shall be open on at least two sides. Carport floor
 1499 surfaces shall be of approved non-combustible material. Carports not open at least
 1500 two sides shall be considered a garage and shall comply with the provisions of this
 1501 Section for garages.

1502 Exception: Asphalt surfaces shall be permitted at ground level in carports.

1503 The area of floor used for parking of automobiles or other vehicles shall be sloped
 1504 to facilitate the movement of liquids to a drain, if discharged to daylight, or toward
 1505 the main vehicle entry doorway.

1506 R310.1 Emergency escape and rescue required.

1507 Exception 2. Basement space designed as an interior storm shelter less than two
 1508 hundred (200) square feet.

1509 Exception 3. Except where sleeping rooms are created, emergency escape and
 1510 rescue openings need not be increased in existing basements undergoing interior
 1511 finish renovation.

1512 R313 AUTOMATIC FIRE SPRINKLER SYSTEMS. (Optional) A builder of a one- or two-
 1513 family dwelling or townhouse shall offer to any purchaser on or before the time of
 1514 entering into the purchase contract the option, at the purchaser's cost, to install or
 1515 equip fire sprinklers in the dwelling or townhouse. The purchaser shall have the
 1516 right to choose or decline to install a fire sprinkler system. This notification
 1517 requirement is provided in accordance with, and shall expire in conjunction with,
 1518 67.281 RSMo.

1519 R315.3 (Carbon monoxide alarms in existing dwellings), Exceptions:

1520 1. Work involving the exterior surfaces of dwellings, such as the replacement
1521 of sheathing, or the addition of a window, porch or deck, are exempt from
1522 the requirements of this Section.

1523 2. Installation, alteration or repairs of plumbing or mechanical systems are
1524 exempt from the requirements of this Section.

1525 R322 Flood-Resistant Construction is deleted. See Chapter 460 of the Unified
1526 Development Code.

1527 **SECTION R324**
1528 **PHYSICAL SECURITY**

1529 R324.1 Purpose. The purpose of this Section is to establish minimum standards that
1530 incorporate physical security to make dwelling units resistant to unlawful entry.

1531 R324.1.1 Scope. This Section shall apply to all exterior doors providing direct access
1532 into a dwelling unit, where the exterior door is accessible from grade.

1533 Exceptions:

1534 1. Vehicle access doors.

1535 2. Storm or screen doors.

1536 R324.2 Doors. Doors shall comply with Sections R324.2.1 through R324.2.3.

1537 R324.2.1 Wood doors. Wood doors shall be of solid core construction such as
1538 high-density particleboard, solid wood, or wood block core with minimum nominal
1539 thickness of one and three fourths inches (1¾") at any point.

1540 Exception: Solid wood panels shall be a minimum of one inch (1") thick. The tapered
1541 portion of the panel that inserts into the groove of the door shall be a minimum of
1542 one quarter inch (¼") thick. The groove shall be a minimum of one-half inch (½") in
1543 depth.

1544 All references within the model Codes to any building, electrical, gas, mechanical,
1545 plumbing, sewage disposal, elevator, energy conservation, or existing building Code
1546 are specifically adopted by reference in Articles II through XI of this Chapter, Steel
1547 doors shall be a minimum nominal thickness of one and three fourths inches (1¾")
1548 and shall have a minimum skin thickness of 24 gauge.

1549 R324.2.3 Fiberglass doors. Fiberglass doors shall be a minimum nominal thickness
1550 of one and three fourths inches (1¾") and shall have a minimum skin thickness of
1551 one sixteenth inch (1/16").

1552 R324.3 Door frames. Door frames shall comply with Sections R324.3.1 through
1553 R324.3.4 and shall be installed in accordance with the manufacturer's installations.

1554 Door frames shall be installed prior to rough-in inspection.

1555 R324.3.1 Wall framing at door openings. Door frames shall be set in openings
1556 constructed with double studs on each side. Doors with sidelights shall have double
1557 stud construction on each side of the door and on each side of the sidelight(s).
1558 Horizontal blocking shall be placed between studs at the door lock height for three
1559 (3) stud spaces on each side of the door opening.

1560 Exception: Installations provided with alternative reinforcing methods as approved
1561 by the Building Official where it is determined that such alternative methods are at
1562 least the equivalent of that prescribed with respect to strength and safety.

1563 R324.3.2 Wood frames. Door jambs shall be a minimum nominal thickness of three
1564 fourths inches ($\frac{3}{4}$ ") and shall be installed with solid backing in a manner so no void
1565 exists between the strike side of the jamb and the frame opening for a vertical
1566 distance of twelve inches (12") each side of the strike. Filler material shall consist of
1567 solid wood blocking.

1568 Exception: Installations provided with alternative reinforcing methods as approved
1569 by the Building Official where it is determined that such alternative methods are at
1570 least the equivalent of that prescribed with respect to strength and safety.

1571 R324.3.3 Steel frames. Steel door frames shall be constructed of eighteen (18)
1572 gauge or heavier steel with reinforcement at the hinges and strikes. Steel frames
1573 shall be anchored to the wall in accordance with manufacturer's specifications.

1574 R324.3.4 Sliding doors. Sliding door assemblies shall be installed to prevent the
1575 removal of panels and the glazing from the exterior. Shims or screws shall be
1576 installed in the upper track of doors that slide on the bottom track or doors shall be
1577 provided with equivalent protection as approved by the Building Official.

1578 R324.4 Door hardware. Door hardware shall comply with Sections R324.4.1 through
1579 R324.4.6.

1580 R324.4.1 Hinges. Hinges for swinging doors shall comply with the following:

1581 (a) A minimum of three (3) four inch (4") hinges shall be installed each swinging
1582 door.

1583 (b) Each hinge shall be attached to the frame with at least two (2) screws, not
1584 less than three inches (3") in length and penetrating at least one inch (1")
1585 into the nearest stud. Solid wood fillers or shims shall be used to eliminate
1586 any space between the wall structure and door frame behind each hinge.

1587 Exception: Installations provided with alternative reinforcing methods as approved
1588 by the Building Official where it is determined that such alternative methods are at
1589 least the equivalent of that prescribed with respect to strength and safety.

1590 (c) Hinges for out-swinging doors shall be equipped with mechanical interlock

- 1591 to preclude the removal of the door from the exterior.
- 1592 R324.4.2 Locks. Swinging doors shall be provided with a single-cylinder deadbolt
1593 locking device (keyed on exterior only) with a minimum projection of one inch (1").
1594 The deadbolt shall penetrate at least three-fourths inch ($\frac{3}{4}$ ") into the strike receiving
1595 the projected bolt. All deadbolts shall meet ANSI grade 2 specifications.
- 1596 Exception: Doors with integral multi-point locking devices.
- 1597 R324.4.3 Strike plates. The deadbolt plate shall be a minimum of 18 gauge metal
1598 with four offset screw holes. The strike plate shall be attached to the door jamb
1599 with four screws not less than three inches (3") in length, and penetrating at least
1600 one inch (1") into the nearest stud.
- 1601 Exception: Installations provided with alternative reinforcing methods as approved
1602 by the Building Official where it is determined that such alternative methods are at
1603 least the equivalent of that prescribed with respect to strength and safety.
- 1604 R324.4.4 Door edge protector. A metal L-shaped or U-shaped door edge protector
1605 shall be installed around the bolt projection of the deadbolt to protect the door's
1606 edge or equivalent as approved by the Building Official.
- 1607 R324.4.5 Double doors. The inactive leaf of a double swinging door shall be
1608 provided with flush bolts having an engagement of not less than one inch (1") into
1609 the head and threshold of the door frame.
- 1610 R324.4.6 Sliding doors. All sliding glass doors shall be equipped with a secondary
1611 locking device consisting of a metal pin, a surface mounted bolt assembly, or other
1612 equivalent device as approved by the building official. Where used, metal pins shall
1613 be installed at the intersection of the inner and outer panels of the inside door and
1614 shall not penetrate the frame's exterior surface.
- 1615 R324.5 Entry vision and glazing. All main or front entry doors to dwelling units shall
1616 be arranged so that the occupant has a view of the area immediately outside the
1617 door without opening the door. The view may be provided by a door viewer having
1618 a field of view not less than 180 degrees or through windows or view ports.
- 1619 R324.6 Exterior lighting. In addition to the lighting outlet requirements of Article IV
1620 of this Chapter, exterior lighting shall be provided in accordance with this Section.
- 1621 R324.6.1 Front and street side exterior lighting. All doors shall be protected with a
1622 minimum of one lighting outlet providing a minimum of sixty (60) watt lighting (or
1623 energy efficient equivalent).
- 1624 R324.6.2 Lighting protection. Lighting outlets required by this Section shall be
1625 located a minimum of eight feet (8') above grade or adjacent walking surface
1626 accessible from grade, or shall be of a type manufactured such that the light bulb is

1627 not readily accessible.

1628 R325 Moved Structures. Structures moved into or within the jurisdiction shall
1629 comply with Chapter 520, Moving of Buildings and Building Systems and the
1630 provisions of this Code for new structures.

1631 R404.4 Retaining Walls. Retaining walls that are not laterally supported at the top
1632 and that retain in excess of forty eight inches (48") (610 mm) of unbalanced fill, that
1633 support a surcharge, or are adjacent to a public right-of-way shall be designed to
1634 ensure stability against overturning, sliding, excessive foundation pressure and
1635 water uplift. Retaining wall shall be designed for a safety factor of 1.5 against lateral
1636 sliding and overturning.

1637 R405.1, Exception 2. A filter membrane is not required where the gravel or crushed
1638 stone drain extends at least eighteen inches (18") above the top of the footing, or
1639 where the perforated pipe is covered with at least eighteen inches (18") of washed
1640 gravel or crushed stone.

1641 405.2.3 Drainage system. In other than Group I soils, a sealed or gasket sump shall
1642 be provided to drain the porous layer and footings. The sump shall be at least
1643 twenty four inches (24") (610 mm) in diameter or 20 inches square (0.0129m²),
1644 shall extend at least twenty four inches (24") (610 mm) below the bottom of the
1645 basement floor and shall be capable of positive gravity or mechanical drainage to
1646 remove any accumulated water. The drainage system shall discharge to daylight
1647 only.

1648 Exceptions —Unchanged.

1649 R602.6.1, Figure R602.6.1 Drilling and notching of top plate. When piping or
1650 ductwork is placed in or partly in an exterior wall or interior load bearing wall,
1651 necessitating cutting, drilling or notching of the top plate by more than fifty percent
1652 (50%) of its width, a galvanized metal tie of not less than 0.054 inch thick (1.37 mm)
1653 (16 ga) and 1 ½ inches (38 mm) wide shall be fastened across and to the plate at
1654 each side of the opening with not less than four 10d (0.148 inch diameter) or
1655 equivalent. The metal tie must extend a minimum of six inches (6") past the
1656 opening. See Figure R602.6.1.

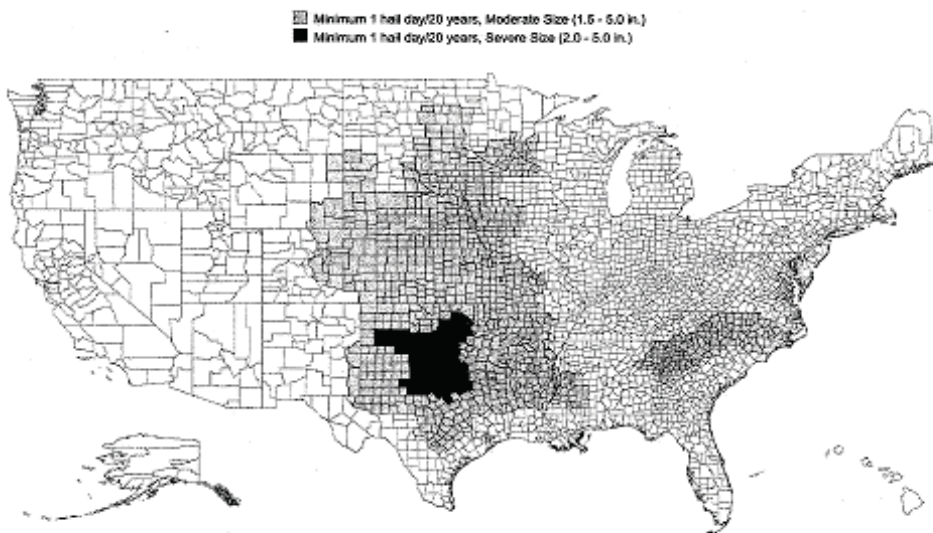
1657 Exception: When the entire side of the wall with the notch or cut is covered by wood
1658 structural panel sheathing.

1659 R704.1 Exterior Paint. In the event a latex paint is utilized on the exterior of the
1660 home, a 100% acrylic latex paint product shall be utilized and applied in accordance
1661 with the manufacturer's specifications.

1662 R907.3 Re-covering versus replacement. New roof coverings shall not be installed
1663 without first removing existing roof coverings where any of the following conditions
1664 occur:

- 1665 1. Where the existing roof or roof covering is water-soaked or has
1666 deteriorated to the point that the existing roof or roof covering is not
1667 adequate as a base additional roofing.
- 1668 2. Where the existing roof covering is wood shake, slate, clay, cement or
1669 asbestos-cement tile.
- 1670 3. Where the existing roof has two or more applications of any type of roof
1671 covering.
- 1672 4. For asphalt shingles, when the building is located in an area subject to
1673 moderate or severe hail exposure according to Figure R907.5.

1674 Figure R907.3 Hail Exposure Map



1675 **Chapter 11, Energy Efficiency** is deleted and replaced with the following:

1676 One -and- two family dwellings shall comply with the *2009 International Energy*
1677 *Conservation Code* as amended. See Article IX in this Code.

1678 **Chapter 12, Mechanical Administration** is deleted.

1679 M1602.2, Prohibited Sources (Return Air), Item 4, Exception #2. Closets with a
1680 minimum floor area of seventy (70) square feet and minimum interior dimension of
1681 seven feet (7'), and that are conditioned by a source of air supply.

1682 **Chapter 25, Plumbing Administration**, is deleted.

1683 P2602.1.1. For the purpose of this Section, available means located in a public way
1684 or easement abutting the subject property and within three hundred (300) feet of
1685 the proposed building.

1686 P2902.5.3 Lawn irrigation systems. Lawn irrigation systems shall comply with Article
1687 X of this Chapter.

1688 P2903.8.2 Minimum size. The minimum size of individual distribution lines shall be
1689 one half (1/2") inch (12.7 mm). Certain fixtures such as one-piece water closets and
1690 whirlpool bathtubs shall require a larger size where specified by the manufacturer.
1691 If a water heater is fed from one end of a cold water manifold, the manifold shall be
1692 one size larger than the water heater feed.

1693 Exception: An individual distribution line that feeds a refrigerator, mechanical
1694 humidifier, or similar appliance that distribute minimal amount of water.

1695 P3001.1.1 Private Sewage Disposal Systems shall comply with Chapter 710, Article I,
1696 Section 710.150 of the City Code.

1697 Table 3002.1 (2) UNDERGROUND BUILDING DRAINAGE AND VENT PIPE. Cellular
1698 core is deleted.

1699 Table 3002.2 BUILDING SEWER PIPE. Cellular core is deleted.

1700 P3105.4 Floor drains. A floor drain (where used as such) need not be vented,
1701 provided it is within twenty five feet (25') of a three-inch (3") stack or horizontal
1702 drain which has at least a three-inch (3") diameter vent extension through the roof.

1703 P3114.3 Where permitted. Vents may terminate to an air admittance valve under
1704 the following conditions:

1705 (1) For sinks located where there is no wall accessible from the sink location
1706 (ex: island sinks); or where access to the vent system would require
1707 notching or boring of studs in excess of the limitations of Section R602.6.

1708 (2) In existing construction, where the existing vent system is not accessible to
1709 the fixture location without the removal of finish materials or other existing
1710 construction.

1711 E3902.2 (Garage and accessory building receptacles), Exception. Receptacles
1712 permanently marked to indicate "[Type of equipment] Only—No GFCI Protection"
1713 for:

- 1714 1. A dedicated single receptacle supplying only a garage door opener.
- 1715 2. A dedicated single receptacle supplying only a refrigerator and/or
1716 freezer.

1717 E3902.5 (Unfinished basement receptacles), Exception. Receptacles permanently
1718 marked to indicate "[Type of equipment] Only—No GFCI Protection" for:

- 1719 1. A dedicated single receptacle supplying only a permanently installed fire
1720 alarm or burglar alarm system.

- 1721 2. A dedicated single receptacle supplying only a sump pump.
1722 3. A dedicated single receptacle supplying only a radon control fan.
1723 4. A dedicated single receptacle supplying only a refrigerator and/or
1724 freezer.

1725 E3902.12 Arc-fault circuit-interrupter protection. All branch circuits that supply
1726 120-volt, single-phase, 15- and 20-ampere outlets installed in bedrooms shall be
1727 protected by a combination type arc-fault circuit interrupter installed to provide
1728 protection of the entire branch circuit.

1729 Exceptions: 1, 2, & 3 remain un-amended.

1730 E4002.14 Tamper-resistant receptacles is deleted.

1731 Part X, Appendices: The following appendix Chapters are hereby adopted:

1732 Appendix C

1733 Appendix E

1734 Section AE 101.1 General.

1735 Exception is deleted.

1736 Section AE 101.1.1 Design. A manufactured home of residential design shall comply
1737 with Section 420.010 (D) of the Unified Development Code.

1738 Appendix F

1739 Appendix M

1740 SECTIONS 500.180—500.190: - RESERVED

1741 **ARTICLE IV. - NATIONAL ELECTRICAL CODE**

1742 SECTION 500.195: - Adoption of the National Electrical Code (2011)

1743 A. The *National Electrical Code (2011)*, promulgated as a standard of the National
1744 Fire Protection Association (NFPA), is adopted and incorporated in this Article by
1745 reference as if fully set forth.

1746 All references within the model Codes to any building, electrical, gas, mechanical,
1747 plumbing, sewage disposal, elevator, energy conservation, or existing building Code
1748 shall be construed to be a reference to the respective building, electrical, gas,
1749 mechanical, plumbing, sewage disposal, elevator, energy conservation, or existing
1750 building Code specifically adopted by reference in Articles II through XI of this
1751 Chapter.

1752 B. The following Sections of the *National Electrical Code* are hereby revised or
1753 added:

1754 210.12 (A) Dwelling Units. All 120-volt, single phase, 15- and 20-ampere branch
1755 circuits supplying outlets installed in dwelling unit bedrooms shall be protected by a
1756 listed arc-fault circuit interrupter, combination type, installed to provide protection
1757 of the branch circuit.

1758 Exceptions 1, 2, & 3 remain unchanged.

1759 406.12 Tamper-Resistant Receptacles in Dwelling Units is deleted.

1760 410.36 Means of Support.

1761 (B) Suspended Ceilings. Framing members of suspended ceiling systems used to
1762 support luminaires shall be securely fastened to each other and shall be securely
1763 attached to the building structure at appropriate intervals. Luminaires shall be
1764 securely fastened to the ceiling framing member by mechanical means such as
1765 bolts, screws, or rivets. Listed clips identified for use with the type of ceiling
1766 member(s) and luminaire(s) shall also be permitted.

1767 In addition, all commercial electrical projects, luminaire(s) two feet (2') by two feet
1768 (2') or larger in suspended ceilings shall be secured by minimum two 12 gauge
1769 approved wires at opposite corners of luminaire(s) to the building structure.

1770 C. The following Sections are hereby added to the *National Electrical Code*:

1771 SECTION 500.200: - AMENDMENTS

1772 A. All one- and two- family dwellings, new construction or replacement electrical
1773 service entrances that require an electrical permit shall have a minimum two
1774 hundred (200) amp service installed. All applicable *NEC 2011* Codes apply for
1775 these installations.

1776 B. Approved fan outlet boxes must be installed in all living areas except hallways,
1777 bathrooms and kitchens.

1778 C. For all residential structures constructed after April 30, 2005, no disconnection
1779 means shall be installed in bedrooms, closets and bathrooms or directly within
1780 fifteen feet (15') of an egress window in the basement. A "bedroom" shall be
1781 defined as an enclosed space with a closet for storage.

1782 D. Circuits of all electrical wiring systems shall be in minimum flexible metal
1783 conduit (FMC) for all commercial electrical projects.

1784 SECTIONS 500.205—500.215: - RESERVED

1785 **ARTICLE V. - UNIFORM MECHANICAL CODE**

1786 SECTION 500.220: - ADOPTION OF UNIFORM MECHANICAL CODE (2012)

1787 A. The *Uniform Mechanical Code (2012)*, promulgated by the International
1788 Association of Plumbing and Mechanical Officials (IAPMO), is adopted and
1789 incorporated in this Article by reference as if fully set forth, except as it is
1790 amended by the following provisions of this Section. Provisions of this Article
1791 are to regulate all commercial projects.

1792 All references within the model Codes to any building, electrical, gas, mechanical,
1793 plumbing, sewage disposal, elevator, energy conservation, or existing building cCde
1794 shall be construed to be a reference to the respective building, electrical, gas,
1795 mechanical, plumbing, sewage disposal, elevator, energy conservation, or existing
1796 building Code specifically adopted by reference in Articles II though XI of this
1797 Chapter.

1798 B. The following Section of the *Uniform Mechanical Code* is hereby revised:
1799 Chapter 1, Administration, is deleted.

1800 SECTIONS 500.225—500.240: - RESERVED

1801 **ARTICLE VI. - UNIFORM PLUMBING CODE**

1802 SECTION 500.245: - ADOPTION OF UNIFORM PLUMBING CODE (2012)

1803 A. The *Uniform Plumbing Code (2012)*, promulgated by the International Association
1804 of Plumbing and Mechanical Officials (IAPMO), is adopted and incorporated in
1805 this Article by reference as if fully set forth, except as it is amended by the
1806 following provisions of this Section. Provisions of this Article are to regulate all
1807 commercial projects.

1808 All references within the model Codes to any building, electrical, gas, mechanical,
1809 plumbing, sewage disposal, elevator, energy conservation, or existing building Code
1810 shall be construed to be a reference to the respective building, electrical, gas,
1811 mechanical, plumbing, sewage disposal, elevator, energy conservation, or existing
1812 building Code specifically adopted by reference in Articles II through XI of this
1813 Chapter.

1814 B. The following Sections of the *Uniform Plumbing Code* are revised or added:
1815 Chapter 1, Administration, is deleted. See Article I of this Chapter.

1816 422.0 Minimum Number of Required Fixtures is deleted. See Article II of this
1817 Chapter.

1818 603.5.6 Protection from Lawn Sprinklers and Irrigation Systems. Lawn Sprinklers
1819 and Irrigation Systems listed in Article II, Chapter 705.230(C)(14) #14 shall comply

1820 with Article X of this Chapter.

1821 807.4 Dishwashing Machines. Dishwashing machines shall discharge separately into
1822 a trap or trapped fixture. Residential dwelling unit dishwashing machines may
1823 discharge in the dishwasher connection of a food waste grinder or disposer.

1824 902.3 Floor Drain. A floor drain (where used as such) need not be vented, provided
1825 it is within twenty five feet (25') of a three inch (3") stack or horizontal drain which
1826 has at least a three inch (3") diameter vent extension through the roof.

1827 906.1 Exception: Air Admittance Valves. Vents may terminate to an air admittance
1828 valve under the following conditions:

1829 1. For sinks located where there is no wall accessible from the sink location
1830 (ex: island sinks); or where access to the vent system would require
1831 notching or boring of studs in excess of the limitations of Article II, Chapter
1832 23.

1833 2. In existing construction, where the existing vent system is not accessible to
1834 the fixture location without the removal of finish materials or other existing
1835 construction.

1836 1102.4 Building Storm Sewers. Building storm sewers shall be in accordance with
1837 the applicable standards referenced in Table 701.1 for building sewer pipe and
1838 fittings, Table 1401.1, or the adopted Raymore Technical Specifications & Design
1839 Criteria for Utility and Street Construction, latest edition.

1840 Appendices: The following Chapters of the appendix are hereby adopted:

1841 Appendix C—Alternate Plumbing Systems

1842 Appendix D—Sizing Stormwater Drainage Systems

1843 SECTIONS 500.250—Section 500.265: - RESERVED

1844 **ARTICLE VII. - INTERNATIONAL SWIMMING POOL, SPA AND HOT TUB CODE**

1845 SECTION 500.270: - Adoption of International Swimming Pool, Spa and Hot Tub
1846 Code (2012)

1847 A. The *International Swimming Pool, Spa and Hot Tub Code (2012)*, promulgated by
1848 the International Code Council (ICC), is adopted and incorporated in this Article
1849 by reference as if fully set forth, except as it is amended by the following
1850 provisions of this Section. Provisions of this Article are to regulate all
1851 commercial and residential projects.

1852 All references within the model Codes to any building, electrical, gas, mechanical,
1853 plumbing, sewage disposal, elevator, energy conservation, or existing building Code
1854 shall be construed to be a reference to the respective building, electrical, gas,

1855 mechanical, plumbing, sewage disposal, elevator, energy conservation, or existing
1856 building Code specifically adopted by reference in Articles II through XI of this
1857 Chapter.

1858 B. The following Section of the *International Swimming Pool, Spa and Hot Tub Code*
1859 is hereby revised:

1860 Chapter 1, Administration, is deleted. See Article I of this Chapter.

1861 SECTION 500.275: - RESERVED

1862 **ARTICLE VIII. - INTERNATIONAL EXISTING BUILDING CODE; LIFE SAFETY CODE**

1863 SECTION 500.280: - Adoption of International Existing Building Code (2012) and
1864 NFPA 101 Life Safety Code (2009)

1865 A. The *International Existing Building Code (2012)*, promulgated by the International
1866 Code Council, and the *NFPA 101 Life Safety Code (2009)* promulgated by the
1867 National Fire Protection Association is adopted and incorporated in this Article
1868 by reference as if fully set forth, except as it is amended by the following
1869 provisions of this Section. Provisions of this Article are in addition to the
1870 provisions of the *International Existing Building Code* and the *NFPA 101 Life Safety*
1871 *Code*. The following provisions coinciding with provisions of the *International*
1872 *Existing Building Code* and the *NFPA 101 Life Safety Code* supersede, or delete,
1873 when indicated, the corresponding provisions of the *International Existing*
1874 *Building Code* and the *NFPA 101 Life Safety Code*.

1875 All references within the model Codes to any building, electrical, gas, mechanical,
1876 plumbing, sewage disposal, elevator, energy conservation, or existing building Code
1877 shall be construed to be a reference to the respective building, electrical, gas,
1878 mechanical, plumbing, sewage disposal, elevator, energy conservation, or existing
1879 building Code specifically adopted by reference in Articles II through XI of this
1880 Chapter.

1881 B. The following Sections of the *International Existing Building Code* are hereby
1882 revised or added:

1883 Chapter 1, Scope and Administration— This Chapter is deleted, except for the
1884 following Sections (see Article I of this Chapter):

1885 Section 101.2— Scope

1886 Section 101.3— Intent

1887 In Section 202, the following definition has been revised:

1888 Flood Hazard Area. See the Unified Development Code Chapter 460.

- 1889 402.2 Flood hazard areas is deleted. See Article I of this Chapter.
- 1890 606.2.4 Flood hazard areas is deleted. See Article I of this Chapter.
- 1891 701.3 Flood hazard areas is deleted. See Article I of this Chapter.
- 1892 904.1 Automatic Sprinkler Systems. Automatic sprinkler systems shall be provided
1893 in all work areas where required by the *International Building Code*.
- 1894 1103.5 Flood hazard areas is deleted. See Article I of this Chapter.
- 1895 1201.4 Flood hazard areas is deleted. See Article I of this Chapter.
- 1896 1401.2 Applicability. Structures existing prior to 1895, in which there is work
1897 involving additions, alterations or changes of occupancy shall be made to conform
1898 to the requirements of this Chapter or the provisions of Chapters 4 through 12. The
1899 provisions in Section 1401.2.1 through 1401.2.5 shall apply to existing occupancies
1900 that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S, and U.
1901 These provisions shall not apply to buildings with occupancies in Group H or I.
- 1902 SECTIONS 500.285—500.295: - RESERVED

1903 **ARTICLE IX. - INTERNATIONAL ENERGY CONSERVATION CODE**

1904 SECTION 500.300: - ADOPTION OF INTERNATIONAL ENERGY CONSERVATION CODE
1905 (2009)

1906 A. The *International Energy Conservation Code (2009)*, promulgated by the
1907 International Code Council, is adopted and incorporated in this Article by
1908 reference as if fully set forth, except as it is amended by the following
1909 provisions of this Section. Provisions of this Article are in addition to the
1910 provisions of the *International Energy Conservation Code*. The following
1911 provisions coinciding with provisions of the *International Energy Conservation*
1912 *Code* supersede, or delete, when indicated, the corresponding provisions of the
1913 *International Energy Conservation Code*.

1914 All references within the model Codes to any building, electrical, gas, mechanical,
1915 plumbing, sewage disposal, elevator, energy conservation, or existing building Code
1916 shall be construed to be a reference to the respective building, electrical, gas,
1917 mechanical, plumbing, sewage disposal, elevator, energy conservation, or existing
1918 building Code specifically adopted by reference in Articles II through XI of this
1919 Chapter.

1920 B. The following Sections of the *International Energy Conservation Code* are hereby
1921 revised or added:

1922 101.1 Title, is deleted.

1923 Sections 103,104, 105, 107, 108 and 109 are deleted. See Article I of this Chapter.

1924 SECTION 500.305: - RESERVED

1925 **ARTICLE X. - LAWN SPRINKLER SYSTEMS AND CROSS-CONNECTION CODE**

1926 SECTION 500.310: - PURPOSE

1927 *Lawn Sprinkler Regulations*

1928 In addition to Chapter 700, Article II, Sections 705.180 through 705.270 of the City
1929 Code, this Article is to provide minimum requirements to safeguard the public
1930 safety, health and general welfare, insofar as they are affected by lawn sprinkler
1931 and irrigation systems.

1932 No lawn sprinkler or irrigation system shall be installed or maintained or shall be
1933 connected to any domestic water supply when such installation or connection
1934 provides a possibility of polluting such water supply or cross-connection between a
1935 distributing system of water that becomes contaminated by such lawn sprinkler or
1936 irrigation system unless there is provided a backflow prevention device approved
1937 for the potential hazard.

1938 SECTION 500.315: - DEFINITIONS

1939 As used in this Article, the following terms shall have the meaning set forth next to
1940 them.

1941 Air Gap, Irrigation System. A complete physical separation between the free flowing
1942 discharge end of a potable water supply pipe and an open or non-pressure
1943 receiving vessel.

1944 Atmospheric Vacuum Breaker. An assembly containing an air inlet valve, a check
1945 seat, and an air inlet port. The flow of water into the body causes the air inlet valve
1946 to close the air inlet port. When the flow of water stops the air inlet valve falls and
1947 forms a check against back-siphonage. At the same time it opens the air inlet port
1948 allowing air to enter and satisfy the vacuum.

1949 Backflow Prevention, Irrigation System. The mechanical prevention of reverse flow,
1950 or water system. The type of assembly used is based on the existing or potential
1951 degree of health hazard and backflow condition.

1952 City right-of-way. Any land over which the City has a right to allow the public or the
1953 City's agents to pass. For purposes of this Article and the release and indemnity
1954 document specified hereunder, the definition of right-of-way set forth above shall
1955 apply whether the City's legal interest in the land is in fact a right-of-way, an
1956 easement, a license or a fee simple interest.

- 1957 Cross-Connection. An actual or potential connection between a potable water
1958 source and an irrigation system that may contain contaminants or pollutants or any
1959 source of water that has been treated to a lesser degree in the treatment process.
- 1960 Double Check Valve. An assembly that is composed of two independently acting
1961 approved check valves, including tightly closed resilient seated shutoff valves
1962 attached at each end of the assembly and fitted with properly located resilient
1963 seated test cocks.
- 1964 Installer, Irrigation System. A person who actually connects an irrigation system to a
1965 private or public raw or potable water supply system.
- 1966 Irrigation Plan. A scaled drawing of a landscape irrigation system which lists
1967 required information, the scope of the project, and represents the changes made in
1968 the installation of the irrigation system.
- 1969 Irrigation System. An assembly of component parts, including the backflow device
1970 and all equipment downstream, that is permanently installed for the controlled
1971 distribution and conservation of water to irrigate any type of landscape vegetation
1972 in any location, and/or to reduce dust or control erosion. This term does not include
1973 a system that is used on or by an agriculture operation.
- 1974 Irrigation Zone. A subdivision of an irrigation system with a matched precipitation
1975 rate based on plant material type (such as turf, shrubs, or trees), microclimate
1976 factors (such as sun/shade ratio), topographical features (such as slope) and soil
1977 conditions (such as sand, loam, clay, or combination) or for hydrological control.
- 1978 Lawn Sprinkler system. Any system, wholly or partly affixed or buried beneath the
1979 ground surface, by which domestic water is transported through pipes or hoses to
1980 sprinkler heads (above or below ground) designed to spray water over surrounding
1981 vegetation.
- 1982 Major Maintenance, Alteration, Repair, or Service (Irrigation System). Any activity
1983 that involves opening to the atmosphere the irrigation main line at any point prior
1984 to the discharge side of any irrigation zone control valve. This includes, but is not
1985 limited to, repairing or connecting into a main supply pipe, replacing a zone control
1986 valve, or repairing a zone control valve in a manner that opens the system to the
1987 atmosphere.
- 1988 Pressure Vacuum Breaker. An assembly containing an independently operating
1989 internally loaded check valve and an independently operating loaded air inlet valve
1990 located on the discharge side of the check valve.
- 1991 Reclaimed Water. Domestic or municipal wastewater which has been treated to a
1992 quality suitable for beneficial use, such as landscape irrigation.
- 1993 Reduced Pressure Principle Backflow Prevention Assembly. An assembly containing
1994 two independently acting approved check valves together with a hydraulically

1995 operating mechanically independent pressure differential relief valve located
1996 between the two check valves and below the first check valve.

1997 Seed Bed Preparation. The preparation of topsoil for any seeding, sodding or
1998 planting. A seed bed shall consist of a minimum 4 inches of topsoil.

1999 Static Water Pressure. The pressure of water when it is not moving.

2000 Water Conservation, Irrigation System. The design, installation, service, and
2001 operation of an irrigation system in a manner that prevents the waste of water,
2002 promotes the most efficient use of water, and applies the least amount of water
2003 that is required to maintain healthy individual plant material or turf, reduce dust,
2004 and control erosion.

2005 SECTION 500.320: - PERMIT REQUIRED

2006 No lawn sprinkler system shall be installed within the City until the owner of the
2007 land to be benefited by the system shall have first obtained a completed irrigation
2008 permit and submit an irrigation plan to the City.

2009 Exceptions:

2010 (1) An irrigation system used on or by agriculture operation as defined by the
2011 Missouri Department of Natural Resources.

2012 (2) An irrigation system connected to a groundwater well used by a property
2013 owner for domestic use.

2014 SECTION 500.325: - PERMIT APPLICATION; FEES

2015 The process for obtaining a lawn and irrigation sprinkler permit is in Section
2016 500.080 and 500.095 of this Chapter subject to the following restrictions:

2017 (1) The landowner shall complete an application for lawn sprinkler system
2018 permit generally in the forms available in the office of the Building Official.

2019 (2) The Building Official shall review the application to determine the following:

2020 (a) That the application identifies all record owners of the property.

2021 (b) That the proposed installation presents no threat to public safety.

2022 (c) That the proposed installation presents no threat of damage to existing
2023 facilities of the City, the City's lessees or those to whom the City has
2024 granted easements or licenses.

2025 (d) That if anyone other than the landowner proposes to install the system,
2026 then that person or firm is properly licensed under state law and local
2027 ordinances.

2028 SECTION 500.330: - LIMITATIONS ON PERMITS

2029 The granting of a permit pursuant to this Article shall create no easement, license
2030 or other right in the landowner, other than the limited permissive use of the City's
2031 right-of-way.

2032 It shall be a condition of every permit that the landowner shall expressly release,
2033 indemnify and hold harmless the City, and its employees, agents, contractors,
2034 lessees, licensees and permittees on City's right-of-way, from any and all liability,
2035 claims, suits or demands, whatsoever, which they or others may now have or which
2036 may hereafter have arising out of the placement of sprinkler heads or related
2037 components in City right-of-way.

2038 SECTION 500.335: - CONSTRUCTION AND OPERATION OF A LAWN AND LANDSCAPE
2039 IRRIGATION SYSTEM

2040 The location of lines and sprinkler heads for a lawn and landscape irrigation system
2041 may be located within the City right-of-way or easement subject to the following
2042 conditions and prior approval of the City:

2043 (1) The owner of the lawn and landscape irrigation system is responsible for
2044 any maintenance or repair of the lawn and landscape irrigation system;

2045 (2) The owner of the lawn and landscaping irrigation system shall operate the
2046 same in a manner that does not cause damage to adjacent property or City
2047 infrastructure.

2048 Prior to any seed, sod or landscaping being placed within the lawn and landscape
2049 irrigation system, there shall be proper seedbed preparation by the owner.

2050 In accordance with Municipal Code Section 705.010, the Mayor may place an
2051 irrigation ban or other restrictions on the use of any lawn and irrigation system
2052 connected to the City water supply system.

2053 SECTIONS 500.340—500.350: - RESERVED

2054 **ARTICLE XI. - INTERNATIONAL FIRE CODE**

2055 SECTION 500.355: - ADOPTION OF THE INTERNATIONAL FIRE CODE (2012)

2056 A. The *International Fire Code (2012)*, promulgated by the International Code
2057 Council, is adopted and incorporated in this Article by reference as if fully set
2058 forth, except as it is amended by the following provisions of this Section.
2059 Provisions of this Article are in addition to the provisions of the *International Fire*
2060 *Code*. The following provisions coinciding with provisions of the *International Fire*
2061 *Code* supersede, or delete, when indicated, the corresponding provisions of the
2062 *International Fire Code*.

2063 All references within the model Codes to any building, electrical, gas, mechanical,
2064 plumbing, sewage disposal, elevator, energy conservation, or existing building Code
2065 are specifically adopted by reference in Articles II through XII of this Chapter,
2066 including the fire-resistive assemblies listed in the *Fire Resistance Design Manual*,
2067 *Nineteenth Edition, GA-600-09*, published by the Gypsum Association as referenced in
2068 Tables 721.1 (1 through 3) of the specified *International Building Code; American*
2069 *National Standard for Accessible and Useful Buildings and Facilities A117.1-2009; NFPA*
2070 *13-2010 Installation of Sprinkler Systems; ASTM Standards* as referenced in the
2071 *International Building Code* and the *International Residential Code; American Institute*
2072 *of Steel Construction, Fourteenth Edition; American Concrete Institute for Structural*
2073 *Concrete and Commentary ACI 318-11; the NFPA 101-2009 Life Safety Code; ICC/NSSA*
2074 *Standard for the Design and Construction of Storm Shelters, ICC 500-2008; and the*
2075 *NFPA 99 Health Care Facilities 2012 edition.*

2076 B. The following Chapters and Sections of the *2012 International Building Code* may
2077 also be enforced by the South Metropolitan Fire District:

- 2078 (1) Detention and correctional facilities—Chapter 4, Section 408.
- 2079 (2) Motion picture projection rooms—Chapter 4, Section 409.
- 2080 (3) Aircraft-related occupancies—Chapter 4, Section 412.
- 2081 (4) Fire-resistant materials and construction—Chapter 7, all Sections.
- 2082 (5) Fire protection systems and fire alarm systems—Chapter 9, all Sections.
- 2083 (6) Egress, access and exit facilities and emergency escapes—Chapter 10, all
2084 Sections.
- 2085 (7) Chimneys, fireplaces and barbeques—Chapter 21 Sections 2111 through
2086 2113.
- 2087 (8) Elevator and conveying systems—Chapter 30, all Sections.

2088 SECTIONS 500.360—500.375: - RESERVED

2089 **CHAPTER 505: - BUILDING STANDARDS FOR COMMERCIAL AND INDUSTRIAL** 2090 **BUILDINGS (Reserved)**

2091 **Editor's note**— Ord. No. 28117, § 1, adopted Dec. 8, 2008, repealed Ch. 505 in its
2092 entirety. Former Ch. 505 pertained to building standards for commercial and
2093 industrial buildings and derived from Ord. No. 081390-A, §§ 1—5, adopted Aug. 13,
2094 1990. The land development regulations formerly found in Title IV and Title V,
2095 Chapter 505, have been updated and consolidated into one Unified Development
2096 Code. The Unified Development Code is hereby referred to, adopted and made a
2097 part hereof as if fully set out in this Chapter and is available for inspection in the
2098 office of the City Clerk or the Development Services Department, or on the City's
2099 website.

2100 **CHAPTER 510: - DANGEROUS AND NUISANCE BUILDING CODE**

2101 SECTION 510.010: - TITLE OF CHAPTER

2102 The provisions contained in this Chapter may be referred to as the Dangerous and
2103 Nuisance Building Code of the City, and may be cited as such in any proceedings
2104 under this Chapter.

2105 SECTION 510.020: - CONDITIONS WHICH CONSTITUTE A DANGER OR PUBLIC
2106 NUISANCE

2107 Any building or structure having any of the following conditions is hereby declared
2108 a dangerous building or structure, provided that such conditions or defects exist to
2109 the extent that the life, health, property or safety of the public or its occupants are
2110 endangered and constitute a public nuisance:

- 2111 1. Those whose exterior or interior walls or other vertical structural members
2112 list, lean or buckle to such an extent that a plumb line passing through the
2113 center of gravity of any such wall or vertical structure members fall outside of
2114 the middle third (3rd) of its base.
 - 2115 2. Those which, exclusive of the foundation, show thirty-three percent (33%) or
2116 more, of damage or deterioration of the supporting member or members, or
2117 fifty percent (50%) of damage or deterioration of the non-supporting
2118 enclosing or outside walls or covering.
 - 2119 3. Those where the stress in any materials, structural member or members,
2120 due to all dead and live loads, is more than one and one-half (1-1/2) times
2121 the working stress or stresses allowed in the Building Code for new buildings
2122 of similar structure, purpose or location.
 - 2123 4. Those having any non-supporting part, member or portion less than fifty
2124 percent (50%), or in any supporting part, member or portion less than
2125 sixty-six percent (66%), of the:
 - 2126 a. Strength;
 - 2127 b. Fire-resisting qualities or characteristics; or
 - 2128 c. Weather-resistant qualities or characteristics
- 2129 required by law in the case of a newly constructed building of like area,
2130 height, and occupancy in the same locations.

- 2131 5. Those where any portion or member or appurtenance of a building or
2132 structure is likely to fail, or to become detached or dislodged or to collapse
2133 and injure a person or damage property.
- 2134 6. Those where any portion of the building or structure has wracked, cracked,
2135 warped, buckled or settled to such an extent that walls or other structural
2136 portions have materially less resistance to wind or earthquake than is
2137 required in the case of similar new construction.
- 2138 7. Those where any portion of the building or structure which, because of:
- 2139 a. Dilapidation, deterioration or decay;
2140 b. Faulty construction;
2141 c. The removal, movement or instability of any portion of the ground
2142 necessary for the purpose of supporting such building; or
2143 d. The deterioration, decay or inadequacy of its foundation is likely to
2144 partially or completely collapse.
- 2145 8. Those, as determined by any Law Enforcement Agency, that have been
2146 deemed dangerous due to the illegal use, manufacture, or storage of a
2147 controlled substance as defined by this Code.
- 2148 9. Those under construction, or a fire damaged structure upon which no
2149 current building permit is held and no substantial work performed for the
2150 immediate proceeding thirty (30) calendar days, and such conditions or
2151 defects exist to the extent that the property or safety of the public or its
2152 occupants are endangered.
- 2153 10. Those in the process of demolition upon which work has ceased to the point
2154 that substantial progress has not been made for a period of thirty (30)
2155 consecutive calendar days after written notice has been issued under Section
2156 510.060 for the completion or demolition of a building or structure or any
2157 portion of the building or structure remains on a site after the demolition or
2158 destruction of the building or structure.
- 2159 11. Those which are used or intended to be used for dwelling purposes, because
2160 of inadequate maintenance, dilapidation, decay, damage, faulty construction
2161 or arrangement, inadequate light, air or sanitation facilities, or otherwise, is
2162 determined by the Building Official to be unsanitary, unfit for human
2163 habitation or in such a condition that is likely to cause sickness, disease or
2164 injury.
- 2165 12. Those where, because of obsolescence, dilapidated condition, deterioration,
2166 damage, inadequate exits, lack of sufficient fire-resistive construction, faulty

2167 electric wiring, gas connections or heating apparatus, or other cause, are
2168 determined by the Building Official or Fire Marshall to be a fire hazard.

2169 13.Those having any door, aisle, passageway, stairway or other means of exit
2170 that is not of sufficient width or size or is not so arranged as to provide safe
2171 and adequate means of exit in case of fire or panic.

2172 14.Those where the walking surface of any aisle, passageway, stairway or other
2173 means of exit is so warped, worn, loose, torn or otherwise unsafe as to not
2174 provide safe and adequate means of exit in case of fire or panic.

2175 15.Those where any portion of a building, or any member, appurtenance or
2176 ornamentation on the exterior is not of sufficient strength or stability, or is
2177 not so anchored, attached or fastened in place to be capable of resisting
2178 wind pressure of one half of that specified in the Building Code for new
2179 buildings of similar construction, purpose or location without exceeding the
2180 working stresses permitted in the Building Code for such buildings.

2181 16.Those that have been constructed, exists or is maintained in violation of any
2182 specific requirement or prohibition applicable to such building or structure
2183 provided by the building regulations of this Code, or of any law or State
2184 statute or City ordinance relating to the condition, location or structure of
2185 buildings.

2186 17.Those buildings which are abandoned for a period in excess of six (6) months
2187 and that constitute a nuisance or hazard to the public, due to the electrical,
2188 plumbing, mechanical, or other systems being totally or partially damaged,
2189 destroyed, disconnected, removed, or otherwise made inoperable, unsafe or
2190 unsanitary, or such conditions or defects exist to the extent that the property
2191 or safety of the public or its occupants are endangered.

SECTION 510.030: - DUTIES OF BUILDING OFFICIAL

2193 The Building Official may from time to time appoint persons to inspect dangerous
2194 buildings. The Building Official or designated inspector shall:

2195 1. Inspect any building or structure about which complaints are filed by any
2196 person alleging that the building or structure contains any of the conditions
2197 described in Section 510.020 of the City Code.

2198 2. Inspect any building or structure reported by any Department of the City
2199 which has reason to believe that the building or structure has any of the
2200 conditions described in Section 510.020 of the City Code.

2201 3. Inspect any building or structure of the City at any time whenever there is
2202 reason to believe that the building or structure has a condition described in
2203 Section 510.020 of the City Code.

2204 4. Post any building, structure or property, when it reasonably appears that
2205 there is an immediate danger to the health, safety or welfare of any persons
2206 because of any condition described in Section 510.020, of the City Code, with
2207 a written notice reading substantially as follows:

2208 "This building has been found to be a dangerous building by the
2209 Building Official. This written notice is to remain on this property, this
2210 building or structure until it is repaired, vacated or demolished and the
2211 property is cleaned up in accordance with the written notice that has
2212 been given the owner, occupant, lessee, mortgagee or agent of the
2213 property and all other persons having an interest in this building or
2214 structure as shown by the land records of the Cass County Recorder of
2215 Deeds. It is unlawful to remove this written notice until such notice is
2216 complied with."

2217 The order by the Building Official and the posting of the written notice shall
2218 not be construed to deprive any person entitled by this Chapter to the
2219 written notice and hearing prescribed in Chapter 540 of the City Code.

2220 5. Inspectors shall report to the Building Official any noncompliance with any
2221 written notice given under this Chapter.

2222 6. The Building Official may request an inspection be made by an architect or
2223 engineer contracted by the City specifically for the purpose of determination
2224 of whether a building or structure is dangerous or a public nuisance.

2225 7. The Building Official shall report in writing to the Board of Appeals the
2226 non-compliance with any written notice provided to the property owner,
2227 occupant or lessee.

2228 8. The Building Official shall appear at all hearings conducted by the Board of
2229 Appeals.

2230 SECTION 510.040: - INSPECTIONS BY PERSONS OTHER THAN BUILDING OFFICIAL
2231 OR THEIR DESIGNEE

2232 The Building Official may request inspections be made by any Department of the
2233 City, appropriate agency or by any person who might have knowledge and
2234 information useful in the determination of whether a building or structure is a
2235 public nuisance or, if so, how it might be alleviated.

2236 SECTION 510.050: - STANDARDS FOR DETERMINING ACTION REQUIRED TO
2237 ALLEVIATE PUBLIC NUISANCE

2238 Whenever any building or structure constitutes a public nuisance under the
2239 provisions of this Chapter, the Building Official shall prepare an order of abatement
2240 utilizing the following standards:

2241 1. If the conditions which cause the building or structure to be a public
2242 nuisance can be reasonably repaired or maintained so that the building or
2243 structure will no longer exist in violation of the terms of this Chapter, the
2244 building or structure shall be ordered so repaired or maintained, and if it is
2245 not repaired or maintained by the owner within a reasonable time frame as
2246 established by the Building Official but not to exceed forty-five (45) days to
2247 commence work, then the City may abate the nuisance by repairing,
2248 securing, boarding, demolition or other appropriate means.

2249 2. In any case where the state of deterioration of a building or structure
2250 constituting a public nuisance is such that necessary repairs would amount
2251 to a substantial reconstruction of the building or structure, it shall be
2252 ordered repaired or demolished, and if it is not repaired or demolished by
2253 the owner within a reasonable time frame as established by the Building
2254 Official but not to exceed forty-five (45) days to commence work, then the
2255 City may abate the nuisance by repairing, securing, boarding, demolition or
2256 other appropriate means.

2257 3. In all cases where the conditions causing the building or structure to be a
2258 public nuisance cannot be reasonably repaired or maintained so that the
2259 building or structure will no longer exist in violation of the terms of this
2260 Chapter, the building or structure shall be demolished.

2261 4. If the conditions are such as to make the building or structure immediately
2262 dangerous to the health, safety or welfare of its occupants, the building or
2263 structure shall be ordered vacated pending abatement of the nuisance.

2264 5. Any building or structure constituting a public nuisance because of the
2265 conditions described in Section 510.020 of this Chapter shall be ordered to
2266 be completed in accordance with lawful plans and specifications, and if not
2267 completed or demolished by the owner within the time specified in the order
2268 of abatement, then the City shall abate the nuisance by demolition.

2269 SECTION 510.060: - NOTICE OF PUBLIC NUISANCE AND ORDER OF ABATEMENT

2270 Whenever it has been determined that any building or structure is a public
2271 nuisance under the provisions of this Chapter, the Building Official shall prepare a
2272 written notice and order of abatement and notify the owner, occupant, lessee,
2273 mortgagee, agent and all other persons having an interest in the building or

2274 structure as shown by the land records of the Cass County Recorder of Deeds, that
2275 such building or structure has been found to be a public nuisance under the
2276 provisions of this Chapter.
2277

The written notice shall:

- 2278 a. be delivered either by personal service or by certified mail, return
2279 receipt requested. Mail returned by the United States Post Office
2280 marked "refused" shall constitute proof of service. If service cannot be
2281 accomplished by either of these methods, then service may be
2282 accomplished by publication for two (2) consecutive weeks in a
2283 newspaper qualified to publish legal notices for the City;
- 2284 b. state that the owner, occupant or lessee must vacate, vacate and repair,
2285 repair or vacate and demolish said building and clean up the lot or
2286 property on which the building is located in accordance with the terms
2287 of the written notice and this Chapter;
- 2288 c. state that the mortgagee, agent or other persons having an interest in
2289 said building as shown by the land records of the Recorder of Deeds of
2290 Cass County may, at their own risk, repair, vacate or demolish the
2291 building and clean up the property or have such work done; and
- 2292 d. set forth the description of the conditions found in the building or
2293 structure under Section 510.020 of this Chapter.
- 2294 e. provide a reasonable time as established by the Building Official but not
2295 to exceed forty-five (45) days to commence work to abate the nuisance;
2296 require the work to proceed continuously without unnecessary delay;
2297 and require the work to be completed by the deadline established in the
2298 written notice.

2299 SECTION 510.070: - BOARD OF APPEALS

2300 A. The Board of Appeals shall have the power pursuant to this Chapter to:

- 2301 1. Hold a hearing upon receipt of a report from the Building Official indicating
2302 failure by the owner, lessee, occupant, mortgagee, agent or other
2303 persons(s) having an interest in said building to commence work as they
2304 have ordered within the time specified by this Chapter or upon failure to
2305 proceed continuously with work without unnecessary delay.
- 2306 a. Written notice of said hearing shall be given either by personal service
2307 or by certified mail, return receipt requested, or if service cannot be had
2308 by either of those modes of service, then by publication in a newspaper
2309 qualified to publish legal notices, at least ten (10) days in advance of the
2310 hearing date, to the owner, occupant, mortgagee, lessee, agent and all
2311 other persons having an interest in said building as shown by the land
2312 records of the Cass County Recorder of Deeds to appear before the
2313 Board of Appeals on the date specified in the written notice to show

2314 cause why the building or structure reported to be a dangerous building
2315 should not be repaired, vacated or demolished in accordance with the
2316 statement of particulars set forth in the Building Official's written notice
2317 as provided herein.

2318 b. Any party may be represented by counsel and all parties shall have an
2319 opportunity to be heard.

2320 c. Make written findings of fact from the evidence offered at said hearing
2321 as to whether or not the building in question is a dangerous building
2322 within the terms of Section 510.020 of this Chapter.

2323 d. If the evidence supports a finding based upon competent and
2324 substantial evidence that the building or structure is a dangerous
2325 building and a nuisance and detrimental to the health, safety or welfare
2326 of the residents of the City, the Board of Appeals shall issue an order
2327 based upon its findings of fact commanding the owner, occupant,
2328 mortgagee, lessee, agent or other persons(s) having an interest in said
2329 building as shown by the land records of the Cass County Recorder of
2330 Deeds to repair, vacate or demolish any building found to be a
2331 dangerous building and to clean up the property, provided that any
2332 person so notified shall have the privilege of either repairing or vacating
2333 and repairing said building, if such repair will comply with the
2334 ordinances of this City or the owner or any person having an interest in
2335 said building as shown by the land records of the Cass County Recorder
2336 of Deeds may vacate and demolish said dangerous building at their own
2337 risk to prevent the acquiring by the City of the lien against the land
2338 where the dangerous building stands. If the evidence does not support
2339 a finding that a building or structure is a dangerous building or a
2340 nuisance or detrimental to the health, safety or welfare of the residents
2341 of the City, no order shall be issued.

2342 e. If the owner, occupant, mortgagee or lessee fails to comply with the
2343 order within thirty (30) days, the City's Board of Appeals shall cause such
2344 building or structure to be repaired, vacated or demolished and the
2345 property cleaned up as the facts may warrant. If the City's Board of
2346 Appeals issues an order whereby the building or structure is
2347 demolished, secured or repaired or the property is cleaned up, the cost
2348 of performance shall be certified to the City Clerk who shall cause a
2349 special tax bill or assessment against the property to be prepared and
2350 collected by the Finance Department or other official collecting taxes,
2351 unless the building or structure is demolished, secured or repaired by a
2352 contractor pursuant to an order issued by the City and such contractor
2353 files a mechanic's lien against the property where the dangerous
2354 building is located.

2355 2. Hear and decide upon an appeal of an interpretation or decision made by

2356 the Building Official regarding a dangerous building.

2357 B. An appeal shall be filed in the same manner as described in Chapter 540: Board
2358 of Appeals of the City Code.

2359 SECTION 510.080: - OWNER TO ALLOW ENTRY FOR THE PURPOSE OF INSPECTION

2360 A. If at such time any of the conditions listed in Section 510.020 of this Chapter are
2361 determined to be in existence by the Building Official for any building or
2362 structure in the City, the owner of the property shall, upon request, provide
2363 entry to an inspector of the City to determine the existence of additional
2364 nuisance violations.

2365 B. If the City inspector has requested entry to a building from the property owner
2366 and if consent is refused, the Building Official may seek an administrative search
2367 warrant for entry as provided for in Section 500.040 (F)1 of the City Code.
2368

2369 SECTION 510.090: - USE OF INSURANCE PROCEEDS; REIMBURSEMENT OF CITY'S
COST

2370 A. If there are proceeds of any insurance policy based on a covered claim payment
2371 for damage or loss to a building or structure arising out of or caused by fire,
2372 explosion or other casualty loss, and the covered claim payment exceeds fifty
2373 percent (50%) of the face value of the policy covering such building or structure,
2374 then the insurer shall pay to the City Finance Department a sum equal to
2375 twenty-five percent (25%) of the insurance proceeds of the covered claim,
2376 within thirty (30) days of the determination of coverage, to be held by the City in
2377 an interest-bearing account. Nothing in this Section shall be construed to affect
2378 the priority of a named mortgagee on the insurance policy to the proceeds of
2379 the policy. The proceeds shall be used to reimburse the City for its costs in the
2380 removal of such building or structure, if necessary.

2381 B. The City shall release the proceeds and any interest that has accrued on such
2382 proceeds received to the insured or as the terms of the policy and
2383 endorsements within thirty (30) days after receipt of such insurance proceeds,
2384 unless the City has instituted legal proceedings under the provisions of Section
2385 510.070 A (1) (e) of this Chapter. If the City has proceeded under the provisions
2386 of Section 510.070 A (1) (e) of this Chapter, all insurance proceeds in excess of
2387 that necessary to comply with the provisions of Section 510.070 of this Chapter
2388 for the removal, securing, repair and clean up of the building or structure and
2389 the lot on which it is located, shall be paid to the insured.

2390 C. If there are no proceeds of any insurance policy as set forth in Subsection (A) of
2391 this Section, at the request of the taxpayer, the tax bill may be paid in equal
2392 installments over a period of not more than ten (10) years. The tax bill from the
2393 date of its issuance shall be a lien on the property and a personal debt against
2394 the property owner(s) until paid.

- 2395 D. Subsection (A) of this Section shall apply to fire, explosion or other casualty loss
2396 claims arising on all buildings and structures.
- 2397 E. It shall be unlawful for an insurance carrier to fail to pay insurance proceeds to
2398 the City after being notified pursuant to this Chapter.
- 2399 F. Subsection (A) of this Section does not make the City a party to any insurance
2400 contract and the insurer is not liable to any party for any amount in excess of
2401 the proceeds otherwise payable under its insurance policy.
- 2402 G. The Board of Appeals may certify in lieu of payment of all or part of the covered
2403 claim under Subsection (A) that it has obtained satisfactory proof that the
2404 insured has removed or will remove the debris and repair, rebuild or otherwise
2405 make the premises safe and secure. In this event, the Board of Appeals shall
2406 issue a certificate within thirty (30) days after receipt of proof to permit covered
2407 claim payment to the insured without the deduction pursuant to Subsection (A)
2408 of this Section. It shall be the obligation of the insured or other person making
2409 the claim to provide the insurance company with the written certificate
2410 provided from this Subsection.
2411

SECTION 510.100: - APPEAL

2412 Any owner, occupant, lessee, mortgagee, agent or any other person(s) having an
2413 interest in a dangerous building as shown by the land records of the Cass County
2414 Recorder of Deeds may, within thirty (30) days from the receipt of the order of the
2415 City Board of Appeals, appeal such decision to the Circuit Court of Cass County
2416 pursuant to the procedure established in Chapter 536, RSMo.

2417 SECTION 510.110: - EMERGENCIES

2418 In all cases where it reasonably appears that there is immediate danger to the
2419 health, life or safety of any person, the Building Official shall seek approval from the
2420 City Manager or Mayor, to take emergency measures to vacate, repair or demolish
2421 a dangerous building or structure which is a public nuisance under the provisions
2422 of this Chapter. The Building Official shall immediately report such facts to the City's
2423 Board of Appeals and the Board may cause the costs of such emergency repair,
2424 vacation or demolition to be collected in the same manner as provided in Sections
2425 510.070 and 510.090 of this Chapter.

2426 SECTION 510.120: - VIOLATIONS — DISREGARDING NOTICES OR ORDERS

2427 The owner, occupant or lessee in possession of any dangerous building who shall
2428 fail to comply with the order to repair, vacate or demolish the building or structure
2429 given by the Building Official and/or the City's Board of Appeals or who shall fail to
2430 proceed continuously without unnecessary delay; and any person removing any
2431 written notices provided for in this Chapter; and any person violating any other

2432 provisions of this Chapter shall, upon conviction or a plea of guilty, be subject to the
2433 penalty provisions provided for in Section 100.220 of the City Code. Each day that a
2434 person fails to comply with an order of the City's Board of Appeals may be deemed
2435 a separate offense.

2436 **CHAPTER 515: - MANAGEMENT, USE AND OCCUPANCY OF THE RIGHT-OF-WAY**

2437 **ARTICLE I. - USE AND MAINTENANCE OF RIGHT-OF-WAY**

2438 SECTION 515.010: - APPLICABILITY

2439 To the extent permitted by law, this Chapter shall apply to all persons desiring to
2440 construct, operate, or maintain facilities in, along, across, under or over public
2441 rights-of-way within the City.

2442 SECTION 515.020: - PURPOSE

2443 The purpose of this Article shall be:

- 2444 1. To recognize the City's primary role as chief steward of the right-of-way
2445 (ROW) and its duty to its citizens to recover the costs of managing the
2446 right-of-way and incursions into it;
- 2447 2. To clarify and regulate conditions of occupancy and construction for those
2448 ROW-users occupying space within the City's right-of-way given the
2449 anticipated increased use of the right-of-way by various ROW-users
2450 throughout the country;
- 2451 3. To recognize the necessity of sound management practices in light of the
2452 increased use of the right-of-way and the fact that the right-of-way is a
2453 limited resource;
- 2454 4. To treat each ROW-user equitably and in a competitively neutral manner
2455 with considerations that may be unique to the technologies and situation of
2456 each particular ROW-user;
- 2457 5. To minimize disruption, visual impact or inconvenience to the public, and to
2458 preserve the public health, safety and welfare; and
- 2459 6. To comply with State and Federal regulations.

2460 SECTION 515.030: - DEFINITIONS AND USAGE

2461 For the purposes of this Chapter, the following terms, phrases, words and
2462 abbreviations shall have the meanings given herein, unless otherwise expressly
2463 stated in Section 100.080 of the City Code.

2464 *ABANDONED FACILITIES:* Those facilities owned by the ROW-user that are not in

2465 use and will not be utilized by the owner in the future.

2466 *ADMINISTRATIVE FEE:* The fee charged by the City to recover its costs incurred for
2467 right-of-way management including, but not limited to, costs associated with
2468 registering applicants; issuing, processing and verifying right-of-way permit
2469 applications; inspecting job sites and restoration improvements; determining
2470 the adequacy of right-of-way restoration; revoking right-of-way permits and
2471 other costs the City may incur in managing the provisions of this Article.

2472 *AFFILIATE:* Any person controlling, controlled by or under the common control of
2473 a "service provider".

2474 *APPLICANT:* Any person requesting permission to occupy, lease or operate
2475 facilities using the right-of-way, or to excavate the right-of-way.

2476 *AREA OF INFLUENCE:* That area within one (1) foot around a street excavation
2477 where the pavement and subgrade are impacted by the excavation and are
2478 subject to more rapid deterioration.

2479 *CITY:* The City of Raymore, Missouri, a municipal corporation, and any duly
2480 authorized representative.

2481 *CITY ENGINEER:* The City Engineer, Raymore, Missouri, or the authorized
2482 representative.

2483 *CONSTRUCT:* Includes construct, install, erect, build, affix or otherwise place any
2484 fixed structure or object in, on, under, through or above the right-of-way.

2485 *DAY:* A day of twenty-four (24) hours, beginning at 12:00 Midnight.

2486 *DEGRADATION:* The accelerated depreciation of a street caused by excavation in
2487 or disturbance of the street, resulting in the need to reconstruct such
2488 right-of-way earlier than would be required if the excavation did not occur.

2489 *DEGRADATION FEE:* The fee charged by the City to recover the cost to the City
2490 and the public at large associated with a decrease in the useful life of a street
2491 caused by excavation.

2492 *DEPRECIATION RATE:* The rate at which the useful service life of a public street
2493 deteriorates over time.

2494 *EMERGENCY:* A condition that

- 2495 1. Poses a clear and immediate danger to life or health or of a significant
2496 loss of property; or
- 2497 2. Requires immediate repair or replacement in order to restore service to
2498 a user.

2499 *EXCAVATE:* Means and includes any cutting, digging, excavating, tunneling,

2500 boring, grading or other alteration of the surface or subsurface material or
2501 earth in the right-of-way.

2502 *FCC:* Federal Communications Commission.

2503 *FACILITY:* Lines, pipes, irrigation systems, wires, cables, conduit facilities, poles,
2504 towers, vaults, pedestals, boxes, appliances, antennas, transmitters, gates,
2505 meters, appurtenances or other equipment.

2506 *FACILITY BASED SERVICE PROVIDER:* A service provider owning or possessing
2507 facilities in the right-of-way.

2508 *GOVERNING BODY:* The Mayor and the City Council of the City of Raymore,
2509 Missouri.

2510 *GOVERNMENTAL ENTITY:* Any county, township, city, town, village, school district,
2511 library district, road district, drainage or levee district, sewer district, water
2512 district, fire district or other municipal corporation, quasi-municipal corporation
2513 or political subdivision of the State of Missouri or of any other state of the
2514 United States and any agency or instrumentality of the State of Missouri or of
2515 any other state of the United States or of the United States.

2516 *PARKWAY:* The area between a property line and the street curb; sometimes
2517 called boulevard, tree-shelf or snow-shelf.

2518 *PAVEMENT:* Includes Portland cement concrete pavement, asphalt concrete
2519 pavement, asphalt treated road surfaces and any aggregate base material.

2520 *PERMITTEE:* Any person to whom a right-of-way permit is issued to excavate a
2521 right-of-way.

2522 *PERSON:* Any individual, firm, association, group, partnership, limited liability
2523 company, corporation or any combination thereof.

2524 *PUBLIC IMPROVEMENT:* Any project undertaken by the City for the construction,
2525 reconstruction, maintenance or repair of any public infrastructure, and
2526 including without limitation, streets, alleys, bridges, bikeways, parkways,
2527 sidewalks, sewers, drainage facilities, traffic control devices, street lights, public
2528 facilities, public buildings or public lands; provided that projects undertaken by
2529 the City for the construction, reconstruction, maintenance or repair of any
2530 public infrastructure funded by or substantially by user fees imposed upon
2531 those using the public infrastructure shall not be deemed "public
2532 improvements" and shall not be exempt from the permit requirements of this
2533 Article.

2534 *PUBLIC LANDS:* Any real property of the City that is not right-of-way.

2535 *REGISTRATION:* The application process of a service provider, the approval of the

2536 application by the City and the authorization of the service provider to use any
2537 portion of the right-of-way within the City to provide service both within and
2538 beyond the City limits.

2539 *REPAIR*: The temporary construction work necessary to make the right-of-way
2540 useable.

2541 *RESELLER SERVICE PROVIDER*: A service provider providing service within the City
2542 that does not have its own facilities in the right-of-way, but instead uses the
2543 right-of-way by interconnecting with or using the network elements of another
2544 service provider utilizing the right-of-way, and/or by leasing excess capacity
2545 from a facility-based service provider.

2546 *RESTORATION*: The process by which an excavated right-of-way and surrounding
2547 area, including pavement and foundation, is returned to the same condition, or
2548 better than, that which existed before the commencement of the work.

2549 *RIGHT-OF-WAY*: The area on, below or above the present and future City streets,
2550 alleys, bridges, bikeways, parkways and sidewalks.

2551 *RIGHT-OF-WAY PERMIT*: The authorization to excavate for the construction,
2552 installation, repair or maintenance of any type of facility within the right-of-way.

2553 *ROUTINE SERVICE OPERATION*: A work activity that makes no material change to
2554 the facilities and does not disrupt traffic.

2555 *ROW-USER*: A person, its successors and assigns, that uses the right-of-way for
2556 purposes of work, excavation, provision of services, or to install, construct,
2557 maintain, repair facilities thereon including, but not limited to, landowners and
2558 service providers. A ROW-user shall not include ordinary vehicular or
2559 pedestrian traffic or a reseller service provider that does not own its own
2560 facilities in the right-of-way.

2561 *SERVICE*: A commodity provided to a person by means of a delivery system that
2562 is comprised of facilities located or to be located in the right-of-way including,
2563 but not limited to, gas, telephone, cable television, Internet services, Open
2564 Video Systems, alarm systems, steam, electric, water, telegraph, data
2565 transmission, petroleum pipelines or sanitary sewerage.

2566 *SERVICE PROVIDER*: Any person that is a provider of a service for or without a fee
2567 that has the requisite certifications and authorizations from applicable
2568 governmental entities, including the FCC, to provide such service. "*Service
2569 provider*" includes both facility-based service providers and reseller service
2570 providers.

2571 *STREET*: The pavement and subgrade of a City roadway.

2572 SECTION 515.040: - POLICY

- 2573 A. It is the policy of the City to authorize any service provider to utilize the
2574 right-of-way in a competitively neutral, non-discriminatory manner that
2575 maximizes the efficient use of and conserves the right-of-way and minimizes
2576 the burden on the right-of-way, physically and aesthetically. Any use of the
2577 right-of-way by an ROW-user shall be subject to the terms and conditions of this
2578 Chapter in addition to other applicable Federal, State or local requirements.
- 2579 B. The right granted to the ROW-user to use the right-of-way shall be for the sole
2580 use of the ROW-user and is limited to the use that the ROW-user has filed with
2581 the City in accordance with this Article. Except as otherwise expressly permitted
2582 by State or Federal law, no other person may use the ROW-user's right unless
2583 authorized by the City.
- 2584 C. This Article also is designed to regulate occupancy and excavations in the
2585 right-of-way by providing, among other things, for the issuance of permits
2586 which grant the authority to utilize and occupy the right-of-way within the City.
- 2587 D. All ROW-users shall be subject to all rules, regulations, policies, resolutions and
2588 ordinances now or hereafter adopted or promulgated by the City in the
2589 reasonable exercise of its Police power and are subject to all applicable laws,
2590 orders, rules and regulations adopted by governmental entities now or having
2591 jurisdiction. In addition, the ROW-users shall be subject to all technical
2592 specifications, design criteria, policies, resolutions and ordinances now or
2593 adopted or promulgated by the City in the reasonable exercise of its Police
2594 power relating to permits and fees, sidewalk and pavement cuts, utility location,
2595 construction coordination, surface restoration and other requirements on the
2596 use of the right-of-way.

2597 SECTION 515.050: - ADMINISTRATION

- 2598 A. The City Engineer is the principal City Official authorized to administer
2599 right-of-way permits for work and excavations made in the right-of-way. The
2600 City Engineer may delegate any or all of the duties of this Chapter.
- 2601 B. The City Engineer is the principal City Official responsible for administration of
2602 the registration of a service provider. The City Engineer may delegate any or all
2603 of the duties of this Chapter.
- 2604 C. The City Engineer shall prepare, maintain and update schedules of planned
2605 road construction and overlay with proposed start dates. These schedules shall
2606 be available for inspection by service providers and the public in City offices.

2607 SECTION 515.060: - REQUIREMENTS OF SERVICE PROVIDER

- 2608 A. Any existing service provider must register within ninety (90) days of the
2609 effective date of this Article (August 28, 2000).
- 2610 B. Any person who is not an existing service provider prior to August 28, 2000, and

- 2611 who wishes to become a service provider must first register with the City.
- 2612 C. The service provider shall report any changes in its registration information
2613 within thirty (30) days.
- 2614 D. No service provider shall be authorized to utilize the right-of-way in any
2615 capacity or manner without registering and obtaining the necessary
2616 right-of-way permit from the City.
- 2617 E. The information required for registration includes the following:
- 2618 1. Identity and legal status of service provider, including related affiliates.
- 2619 2. Name, address, telephone number, fax number and email address of
2620 officer, agent or employee responsible for the accuracy of the registration
2621 statement.
- 2622 3. Name, address, telephone number, fax number and email address of the
2623 local representative of the service provider who shall be available at all
2624 times to act on behalf of the service provider in the event of an emergency.
- 2625 4. Proof of any necessary permit, license, certification, grant, registration,
2626 franchise agreement or any other authorization required by any
2627 appropriate governmental entity, including, but not limited to, the City or
2628 the FCC.
- 2629 5. Description of the service provider's intended use of the right-of-way.
- 2630 6. Information sufficient to determine whether the service provider is subject
2631 to franchising by Missouri law.
- 2632 7. Information sufficient to determine that the service provider has applied for
2633 and received any permit or other approvals required by the FCC.
- 2634 8. Information which identifies reseller service providers.
- 2635 9. Such other information as may be required by the City to complete the
2636 registration statement.
- 2637 F. Each service provider shall designate a local person familiar with the facilities
2638 that will act as a local agent for the service provider and will be responsible for
2639 satisfying information requirements of this Article. The service provider shall
2640 present to the City the agent's name, address, telephone number, fax number
2641 and email address. The agent shall be the person to whom relocation notices
2642 and other such notices shall be sent and with whom rests the responsibility to
2643 facilitate all necessary communications. The service provider shall be
2644 responsible for all costs incurred by the City due to the failure to provide such
2645 information to the City.
- 2646 G. The service provider shall participate in any joint planning, construction and
2647 advance notification of right-of-way work, including coordination and
2648 consolidation of street cut work as directed by the City Engineer. In addition,
2649 the service provider shall cooperate with other service providers and the City

2650 for the best, most efficient, most aesthetic and least obtrusive use of the
2651 right-of-way, consistent with safety, and to minimize traffic and other
2652 disruptions, including street cuts.

2653 H. To the extent allowed by law, the City may limit the number of registrations in a
2654 competitively neutral manner based upon, but not necessarily limited to,
2655 specific local considerations such as:

- 2656 1. The capacity of the right-of-way to accommodate service facilities;
- 2657 2. The impact on the community of the volume of facilities in the right-of-way;
- 2658 3. The disruption arising from numerous excavations of the right-of-way;
- 2659 4. The financial capabilities of the service provider and its guaranteed
2660 commitment to make necessary investments to erect, maintain and operate
2661 the proposed facilities; or
- 2662 5. Any other consideration based upon the interests of the public safety and
2663 welfare.

2664 I. The City shall not exercise its authority under this provision to in any way deter
2665 competition or discriminate against any service provider.

2666 SECTION 515.070: - SERVICE PROVIDER'S RIGHT TO SELL, TRANSFER, LEASE, ASSIGN,
2667 SUBLET OR DISPOSE

2668 In the event a service provider shall sell, transfer, lease, assign, sublet or dispose of
2669 its facilities that are located in City right-of-way, or any right, title or interest in the
2670 same, or transfer any rights granted by the City to any person either by forced or
2671 involuntary sale, or by ordinary sale, consolidation or otherwise, it shall notify the
2672 City of same. In such case, the buyer, transferee, lessee or assignee shall be subject
2673 to the terms and conditions of this Article, including the requirement to register as
2674 provided in the preceding Section. This provision shall not apply to the sale of
2675 property or equipment in the normal course of business. No notice to the City shall
2676 be required for a transfer in trust, mortgage or other similar instrument, in whole
2677 or in part, to secure an indebtedness, or for a pro forma transfer to a corporation,
2678 partnership or other entity controlling, controlled by or under common control with
2679 the service provider.

2680 SECTION 515.080: - RESELLER SERVICE PROVIDERS

2681 A service provider may permit and has the authority to sell, sublet or lease any use
2682 of excess capacity and sell services for resale to any reseller service provider
2683 providing service within the City, including the service provider's subsidiary or
2684 affiliate. The reseller service provider shall first register and obtain any necessary
2685 permit, license, certification, grant, registration, franchise agreement or any other
2686 authorization required by any appropriate governmental entity, including but not
2687 limited to, the City or the FCC. Unless otherwise prohibited by law or regulatory
2688 authority, the service provider shall use all reasonable efforts to provide the City on

2689 an annual basis the identity of entities with which the service provider has entered
2690 into an interconnection and/or resale agreement within the City. This notice will not
2691 relieve the reseller service provider from its own obligation to register and obtain
2692 any necessary franchise with the City. Nothing in this Article shall prevent a
2693 facility-based service provider from providing to any reseller service provider the
2694 use of the facility-based service provider's facilities in the right-of-way as authorized
2695 by Federal or State law.

2696 SECTION 515.090: - USE OF THE RIGHT-OF-WAY

2697 A. The ROW user's use of the right-of-way shall in all matters be subordinate to
2698 the City's use or occupation of the right-of-way. Without limitations of its rights,
2699 the City expressly reserves the right to exercise its governmental powers now
2700 and hereafter vested in or granted to the City.

2701 B. The ROW user shall coordinate the placement of facilities in a manner that
2702 minimizes adverse impact on any public improvement as reasonably
2703 determined by the City. Where placement is not regulated, the facilities shall be
2704 placed with adequate clearance from such public improvements so as not to
2705 impact or be impacted by such public improvement as defined in the City's
2706 Manual of Infrastructure Standards available in the office of the City Engineer.

2707 C. The ROW user shall consider any request made by the City concerning
2708 placement facilities in private easements in order to limit or eliminate future
2709 street improvement relocation expenses.

2710 D. All facilities shall be located and laid so as not to disrupt or interfere with any
2711 pipes, drains, sewers, irrigation systems or other structures or public
2712 improvements already installed. In addition, the ROW user shall, in doing work
2713 in connection with its facilities, avoid, so far as may be practicable, disrupting or
2714 interfering with the lawful use of the streets, alleys, sidewalks or other public
2715 lands of the City.

2716 E. All facilities of the ROW user shall be placed so that they do not interfere with
2717 the use of right-of-way and public lands. The City, through its City Engineer,
2718 shall have the right to consult and review the location, design and nature of the
2719 facility prior to installation.

2720 F. The ROW user shall not interfere with the facilities of the other ROW users
2721 without their permission. If and when the City requires or negotiates to have a
2722 service provider cease using its existing poles and to relocate its facilities
2723 underground, all other service providers using the same poles shall also
2724 relocate their facilities underground at the same time. The cost of such
2725 relocation shall be in accordance with this Article and the applicable tariff
2726 governing that service provider.

2727 G. The City Engineer may assign specific corridors within the right-of-way, or any
2728 particular segment as may be necessary, for each type of facility that is
2729 currently or, pursuant to current technology, the City Engineer expects will

2730 someday be located within the right-of-way. All right-of-way permits issued by
2731 the City Engineer shall indicate the proper corridor for the ROW user's facilities.
2732 Any ROW user whose facilities are currently in the right-of-way in a position at a
2733 variance with the designated corridors shall, no later than at the time of next
2734 reconstruction or excavation of the area where its facilities are located, move
2735 the facilities to its assigned position within the right-of-way, unless this
2736 agreement is waived by the City Engineer for good cause shown, upon
2737 consideration of such factors as the remaining economic life of the facilities,
2738 public safety, user service needs and hardship to the ROW user.

2739 H. If, in the preparation and planning of a right-of-way project, the City Engineer
2740 deems it appropriate for a conduit to be constructed along, across or under the
2741 right-of-way, the City Engineer shall contact all appropriate ROW users for their
2742 input on the planning and design of such conduit. If a ROW user desires to
2743 construct, maintain or operate facilities along such right-of-way, the City
2744 Engineer may require the ROW user to use such conduit and to contribute to
2745 the expense of such conduit; provided however, the ROW user's use of the
2746 conduit is reasonable and appropriate under the circumstances.

2747 I. All earth, materials, sidewalks, paving, crossings, utilities, other public
2748 improvements or improvements of any kind damaged or removed by the ROW
2749 user shall be fully repaired or replaced within five (5) working days by the ROW
2750 user at its sole expense and to the reasonable satisfaction of the City. Upon
2751 determination by the City Engineer that such repair or replacement is a public
2752 safety matter, all such repair or replacement shall be corrected within
2753 twenty-four (24) hours of notice from the City, or the City Engineer may direct
2754 the City to make such repair or replacement and bill the ROW user for the City
2755 cost. The City Engineer has the authority to inspect the repair or replacement of
2756 the damage and, if necessary, to require the ROW user to do any necessary
2757 additional work.

2758 J. All technical standards governing construction, reconstruction, installation,
2759 operation, testing, use, maintenance and dismantling of a ROW user's facilities
2760 in the right-of-way shall be in accordance with applicable Federal, State and
2761 local laws and regulations, including those promulgated by national trade
2762 associations commonly associated with the service provided by the ROW user.
2763 A ROW user shall not construct or reconstruct any of its facilities located upon,
2764 over, under or within the City right-of-way without first having submitted in
2765 writing a description of its planned improvements to the City Engineer and
2766 having received a permit for such improvement. The City Engineer may require
2767 that any drawings, plans and/or specifications submitted be certified by a
2768 qualified professional stating that such drawings, plans and/or specifications
2769 comply with all applicable technical codes, rules and regulations, unless such
2770 plans are based directly on nationally recognized codes.

2771 K. The ROW user shall cooperate promptly and fully with the City and take all
2772 reasonable measures necessary to provide accurate and complete on-site

2773 information regarding the nature and location of its facilities within the
2774 right-of-way, both underground and overhead, when requested by the City or
2775 its authorized agent for a public improvement. Such location and identification
2776 shall be at the sole expense of the ROW user without any expense to the City,
2777 its employees, agents or authorized contractors.

2778 L. Unless otherwise permitted by law, it shall be unlawful for any person to place
2779 or maintain any object, platform, structure or obstruction, such as, but not
2780 limited to, a basketball goal, skateboard ramp, trampoline, fence, flagpole,
2781 dumpster, yard ornament, sump pump discharge pipe, or similar item, either
2782 temporarily or permanently, over any street or sidewalk or in any part of the
2783 City's right-of-way except by written approval of the City Engineer.

2784 M. No unauthorized person shall, in a commercial or industrial zoned district,
2785 deposit or cause to be deposited any snow or ice on any public roadway or
2786 right-of-way.

2787 SECTION 515.100: - FACILITY RELOCATION

2788 A. The ROW-user shall promptly remove, relocate or adjust any facilities located in
2789 the right-of-way as directed by the City for a public improvement or when
2790 reasonably required by the City by reason of public safety. Such removal,
2791 relocation or adjustment shall be performed by the ROW-user at the
2792 ROW-user's sole expense without expense to the City, its employees, agents or
2793 authorized contractors, and shall be specifically subject to rules, regulations
2794 and schedules of the City pertaining to such. The ROW-user shall proceed with
2795 relocations at due diligence upon notice by the City to begin relocation.

2796 B. The ROW-user shall promptly remove, relocate or adjust any facilities located in
2797 private easement, at the City's cost and as directed by the City, for a public
2798 improvement, by moving such facilities to areas within the expanded
2799 right-of-way or within remaining private easements or remaining portions of
2800 such easements not condemned by nor disclaimed to the City to avoid conflict
2801 with City construction and improvements. The ROW-user shall disclaim those
2802 parts of its easements which lie within the expanded right-of-way. Should the
2803 City, in the future, elect to require the ROW-user to again relocate its facilities to
2804 other areas within the expanded right-of-way, the cost of any such future
2805 relocation shall be borne by the City.

2806 C. As soon as working drawings are available for public improvements that will
2807 require the ROW-user to relocate its facilities, the City shall provide the
2808 ROW-user with written notice of relocations and the anticipated bid-letting date
2809 of said improvement. The ROW-user shall respond with any conflicts and a
2810 proposed construction schedule within thirty (30) days.

2811 D. Following notice by the City in the form of the delivery of final design plans for
2812 such public improvements, the ROW-user shall remove and relocate its facilities
2813 in accordance with the mutually agreed upon schedule, provided the project is

2814 not delayed by adverse weather conditions and other factors beyond the
2815 control of the ROW-user. The ROW-user shall certify to the City, in writing, that
2816 its facilities have been relocated or adjusted to clear construction in accordance
2817 with project plans provided by the City.

2818 E. Any damages suffered by the City, its agents or its contractors to the extent
2819 caused by ROW-user's failure to timely relocate or adjust its facilities, or failure
2820 to properly relocate or adjust such facilities, shall be borne by the ROW-user.

2821 F. In the event the ROW-user is required to move its facilities in accordance with
2822 this Section, any ordinary right-of-way permit fee shall be waived.

2823 G. It is the intent of this Section for both the City and the ROW-user to cooperate
2824 with one another so that the need for facility relocation is minimized and, when
2825 required and feasible, relocations may be completed prior to receipt of bids by
2826 the City for a public improvement.

2827 SECTION 515.110: - PROTECTION OF THE PUBLIC

2828 A. It shall be the responsibility of the ROW-user to take adequate measures to
2829 protect and defend its facilities in the right-of-way from harm and damage.

2830 B. The City shall be liable for any damage to or loss of any of the ROW-user's
2831 facilities within the right-of-way as a result of or in connection with any
2832 construction, excavation, grading, filling or work, including public improvements
2833 by or on behalf of the City, to the extent caused by the negligent, willful,
2834 intentional or malicious acts of the City.

2835 C. The ROW-user shall be responsible to the City and its agents, representatives
2836 and authorized contractors for all damages including, but not limited to, delay
2837 of any kind arising out of the failure of the ROW-user to perform any of its
2838 obligations under this Article.

2839 D. The City or its authorized contractors shall be responsible for taking reasonable
2840 precautionary measures including calling for facility locations.

2841 E. Any ROW-user who for any purpose makes or causes to be made any
2842 excavation in, upon, under, through or adjoining any street, sidewalk, alley or
2843 other right-of-way and shall leave any part or portion of open, or shall leave
2844 part or portion of disrupted with rubbish, building or other material during
2845 construction and/or the night time, shall cause the same to be enclosed with
2846 good substantial and sufficient barricades or drums equipped with the
2847 appropriate type warning lights and orange safety fencing material which is
2848 properly secured around the excavation or the disruption.

2849 F. Whenever a ROW-user shall excavate the full width of any street, sidewalk, alley,
2850 driveway approach or other right-of-way, it shall be its duty to maintain an
2851 adequate passage for vehicles and pedestrians across or around the excavation
2852 until it is refilled as specified.

2853 G. Any excavation left open overnight on any arterial or collector type street shall

2854 be securely covered. The ROW-user assumes the sole responsibility for
2855 maintaining proper barricades, plates, safety fencing and/or lights as required
2856 from the time of opening of the excavation until the excavation is surfaced and
2857 opened for travel.

2858 H. In the event the ROW-user severely disturbs or damages the root structure of
2859 any tree in the right-of-way to the detriment of the health and safety of the tree,
2860 the ROW-user will be required to remove and replace the tree at the
2861 ROW-user's cost. Further, in review of the ROW-user's plan, City Engineer, in his
2862 discretion, may require the ROW-user to directionally bore around any tree in
2863 the right-of-way.

2864 I. Upon the appropriate request of any person having satisfied City procedure
2865 and ordinances, the ROW-user shall remove, raise or lower its facilities
2866 temporarily to permit the moving of houses or other structures. The expense of
2867 such temporary removal, raising or lowering shall be paid by the person
2868 requesting the same, and the ROW-user may require such payment in advance.
2869 The ROW-user must be given not less than thirty (30) days' written notice from
2870 the person detailing the time and location of the moving operations.

2871 SECTION 515.120: - RIGHT-OF-WAY VACATION

2872 A. If the City vacates a right-of-way which contains the facilities of the service
2873 provider, and if the vacation does not require the relocation of the service
2874 provider's facilities, the City shall reserve, to and for itself and all service
2875 providers having facilities in the vacated right-of-way, an easement for the right
2876 to install, maintain and operate any facilities in the vacated right-of-way and to
2877 enter upon such vacated right-of-way at any time for the purpose of
2878 reconstructing, inspecting, maintaining or repairing the same.

2879 B. If the vacation requires the relocation of facilities, and
2880 1. If the vacation proceedings are initiated by the service provider, the service
2881 provider must pay the relocation costs, or
2882 2. If the vacation proceedings are initiated by the City, the service provider
2883 must pay the relocation costs unless otherwise agreed to by the City and
2884 the service provider, or
2885 3. If a person other than the service provider or the City initiates the vacation
2886 proceedings, such other person must pay the relocation costs.

2887 SECTION 515.130: - ABANDONED AND UNUSABLE FACILITIES

2888 A. The City Engineer may allow underground facilities or portions of to remain in
2889 place if the City Engineer determines that it is in the best interest of public
2890 safety to do so. If the ROW-user proceeds under this Section, the ROW-user
2891 shall submit to the City a proposal and instruments for transferring ownership
2892 of its facilities to the City.

2893 B. Facilities of a ROW-user who fails to comply with this Section, and whose
2894 facilities remain unused for two (2) years, shall be deemed to be abandoned.
2895 The City may take possession and ownership of the facility.

2896 SECTION 515.140: - PERMIT REQUIREMENT

2897 A. Except as otherwise provided, no ROW-user may excavate any right-of-way or
2898 conduct any repair, construction or reconstruction of facilities located within
2899 the right-of-way without first having obtained the appropriate right-of-way
2900 permit.

2901 B. There are two (2) exemptions to this provision:

2902 1. Contractors working on the construction or reconstruction of public
2903 improvements.

2904 2. ROW-users performing routine service operations which do not require
2905 excavation in the right-of-way and do not disrupt traffic for more than four
2906 (4) hours.

2907 C. No person owning or occupying any land abutting on a public right-of-way shall
2908 construct, maintain or permit in or on the portion of this public right-of-way to
2909 which such land is adjacent, any fixed structure, material or object other than a
2910 U. S. mailbox without having obtained the appropriate right-of-way permit.

2911 D. A right-of-way permit is required for emergency situations. If due to an
2912 emergency it is necessary for the ROW-user to immediately perform work in the
2913 right-of-way and it is impractical for the ROW-user to first get the appropriate
2914 permit, the work may be performed, and the required permit shall be obtained
2915 as soon as possible during the next City working day.

2916 E. No permittee may excavate the right-of-way beyond the date or dates specified
2917 in the right-of-way permit unless the permittee:

2918 1. Makes a supplementary application for another right-of-way permit before
2919 the expiration of the initial permit, and

2920 2. A new right-of-way permit or permit extension is granted.

2921 F. Right-of-way permits issued shall be conspicuously displayed by the permittee
2922 at all times at the indicated work site and shall be available for inspection by the
2923 City Engineer, other City employees and the public. In lieu of the display of the
2924 permit, the City may issue a sign, stake or other device to confirm the issuance
2925 of the permit that shall be conspicuously displayed at the work site.

2926 G. Before receiving a right-of-way permit, the applicant must show proof of any
2927 necessary permit, license, certification, grant, registration, franchise agreement
2928 or any other authorization required by any appropriate governmental entity
2929 including, but not limited to, the City or the FCC.

2930 H. Any ROW-user who is found to be working in the public right-of-way without a
2931 permit will be directed to stop work until a permit is acquired and properly

2932 posted at the work site. The only exception allowed is for emergency repair
2933 work. Refusal to comply with a stop work order is punishable as provided in
2934 Section 515.330 of this Chapter.

2935 I. Any permittee found to be working without providing for required safety and
2936 traffic control will be directed to stop work until the appropriate measures are
2937 implemented in accordance with the current edition of the Manual on Uniform
2938 Traffic Control Devices. Refusal to comply with a stop work order is punishable
2939 as provided in Section 515.330 of this Chapter.

2940 SECTION 515.150: - PERMIT APPLICATIONS

2941 A. Application for a right-of-way permit shall be submitted to the City Engineer by
2942 the person who will do the work and/or excavation in the right-of-way.

2943 B. Right-of-way applications shall contain and be considered complete only upon
2944 receipt of the following:

2945 1. Compliance with verification of registration;

2946 2. Submission of a completed permit application form, including all required
2947 attachments and drawings showing the location and area of the proposed
2948 project and the location of all existing and proposed facilities at such
2949 locations;

2950 3. A traffic control plan;

2951 4. Payment of all money due to the City for permit fees and costs, for prior
2952 excavation costs, for any loss, damage or expense suffered by the City
2953 because of the applicant's prior excavations of the right-of-way or for any
2954 emergency actions taken by the City, unless the payment of such money is
2955 in dispute and timely appealed as provided hereafter.

2956 5. A commitment from the applicant to contact the Missouri One Call program
2957 or comparable successor program.

2958 6. Valid proof that the applicant has obtained a current City business
2959 occupation license.

2960 SECTION 515.160: - LIABILITY INSURANCE, PERFORMANCE AND MAINTENANCE
2961 BOND REQUIREMENT

2962 A. The permittee shall file with the City evidence of liability insurance with an
2963 insurance company licensed to do business in Missouri. The amount will be in
2964 an amount up to the current City's sovereign immunity level as established by
2965 RSMo.-The insurance will protect the City from and against all claims by any
2966 person whatsoever for loss or damage from personal injury, bodily injury, death
2967 or property damage to the extent caused or alleged to have been caused by the
2968 negligent acts or omissions of the permittee. If the permittee is self-insured, it
2969 shall provide the City proof of compliance regarding its ability to self-insure and

2970 proof of its ability to provide coverage in the above amounts.

2971 B. The permittee shall at all times during the term of the permit, and for two (2)
2972 years thereafter, maintain a performance and maintenance bond in a form
2973 approved by the City Manager. The amount of the bond will be five thousand
2974 dollars (\$5,000.00) or the value of the restoration, whichever is greater, for a
2975 term consistent with the term of the permit plus two (2) additional years,
2976 conditioned upon the permittee's faithful performance of the provisions, terms
2977 and conditions conferred by this Article. An annual bond in an amount of fifty
2978 thousand dollars (\$50,000.00) automatically renewed yearly during this period
2979 shall satisfy the requirement of this Section. In the event the City shall exercise
2980 its right to revoke the permit as granted herein, then the City shall be entitled to
2981 recover under the terms of said bond the full amount of any loss occasioned.

2982 C. A copy of the liability insurance certificate and performance and maintenance
2983 bond must be on file with the Finance Department.

2984 D. No performance and maintenance bond or liability insurance will be required of
2985 any governmental entity, or of any residential property owner working in the
2986 right-of-way adjacent to their residence, who does not utilize a contractor to
2987 perform the excavation.

2988 SECTION 515.170: - RIGHT-OF-WAY PERMIT FEES

2989 A. The right-of-way permit fee shall be recommended by the City Engineer,
2990 approved by the Governing Body and listed in the Schedule of Fees maintained
2991 in the Finance Department.

2992 B. The right-of-way permit fee may include an administrative fee and a
2993 degradation fee. The degradation fee shall be calculated upon the area of the
2994 excavation in the public right-of-way and the area one (1) foot around the
2995 perimeter of the excavation.

2996 C. Fees paid for a right-of-way permit which is subsequently revoked by the City
2997 Engineer are not refundable.

2998 D. In the event the scope of the project is revised during the course of the work,
2999 the City Engineer may recalculate the fee based on the actual size of the
3000 excavation and may require an additional administrative fee.

3001 E. The City Engineer may waive the degradation fee for any excavation in the
3002 public right-of-way undertaken within the twelve (12) calendar months
3003 immediately preceding the scheduled improvement or reconstruction of the
3004 street.

3005 SECTION 515.180: - ISSUANCE OF PERMIT

3006 A. If the City Engineer determines that the applicant has satisfied the
3007 requirements of this Article, the City Engineer shall issue a right-of-way permit.

3008 B. The City Engineer may impose reasonable conditions upon the issuance of a

3009 right-of-way permit and the performance of the permittee in order to protect
3010 the public health, safety and welfare, to ensure the structural integrity of the
3011 right-of-way, to protect the property and safety of other users of the
3012 right-of-way and to minimize the disruption and inconvenience to the traveling
3013 public.

3014 C. When a right-of-way permit is requested for purposes of installing additional
3015 facilities, and a performance and maintenance bond for additional facilities is
3016 reasonably determined to be insufficient, the posting of an additional or larger
3017 performance and maintenance bond for the additional facilities may be
3018 required.

3019 D. Issued permits are not transferable.

3020 E. If work is being done for the ROW-user by another person, a subcontractor or
3021 otherwise, the person doing the work and the ROW-user shall be liable and
3022 responsible for all damages, obligations and warranties herein described.

3023 F. A right-of-way permit shall have an effective date and an expiration date.
3024 Establishment of the expiration date shall be in the discretion of the City
3025 Engineer, which discretion shall be reasonably exercised to achieve the City's
3026 policy of minimizing disruption of public right-of-way.

3027 SECTION 515.190: - PERMITTED WORK

3028 A. The permittee shall not make any cut, excavation or grading of right-of-way
3029 other than excavations necessary for emergency repairs without first securing a
3030 right-of way permit.

3031 B. The permittee shall not at any one (1) time open or encumber more of the
3032 right-of-way than shall be reasonably necessary to enable the permittee to
3033 complete the project in the most expeditious manner.

3034 C. The permittee shall, in the performance of any work required for the
3035 installation, repair, maintenance, relocation and/or removal of any of its
3036 facilities, limit all excavations to those excavations that are necessary for
3037 efficient operation.

3038 D. The permittee shall not permit such an excavation to remain open longer than
3039 is necessary to complete the repair or installation.

3040 E. The permittee shall notify the City no less than three (3) working days in
3041 advance of any construction, reconstruction, repair, location or relocation of
3042 facilities which would require any street closure or which reduces traffic flow to
3043 less than two (2) lanes of moving traffic for more than four (4) hours. Except in
3044 the event of an emergency as reasonably determined by the permittee, no such
3045 closure shall take place without notice and prior authorization from the City.

3046 F. Non-emergency work on arterial and collector streets may not be accomplished
3047 during the hours of 7:00 A.M. to 8:30 A.M. and 4:00 P.M. to 6:00 P.M., in order to

- 3048 minimize disruption of traffic flow.
- 3049 G. All work performed in the right-of-way or which in any way impacts vehicular or
3050 pedestrian traffic shall be properly signed, barricaded and otherwise protected
3051 at the permittee's expense. Such signage shall be in conformance with the
3052 latest edition of the Administration's Manual on Uniform Traffic Control
3053 Devices, unless otherwise agreed to by the City.
- 3054 H. The permittee shall be liable for any damages to underground facilities, or for
3055 any damage to underground facilities that have been properly identified prior
3056 to excavation. The permittee shall not make or attempt to make repairs,
3057 relocation or replacement of damaged or disturbed underground facilities
3058 without the approval of the owner of the facilities.
- 3059 I. Whenever there is an excavation by the permittee, the permittee shall be
3060 responsible for providing adequate traffic control to the surrounding area as
3061 determined by the City Engineer. The permittee shall perform work on the
3062 right-of-way at such times that will allow the least interference with the normal
3063 flow of traffic and the peace and quiet of the neighborhood. In the event the
3064 excavation is not completed in a reasonable period of time, the permittee may
3065 be liable for actual damages to the City for delay caused by the permittee
3066 pursuant to this Article.
- 3067 J. All facilities and other appurtenances laid, constructed and maintained by the
3068 permittee shall be laid, constructed and maintained in accordance with
3069 acceptable engineering practice and in full accord with any and all applicable
3070 Engineering Codes adopted or approved by the parties and in accordance with
3071 applicable statutes of the State of Missouri, as well as the rules and regulations
3072 of any local, State or Federal agency having jurisdiction over the parties.
- 3073 K. Following completion of permitted work for new construction, the permittee
3074 shall keep, maintain and provide to the City accurate records and as-built
3075 drawings, drawn to scale and certified to the City as accurately depicting the
3076 location of all utility facilities constructed pursuant to the permit. When
3077 available to the permittee, maps and drawings provided will be submitted in
3078 AUTOCAD.DXF, AUTOCAD.DWG, MICROSTATION DGN (or comparable, as
3079 allowed by the City Engineer) automated formats if available, or in hard copy
3080 otherwise. The City Engineer may waive this requirement.
- 3081 L. The City may use the as-built records of the service provider's facilities in
3082 connection with public improvements.

3083 SECTION 515.200: - RIGHT-OF-WAY REPAIR AND RESTORATION

- 3084 A. The work to be done under the right-of-way permit and the repair and
3085 restoration of the right-of-way as required herein must be completed within the
3086 dates as specified in the permit. However, in the event of circumstances beyond
3087 the control of the permittee or when work was prohibited by unseasonable or
3088 unreasonable conditions, the City Engineer may extend the date for completion

3089 of the project upon receipt of a supplementary application for a permit
3090 extension.

3091 B. All earth, materials, sidewalks, paving, crossing, utilities, public improvement or
3092 improvements of any kind damaged or removed by the permittee shall be fully
3093 repaired or replaced promptly by the permittee at its sole expense and the
3094 reasonable satisfaction of the City. The City Engineer has the authority to
3095 inspect the repair or replacement of the damage, and if necessary, to require
3096 the permittee to do the additional necessary work. Notice of the unsatisfactory
3097 restoration and the deficiencies found will be provided to the permittee and a
3098 reasonable time not to exceed fifteen (15) days will be provided to allow for the
3099 deficiencies to be corrected.

3100 C. After any excavation, the permittee shall, at its expense, restore all portions of
3101 the right-of-way to the same condition, or better than, that it was prior to the
3102 excavation.

3103 D. If the permittee fails to restore the right-of-way in the manner and to the
3104 conditions required by the City Engineer, or fails to satisfactorily and timely
3105 complete all restoration, the City may, at its option, serve written notice upon
3106 the permittee and its surety that, unless within five (5) days after serving of such
3107 notice, a satisfactory arrangement can be made for the proper restoration of
3108 the right-of-way, the City shall immediately serve notice of failure to comply
3109 upon the surety and the permittee, and the surety shall have the right to take
3110 over and complete the work; provided however, that if the surety does not
3111 commence performance within ten (10) days from the date of notice, the City
3112 may take over the work and prosecute the same to completion, by contract or
3113 otherwise, at the expense of the permittee, and the permittee and its surety
3114 shall be liable to the City for any and all excess cost assumed by the City by
3115 reason of such prosecution and completion.

3116 E. The permittee responsible for the excavation who leaves any debris in the
3117 right-of-way shall be responsible for providing safety protection in accordance
3118 with the latest edition of the Manual of Uniform Traffic Control Devices and any
3119 applicable Federal or State requirement.

3120 F. If an excavation cannot be back-filled immediately and is left unattended, the
3121 permittee shall securely and adequately cover the unfilled excavation. The
3122 permittee has sole responsibility for maintaining proper barricades, safety
3123 fencing and/or lights as required, from the time of the opening of the
3124 excavation until the excavation is surfaced and opened for travel.

3125 G. In restoring the right-of-way, the permittee guarantees its work and shall
3126 maintain it for twenty-four (24) months following its completion. During the
3127 twenty-four (24) months the permittee shall, upon notification from the City
3128 Engineer, correct all restoration work to the extent necessary, using any
3129 method as required by the City Engineer. Said work shall be completed within a
3130 reasonable time, not to exceed thirty (30) calendar days, of the receipt of notice

3131 from the City Engineer (not including days during which work cannot be done
3132 because of circumstances constituting Force Majeure or days when work is
3133 prohibited as unseasonable or unreasonable). The City Engineer shall have the
3134 authority to extend the guarantee period for up to an additional twenty-four
3135 (24) months from the date of the new restoration, if the City Engineer
3136 determines any overt action by the permittee not to comply with the conditions
3137 of the right-of-way permit and any restoration requirements. The foregoing
3138 shall not apply to living materials restored in the right-of-way, but living
3139 materials in the right-of-way shall be replaced and all reasonable efforts shall
3140 be taken to ensure their survival.

3141 H. The twenty-four (24) month guarantee period shall be applicable to failure of
3142 the pavement surface as well as failure below the pavement surface.

3143 I. Payment of a degradation fee shall not relieve the permittee of the obligation to
3144 complete the necessary right-of-way restoration.

3145 SECTION 515.210: - JOINT APPLICATIONS

3146 A. Applicants may apply jointly for permits to excavate the right-of-way at the
3147 same time and place. All joint applicants must jointly execute all required
3148 documents and shall be jointly and severally liable for all duties and obligations
3149 hereunder.

3150 B. Applicants who apply jointly for a right-of-way permit may share in the payment
3151 of the permit fee. Applicants must agree among themselves as to the portion
3152 each shall pay.

3153 SECTION 515.220: - SUPPLEMENTARY APPLICATIONS

3154 A. A right-of-way permit shall only be valid for the area of the right-of-way
3155 specified within the permit. No permittee may cause any work to be done
3156 outside the area specified in the permit, except as provided herein. Any
3157 permittee who determines that an area greater than that which is specified in
3158 the permit must be excavated must do the following prior to the
3159 commencement of work in that greater area:

3160 1. Make application for a permit extension and pay any additional fees
3161 required; and

3162 2. Receive a new right-of-way permit or permit extension.

3163 B. A right-of-way permit shall be valid only for the dates specified in the permit. No
3164 permittee may commence work before the permit start date or, except as
3165 provided herein, may continue working after the end date. If a permittee does
3166 not complete the work by the permit end date, the permittee must apply for
3167 and receive a new right-of-way permit or a permit extension for additional time.
3168 This supplementary application must be submitted to the City prior to the
3169 permit end date.

3170 SECTION 515.230: - OTHER OBLIGATIONS

- 3171 A. Obtaining a right-of-way permit under this Article shall not relieve the permittee
3172 of its duty to obtain any necessary permit, license, certification, grant,
3173 registration, franchise agreement or any other authorization required by any
3174 appropriate governmental entity, including, but not limited to, the City or the
3175 FCC, and to pay any fees required by any other City, County, State or Federal
3176 rules, laws or regulations. A permittee shall perform all work in full accord with
3177 any and all applicable Engineering Codes adopted or approved by the parties
3178 and in accordance with applicable statutes of the State of Missouri, and the
3179 rules and regulations of the FCC or any other local, State or Federal agency
3180 having jurisdiction over the parties. A permittee shall perform all work in
3181 conformance with all applicable Codes and established rules and regulations
3182 and shall be responsible for all work done in the right-of-way pursuant to its
3183 permit, regardless of who does the work.
- 3184 B. Except in cases of an emergency or with approval of the City Engineer, no
3185 right-of-way work may be done when conditions are unreasonable for such
3186 work.
- 3187 C. A permittee shall not disrupt a right-of-way such that the natural free and clear
3188 passage of water through the gutters or other waterways is interfered with.
3189 Private vehicles may not be parked within or next to the permit area.

3190 SECTION 515.240: - DENIAL OF PERMIT

- 3191 A. The City Engineer may deny a permit to protect the public health, safety and
3192 welfare to prevent interference with the safety and convenience of ordinary
3193 travel over the right-of-way or when necessary to protect the right-of-way and
3194 its users. The City Engineer, at their discretion, may consider one (1) or more of
3195 the following factors in denial of the permit:
- 3196 1. The extent to which the right-of way space where the permit is sought is
3197 available;
 - 3198 2. The competing demands for the particular space in the right-of-way;
 - 3199 3. The availability of other locations in the right-of-way or in other right-of-way
3200 for the facilities of the applicant;
 - 3201 4. The applicability of any ordinance or other regulations that affect location
3202 of facilities in the right-of-way;
 - 3203 5. The degree of compliance of the applicant with the terms and conditions of
3204 its franchise, this Article and other applicable ordinances and regulations;
 - 3205 6. The degree of disruption to surrounding communities and businesses that
3206 will result from the use of that part of the right-of-way;
 - 3207 7. The condition and age of the right-of-way which was constructed or

- 3208 reconstructed within the preceding five (5) years;
- 3209 8. The balancing of costs of disruption to the public and damage to the
3210 right-of-way against the benefits to that part of the public served by the
3211 construction in the right-of-way;
- 3212 9. Whether the applicant maintains a current occupational license with the
3213 City;
- 3214 10. Whether the applicant has failed within the last three (3) years to comply, or
3215 is presently not in full compliance with, the requirements of this Article;
- 3216 11. Whether the applicant has delinquent debt owed to the City;
- 3217 12. Whether the issuance of a right-of-way permit for the particular dates
3218 and/or time requested would cause a conflict or interferes with an
3219 exhibition, celebration, festival or any other event. In exercising this
3220 discretion, the City Engineer shall be guided by the safety and convenience
3221 of anticipated travel of the public over the right-of way.
- 3222 B. Notwithstanding the above provisions, the City Engineer may in their discretion
3223 issue a right-of-way permit in any case where the permit is necessary to:
- 3224 1. Prevent substantial economic hardship to a user of the applicant's service;
- 3225 2. Allow such user to materially improve the service provided by the applicant.

3226 SECTION 515.250: - REVOCATION OF PERMIT

- 3227 A. Permittees hold right-of-way permits issued pursuant to this Article as a
3228 privilege and not as a right. The City reserves the right to revoke any
3229 right-of-way permit, without refund of the permit fee, in the event of a
3230 substantial breach of the terms and conditions of any law or the right-of-way
3231 permit. A substantial breach shall include, but not be limited to, the following:
- 3232 1. The violation of any material provision of the right-of way permit;
- 3233 2. An evasion or attempt to evade any material provision of the right-of-way
3234 permit, or the perpetration or attempt to perpetrate any fraud or deceit
3235 upon the City or its citizens;
- 3236 3. Any material misrepresentation of any fact in the permit application;
- 3237 4. The failure to maintain the required bond or insurance;
- 3238 5. The failure to complete the work in a timely manner;
- 3239 6. The failure to correct a condition indicated on an order issued pursuant to
3240 this Article;
- 3241 7. Repeated traffic control violations; or
- 3242 8. Failure to repair facilities damaged in the right-of-way.
- 3243 B. If the City Engineer determines that the permittee has committed a substantial

3244 breach of any law or condition placed on the right-of-way permit, the City
3245 Engineer shall make a written demand upon the permittee to remedy such
3246 violation. The demand shall state that the continued violation may be cause for
3247 revocation of the permit or legal action if applicable. Further, a substantial
3248 breach, as stated above, will allow the City Engineer, at his discretion, to place
3249 additional or revised conditions on the right-of-way permit, specifically related
3250 to the manner in which the breach is cured by the permittee. Within five (5)
3251 calendar days of receiving notification of the breach, permittee shall contact the
3252 City Engineer with a plan, acceptable to the City Engineer, for correction of the
3253 breach. Permittee's failure to contact the City Engineer, permittee's failure to
3254 submit an acceptable plan or permittee's failure to reasonably implement the
3255 approved plan shall be cause for immediate revocation of the right-of-way
3256 permit.

3257 C. If a right-of-way permit is revoked, the permittee shall also reimburse the City
3258 for the City's reasonable costs, including administrative costs, restoration costs
3259 and the costs of collection and reasonable attorneys' fees incurred in
3260 connection with such revocation.

3261 SECTION 515.260: - WORK REQUIREMENTS AND INSPECTIONS

3262 A. Any excavation, backfilling, repair and restoration, and all other work
3263 performed in the right-of-way shall be done in conformance with the City's
3264 standards as promulgated by the City Engineer.

3265 B. The permittee will notify the City Engineer to schedule an inspection at the start
3266 of backfilling. Upon completion of all right-of-way restoration activities, the
3267 permittee will schedule a closeout inspection. In the event a permittee fails to
3268 obtain any interim inspections, the City Engineer may require re-opening of the
3269 excavation to allow such inspections.

3270 C. The permittee shall notify the office of the City Engineer upon completion of the
3271 authorized work permit.

3272 D. When any corrective actions required have been completed and inspected to
3273 the City Engineer's satisfaction, the two (2) year maintenance period will begin.

3274 E. In addition to the required scheduled inspections, the City Engineer may choose
3275 to inspect the ongoing permitted work in the right-of-way at any time to ensure
3276 that all requirements of the approved permit are being met by the permittee.

3277 F. At the time of any inspection the City Engineer may order the immediate
3278 cessation of any work which poses a serious threat to the life, health, safety or
3279 well-being of the public. The City Engineer may issue a citation to the permittee
3280 for any work which does not conform to the applicable standards, conditions,
3281 code or terms of the permit. The citation shall state that failure to correct the
3282 violation will be cause for revocation of the permit.

3283 SECTION 515.270: - APPEALS PROCESS

- 3284 A. Whenever a permittee shall deem themselves aggrieved by any decision or
3285 action taken by the City Engineer, the person may file an appeal to the City
3286 Manager within ten (10) calendar days of the date of notice of such decision or
3287 action.
- 3288 B. The permittee shall be afforded a hearing on the matter before the City
3289 Manager within thirty (30) days of filing the appeal.
- 3290 C. In cases of applicability or interpretation of the rules, the City Manager may
3291 revoke such decision or action taken by the City Engineer.
- 3292 D. Unless the aggrieved order is revoked, such order, decision or action shall
3293 remain in force and be complied with by the permittee forthwith.
- 3294 E. In cases where compliance with such decision or action taken by the City
3295 Engineer would cause undue hardship, the City Manager may extend the time
3296 limit of such decision or action, or may grant exceptions to, or waive
3297 requirements of, or grant a variance from the specific provisions of rules. The
3298 City Manager shall give due consideration to the purposes of the rules in
3299 preserving public safety and convenience, integrity of public infrastructure and
3300 the operational safety and function of the public right-of-way.
- 3301 F. If a permittee still deems themselves aggrieved after the appeal to the City
3302 Manager, such permittee shall have thirty (30) days after the effective date of
3303 the City Manager's final decision to appeal the decision to the City Council in
3304 writing.
- 3305 G. If a permittee still deems themselves aggrieved after the appeal to the City
3306 Council, such permittee shall have thirty (30) days after the effective date of the
3307 City Council's final decision to institute an action in the Circuit Court of Cass
3308 County, Missouri.

3309 SECTION 515.280: - INDEMNIFICATION

3310 A permittee operating under the provisions of this Article shall fully indemnify,
3311 release, defend and hold harmless the City and agents of the City when acting in
3312 their capacity as municipal officials, employees and agents, from and against any
3313 and all claims, demands, suits, proceedings and actions, liability and judgment by
3314 other persons for damages, losses, costs and expenses, including attorney fees, to
3315 the extent caused by negligent acts or omissions of the permittee in the
3316 performance of the permitted work. The City agrees to timely notify permittee of
3317 such claim, demand, suit, proceeding and/or action by providing written notice to
3318 permittee. Nothing herein shall be deemed to prevent the City, or any agent, from
3319 participating in the defense of any litigation by their own counsel at their own
3320 expense. Such participation shall not under any circumstances relieve the person
3321 from the duty to defend against liability or its duty to pay any judgment entered
3322 against the City, or its agents.

3323 SECTION 515.290: - RESERVED

3324 SECTION 515.300: - FEDERAL, STATE AND CITY JURISDICTION

3325 This Article shall be construed in a manner consistent with all applicable Federal,
3326 State and local laws. Notwithstanding any other provisions of this Article to the
3327 contrary, the construction, operation and maintenance of the ROW-user's facilities
3328 shall be in accordance with all laws and regulations of the United States, the State
3329 and any political subdivision, or any administrative agency having jurisdiction. In
3330 addition, the ROW-user shall meet the most stringent technical standards set by
3331 regulatory bodies, including the City, now or hereafter having jurisdiction. The
3332 ROW-user's rights are subject to the Police powers of the City to adopt and enforce
3333 ordinances necessary to the health, safety and welfare of the public. The ROW-user
3334 shall comply with all applicable laws and ordinances enacted pursuant to that
3335 power. Finally, failure of the ROW-user to comply with any applicable law or
3336 regulation may result in a forfeiture of any permit, registration or authorization
3337 granted in accordance with this Article.

3338 SECTION 515.310: - SEVERABILITY

3339 If any Section, Subsection, sentence, clause, phrase or portion of this Article is for
3340 any reason held invalid or unconstitutional by any court of administrative agency of
3341 competent jurisdiction, such portion shall be deemed a separate, distinct and
3342 independent provision, and such holding shall not affect the validity of the
3343 remaining portions hereof.

3344 SECTION 515.320: - CITY'S FAILURE TO ENFORCE

3345 The City's failure to enforce or remedy any non-compliance of the terms and
3346 conditions of this Article or of any permit granted hereunder shall not constitute a
3347 waiver of the City's rights nor a waiver of any person's obligation as herein
3348 provided.

3349 SECTION 515.330: - PENALTIES

3350 A. Upon conviction or a plea of guilty, any person, firm or corporation violating or
3351 failing to comply with any of the provisions of this Chapter shall be subject to
3352 the penalty provisions provided for in Section 100.220 of the City Code. Every
3353 day that this Article is violated shall constitute a separate offense.

3354 B. The violation of any provision of this Article is hereby deemed to be grounds for
3355 revocation of the permit and registration to operate with the City.

3356 C. The City shall have the authority to maintain civil suits or actions in any court of
3357 competent jurisdiction for the purpose of enforcing the provisions of this
3358 Article. In addition to any other remedies, the City Attorney may institute
3359 injunction, mandamus or other appropriate action or proceeding to prevent
3360 violation of this Article.

3361 SECTION 515.340: - RESERVATION OF RIGHTS

3362 A. In addition to any rights specifically reserved to the City by this Article, the City
3363 reserves unto itself every right and power which is required to be reserved by a
3364 provision of any ordinance under any registration, permit or other
3365 authorization granted under this Article. The City shall have the right to waive
3366 any provision of this Article or any registration, permit or other authorization
3367 granted thereunder, except those required by Federal or State law, if the City
3368 determines as follows:

- 3369 1. It is in the public interest to do so; and
3370 2. The enforcement of such provision will impose an undue hardship on the
3371 person.

3372 To be effective, such waiver shall be evidenced by a statement in writing signed
3373 by a duly authorized representative of the City. Further, the City reserves to
3374 itself the right to intervene in any suit, action or proceeding involving the
3375 provisions herein.

3376 B. Notwithstanding anything to the contrary set forth herein, the provisions of this
3377 Article shall not infringe upon the rights of any person pursuant to any
3378 applicable State or Federal Statutes including, but not limited to, the right to
3379 occupy the right-of-way.

3380 **ARTICLE II. - FEES**

3381 SECTION 515.350: - SCHEDULE OF FEES

3382 A. *Administrative/Management Fee*: The Administrative/Management fee as
3383 approved by the Governing Body and listed in the Schedule of Fees and
3384 Charges maintained in the Finance Department.

3385 B. *Degradation Fee* (Applicable to street cuts) - Equal to the cost per square yard for
3386 streets, overlays, and sealcoats x depreciation rate x area of influence. This will
3387 be calculated by the City Engineer based on the information provided in the
3388 permit application (see Subsection (D) hereof for details on calculation of
3389 degradation costs).

3390 **CHAPTER 520: - MOVING OF BUILDINGS AND BUILDING SYSTEMS**

3391 SECTION 520.010: - DEFINITIONS

3392 Unless otherwise expressly stated, the following words and terms shall, for the
3393 purposes of this Chapter, have the meanings shown in this Chapter. Where terms
3394 are not defined through the methods authorized by this Chapter, such terms shall

3395 have ordinarily accepted meanings such as the context implies.

3396 *APPLICANT*: means any person making application for a permit.

3397 *BUILDING OR STRUCTURE*: means an assembly of materials forming a construction
3398 for occupancy or use including houses, buildings or any other structures, but
3399 excluding mobile homes or trailers, and small accessory structures with a total floor
3400 area less than two hundred (200) square feet mounted on wheels or trucks for
3401 movement or transfer.

3402 *CITY*: shall mean the City of Raymore.

3403 *PERMITTEE*: means any person who has obtained a permit as provided in this
3404 Chapter.

3405 SECTION 520.020: - PERMIT REQUIRED

3406 A. No building or fixed structure having a total floor area of two hundred (200) or
3407 more square feet shall be moved on or across a street or alley within the City
3408 without a permit issued by the Building Official in accordance with the
3409 provisions set forth in other portions of this Chapter. No building or major
3410 portion shall be raised or shored without a permit from the Building Official.

3411 B. A permit shall be obtained for all heating, ventilating, comfort cooling and
3412 refrigeration systems, electrical service equipment, pipe fitting, incinerators and
3413 miscellaneous heat producing appliances, moved with or installed in any moved
3414 building. A separate permit shall be obtained for the equipment installed in
3415 each separate building or structure.

3416 SECTION 520.030: - APPLICATION FOR PERMIT; FEES

3417 All applications for a permit to move buildings, building systems, or other structures
3418 described in Section 500.080 of the City Code shall be made to the Building Official
3419 and such application shall state or include by attachment and be in compliance with
3420 the following:

3421 1. The dimensions of the building or structure as to length, width, and height
3422 at its highest point when loaded for moving;

3423 2. A description of the building or structure proposed to be moved giving
3424 present street number, construction materials, total floor area in square
3425 feet, number of rooms and condition of exterior and interior;

3426 3. The intended use and occupancy of the building or structure after moving;

3427 4. The day and hour when the moving is to commence and length of time
3428 required for the move. All buildings or structures shall be moved during
3429 daylight hours in a single day. Except as may be allowed by the Building
3430 Official, no building or structure shall be moved on a Saturday or Sunday;

- 3431 5. A plot plan to scale with legal description of the lot to which the building or
3432 structure is to be relocated;
- 3433 6. The names or location of highways, streets, alleys or sidewalks over, along
3434 or across which the building or structure is proposed to be moved. The
3435 applicant shall obtain a permit from the state if a state highway is involved
3436 and a copy shall be submitted to the Building Official;
- 3437 7. If the building is to be moved to a location within the City, a letter of
3438 approval by the Director of Development Services that indicates the
3439 building or structure would conform to the Unified Development Code in
3440 the proposed location after moving;
- 3441 8. The application shall be made not less than fourteen (14) calendar days
3442 prior to the intended commencement of the move and shall be
3443 accompanied by the fee approved by the Governing Body and listed in the
3444 Schedule of Fees and Charges maintained in the Finance Department;
- 3445 9. A written statement specifically identifying the moving contractor or
3446 person(s) performing the building or structure move, including a description
3447 of the equipment to be utilized and a copy of the contractor's occupational
3448 license from the City Clerk's office;
- 3449 10. A certificate of public liability insurance as required in Section 520.070 of
3450 this Chapter;
- 3451 11. A plan identifying the following items shall be submitted and approved by
3452 the City Engineer:
- 3453 a. any mailbox, light pole, utility pole, fence, or other items that would need
3454 to be temporarily removed to allow for the moving of the building; and
- 3455 b. any overhead utility lines, traffic signals, light poles, or other items that
3456 would need to be temporarily removed to allow for the moving of the
3457 building.
- 3458 12. A plan identifying any trees, shrubs or other plantings that would need to
3459 be trimmed or removed to allow for the moving of the building shall be
3460 submitted to and approved by the City Arborist.

3461 SECTION 520.040: - INSPECTIONS; ISSUANCE OF PERMIT

- 3462 A. The Building Official shall inspect the building or structure to determine
3463 whether the standard for issuance of a permit is met and issue or deny such
3464 permit.
- 3465 B. The Building Official may refuse to issue a permit for any of the following
3466 circumstances:
- 3467 1. Any application requirement or any fee, deposit, insurance or bond
3468 requirement has not been complied with.

- 3469 2. The building or structure has been declared to be a dangerous building.
- 3470 3. The equipment to be used is unsafe and that persons and property would
3471 be endangered by its use.
- 3472 4. The Unified Development Code or any other ordinances would be violated
3473 by the location and use of the building or structure at the location intended.
- 3474 5. For any reasonably ascertainable reason, persons or property in the City
3475 would be endangered by the moving of the building or structure.
- 3476 6. Any weight, length, width or other restriction imposed upon the use of the
3477 public or private roadways within the City limits by either City traffic
3478 ordinances or RSMo. would be violated.
- 3479 7. The moving of a building would require the removal or trimming of trees or
3480 other plantings that would permanently damage said tree or other planting.
- 3481 C. The permit shall be valid only for the date specified on the permit application
3482 for when the move is to occur. If weather or other circumstances arise beyond
3483 the control of the applicant the Building Official may allow the permit to be
3484 transferred to a new date. If the Building Official does not authorize the change
3485 of date for the move, then the permit will expire and a new permit must be
3486 applied for and obtained.
- 3487 D. Claim on bond or letter of credit. If any damage shall occur to any City property
3488 due to the moving of the building of structure the Building Official shall furnish
3489 the applicant a written statement of all expenses and damages caused to or
3490 inflicted upon property as to such claim against the bond or letter of credit.
- 3491 E. Right to an appeal. All appeal procedures shall comply with Chapter 540 of the
3492 City Code.

3493 SECTION 520.050: - CONDITIONS OF PERMIT

- 3494 A. Every permittee under this Chapter shall:
- 3495 1. Move a building or structure only over streets designated for such use in
3496 the written permit.
- 3497 2. Begin and complete the move within the daylight hours of a single day.
- 3498 3. Notify all public and private utilities of the requested move. Copies of
3499 notification and evidence of delivery shall be furnished to the Building
3500 Official.
- 3501 4. Notify the Building Official in writing of any and all damages done to public
3502 or private property within twenty-four (24) hours after damage or injury has
3503 occurred.
- 3504 5. Ensure that no building or structure or any part of any building or structure
3505 being moved shall be left deposited or remain in any parkway, street or on
3506 the dedicated right-of-way between the curb and the front property line of

- 3507 any lot.
- 3508 6. Comply with the Building Code, Fire Code, Unified Development Code and
3509 all other applicable traffic ordinances and laws upon relocating the building
3510 or structure in the City or when moving the same through the City.
- 3511 7. Remove all rubbish and material and restore property to existing grade at
3512 the original building or structure site in a safe and sanitary condition within
3513 the time frame established by the Building Official. Restoration of the
3514 property shall be in accordance with Section 500.155 (B) of the City Code.
- 3515 8. Have qualified personnel in place along the route to be used for the move
3516 to ensure the public health, safety and welfare is maintained; to direct
3517 vehicular traffic to an alternate route; to ensure public and private property
3518 along the route is not damaged; and to address any problems that may
3519 arise.
- 3520 B. All costs associated with moving the building, including temporary or
3521 permanent removal of utility lines, trees or other plantings, mailboxes, light or
3522 utility poles, or similar items shall be paid by the applicant.

3523 SECTION 520.060: - BOND OR LETTER OF CREDIT REQUIRED

3524 Before such permit is issued, the applicant shall file with the City's Finance
3525 Department, a bond executed by the applicant as principal, with corporate surety
3526 authorized to do business in the State of Missouri, in an amount up to the current
3527 City's sovereign immunity level as established by RSMo., wherein the City is named
3528 as obligee, or in lieu of, an irrevocable letter of credit issued to the City by a bank
3529 with place of business in the State of Missouri, in like amount, either of such to be
3530 in form approved by the City Attorney, and each of which shall be conditioned as
3531 follows:

- 3532 1. That principal shall pay any and all damages, costs or expenses, resulting
3533 from the moving operation, and including full compensation for any injury
3534 to any property, public or private, related to the moving operation, whether
3535 caused by a principal, or agent, employee, workman, contractor or
3536 subcontractor.
- 3537 2. That principal will indemnify and protect the City from any and all liability
3538 related to or resulting from the move and including any cost of defense of
3539 any claim, or cost or expense of enforcement of or recovery under the
3540 terms of the bond or letter of credit.
- 3541 3. That said move, once begun, shall proceed continuously without
3542 interruption until completed, including removal of rubbish and materials
3543 and fill or excavation and placing of premises from which the structure is
3544 moved in a safe and satisfactory condition within five (5) days from the time
3545 of move.
- 3546 4. That in the event of any failure to fully comply with this Chapter, including

3547 any cessation or interruption of the moving operation before completion,
3548 the City, at the election of the Building Official, but without requirement,
3549 may proceed by use of City personnel, or by contractor selected by it, to the
3550 completion of the move as provided by the permit, at the cost or expense of
3551 the permittee, including compensation for the time and services of City
3552 personnel, and recover all of the same, including enforcement and
3553 expenses of recovery, from any and all of the principal, surety on the bond,
3554 or bank issuing such letter of credit.

3555 SECTION 520.070: - LIABILITY INSURANCE

3556 Every person moving a building in the City shall file with the Finance Department a
3557 liability insurance policy not less than an amount up to the current City's sovereign
3558 immunity level as established by RSMo., The policy shall be issued by the solvent
3559 corporation holding a certificate of authority to conduct insurance business in the
3560 State, which policy shall conform in all respects to the requirements of this Section.
3561 The City of Raymore shall be named as an additional insured.

3562 SECTION 520.080: - DEFAULT IN PERFORMANCE OF CONDITIONS

- 3563 A. Whenever a default has occurred in the performance of any term or condition
3564 of any permit, written notice shall be given to the permittee by the Building
3565 Official, said notice to state the work to be done and the period of time to
3566 complete such work. After receipt of such notice, the permittee must, within the
3567 time specified, either cause the work to be done or pay over to the Finance
3568 Department of the City the cost of doing the work.
- 3569 B. If the permittee defaults, the City shall have the option, in lieu of completing the
3570 work required, to demolish the building or structure and to clear, clean and
3571 restore the site or sites and take whatever steps necessary to recover costs and
3572 administrative expenses.

3573 SECTION 520.090: - REFUNDING OF BONDS

3574 If a Bond has been provided when the moving of any building for which a permit
3575 has been granted is completed, and all damages to public streets or other public
3576 property has been repaired to the satisfaction of the City and all costs of repairing
3577 damages or performing other work as provided have been paid, then the deposited
3578 bond as required by Section 520.060 of this Chapter, or such portion then
3579 remaining unused under the provisions of this Chapter shall be refunded. Should
3580 the cost, however, of repairing damages and/or performing other work as in this
3581 Chapter provided, exceed the total amount of the bond, the person to whom said
3582 permit was granted shall be held liable for the amount of damage and/or other
3583 costs which are in excess of the bond, and it shall be the duty of the Finance
3584 Department, upon determination of the amount, to collect such part of the claim
3585 which is in excess of the bond from the permittee.

3586 SECTION 520.100: - VIOLATION; PENALTY

3587 Upon conviction or a plea of guilty, any person, firm or corporation violating or
3588 failing to comply with any of the provisions of this Chapter shall be subject to the
3589 penalty provisions provided for in Section 100.220 of the City Code. Each day any
3590 violation of this Chapter shall continue shall constitute a separate offense.

3591 **CHAPTER 525: - BLASTING REGULATIONS**

3592 SECTION 525.010: - PERMIT REQUIRED

3593 No person shall do or cause to be done any blasting within the City limits, or
3594 outside of such City limits but on property owned or operated by the City, without
3595 first obtaining a permit from the City Engineer and South Metropolitan Fire
3596 Protection District, subject to all the provisions of this Chapter.

3597 SECTION 525.020: - PERMIT APPLICATION

3598 All applications for permits for blasting or use of explosives shall be signed by the
3599 person or their duly authorized agent who desires to do the blasting described in
3600 the application and shall contain such other information regarding the proposed
3601 blasting as may be required by the City Engineer.

3602 SECTION 525.030: - PERMIT ISSUANCE

3603 Whenever the City Engineer shall find, from an examination of the application for
3604 blasting permit and such other information as they may deem necessary and
3605 proper to find or require, that such blasting can be done with safety to life and
3606 property, then they shall issue the permit as in this Chapter provided.

3607 SECTION 525.040: - PERMIT CONTENTS—DURATION

3608 Permits granted under this Chapter shall specify the blasting to be permitted, the
3609 time such permit shall be valid and such other conditions and requirements as the
3610 City Engineer may deem safe and proper, provided that such period of validity shall
3611 not extend beyond the calendar year in which the permit is issued.

3612 SECTION 525.050: - INSURANCE PREREQUISITE TO PERMIT

3613 Before a permit will be issued, a certificate of insurance showing general liability
3614 coverage of no less than the amount of the current City's sovereign immunity level,
3615 must be submitted and naming the City as an additional insured.

3616 SECTION 525.060: - INSPECTION OF BLASTING

3617 At the time of granting a permit for blasting, the engineer shall endorse upon it
3618 whether or not the blasting shall be done subject to the inspection of the City

3619 Engineer. If the blasting is to be done subject to such inspection, the City Engineer
3620 shall, within a reasonable time, inform the grantee of a permit of the requirements
3621 of such inspection, and such grantee shall not perform or cause to be performed
3622 any blasting under the permit, contrary to such inspection requirements.

3623 SECTION 525.070: - RATE TO INSPECT BLASTING

3624 A. The City Engineer shall charge the grantee of a blasting permit the actual cost
3625 involved for inspection of blasting. Additionally, the City Engineer shall charge
3626 the grantee the actual cost of any seismographic tests or readings that may be
3627 required in connection with the inspection. No permit for blasting will be issued
3628 unless the grantee has deposited, with the City, the amount approved by the
3629 Governing Body and listed in the Schedule of Fees and Charges maintained in
3630 the Finance Department for payment of such inspection and testing costs. At
3631 the completion of the blasting operations after all inspection and testing costs
3632 have been determined, grantee shall pay any balance due within ten (10) days
3633 after notice of it is mailed to grantee at the address given on the application for
3634 the permit. Any unused balance of the deposit will be refunded or kept on
3635 deposit at the grantee's option. If at any time during the period that a permit
3636 remains in effect, the City Engineer determines that the inspection and testing
3637 costs are likely to exceed the amount on deposit and so notifies the grantee in
3638 writing, then, within five (5) working days, the grantee shall deposit such
3639 additional sum as the City Engineer has determined to be required or shall
3640 cease blasting.

3641 B. In the event that any balance due is not paid within the ten (10) day period
3642 provided above, then a charge in the amount approved by the Governing Body
3643 and listed in the Schedule of Fees and Charges maintained in the Finance
3644 Department shall be paid by the grantee to cover the City's additional collection
3645 costs and administrative expenses. Additionally, the amount of the deposit
3646 required from any grantee, who, within three years prior to the date of
3647 application, has failed to pay a balance due within ten (10) days provided above,
3648 shall be tripled. Upon written request of the grantee and for good cause shown,
3649 the penalties set out in this paragraph may be waived by the City Engineer.

3650 SECTION 525.080: - INVENTORIES—DISPOSITION OF EXPLOSIVES WHEN PERMIT
3651 EXPIRES

3652 Each applicant for a permit for blasting shall maintain a daily inventory in detail of
3653 all explosives in their possession for blasting purposes, from the date of the
3654 application to the final termination of the permit. Such inventory and stocks of the
3655 explosives included shall be subject to inspection and examination at any
3656 reasonable time by the office of the City Engineer. On the final termination of the
3657 permit, all stocks of explosives remaining unused by the permittee shall be shown
3658 or reported to the City Engineer, as they may direct, and such disposition made as
3659 shall be approved or directed by the City Engineer.

3660 SECTION 525.090: - RULES AND REGULATIONS OF CITY ENGINEER

3661 The City Engineer is hereby authorized to make and publish, from time to time,
3662 rules and regulations in conformity with and for carrying out the provisions of this
3663 Chapter respecting the conditions for issuing blasting permits, including the
3664 acquisition, daily recording, storage, transportation, disposition of explosives and
3665 the method and manner of blasting.

3666 SECTION 525.100: - PERMIT REVOKED

3667 If, in the opinion of the City Engineer, any of the rules and regulations hereby
3668 authorized are violated in any manner, the blasting permit may be revoked.

3669 **CHAPTER 530: - STREETS**

3670 **ARTICLE I. - VACATION**

3671 SECTION 530.010: - PROCEDURES FOR VACATION

3672 A. The City of Raymore shall have exclusive control over its public highways,
3673 streets, avenues, alleys, public places or any other public ways and shall have
3674 exclusive power to vacate, abandon or change any public highway, street,
3675 avenue, alley or public place or part of. The word "street" shall be used to
3676 include all such public ways and places as listed above. It shall also include the
3677 entire right-of-way, both the improved and unimproved areas. The term "public
3678 highway" shall also include any part of a State highway under local control and
3679 maintenance.

3680 B. *Vacation Of Street—Generally.*

3681 1. No vacation of a street shall take place, unless the consent of the persons
3682 owning two-thirds (2/3) of the property immediately adjoining has been
3683 obtained in writing, which consent shall be acknowledged before a Notary
3684 Public and filed for record with the Cass County Recorder of Deeds. If the
3685 street is vacated, all title shall vest in the person owning the property on
3686 each side in equal proportions according to the length or breadth-of such
3687 ground, as the same may border on such street.

3688 2. No public street shall be vacated until it has been submitted to the Planning
3689 Commission at a public hearing, for recommendation to the City Council.

3690 3. After holding a public hearing the City Council, by a majority vote, may
3691 approve or disapprove the vacation.

3692 **CHAPTER 535: - RELOCATION POLICY**

3693 SECTION 535.010: - RELOCATION POLICY

3694 The following Relocation Policy shall apply to any plan, project or area for
3695 redevelopment under the operation of Chapter 99, RSMo., Chapter 100, RSMo., or
3696 Chapter 353, RSMo., or any other statutory provision requiring relocation policies
3697 which proposes or includes within its provisions or necessitates displacement of
3698 persons, when such displacement is not subject to the provisions of the Federal
3699 Uniform Relocation and Real Property Acquisition Policies Act of 1970 (42 U.S.C.
3700 Sections 4601 to 4655, as amended) or to Subsection 1 of Section 523.205, RSMo.:

3701 1. *Definitions.* As used herein, the following terms shall mean:

3702 *BUSINESS:* Any lawful activity that is conducted:

3703 1. Primarily for the purchase, sale or use of personal or real property
3704 or for the manufacture, processing or marketing of products or
3705 commodities; or

3706 2. Primarily for the sale of services to the public.

3707 *DECENT, SAFE AND SANITARY DWELLING:* A dwelling which meets applicable
3708 Housing and Occupancy Codes. The dwelling shall:

3709 1. Be structurally sound, weathertight and in good repair;

3710 2. Contain a safe electrical wiring system;

3711 3. Contain an adequate heating system;

3712 4. Be adequate in size with respect to the number of rooms needed to
3713 accommodate the displaced person; and

3714 5. Be free of any barriers which would preclude reasonable ingress,
3715 egress or use of the dwelling.

3716 *DISPLACED PERSON:* Any person that moves from the real property or moves
3717 his personal property from the real property permanently and voluntarily
3718 as a direct result of the acquisition, rehabilitation or demolition of, or the
3719 written notice of intent to acquire such real property, in whole or in part, for
3720 a public purpose.

3721 *INITIATION OF NEGOTIATIONS:* The delivery of the initial written offer of just
3722 compensation by the acquiring entity to the owner of the real property to
3723 purchase such real property for the project or the notice to the person that
3724 he will be displaced by rehabilitation or demolition.

3725 *PUBLIC AGENCY:* The State of Missouri or any political subdivision or any
3726 branch, bureau or department of and any quasi-public corporation created
3727 or existing by law which are authorized to acquire real property for public

3728 purpose and which acquire any such property either partly or wholly with
3729 aid or reimbursement from Federal funds.

3730 *URBAN REDEVELOPMENT CORPORATION*: As defined in Section 353.020, RSMo.

3731 2. Every urban redevelopment corporation acquiring property within a
3732 redevelopment area shall submit a relocation plan as part of the
3733 redevelopment plan. The relocation plan shall comply with all applicable
3734 provisions of this Relocation Policy. The requirements of this paragraph
3735 may be satisfied by incorporation by reference of this Relocation Policy in
3736 such redevelopment plan. Any redevelopment plan submitted to and
3737 approved by the City Council which does not expressly provide such a
3738 relocation plan shall be deemed to have incorporated this Relocation Policy
3739 by reference.

3740 3. Unless the property acquisition under the operation of Chapter 99, RSMo.,
3741 Chapter 100, RSMo., or Chapter 353, RSMo., is subject to Federal relocation
3742 standards or Subsection 1 of Section 523.205, RSMo., the relocation plan
3743 shall, either by incorporation of this Relocation Policy or by express
3744 provision therein, provide for the following:

3745 a. Payments to all eligible displaced persons who occupied the property to
3746 be acquired for not less than ninety (90) days prior to the initiation of
3747 negotiation who are required to vacate the premises;

3748 b. A program for identifying special needs of displaced persons with
3749 specific consideration given to income, age, size of family, nature of
3750 business, the availability of suitable replacement facilities and vacancy
3751 rates of affordable facilities;

3752 c. A program of referrals of displaced persons with provisions for a
3753 minimum of three (3) decent, safe and sanitary housing referrals for
3754 residential persons or suitable referral sites for displaced businesses, a
3755 minimum of ninety (90) days' notice of referral sites for handicapped
3756 displaced persons and sixty (60) days' notice of referral sites for all
3757 other displaced persons prior to the date such displaced persons are
3758 required to vacate the premises and arrangements for transportation to
3759 inspect referral sites; and

3760 d. Every displaced person shall be given a ninety (90) day notice to vacate
3761 prior to the date such displaced person is required to vacate the
3762 premises.

3763 4. All displaced residential persons eligible for payments shall be provided
3764 with relocation payments as established by RSMo.

3765 5. All displaced businesses eligible for payments shall be provided with
3766 relocation payments as established by RSMo.

3767 6. If a displaced person demonstrates the need for an advance relocation

- 3768 payment in order to avoid or reduce a hardship, the developer or public
3769 agency shall issue the payment subject to such safeguards as are
3770 appropriate to ensure that the objective of the payment is accomplished.
3771 Payment for a satisfactory claim shall be made within thirty (30) days
3772 following receipt of sufficient documentation to support the claim. All
3773 claims for relocation payment shall be filed with the displacing agency
3774 within six (6) months after:
- 3775 a. For tenants, the date of displacement;
 - 3776 b. For owners, the date of displacement or the final payment for the
3777 acquisition of the real property, whichever is later.
- 3778 7. Any displaced person, who is also the owner of the premises, may waive
3779 relocation payments as part of negotiations for acquisition of the interest
3780 held by such person. Such waiver shall be in writing, shall disclose the
3781 person's knowledge of the provisions of Section 523.205, RSMo., and his
3782 entitlement to payment and shall be filed with the acquiring public agency.
- 3783 8. All persons eligible for relocation benefits shall be notified in writing of the
3784 availability of such relocation payments and assistance concurrent with the
3785 notice of referral sites as required in Subdivision (3) of Subsection 5 of
3786 Section 523.205, RSMo.
- 3787 9. Any urban redevelopment corporation, its assigns or transferees, which has
3788 been provided any assistance under the operation of Chapter 99, RSMo.,
3789 Chapter 100, RSMo., Chapter 353, RSMo., or Chapter 523, RSMo., with land
3790 acquisition by the City shall be required to make a report to the City Council
3791 or appropriate public agency which shall include, but not be limited to, the
3792 addresses of all occupied residential buildings and structures within the
3793 redevelopment area and the names and addresses of persons displaced by
3794 the redeveloper and specific relocation benefits provided to each person, as
3795 well as a sample notice provided to each person.
- 3796 10. An urban redevelopment corporation which fails to comply with the
3797 relocation requirements provided in Section 523.205, RSMo., shall not be
3798 eligible for tax abatement as provided for in Chapter 353, RSMo.
- 3799 11. The requirements set out herein and in Section 523.205, RSMo., shall be
3800 considered minimum standards. In reviewing any proposed relocation plan
3801 under the operation of Chapter 99, RSMo., Chapter 100, RSMo., or Chapter
3802 353, RSMo., the City Council or public agency shall determine the adequacy
3803 of the proposal and may require additional elements to be provided.
- 3804 12. Relocation assistance shall not be provided to any person who purposely
3805 resides or locates his business in a redevelopment area solely for the
3806 purpose of obtaining relocation benefits.
- 3807 13. The provisions of Sections 523.200 and 523.205, RSMo., shall apply to land
3808 acquisitions under the operation of Chapter 99, RSMo., Chapter 100, RSMo.,

3809 or Chapter 353, RSMo., filed for approval, approved or amended on or after
3810 August 31, 1991.

3811 **CHAPTER 540: - BOARD OF APPEALS**

3812 SECTION 540.010: - POWERS AND DUTIES OF THE BOARD OF APPEALS

3813 The Board of Appeals shall have the following powers and duties:

- 3814 1. To hear and decide appeals of orders, decisions or determinations made by
3815 the Building Official relative to the application and interpretation of Chapter
3816 500: Building Code; Chapter 510: Dangerous Buildings; Chapter 605:
3817 Businesses, Trades, Occupations and Service Occupations Licenses, Taxes
3818 and Regulations; and Section 710.150 of Chapter 710: Sewers all of this
3819 Code.
- 3820 2. To hear and decide appeals of orders, decisions or determinations made by
3821 the Floodplain Administrator relative to the application and interpretation
3822 of Chapter 460: Flood Protection of the Unified Development Code.
- 3823 3. To hear and decide upon a request for a variance from the floodplain
3824 management regulations contained in Chapter 460: Flood Protection of the
3825 Unified Development Code.
- 3826 4. To hear and decide appeals of orders, decisions or determinations made by
3827 the Director of Development Services or Public Works Director relative to
3828 the application and interpretation of Chapter 455: Natural Resource
3829 Protection of the Unified Development Code.
- 3830 5. To hear and decide upon a request for a variance from the regulations
3831 contained in Chapter 455: Natural Resource Protection of the Unified
3832 Development Code.
- 3833 6. To hear and decide appeals of orders, decisions or determinations made by
3834 the Director of Development Services relative to the application and
3835 interpretation of Chapter 545: Property Maintenance of this Code.
- 3836 7. All other powers or duties which are now, or may hereafter be granted to or
3837 imposed upon it by ordinance or Statute.

3838 SECTION 540.020: - APPEAL PROCESS

- 3839 A. An appeal from Article III Division 2: Exterior Property Areas of Chapter 545:
3840 Property Maintenance of this Code shall be filed within five (5) days from the
3841 date of the order to abate or other ruling specifying the grounds therefore. All
3842 other appeals shall be filed within ten (10) days from the date of the order or
3843 other ruling specifying the grounds therefore.
- 3844 B. The application shall be accompanied by the fee amount approved by the
3845 Governing Body and listed in the Schedule of Fees and Charges maintained in

3846 the Finance Department.

- 3847 C. An appeal stays all proceedings in furtherance of the action appealed from
3848 unless the Building Official, Director of Development Services, Public Works
3849 Director or Floodplain Administrator certifies to the board, after the notice of
3850 appeal shall have been filed with them, that by reason of the facts stated
3851 therein, a stay would, in their opinion, cause imminent peril to life or property.
3852 In such case, proceedings shall not be stayed otherwise than by a restraining
3853 order, which may be granted by the Board or by the circuit court of Cass
3854 County, an application or notice to the Building Official, Director of
3855 Development Services, Public Works Director or Floodplain Administrator and
3856 on due cause shown.

3857 SECTION 540.030: - LIMITATIONS ON AUTHORITY

- 3858 A. An application for appeal to the Board of Appeals shall be based on a claim that
3859 the true intent of this Code or the rules legally adopted have been incorrectly
3860 interpreted, the provisions of this Code do not fully apply, or an equally good or
3861 better form of construction is proposed.
- 3862 B. The Board of Appeals shall have no authority to waive requirements of the
3863 Building Code.

3864 SECTION 540.040: - MEMBERSHIP OF BOARD

- 3865 A. The Board of Appeals shall consist of five (5) members and two (2) alternate
3866 members appointed by the Mayor with the advice and consent of a majority of
3867 the City Council, to serve for a period of three (3) years.
- 3868 B. Board membership shall be composed of:
- 3869 1. Three (3) members of the Board, and the two (2) alternates, shall consist of
3870 persons qualified by experience and training to pass on matters of building
3871 and site construction and development. Members shall be skilled in
3872 building or construction trades or professions such as architect, engineer,
3873 builder or general contractor.
 - 3874 2. One (1) member shall be a layperson to represent the general public.
 - 3875 3. One (1) member shall be a City staff appointment.
- 3876 C. The Board shall adopt appropriate rules of procedure for conducting its
3877 business.

3878 SECTION 540.050: - BOARD DECISIONS

3879 The Board may uphold, modify or reverse the order, requirement, decision or
3880 determination appealed from the Building Official; Director of Development
3881 Services, Public Works Director or Floodplain Administrator. The Board may grant a
3882 variance as provided for in Section 470.220 or 470.230 of the Unified Development
3883 Code. All decisions of the Board shall be by a concurring vote of at least three (3)

3884 members of the Board. All decisions of the Board shall be in writing and shall be
3885 final. The Building Official, Director of Development Services, Public Works Director
3886 or Floodplain Administrator shall take immediate action in accordance with the
3887 decision of the Board.

3888 **CHAPTER 545: - PROPERTY MAINTENANCE CODE**

3889 **ARTICLE I. - ADMINISTRATION**

3890 **DIVISION 1. - GENERALLY**

3891 SECTION 545.010: - TITLE

3892 Chapter 545 shall be known as the "City of Raymore Property Maintenance Code",
3893 referred to as "this Code".

3894 SECTION 545.015: - SCOPE

3895 The provisions of this Code shall apply to all existing residential and non-residential
3896 structures and all existing premises and constitute minimum requirements and
3897 standards for premises, structures, equipment, and facilities for lights, ventilation,
3898 space, sanitation, protection from the elements, life safety, safety from fire and
3899 other hazards, and for safe and sanitary maintenance; the responsibility of owners,
3900 operators and occupants; the occupancy of existing structures and premises; and
3901 for administration, enforcement and penalties.

3902 SECTION 545.020: - INTENT

3903 This Code shall be construed to secure its expressed intent, which is to ensure
3904 public health, safety and welfare insofar as they are affected by the continued
3905 occupancy and maintenance of structures and premises. Existing structures and
3906 premises that do not comply with these provisions shall be altered or repaired to
3907 provide a minimum level of health and safety as required herein.

3908 SECTION 545.025: - SEVERABILITY

3909 If a section, subsection, sentence, clause or phrase of this Code is, for any reason,
3910 held to be unconstitutional, such decision shall not affect the validity of the
3911 remaining portions of this Code.

3912 **DIVISION 2. - APPLICABILITY**

3913 SECTION 545.030: - GENERAL

3914 The provisions of this Code shall apply to all matters affecting or relating to
3915 structures and premises, as set forth in Article 1, Division 1. Where, in a specific

3916 case, different sections of this Code specify different requirements, the most
3917 restrictive shall govern.

3918 SECTION 545.035: - MAINTENANCE

3919 Equipment, systems, devices and safeguards required by this Code or a previous
3920 regulation or Code under which the structure or premises was constructed, altered
3921 or repaired shall be maintained in good working order. The requirements of this
3922 Code are not intended to provide the basis for removal or abrogation of fire
3923 protection and safety systems and devices in existing structures. Except as
3924 otherwise specified herein, the owner or the owner's designated agent shall be
3925 responsible for the maintenance of buildings, structures and premises.

3926 SECTION 545.040: - APPLICATION OF OTHER CODES

3927 Repairs, additions or alterations to a structure or changes in occupancy shall be
3928 done in accordance with the procedures and provisions of the International
3929 Building Code, International One- and Two-Family Dwelling Code, Uniform
3930 Plumbing Code, Uniform Mechanical Code, National Electric Code, International Fire
3931 Code and the Uniform Swimming Pool, Spa and Hot Tub Code as adopted by the
3932 City. Nothing in this Code shall be construed to cancel, modify or set aside any
3933 provision of the Unified Development Code.

3934 SECTION 545.045: - EXISTING REMEDIES

3935 The provisions in this Code shall not be construed to abolish or impair existing
3936 remedies of the jurisdiction or its officers or agencies relating to the removal or
3937 demolition of any structure which is dangerous, unsafe and unsanitary.

3938 SECTION 545.050: - WORKMANSHIP

3939 Repairs, maintenance work, alterations or installations which are caused directly or
3940 indirectly by the enforcement of this Code shall be executed and installed in a
3941 workmanlike manner and installed in accordance with the manufacturer's
3942 installation instructions and adopted standards and Codes.

3943 SECTION 545.055: - HISTORIC BUILDINGS

3944 The provisions of this Code shall not be mandatory for existing buildings or
3945 structures designated by the state or local jurisdiction as historic buildings when
3946 such buildings or structures are judged by the Code Official to be safe and in the
3947 public interest of health, safety and welfare.

3948 SECTION 545.060: - REFERENCED CODES AND STANDARDS

3949 The Codes and standards referenced in this Article shall be those that are listed in
3950 Chapter 500: Building Code of the City Code unless otherwise noted.

3951 SECTION 545.065: - REQUIREMENTS NOT COVERED BY CODE

3952 Requirements necessary for the strength, stability or proper operation of an
3953 existing fixture, structure or equipment, or for the public safety, health and general
3954 welfare, not specifically covered by this Code, shall be determined by the Code
3955 official.

3956 **DIVISION 3. - CODE ENFORCEMENT PERSONNEL**

3957 SECTION 545.070: - CODE OFFICIAL

3958 The Code Official shall be the Director of Development Services.

3959 SECTION 545.075: - RESERVED

3960 SECTION; 545.080: - RESTRICTION OF EMPLOYEES

3961 An official or employee connected with the enforcement of this Code, except one
3962 whose only connection is that of a member of the board of appeals established
3963 under Chapter 540 of this Code, shall not be engaged in, or directly or indirectly
3964 connected with the furnishing of labor, materials or appliances for the construction,
3965 alteration or maintenance of a building, or the preparation of construction
3966 documents, unless that person is the owner of the building; nor shall such officer or
3967 employee engage in any work that conflicts with official duties or with the interests
3968 of the department.

3969 SECTION 545.085: - LIABILITY

3970 The Code Official, officer or employee charged with the enforcement of this Code,
3971 while acting for the jurisdiction, shall not thereby be rendered liable personally, and
3972 is hereby relieved from all personal liability for any damage accruing to persons or
3973 property as a result of an act required or permitted in the discharge of official
3974 duties.

3975 Any suit instituted against any officer or employee because of an act performed by
3976 that officer or employee in the lawful discharge of duties and under the provisions
3977 of this Code shall be defended by the legal representative of the jurisdiction until
3978 the final termination of the proceedings. The Code Official or any subordinate shall
3979 not be liable for costs in an action, suit or proceeding that is instituted in pursuance
3980 of the provisions of this Code; and any officer acting in good faith and without
3981 malice, shall be free from liability for acts performed under any of its provisions or
3982 by reason of any act or omission in the performance of official duties in connection
3983 therewith.

3984 SECTION 545.090: - FEES

3985 The fees for activities and services performed by the department in carrying out its
3986 responsibilities shall include both actual and administrative costs.

3987 **DIVISION 4. - DUTIES AND POWERS OF THE CODE OFFICIAL**

3988 SECTION 545.100: - GENERAL

3989 The Code Official or appointed deputy(s) shall enforce the provisions of this Code.

3990 SECTION 545.105: - RULE-MAKING AUTHORITY

3991 The Code Official shall have authority as necessary in the interest of public health,
3992 safety and general welfare, to adopt and promulgate rules and procedures; to
3993 interpret and implement the provisions of this Code; to secure the intent of; and to
3994 designate requirements applicable because of local climatic or other conditions.
3995 Such rules shall not have the effect of waiving structural or fire performance
3996 requirements specifically provided for in this Code, or of violating accepted
3997 engineering methods involving public safety.

3998 SECTION 545.110: - INSPECTIONS

3999 The Code Official shall make all of the required inspections, or shall accept reports
4000 of inspection by approved agencies or individuals. All reports of such inspections
4001 shall be in writing and be certified by a responsible officer of such approved agency
4002 or by the responsible individual. The Code Official is authorized to engage such
4003 expert opinion as deemed necessary to report upon unusual technical issues that
4004 arise.

4005 SECTION 545.115: - RIGHT OF ENTRY

4006 Whenever necessary to make an inspection or to enforce any of the provisions of
4007 this Code or whenever the Code Official has reasonable cause to believe that there
4008 exists in any building or structure, or upon any premises, any condition which
4009 makes such building, structure, or premises unsafe, the Code Official may enter the
4010 building, structure, or premises at any reasonable time to inspect the same or to
4011 perform any duty imposed upon the Code Official by this Code; provided, if such
4012 property be occupied, the Code Official shall first present proper credentials and
4013 request and obtain permission to enter before entering the building, structure or
4014 premises. Reasonable effort must be made to locate the owner or other persons
4015 having charge or control of the property when seeking permission for entry.

4016 If no consent has been given to enter or inspect any building, structure or premises,
4017 no entry or inspection shall be made without the procurement of a warrant from
4018 the Judge presiding in the Raymore Municipal Court. The Court may consider any of
4019 the following factors along with such other matters as it deems pertinent in its

4020 decision as to whether a warrant shall be issued:

4021 (1) Eye witness account of violation.

4022 (2) Citizen complaint(s).

4023 (3) Tenant complaint(s).

4024 (4) Plain view violations.

4025 (5) Violations apparent from City records.

4026 (6) Nature of the alleged violation, the threat to life or safety, and imminent
4027 risk of significant property damage.

4028 (7) Previous unabated violations in the building or structure or on the
4029 premises.

4030 Cause supporting issuance of a warrant shall be deemed to exist in light of
4031 reasonable legislative and administrative standards which show that there is
4032 reason to believe that a condition of non-conformity exists with respect to a
4033 building, structure or premises in violation of the provisions of the Property
4034 Maintenance Code.

4035 The Code Official may enter the building, structure or premises without consent or
4036 a search warrant to make an inspection or enforce any of the provisions of this
4037 Code only when an emergency exists as prescribed in Article 1, Division 9.

4038 SECTION 545.120: - SEARCH WARRANT

4039 If a complaint in writing is filed by the Code Official, any Law Enforcement Officer,
4040 City Attorney or Prosecuting Attorney of the City, with the Municipal Court of the
4041 City, stating that they have probable cause to believe there exists in a building,
4042 structure or premises, more particularly described, a violation or violations of
4043 provisions of the Code and is within the territorial jurisdiction of the City, and if
4044 such complaint is verified by the oath or affirmation stating evidential facts from
4045 which such judge determines the existence of probable cause, then such judge may
4046 issue a search warrant directed to the authorized person to search the building,
4047 structure or premises described for the purposes requested. Such search warrant
4048 may be executed and returned only within ten (10) days after the date of its
4049 issuance. The person authorized to search shall make a return promptly after
4050 concluding the search, and such return shall contain an itemization of all violations
4051 of this Code discovered pursuant to such search. Refusal to allow entry upon
4052 presentation of a search warrant shall be an ordinance violation. Execution of a
4053 search warrant issued under this section shall not be by forcible entry.

4054 SECTION 545.125: - IDENTIFICATION

4055 The Code Official shall carry proper identification when inspecting structures or
4056 premises in the performance of duties under this Code.

4057 SECTION 545.130: - NOTICES AND ORDERS

4058 The Code Official shall issue all necessary notices or orders to ensure compliance
4059 with this Code. The Code Official may authorize the City Code Enforcement Officer
4060 or other City employee to issue notices and orders to ensure compliance with this
4061 Code.

4062 SECTION 545.135: - DEPARTMENT RECORDS

4063 The Code Official shall keep official records of all business and activities of the
4064 department specified in the provisions of this Code. Such records shall be retained
4065 in the official records as long as the building or structure to which such records
4066 relate remains in existence, unless otherwise provided for by other regulation.

4067 SECTION 545.140: - COORDINATION OF INSPECTIONS

4068 Whenever in the enforcement of this Code or another Code or ordinance, the
4069 responsibility of more than one Code Official of the jurisdiction is involved, it shall
4070 be the duty of the Code Officials involved to coordinate their inspections and
4071 administrative orders as fully as practical so that the owners and occupants of the
4072 structure shall not be subjected to visits by numerous inspectors or multiple or
4073 conflicting orders.

4074 **DIVISION 5. - APPROVAL OF ALTERNATIVE MATERIALS AND/OR METHODS**

4075 SECTION 545.145: - MODIFICATIONS

4076 Whenever there are practical difficulties involved in carrying out the provisions of
4077 this Code, the Code Official shall have the authority to grant modifications for
4078 individual cases, provided the Code Official shall first find that special individual
4079 reason makes the strict letter of this Code impractical and the modification is in
4080 compliance with the intent and purpose of this Code and that such modification
4081 does not lessen health, life and fire safety requirements. Request for modifications
4082 shall be in writing and the details of action granting modifications shall be recorded
4083 and entered in the department files.

4084 SECTION 545.150: - ALTERNATIVE MATERIALS, METHODS AND EQUIPMENT

4085 The provisions of this Code are not intended to prevent the installation of any
4086 material or to prohibit any method of construction not specifically prescribed by
4087 this Code, provided that any such alternative has been approved. An alternative
4088 material or method of construction shall be approved where the Code Official finds
4089 that the proposed design is satisfactory and complies with the intent of the
4090 provisions of this Code, and that the material, method or work offered is, for the
4091 purpose intended, at least the equivalent of that prescribed in this Code in quality,

4092 strength, effectiveness, fire resistance, durability and safety.

4093 SECTION 545.155: - REQUIRED TESTING

4094 Whenever there is insufficient evidence of compliance with the provisions of this
4095 Code, or evidence that a material or method does not conform to the requirements
4096 of this Code, or in order to substantiate claims for alternative materials or methods,
4097 the Code Official shall have the authority to require tests as evidence of compliance
4098 to be made at no expense to the jurisdiction.

4099 SECTION 545.160: - TEST METHODS

4100 Test methods shall be as specified in this Code or by other recognized test
4101 standards. In the absence of recognized and accepted test methods, the Code
4102 Official shall be permitted to approve appropriate testing procedures performed by
4103 an approved agency.

4104 SECTION 545.165: - TESTING AGENCY

4105 All tests shall be performed by an approved agency.

4106 SECTION 545.170: - TEST REPORTS

4107 Reports of tests shall be retained by the Code Official for the period required for
4108 retention of public records.

4109 SECTION 545.175: - MATERIALS AND EQUIPMENT REUSE

4110 Materials, equipment and devices shall not be reused unless such elements have
4111 been reconditioned and tested when necessary, placed in good and proper working
4112 condition and approved.

4113 **DIVISION 6. - VIOLATIONS**

4114 SECTION 545.180: - UNLAWFUL ACTS

4115 It shall be unlawful for a person, firm or corporation to be in conflict with or in
4116 violation of any of the provisions of this Code.

4117 SECTION 545.185: - NOTICE OF VIOLATION

4118 The Code Official shall serve a notice of violation or order in accordance with Article
4119 1, Division 7 of this Code.

4120 SECTION 545.190: - PROSECUTION OF VIOLATION

4121 If the notice of violation is not complied with, the Code Official shall institute the
4122 appropriate proceeding at law or in equity to restrain, correct or abate such

4123 violation, or to require the removal or termination of the unlawful occupancy of the
4124 structure in violation of the provisions of this Code or of the order or direction
4125 made pursuant thereto.

4126 SECTION 545.195: - VIOLATION PENALTIES

4127 Upon conviction or a plea of guilty, any person, firm or corporation violating or
4128 failing to comply with any of the provisions of this Chapter shall be subject to the
4129 penalty provisions provided for in Section 100.220 of the City Code.

4130 SECTION 545.200: - ABATEMENT OF VIOLATION

4131 The imposition of the penalties herein prescribed shall not preclude the legal officer
4132 of the jurisdiction from instituting appropriate action to restrain, correct or abate a
4133 violation, or to prevent illegal occupancy of a building, structure or premises, or to
4134 stop an illegal act, conduct, business or utilization of the building, structure or
4135 premises.

4136 SECTION 545.205: - EXTENSION OF TIME TO PERFORM WORK

4137 Upon receipt of a request from the person required to conform to the order and by
4138 agreement of such person to comply with the order if allowed additional time, the
4139 Code Official may grant an extension of time, not to exceed an additional one
4140 hundred twenty (120) days, within which to complete said order, if the Code Official
4141 determines that such an extension of time will not create or perpetuate a situation
4142 imminently dangerous to life or property. The Code Official's authority to extend
4143 time is limited to the actual compliance with said order and will not in any way
4144 affect the time to appeal the notice and order pursuant to Division 12 of this Article.

4145 **DIVISION 7. - NOTICES AND ORDERS**

4146 SECTION 545.210: - NOTICE TO OWNER OR TO PERSON OR PERSONS RESPONSIBLE

4147 A. Whenever the Code Official determines that there has been a violation of this
4148 Code or has grounds to believe that a violation has occurred, notice shall be
4149 given to the owner or the person or persons responsible in the manner
4150 prescribed in Section 545.215 and 545.220 of this Code. Notices for
4151 condemnation procedures shall also comply with Section 545.260 of this Code.

4152 B. The Code Official shall utilize the following timeframes when issuing a notice of
4153 violation:

4154 1. If the violation is of a provision contained in Article III. Division 2: Exterior
4155 Property Areas of the Property Maintenance Code then the notice shall
4156 include a correction order allowing seven (7) days after receipt of notice, or
4157 within ten (10) days after the date of such notice in the event the notice is
4158 returned because of its inability to make delivery, to bring the property into

- 4159 compliance.
- 4160 2. If the violation is of any other provision of Chapter 545: Property
4161 Maintenance of this Code then the notice shall include a correction order
4162 allowing at least thirty (30) days after the date of the notice to bring the
4163 property into compliance.
- 4164 3. If repeat violations of the same Code provision by the same person at the
4165 same property occur in the same calendar year, the notice of the 2nd and
4166 any additional repeat violations shall include a correction order allowing
4167 five (5) days after receipt of notice to bring the property into compliance.

4168 SECTION 545.215: - FORM

4169 Such notice prescribed in Section 545.210 of this Chapter shall:

- 4170 1. Be in writing;
- 4171 2. Include a description of the real estate sufficient for identification;
- 4172 3. Include a statement of the violation or violations and why the notice is
4173 being issued;
- 4174 4. Include a correction order with the timeframe for correction identified as
4175 prescribed in Section 545.210(B) of this Code to make the repairs and
4176 improvements required to bring the property, dwelling unit or structure
4177 into compliance with the provisions of this Code;
- 4178 5. Inform the property owner of the right to appeal; and
- 4179 6. Include a statement of the right of the City to issue a citation for
4180 noncompliance with the order and/or abate the violation and file a special
4181 tax assessment to recover the costs of said abatement.

4182 SECTION 545.220: - METHOD OF SERVICE

4183 Such notice shall be deemed to be properly served if a copy is:

- 4184 1. Delivered personally; or
- 4185 2. Sent by certified or first-class mail addressed to the last known address; or,
- 4186 3. If the notice is returned showing that the letter was not delivered, a copy
4187 shall be posted in a conspicuous place in or about the structure affected by
4188 such notice.

4189 SECTION 545.225: - RESERVED

4190 SECTION 545.230: - TRANSFER OF OWNERSHIP

4191 It shall be unlawful for the owner of any property, dwelling unit or structure who
4192 has received a compliance order or upon whom a notice of violation has been
4193 served to sell, transfer, mortgage, lease or otherwise dispose of to another until the

4194 provisions of the compliance order or notice of violation have been complied with,
4195 or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a
4196 true copy of any compliance order or notice of violation issued by the Code Official
4197 and shall furnish to the Code Official a signed and notarized statement from the
4198 grantee, transferee, mortgagee or lessee, acknowledging the receipt of such
4199 compliance order or notice of violation and fully accepting the responsibility
4200 without condition for making the corrections or repairs required by such
4201 compliance order or notice of violation.

4202 **DIVISION 8. - DANGEROUS BUILDINGS, UNSAFE STRUCTURES AND EQUIPMENT**

4203 SECTION 545.235: - GENERAL

4204 Chapter 510 of the City Code shall apply to all buildings or structures determined by
4205 the Code Official to be a dangerous building. All procedures of Chapter 510 shall be
4206 followed.

4207 SECTION 545.240: - UNSAFE EQUIPMENT

4208 Unsafe equipment includes any boiler, heating equipment, elevator, moving
4209 stairway, electrical wiring or device, flammable liquid containers or other
4210 equipment on the premises or within the structure which is in such disrepair or
4211 condition that such equipment is a hazard to life, health, property or safety of the
4212 public or occupants of the premises or structure.

4213 SECTION 545.245: - STRUCTURE UNFIT FOR HUMAN OCCUPANCY

4214 A structure is unfit for human occupancy whenever the Code Official finds that such
4215 structure is dangerous, unsafe, unlawful or, because the degree to which the
4216 structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested,
4217 contains filth and contamination, contains mold, or lacks ventilation, illumination,
4218 sanitary or other essential equipment required by this Code, or because the
4219 location of the structure constitutes a hazard to the occupants of the structure or to
4220 the public. Disconnection of electrical service, gas service, and/or water service, or
4221 failure to have connection to a properly functioning City sanitary sewer main or
4222 private sewage disposal system, for a period of time exceeding seven (7) calendar
4223 days, is reason for the Code Official to declare a structure unfit for human
4224 occupancy.

4225 When the Code Official declares a structure as unfit for human occupancy, the Code
4226 Official shall post said structure with a notification declaring that the structure is
4227 unfit for human occupancy and occupying same except to effect the necessary
4228 repairs or work is a violation of the City Code. The structure may only be occupied
4229 during daylight hours for the purpose of effecting the necessary repairs or work to
4230 allow the structure to be in compliance with the City Code and be occupied.

4231 SECTION 545.250: - UNLAWFUL STRUCTURE

4232 An unlawful structure is a structure erected, altered or occupied contrary to law.

4233 SECTION 545.255: - CLOSING OF VACANT STRUCTURES

4234 If the structure is vacant and unfit for human habitation and occupancy, and is not
4235 in danger of structural collapse, the Code Official is authorized to post a placard of
4236 condemnation on the premises and order the structure closed up so as not to be
4237 an attractive nuisance. Upon failure of the owner to close up the premises within
4238 the time specified in the order, the Code Official shall cause the premises to be
4239 closed through any available public agency or by contract or arrangement by
4240 private persons and the cost shall be charged against the real estate upon which
4241 the structure is located and shall be a special tax assessment upon such real estate
4242 and may be collected by any other legal resource.

4243 The use of wood, plywood or similar materials to close and secure windows and
4244 doors of a vacant structure is permitted provided the material used is of a similar
4245 color, or painted a similar color, as the base color of the structure.

4246 SECTION 545.260-545.275: - RESERVED

4247 **DIVISION 9. - EMERGENCY MEASURES**

4248 SECTION 545.280: - IMMINENT DANGER

4249 When, in the opinion of the Code Official, there is imminent danger of failure or
4250 collapse of a building or structure which endangers life, or when any structure or
4251 part of a structure has fallen and life is endangered by the occupation of the
4252 structure, or when there is actual or potential danger to the building occupants or
4253 those in the proximity of any structure because of explosives, explosive fumes or
4254 vapors or the presence of toxic fumes, gases or materials, or operation of defective
4255 or dangerous equipment, the Code Official is hereby authorized and empowered to
4256 order and require the occupants to vacate the premises forthwith. The Code Official
4257 shall cause to be posted at each entrance to such structure a notice reading as
4258 follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the
4259 Code Official." It shall be unlawful for any person to enter such structure except for
4260 the purpose of securing the structure, making the required repairs, removing the
4261 hazardous condition or of demolishing the same.

4262 SECTION 545.285: - TEMPORARY SAFEGUARDS

4263 Notwithstanding other provisions of this Code, whenever, in the opinion of the
4264 Code Official, there is imminent danger due to an unsafe condition, the Code

4265 Official shall order the necessary work to be done, including the boarding-up of
4266 openings, to render such structure temporarily safe whether or not the legal
4267 procedure herein described has been instituted; and shall cause such other action
4268 to be taken as the Code Official deems necessary to meet such emergency.

4269 SECTION 545.290: - CLOSING STREETS

4270 When necessary for the public safety, the Code Official shall temporarily close
4271 structures and close, or request the authority having jurisdiction to close sidewalks,
4272 streets, public ways and places adjacent to unsafe structures, and prohibit the
4273 same from being utilized.

4274 SECTION 545.295: - EMERGENCY REPAIRS

4275 For the purposes of this section, the Code Official shall employ the necessary labor
4276 and materials to perform the required work as expeditiously as possible.

4277 SECTION 545.300: - COSTS OF EMERGENCY REPAIRS

4278 Costs incurred in the performance of emergency work shall be paid by the
4279 jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action
4280 against the owner of the premises where the unsafe structure is or was located for
4281 the recovery of such costs.

4282 SECTION 545.305: - HEARING

4283 Any person ordered to take emergency measures shall comply with such order
4284 forthwith. Any affected person shall comply with such order forthwith. Any affected
4285 person shall thereafter, upon petition directed to the appeals board, be afforded a
4286 hearing as described in this Code.

4287 **DIVISION 10. - DEMOLITION**

4288 SECTION 545.310: - GENERAL

4289 Chapter 510 of the City Code shall apply to all buildings or structures determined by
4290 the Code Official to be a dangerous building and ordered to be demolished.

4291 SECTION 545.315-545.325: - RESERVED

4292 **DIVISION 11. - ABATEMENT OF VIOLATIONS**

4293 SECTION 545.330: - ABATEMENT OF VIOLATION AFTER NOTICE

4294 A. In the event that the abatement of any violation is not immediately necessary
4295 for the protection of the health and welfare of the inhabitants of the City, the

4296 Code Official shall give written notice in accordance with Section 545.210, of this
4297 Code, to the owner or occupant of the premises where such violation exists or
4298 their agent stating the nature of such violation and ordering its immediate
4299 abatement. If the whereabouts of the owner or occupant of the premises where
4300 such alleged violation exists or their agent are unknown and notice cannot be
4301 served upon them, then such notice shall be posted on the premises where
4302 such violation exists for a ten-day period. In the event such violation is not
4303 abated within such ten-day period the Code Official may file a complaint with
4304 respect in Raymore Municipal Court.

4305 B. In the event such violation is not abated within the time prescribed in the
4306 written notice as set forth in Subsection (A), of this Section, the Code Official
4307 may:

4308 1. Issue a citation to the property owner and/or property owner's agent;
4309 and/or;

4310 2. Have the violation abated, in which case the Code Official shall bill the
4311 property owner for the actual costs plus an administrative charge approved
4312 by the Governing Body and listed in the Schedule of Fees and Charges
4313 adopted by the Governing Body. The bill shall be sent by first class U.S. mail
4314 to the property owner and/or property owner's agent. The City shall receive
4315 full payment within ten (10) days of the date the bill was sent or the full
4316 amount will be added to the next regular tax bill forwarded to such owner
4317 by Cass County and said charge shall be due and payable by said owner at
4318 the time of payment of such tax bill.

4319 SECTION 545.335: - ABATEMENT WITHOUT NOTICE

4320 A. Whenever it becomes necessary to abate a violation immediately in order to
4321 secure the general health of the City, or any of its inhabitants, the Code Official
4322 is authorized to abate such violation without notice, and use any suitable
4323 means or assistance for that purpose, whether employees of the City or private
4324 contractor employed for the purpose of abating the violation, or any other help
4325 or assistance necessary therefor. The Code Official shall certify the cost as a
4326 special tax bill against the property on which such violation was located, if
4327 within the City limits. The tax shall be collected like other special tax bills and
4328 shall be a first lien on the property until paid.

4329 B. It shall be the duty of the owner or occupant of private property, their agent, or
4330 the person causing or maintaining any violation to abate the same after an
4331 order by the Code Official, Chief of Police or Law Enforcement Officer in
4332 accordance with the terms prescribed in such order.

4333 C. Whenever any household goods, bedding, clothing, putrid or unsound meat,
4334 pork, fish, vegetables, fruit, hides or skins of any kind, or any other article, are
4335 found within the City which, in the opinion of the Code Official is dangerous to
4336 the health of the inhabitants, the Code Official shall have the power and

4337 authority to cause the same to be destroyed in such manner as they may direct,
4338 and they may employ such persons as they see fit for that purpose.

4339 SECTION 545.340: - COST OF ABATEMENT ON PROPERTY OF MORE THAN ONE
4340 OWNER

4341 If any violation abated by the Code Official as provided in Section 545.330 and
4342 545.335 of this Property Maintenance Code extended before the abatement over
4343 the property of more than one (1) owner, the cost of abating the same shall be
4344 assessed in proportion to the amount of work and expense for each proportionate
4345 part of the entire work and the area, and the special tax bills provided for in this
4346 division shall be levied and collected accordingly.

4347 SECTION 545.345: - RESERVED

4348 **DIVISION 12. - MEANS OF APPEAL**

4349 SECTION 545.350: - APPLICATION FOR APPEAL

4350 Any person directly affected by a decision of the Code Official or a notice or order
4351 issued under this Code shall have the right to appeal to the Board of Appeals in
4352 accordance with Chapter 540 of the City Code.

4353 **ARTICLE II. - DEFINITIONS**

4354 **DIVISION 1. - INTERPRETATION AND MEANING**

4355 SECTION 545.355: - SCOPE

4356 Unless otherwise expressly stated, the following terms shall, for the purposes of
4357 this Code, have the meanings shown in this chapter.

4358 SECTION 545.360: - INTERCHANGEABILITY

4359 Words stated in the present tense include the future; words stated in the masculine
4360 gender include the feminine and neuter; the singular number includes the plural
4361 and the plural the singular.

4362 SECTION 545.365: - TERMS DEFINED IN OTHER ARTICLES OR CODES

4363 If a word or term is not defined in this Article but is defined elsewhere in this
4364 Chapter or in the City Code, that definition shall be applicable unless the context
4365 indicates that a standard dictionary definition is more appropriate.

4366 SECTION 545.370: - TERMS NOT DEFINED

4367 Where terms are not defined through the methods authorized by this section, such
4368 terms shall have ordinarily accepted meanings such as the context implies.

4369 SECTION 545.375: - PARTS

4370 Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming
4371 house" or "story" are stated in this Code, they shall be construed as though they
4372 were followed by the words "or any part of."

4373 **DIVISION 2. - GENERAL DEFINITIONS**

4374 *Alley.* A public or private right-of-way, other than a street, that provides a secondary
4375 means of access to abutting property.

4376 *Approved.* Approved by the Code Official.

4377 *Basement.* That portion of a building which is partly or completely below grade.

4378 *Bathroom.* A room containing plumbing fixtures including a bathtub or shower.

4379 *Bedroom.* Any room or space used or intended to be used for sleeping purposes in
4380 either a dwelling or sleeping unit.

4381 *Building.* Any structure designed or intended for the enclosure, support, shelter or
4382 protection of persons, animals or property.

4383 *Building Line or Setback Line.* A line parallel to a street or right-of-way line, shore of a
4384 lake, edge of a stream or other property line established on a parcel of land or lot
4385 for the purpose of prohibiting construction of a building or structure in the area
4386 between such building line and right-of-way line, lakeshore, stream bank or other
4387 property line.

4388 *City.* The City of Raymore, Missouri.

4389 *Code Official.* The official who is charged with the administration and enforcement
4390 of this Code, or any duly authorized representative.

4391 *Condemn.* To adjudge unfit for occupancy.

4392 *Cultivation.* Any plant species or group of plant species introduced or grown for
4393 consumption, pleasure, or business reasons.

4394 *Curb.* A vertical or sloping edge of a roadway.

4395 *Department.* The Development Services Department of the City.

- 4396 *Deterioration.* To weaken, disintegrate, corrode, rust or decay and lose
4397 effectiveness.
- 4398 *Developed Property.* Any lot, tract, or other parcel of land that includes a principal
4399 building upon the property.
- 4400 *Drainage.* The removal of surface water or groundwater from land by drains,
4401 grading or other means.
- 4402 *Drainage Facility.* Any component of a drainage system.
- 4403 *Drainage System.* The system through which water flows from the land, including all
4404 watercourses, water bodies and wetlands
- 4405 *Driveway.* A private way of vehicular ingress and egress to a property, extending into
4406 the property from a street or private drive.
- 4407 *Driveway Approach.* The portion of the driveway located in public right-of-way that
4408 provides transition from the street to the driveway located on private property.
- 4409 *Dwelling Unit.* A single unit providing complete, independent living facilities for one
4410 or more persons, including permanent provisions for living, sleeping, eating,
4411 cooking and sanitation.
- 4412 *Easement.* A right-of-way granted, but not dedicated, for limited use of private land
4413 for a public or quasi-public purpose and within which the owner of the property
4414 may not erect any permanent structures.
- 4415 *Erosion Control Areas.* Plantings designed to reduce soil loss.
- 4416 *Exterior Property.* The open space on the premises and on adjoining property under
4417 the control of owners or operators of such premises.
- 4418 *Extermination.* The control and elimination of insects, rats or other pests by
4419 eliminating their harborage places; by removing or making inaccessible materials
4420 that serve as their food; by poison spraying, fumigating, trapping or by any other
4421 approved pest elimination methods.
- 4422 *Fence.* A free standing structure of metal, masonry, composition or wood or any
4423 combination resting on or partially buried in the ground and rising above the
4424 ground level, and used for confinement, ornamental, screening or partition
4425 purposes.
- 4426 *Garbage.* The animal or vegetable waste resulting from the handling, preparation,
4427 cooking and consumption of food.
- 4428 *Governmental or Educational Programs.* Plantings designated for governmental or
4429 educational purposes.

4430 *Guard.* A building component or a system of building components located at or
4431 near the open sides of elevated walking surfaces that minimizes the possibility of a
4432 fall from the walking surface to a lower level.

4433 *Habitable Space.* Space in a structure for living, sleeping, eating or cooking.
4434 Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas
4435 are not considered habitable spaces.

4436 *Imminent Hazard.* A condition which could cause serious or life-threatening injury or
4437 death at any time.

4438 *Infestation.* The presence, within or contiguous to, a structure or premises of
4439 insects, rats, vermin or other pests.

4440 *Inoperable Motor Vehicle.* A vehicle is deemed to be inoperable if it meets one (1) or
4441 more of the following criteria regardless of the circumstances of how the vehicle
4442 came to be in its current location or ownership:

- 4443 1. Does not display current valid license plates registered to the vehicle;
- 4444 2. Does not display a valid inspection decal that is valid;
- 4445 3. It has flat or missing tires or wheels;
- 4446 4. It is wrecked or junked;
- 4447 5. It is wholly or partially dismantled;
- 4448 6. It is missing parts or equipment necessary to safely and legally operate on a
4449 public street;
- 4450 7. It has mechanical or other problems that prevent the vehicle from being
4451 driven under its own power;
- 4452 8. It has vegetation or debris collected in, on, around or under the vehicle;
4453 and/or
- 4454 9. It is used to store auto parts, household items, lawn equipment or other
4455 types of storage.

4456 *Junk.* Any metal, glass, paper, rags, wood, discarded automobile parts, machinery
4457 parts, cloth or other waste or discarded material of any nature or substance
4458 whatsoever, or scrap or salvage materials.

4459 *Labeled.* Devices, equipment, appliances, or materials to which has been affixed a
4460 label, seal, symbol or other identifying mark of a nationally recognized testing
4461 laboratory, inspection agency or other organization concerned with product
4462 evaluation that maintains periodic inspection of the production of the
4463 above-labeled items and by whose label the manufacturer attests to compliance
4464 with applicable nationally recognized standards.

4465 *Landowner.* One who owns or controls land within the City limits, including the City

- 4466 itself.
- 4467 *Let for Occupancy or Let.* To permit, provide or offer possession or occupancy of a
4468 dwelling, dwelling unit, rooming unit, building, premises or structure by a person
4469 who is or is not the legal owner of record, pursuant to a written or unwritten lease,
4470 agreement or license, or pursuant to a recorded or unrecorded agreement of
4471 contract for the sale of land.
- 4472 *Native plantings/landscapes.* Areas landscaped with plant species indigenous to west
4473 central Missouri.
- 4474 *Neglect.* The lack of proper maintenance for a building, structure or property.
- 4475 *Noxious Plants.* Poison ivy, poison oak, poison sumac and thistle, at any height or
4476 state of maturity.
- 4477 *Nuisance.* As defined in Section 545.445 of this Chapter.
- 4478 *Occupancy.* The purpose for which a building or portion of is utilized or occupied.
- 4479 *Occupant.* Any individual living or sleeping in a building; or having possession of a
4480 space within a building.
- 4481 *Openable Area.* That part of a window, skylight or door which is available for
4482 unobstructed ventilation and which opens directly to the outdoors.
- 4483 *Operator.* Any person who has charge, care or control of a structure or premises
4484 which is let or offered for occupancy.
- 4485 *Owner.* Any person, agent, operator, firm or corporation having a legal or equitable
4486 interest in the property; or recorded in the official records of the state, county or
4487 municipality as holding title to the property; or otherwise having control of the
4488 property, including the guardian of the estate of any such person, and the executor
4489 or administrator of the estate of such person if ordered to take possession of real
4490 property by a court.
- 4491 *Parks and open space.* Any and all public parks and open space lands maintained by
4492 Federal, State or local agencies including private conservation organizations.
- 4493 *Parcel.* Any plot, lot or acreage shown as a unit on the latest county tax assessment
4494 records.
- 4495 *Person.* An individual, corporation, partnership or any other group acting as a unit.
- 4496 *Premises.* A lot, plot or parcel of land, easement or public way, including any
4497 structures thereon.
- 4498 *Property.* Any land owned by the City or any other person and located within the

- 4499 City limits, including parks, but not including streets and highways.
- 4500 *Public Way.* Any street, alley or similar parcel of land essentially unobstructed from
4501 the ground to the sky, which is deeded, dedicated or otherwise permanently
4502 appropriated to the public for public use.
- 4503 *Recreational Vehicle.* A vehicular-type unit primarily designed as temporary living
4504 quarters for recreational, camping or travel use, which either has its own motive
4505 power or is mounted on or drawn by another vehicle. Examples are travel trailers,
4506 camping trailers, truck campers, and motor homes. Manufactured homes are not
4507 considered trailers or recreational vehicles.
- 4508 *Right-of-way.* A strip of land occupied or intended to be occupied by a street, alley,
4509 crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main,
4510 sanitary or storm sewer, or for another special use.
- 4511 *Roof.* A structural covering over any portion of a building or structure including
4512 projections beyond the walls or supports of the building or structure.
- 4513 *Rooming House.* A building arranged or occupied for lodging, with or without meals,
4514 for compensation and not occupied as a one-or two-family dwelling.
- 4515 *Rooming Unit.* Any room or group of rooms forming a single habitable unit occupied
4516 or intended to be occupied for sleeping or living, but not for cooking purposes.
- 4517 *Rubbish.* Combustible and noncombustible waste materials, except garbage; the
4518 term shall include the residue from the burning of wood, coal, coke and other
4519 combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather,
4520 tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and
4521 dust and other similar materials.
- 4522 *Setback.* The required minimum horizontal distance between the structure line and
4523 the related front, side or rear property line.
- 4524 *Sidewalk.* A paved path provided for pedestrian use and usually located at the side
4525 of a road within the right-of-way.
- 4526 *Sleeping Unit.* A room or space in which people sleep, which can also include
4527 permanent provisions for living, eating and either sanitation or kitchen facilities, but
4528 not both. Such rooms and spaces that are also part of a dwelling unit are not
4529 sleeping units.
- 4530 *Solid Waste.* As defined in Chapter 235: Solid Waste of the City Code.
- 4531 *Street.* The paved or hard-surfaced portion of the right-of-way dedicated to the
4532 public use which provides vehicular and pedestrian access to adjacent properties.
4533 Street shall include the associated curb.

4534 *Strict Liability Offense.* An offense in which the prosecution in a legal proceeding is
4535 not required to prove criminal intent as a part of its case. It is enough to prove that
4536 the defendant either did an act which was prohibited, or failed to do an act which
4537 the defendant was legally required to do.

4538 *Structure.* That which is built or constructed or a portion of. (Examples: houses,
4539 buildings, detached buildings, wells, fences, etc.)

4540 *Tenant.* A person, corporation, partnership or group, whether or not the legal owner
4541 of record, occupying a building or portion of as a unit.

4542 *Toilet Room.* A room containing a water closet or urinal but not a bathtub or shower.

4543 *Trash Receptacle.* A container used for the temporary storage of rubbish or
4544 materials pending collection.

4545 *Turf Grass.* Grass commonly used in regularly cut lawns or play areas, such as, but
4546 not limited to bluegrass, fescue, and ryegrass blends.

4547 *Undeveloped Property.* Any lot, tract, or other parcel of land without a principal
4548 building upon the property.

4549 *Vehicle.* Any car, truck, trailer, camper, recreational vehicle, boat or other device
4550 utilized for transporting goods, passengers or equipment.

4551 *Ventilation.* The natural or mechanical process of supplying conditioned or
4552 unconditioned air to, or removing such air from, any space.

4553 *Weed.* Any troublesome and worthless plant in the place where it is growing. This
4554 definition includes, but is not limited to the following: amaranth, beggarweed,
4555 bindweed, brome grass, burdock, Canada thistle, cinquefoil, cocklebur, compass
4556 plant, dandelion, dock, dodder, glasswort, gromwell, hemlock, horsetail, Indian
4557 mallow, jimson weed, knox grass, lamb's quarters, locoweed, lupine, mullein, nettle,
4558 parsnip, pigweed, plantain, poison ivy, poison oak, pokeweed, purslane, ragweed,
4559 smartweed, solanum, sorrel, sow thistle, stickseed, teasel, thistle, toadflax,
4560 tumbleweed, witchweed, and any other plant designated as noxious by the rules
4561 and regulations promulgated by the Director of the Missouri Department of
4562 Agriculture and/or Director of the Missouri Department of Natural Resources.
4563 However, this term shall not include cultivated flowers and gardens, including but
4564 not limited to native plantings used for aesthetics and/or wildlife habitat, and plants
4565 used for soil erosion control and water quality.

4566 *Wetlands.* Land areas that are inundated or saturated by surface or groundwater at
4567 a frequency and duration sufficient to support, and that under normal
4568 circumstances do support, a prevalence of vegetation typically adapted for life in
4569 saturated soil conditions. Wetlands generally include swamps, marshes, bogs and
4570 similar areas.

4571 *Wooded Areas.* All areas that are predominantly covered by woody vegetation and
4572 trees.

4573 *Workmanlike.* Executed in a skilled manner; e.g., generally plumb, level, square, in
4574 line, undamaged, and without marring adjacent work.

4575 *Yard.* A space on the same lot with a main structure, open, unoccupied and
4576 unobstructed by structures from the ground upward.

4577 *Yard, Front.* The front yard extends across the full width of the lot, adjacent to the
4578 street right-of-way. The front yard is to be measured from the front property line to
4579 the closest point of the structure on the subject lot, not including those projections
4580 and features allowed by the Unified Development Code. Corner lots have two (2)
4581 front yards.

4582 *Yard, Rear.* The rear yard extends across the full width of the lot. The rear yard is to
4583 be measured from the rear property line to the closest point of the structure on the
4584 subject lot, not including those projections and features allowed by the Unified
4585 Development Code to project into the rear setback. On pie-shaped or triangular lots
4586 with side property lines that come to a point at the rear, the rear yard is measured
4587 from a line segment that connects the side property lines and is a minimum of ten
4588 (10) feet in length.

4589 *Yard Waste.* Grass clippings and trimmings, tree and shrub branches and trimmings,
4590 leaves, and similar materials from outdoor plantings and growth.

4591 **ARTICLE III. - GENERAL REQUIREMENTS**

4592 **DIVISION 1. - GENERAL**

4593 SECTION 545.380: - SCOPE

4594 The provisions of this Chapter shall govern the minimum conditions and the
4595 responsibilities of persons for maintenance of structures, equipment and exterior
4596 property.

4597 SECTION 545.385: - RESPONSIBILITY

4598 The owner of the premises shall maintain the structures and exterior property in
4599 compliance with these requirements, except as otherwise provided for in this Code.
4600 A person shall not occupy as owner-occupant or permit another person to occupy
4601 premises which are not in a sanitary and safe condition and which do not comply
4602 with the requirements of this Chapter. Occupants of a dwelling unit are responsible
4603 for keeping in a clean, sanitary and safe condition that part of the dwelling unit or
4604 premises which they occupy and control.

4605 SECTION 545.390: - VACANT STRUCTURES AND LAND

4606 All vacant structures and premises or vacant land shall be maintained in a clean,
4607 safe, secure and sanitary condition as provided herein so as not to cause a blighting
4608 problem or adversely affect the public health or safety.

4609 **DIVISION 2. - EXTERIOR PROPERTY AREAS**

4610 SECTION 545.395: - SANITATION

4611 All exterior property and premises shall be maintained in a clean, safe and sanitary
4612 condition. The occupant shall keep that part of the exterior property which such
4613 occupant occupies or controls in a clean and sanitary condition.

4614 SECTION 545.400: - GRADING AND DRAINAGE

4615 A. All premises shall be graded and maintained to prevent the erosion of soil and
4616 to prevent the accumulation of stagnant water thereon, or within any structure
4617 located thereon.

4618 Exceptions:

4619 1. Approved detention areas.

4620 2. Rain gardens.

4621 3. Bioretention areas.

4622 B. 1. All premises wherein soil disturbance has occurred shall have grass
4623 established in the areas where the soil disturbance occurred within thirty
4624 (30) days of the date land disturbance activity ceases. The Code Official may
4625 allow additional time for the grass to be established if the time of year is
4626 not conducive to the growth of grass.

4627 2. If construction activity on a building is occurring on the property, grass shall
4628 be established in accordance with Section 430.130(B)(5) of the Unified
4629 Development Code.

4630 SECTION 545.405: - SIDEWALKS, PARKING LOTS AND DRIVEWAYS

4631 A. All sidewalks, walkways, stairs and similar walking surfaces shall be kept in a
4632 proper state of repair and maintained free from hazardous conditions.

4633 1. Cracks in concrete or asphalt surfaces causing a vertical off-set in excess of
4634 one-half ($\frac{1}{2}$) inch shall be repaired.

4635 2. Trees, shrubs, grass or similar growth that encroaches upon sidewalks,
4636 walkways, stairs or similar walking surfaces so as to impede the use of the
4637 full width of the walking surface shall be trimmed or removed so as to not
4638 impede the use of the walking surface.

- 4639 B. Parking spaces, access aisles in parking lots, driveways and driveway
4640 approaches shall be kept in a proper state of repair and maintained free from
4641 hazardous conditions.
- 4642 1. Vegetation shall not be allowed to grow through the concrete or asphalt
4643 surface.
- 4644 2. Concrete, asphalt or similar surfaces that are broken, heaved, collapsed, or
4645 missing shall be repaired.
- 4646 3. Spalling and cracking of concrete surfaces that have eroded away the top
4647 surface of the concrete leaving a rough, crumbling surface area shall be
4648 repaired.
- 4649 4. All pavement areas shall be maintained to prevent the accumulation of
4650 water thereon.
- 4651 5. Pavement areas shall not be allowed to degenerate to a point where there
4652 is loose gravel, broken up pavement, dirt, or potholes.
- 4653 6. Potholes and surface cracks shall be filled and sealed in a timely fashion
4654 using appropriate fill material.
- 4655 7. Parking spaces on commercial and industrial properties shall be clearly
4656 marked on the pavement surface, using paint or other marking devices
4657 approved by the City. Such pavement markings shall conform to the parking
4658 plan that was approved by the City and shall be maintained in a clearly
4659 legible condition.
- 4660 C. If any sidewalk, driveway, parking lot or similar surface area by virtue of its state
4661 of repair constitutes a danger to the public health and safety, the surface area
4662 shall be repaired.
- 4663 D. Hazardous conditions created by inclement weather are not applicable to this
4664 section.

4665 SECTION 545.410: - WEEDS

4666 No person shall permit or maintain any growth of weeds, grasses or lawns over
4667 eight (8) inches in height for any developed property or twelve (12) inches for
4668 undeveloped property, measured from the ground surface.

4669 The following defined areas are exempt from the maximum height requirements:

- 4670 1. Undeveloped property that is at least one hundred fifty (150) feet from any
4671 adjacent street or adjacent platted subdivision.
- 4672 2. Property mowed for hay.
- 4673 3. Property cultivated with a farm crop.
- 4674 4. Property zoned "Agricultural".

- 4675 5. Areas designated by the City as greenways.
4676 6. Cultivated flowers, gardens or native landscapes in accordance with Section
4677 545.411.
4678 7. Erosion control areas—with the written approval of the City FloodPlain
4679 Administrator.
4680 8. Governmental or educational programs—with the written approval of the
4681 City.
4682 9. Parks and open space.
4683 10. Wooded areas.
4684 11. Wetlands.
4685 12. Streams or natural drainageways.

4686 Whenever private property abuts a public right-of-way or easement and there
4687 exists in such right-of-way or easement a tree, lawn or grassy area between the
4688 private property line and the edge of the street pavement, then such tree, lawn or
4689 grassy area shall be considered, for purposes of this Section, to be a part of the
4690 private lot which abuts the right-of-way or easement and it shall be the duty of
4691 those responsible under this Section for the maintenance of the private lot to
4692 equally maintain the tree, lawn or grassy area within the abutting right-of-way or
4693 easement.

4694 Exceptions:

4695 Owners of properties abutting public right-of-way or easement along rural sections
4696 of arterial or collector roadways shall not be responsible under this Section for the
4697 maintenance of the public right-of-way or easement areas.

4698 SECTION 545.411 - NATIVE LANDSCAPES

4699 In residential, industrial and commercial zoning categories native landscaping may
4700 be utilized in landscaped beds provided that:

- 4701 1. The native planting area does not exceed twenty-five percent (25%) of the
4702 total lot area, including structure footprint, for lots one (1) acre or less.
4703 2. The native planting area does not exceed forty percent (40%) of the total lot
4704 area, including structure footprint, for lots that exceed one (1) acre in size.
4705 3. Native planting areas are evenly distributed on the entire lot so that not all
4706 the native planting blocks the home from the street frontage. No front yard
4707 native planting area may exceed twelve percent (12%) of the total lot area.
4708 4. Native planting areas must be a minimum of ten (10) feet from the curb of
4709 any public street and may not hinder the sight triangle of any intersection.
4710 5. All such native planting areas are defined by a landscaping border material

4711 such as a rock/stone border, fence, landscape timbers, mowed grass border
4712 or trail/pathway.

4713 6. The native planting areas are maintained regularly.

4714 SECTION 545.415: - RODENT HARBORAGE

4715 All structures and exterior property shall be kept free from rodent harborage and
4716 infestation. Where rodents are found, they shall be promptly exterminated by
4717 approved processes which will not be injurious to human health. After
4718 extermination, proper precautions shall be taken to eliminate rodent harborage
4719 and prevent reinfestation.

4720 SECTION 545.420: - EXHAUST VENTS

4721 Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor,
4722 hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon
4723 abutting or adjacent public or private property or that of another tenant.

4724 SECTION 545.425: - ACCESSORY STRUCTURES

4725 All accessory structures, including detached garages, sheds, fences and walls, shall
4726 be maintained structurally sound and in good repair.

4727 SECTION 545.426: - OUTDOOR STORAGE

4728 Storage of all materials including junk material, used appliances or furniture must
4729 be stored within a fully enclosed building. This requirement does not apply to
4730 porch/patio furniture, garden/horticulture equipment and associated supplies,
4731 recreational vehicles or accessory structures.

4732 SECTION 545.427: - SIGNS

4733 A. All signs, together with all their supports, braces, guys and anchors, must be
4734 kept in good repair and shall maintain a clean appearance and be in a safe
4735 condition.

4736 B. Any sign that is internally illuminated shall have all letters, graphics or symbols
4737 of the sign properly illuminated as originally designed.

4738 SECTION 545.430: - MOTOR VEHICLES

4739 Except as provided for in other regulations, no inoperable vehicle shall be parked,
4740 kept or stored on any premises, and no vehicle shall at any time be in a state of
4741 major disassembly, disrepair, or in the process of being stripped or dismantled,
4742 unless within a fully enclosed building. Painting of vehicles is prohibited unless
4743 conducted inside an approved spray booth.

4744 Exception: A vehicle of any type is permitted to undergo major overhaul, including
4745 body work, provided that such work is performed inside a structure or similarly

4746 enclosed area.

4747 SECTION 545.431: - VEHICLE PARKING

4748 A. In the A or RE zoning districts, parking or storage of vehicles, including cars,
4749 light-duty trucks, recreational vehicles, boats and trailers is allowed anywhere
4750 on the property. In all other residential zoning districts, parking or storage of
4751 vehicles, including cars, light-duty trucks, recreational vehicles, boats and
4752 trailers is permitted only:

4753 1. On a driveway; or

4754 2. Inside a completely enclosed structure; or

4755 3. Behind the front of the residence in the side yard provided the vehicle is
4756 parked on a paved or impervious surface; or

4757 4. Behind the rear of the residence in the rear yard. The vehicle does not have
4758 to be upon a paved or impervious surface.

4759 B. Parking of the following vehicles is prohibited in residential zoning districts:

4760 1. Semi-trailer truck, also known as a semi-tractor truck or road tractor.

4761 2. Cargo trailer, semi-trailer, or similar vehicle that can be connected to or
4762 pulled by a semi-trailer truck.

4763 3. Any vehicle rated as a Class 5 or higher under the US Department of
4764 Transportation Federal Highway Administration Vehicle Inventory and Use
4765 Survey standards.

4766 4. Overnight parking of a school bus, charter bus or similar vehicle.

4767 5. Any vehicle with a bucket lift, dumping capability, tow truck, low or
4768 high-profile cab over engine, or similar vehicle.

4769 C. No vehicle may be parked or stored on the grass in the front yard area of a
4770 residential lot for more than twenty-four (24) hours unless approval is granted
4771 by the City Council, except that this requirement shall not apply to any lot or
4772 parcel of private property that is one (1) acre or more in size.

4773 D. No vehicle may be parked or stored in the right-of-way located between the
4774 curb of a street and the property line.

4775 E. No vehicle may be parked or stored on the grass area of a commercial or
4776 industrial zoned lot.

4777 F. Recreational vehicles may not be occupied within the City limits for living,
4778 sleeping, or cooking purposes for more than thirty days per year, except for the
4779 following circumstances:

4780 1. To monitor and secure a property that has a valid building permit issued; or

4781 2. To provide accommodations on a property that has experienced damage

- 4782 due to a storm, fire or similar occurrence.
- 4783 G. Off-street parking areas must be used solely for the parking of operable motor
4784 vehicles for patrons, occupants or employees of the use to which the parking
4785 area serves.
- 4786 H. No motor vehicle repair work, storage, sales or service of any kind may take
4787 place in any off-street parking area.
- 4788 I. No person shall park a vehicle to include, but not be limited to, motor vehicles,
4789 motor homes, trucks, trailers, boats and recreational vehicles upon any
4790 roadway or private or public parking lot with the exception of private residential
4791 driveways, commercial vehicle dealerships or by the owner of the property, if
4792 not in conflict with any other provision of the Unified Development Code, for
4793 the principal purpose of:
- 4794 1. Displaying such vehicle for sale.
- 4795 2. Greasing or repairing such vehicle except repairs necessitated by an
4796 emergency.
- 4797 J. No vehicle, including a car, truck, boat, recreational vehicle, or trailer shall be
4798 parked or stored on an undeveloped lot, defined as a lot without a principal
4799 building or structure, within a residential zoning district, with the following
4800 exception:
- 4801 1. If the undeveloped lot is under common ownership with an adjacent lot
4802 that contains a residential principal structure that is occupied by the owner
4803 of both properties, then a vehicle may be parked or stored upon the
4804 undeveloped lot.
- 4805 SECTION 545.435: - DEFACEMENT OF PROPERTY
- 4806 No person shall willfully or wantonly damage, mutilate or deface any exterior
4807 surface of any structure or building on any private or public property by placing
4808 thereon any marking, carving or graffiti.
- 4809 It shall be the responsibility of the owner to restore said surface to an approved
4810 state of maintenance and repair.
- 4811 SECTION 545.440: - TREE MAINTENANCE
- 4812 Tree maintenance shall be completed in accordance with Chapter 260: Tree
4813 Maintenance and Care of the City Code.
- 4814 SECTION 545.445: - NUISANCES
- 4815 A. The following are declared to be nuisances:
- 4816 1. All decayed or unwholesome food offered for sale to the public or offered
4817 to the public at no charge.

- 4818 2. Any pond or pool of unwholesome, impure, stagnant or offensive water
4819 found upon any lot or piece of ground.
- 4820 3. Carcasses of dead animals not buried or destroyed within twenty-four (24)
4821 hours after death.
- 4822 4. Accumulations, wheresoever they may occur, of manure, rubbish, garbage,
4823 refuse, noxious or offensive waste, except the normal storage on a farm of
4824 manure for agricultural purposes.
- 4825 5. Privy vaults or garbage cans which are not fly-tight, that is, privy vaults or
4826 garbage cans which do not prevent the entry of flies, insects and rodents.
- 4827 6. The pollution of any well, cistern, spring, underground water stream, lake,
4828 canal or body of water by sewage or industrial wastes or other substances
4829 harmful to human beings.
- 4830 7. Dense smoke, noxious fumes, gas and soot or cinders in unreasonable
4831 quantities or the presence of any gas, vapor, fume, smoke, dust or any
4832 other toxic substances on, in or emitted from the equipment of any
4833 premises in quantities sufficient to be toxic, harmful or injurious to the
4834 health of any employee or to any premises, occupant or to any other
4835 person.
- 4836 8. Any vehicle used for septic tank cleaning which does not meet the
4837 requirements of the City Code.
- 4838 9. Any vehicle used for garbage or rubbish disposal which is not equipped
4839 with a watertight metal body and provided with a tight metal cover or
4840 covers and so constructed as to prevent any of the contents from leaking,
4841 spilling, falling or blowing out of such vehicle at any time, except while being
4842 loaded, or not completely secured and covered so as to prevent offensive
4843 odors from escaping therefrom or exposing any part of the contents at any
4844 time.
- 4845 10. Any and all infestations of flies, fleas, roaches, lice, ticks, rats, mice, fly
4846 maggots, mosquito larvae and hookworm larvae.
- 4847 11. Unlicensed dumps and licensed dumps not operated or maintained in
4848 compliance with the ordinances of the City and RSMo.
- 4849 12. No person shall discharge or cause to be discharged into a natural or
4850 manmade stormwater system any waste materials, liquids, vapor, fat,
4851 gasoline, benzene, naphtha, oil or petroleum product, mud, straw, lawn
4852 clippings, tree limbs or branches, metal or plastic objects, rags, garbage or
4853 any other substance which is capable of causing an obstruction to the flow
4854 of the storm system or interfere with the proper operation of the system or
4855 which will pollute the natural creeks or waterways.
- 4856 13. The dumping or depositing on or the scattering over the premises of any of
4857 the following:

- 4858 a. Garbage or rubbish.
- 4859 b. Abandoned, discarded or unused objects or equipment such as
4860 automobiles, furniture, stoves, refrigerators, freezers, cans, containers
4861 or similar objects.
- 4862 c. Building material and/or construction equipment abandoned or stored
4863 on property where construction is not in progress, where a valid
4864 building permit does not exist or on property not properly zoned for
4865 such storage.
- 4866 d. Brush or tree limbs.
- 4867 14. The standing of vehicles which are laden with any foul or nauseous thing,
4868 liquid or substance or any refuse, filth, offal or other trash or rubbish
4869 anywhere in the City for a period of time longer than reasonably necessary
4870 for loading and unloading.
- 4871 15. Any open, uncovered or unprotected well or cistern on any premises.
- 4872 16. Any water accumulating and remaining, continuing or stagnating upon, in
4873 or about any lot, tract or piece of ground, with the exception of natural
4874 streams and waterways, or any barrels, buckets, kegs, tubs, cans or vessels
4875 of any kind whatsoever caused or permitted to be thrown, to be placed or
4876 to remain upon any lot, property or grounds in the City that might, could or
4877 would catch, hold, contain or retain water in which mosquitoes or insects,
4878 bugs, worms or living creatures might be bred, hatched, raised or allowed
4879 to remain or accumulate.
- 4880 17. The dumping, disposal or placement of dirt, stone, rock, concrete, asphalt
4881 grindings or similar material unless a valid grading permit exists for the
4882 property.
- 4883 18. Any inoperable vehicle as defined in this chapter.
- 4884 19. Worn, dilapidated or disintegrating silt fencing that is no longer properly
4885 functioning as a means of erosion control or is no longer necessary.
- 4886 20. Placement or maintenance of any object, platform, structure or obstruction,
4887 either temporarily or permanently, such as, but not limited to, a basketball
4888 goal, skateboard ramp, trampoline, fence, flagpole, yard ornament or
4889 similar item, over any street or sidewalk or in any part of the City's
4890 right-of-way except by written approval of the Public Works Director.
- 4891 21. The placement of any silt fencing for any purpose other than the intended
4892 purpose of capture and control of soil and sediment erosion.
- 4893 22. Any tree or limb that is diseased, insect infested, leaning, in danger of
4894 falling, fallen, dying or dead that could cause harm or endanger public
4895 safety or poses a hazard to overhead power lines.
- 4896 23. All other acts, practices, conduct, business, occupation callings, trades, uses
4897 of property and all other things detrimental or certain to be detrimental to

4898 the health of the inhabitants of the City.

4899 B. The Governing Body of the City, hereby finds that the allowance of nuisances as
4900 defined herein on private property or adjacent rights-of-way or easements are
4901 public nuisances which are unsightly, a menace dangerous to the health of the
4902 inhabitants of the City or of the residential or commercial area and the
4903 residents of and are offensive to the general public health, safety and welfare of
4904 the community. Such nuisances promote conditions which cause disease;
4905 pollution; proliferation of rats, vermin, mosquitoes and snakes; the spread of
4906 fire; a harmful environment for transients and to the community as a result of
4907 transient use; harmful attractions for children; creates short- and long-term
4908 impacts on the area including the diminution of property values and the
4909 integrity of the neighborhood; and interferes with the orderly development of
4910 property in the City.

4911 C. Unlawful To Cause, Maintain Within City. It is unlawful for any owner, lessee or
4912 occupant or any agent, servant, representative or employee of any such owner,
4913 lessee or occupant having control of any occupied lot or land or any part in the
4914 City, including any areas between the property lines of said lot or parcel and the
4915 centerline of any adjacent street or alley including sidewalks, streets, alleys,
4916 easements and rights-of-way, to cause, permit or maintain a nuisance on any
4917 such lot or land. Additionally, it is unlawful for any person or their agent,
4918 servant, representative or employee to cause or maintain a nuisance on the
4919 land or property of another, with or without permission.

4920 **DIVISION 3. - SWIMMING POOLS, SPAS AND HOT TUBS**

4921 SECTION 545.450: - SWIMMING POOLS

4922 Swimming pools shall be maintained in a clean and sanitary condition, and in good
4923 repair.

4924 SECTION 545.455: - BARRIERS

4925 Swimming pools, spas and hot tubs shall be enclosed by a barrier in accordance
4926 with Section 420.050(B) of the Raymore Unified Development Code and the
4927 Uniform Swimming Pool, Spa and Hot Tub Code.

4928 **DIVISION 4. - EXTERIOR STRUCTURE**

4929 SECTION 545.460: - GENERAL

4930 The exterior of a structure shall be maintained in good repair, structurally sound

4931 and sanitary so as not to pose a threat to the public health, safety or welfare.

4932 SECTION 545.465: - PROTECTIVE TREATMENT

4933 All exterior surfaces, including but not limited to, doors, door and window frames,
4934 cornices, porches and trim, shall be maintained in good condition. Exterior wood
4935 surfaces, other than decay-resistant woods, shall be protected from the elements
4936 and decay by painting or other protective covering or treatment. Peeling, flaking
4937 and chipped paint shall be eliminated and surfaces repainted. All siding and
4938 masonry joints as well as those between the building envelope and the perimeter
4939 of windows, doors, and skylights shall be maintained weather resistant and water
4940 tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such
4941 rust and corrosion and all surfaces with rust or corrosion shall be stabilized and
4942 coated to inhibit future rust and corrosion. Oxidation stains shall be removed from
4943 exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from
4944 this requirement. All structures shall contain finished siding material.

4945 SECTION 545.470: - STREET NUMBERS

4946 Each structure to which a street number has been assigned shall have such number
4947 displayed in a position on the structure that is easily observed and readable from
4948 the public way. All numbers shall contrast with the background and be Arabic
4949 numerals at least four (4) inches high and one-half ½ inch stroke.

4950 SECTION 545.475: - STRUCTURAL MEMBERS

4951 All structural members shall be maintained free from deterioration, and shall be
4952 capable of safely supporting the imposed dead and live loads.

4953 SECTION 545.480: - FOUNDATION WALLS

4954 All foundation walls shall be maintained plumb and free from open cracks and
4955 breaks and shall be kept in such condition so as to prevent the entry of rodents and
4956 other pests.

4957 SECTION 545.485: - EXTERIOR WALLS

4958 A. All exterior walls shall be free from holes, breaks, loose or rotting materials; and
4959 maintained weatherproof and properly surface coated where required to
4960 prevent deterioration.

4961 B. The exposed walls and roofs of buildings shall be maintained in a clean, orderly
4962 and attractive condition, free of cracks, dents, punctures and breakage, and
4963 other forms of visible marring. Materials that become excessively faded,
4964 chalked or otherwise deteriorated shall be refinished or repainted.

4965 SECTION 545.490: - ROOFS AND DRAINAGE

4966 The roof and flashing shall be sound, tight and not have defects that admit rain.

4967 Roof drainage shall be adequate to prevent dampness or deterioration in the walls
4968 or interior portion of the structure. Roof drains, gutters and downspouts shall be
4969 maintained in good repair and free from obstructions. Roof water shall not be
4970 discharged in a manner that creates a public nuisance.

4971 SECTION 545.495: - DECORATIVE FEATURES

4972 All cornices, belt courses, corbels, terra cotta trim, wall facings and similar
4973 decorative features shall be maintained in good repair with proper anchorage and
4974 in a safe condition.

4975 SECTION 545.500: - OVERHANG EXTENSIONS

4976 All canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust
4977 ducts and similar overhang extensions shall be maintained in good repair and be
4978 properly anchored so as to be kept in a sound condition. When required, all
4979 exposed surfaces of metal or wood shall be protected from the elements and
4980 against decay or rust by periodic application of weather-coating materials, such as
4981 paint or similar surface treatment.

4982 SECTION 545.505: - STAIRWAYS, DECKS, PORCHES AND BALCONIES

4983 Every exterior stairway, deck, porch and balcony, and all appurtenances attached
4984 thereto, shall be maintained structurally sound, in good repair, with proper
4985 anchorage and capable of supporting the imposed loads.

4986 SECTION 545.510: - CHIMNEYS AND TOWERS

4987 All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be
4988 maintained structurally safe and sound, and in good repair. All exposed surfaces of
4989 metal or wood shall be protected from the elements and against decay or rust by
4990 periodic application of weather-coating materials, such as paint or similar surface
4991 treatment.

4992 SECTION 545.515: - HANDRAILS AND GUARDS

4993 Every handrail and guard shall be firmly fastened and capable of supporting
4994 normally imposed loads and shall be maintained in good condition.

4995 SECTION 545.520: - WINDOW, SKYLIGHT AND DOOR FRAMES

4996 Every window, skylight, door and frame shall be kept in sound condition, good
4997 repair and weather tight.

4998 SECTION 545.525: - GLAZING

4999 All glazing materials shall be maintained free from cracks and holes.

5000 SECTION 545.530: - OPENABLE WINDOWS

5001 Every window, other than a fixed window, shall be easily openable and capable of
5002 being held in position by window hardware.

5003 SECTION 545.535: - DOORS

5004 All exterior doors, door assemblies and hardware shall be maintained in good
5005 condition. Locks at all entrances to dwelling units, rooming units and guest rooms
5006 shall tightly secure the door.

5007 SECTION 545.540: - BASEMENT HATCHWAYS

5008 Every basement hatchway shall be maintained to prevent the entrance of rodents,
5009 rain and surface drainage water.

5010 Basement hatchways that provide access to a dwelling unit, rooming unit or
5011 housekeeping unit that is rented, leased or let shall be equipped with devices that
5012 secure the units from unauthorized entry.

5013 SECTION 545.545: - GUARDS FOR BASEMENT WINDOWS

5014 Every basement window that is openable shall be supplied with rodent shields,
5015 storm windows or other approved protection against the entry of rodents.

5016 SECTION 545.550: - BUILDING SECURITY

5017 Doors, windows or hatchways for dwelling units, room units or housekeeping units
5018 shall be provided with devices designed to provide security for the occupants and
5019 property within.

5020 SECTION 545.555: - DOORS

5021 Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is
5022 rented, leased or let shall be equipped with a deadbolt lock designed to be readily
5023 openable from the side from which egress is to be made without the need for keys,
5024 special knowledge or effort and shall have a lock throw of not less than one (1) inch.
5025 Such deadbolt locks shall be installed according to the manufacturer's
5026 specifications and maintained in good working order. For the purpose of this
5027 section, a sliding bolt shall not be considered an acceptable deadbolt lock.

5028 SECTION 545.560: - WINDOWS

5029 Operable windows located in whole or in part within six (6) feet above ground level
5030 or a walking surface below that provide access to a dwelling unit, rooming unit or
5031 housekeeping unit that is rented, leased or let shall be equipped with a window
5032 sash locking device.

5033 **DIVISION 5. - INTERIOR STRUCTURE**

5034 SECTION 545.565: - GENERAL

5035 The interior of a structure and equipment shall be maintained in good repair,
5036 structurally sound and in a sanitary condition. Every occupant shall keep that part
5037 of the structure which such occupant occupies or controls in a clean and sanitary
5038 condition. Every owner of a structure containing a rooming house, a hotel, a
5039 dormitory, two (2) or more dwelling units or two (2) or more non-residential
5040 occupancies, shall maintain, in a clean and sanitary condition, the shared or public
5041 areas of the structure and exterior property.

5042 SECTION 545.570: - STRUCTURAL MEMBERS

5043 All structural members shall be maintained structurally sound, and be capable of
5044 supporting the imposed loads.

5045 SECTION 545.575: - STAIRS AND RAILINGS

5046 All interior stairs and railings shall be maintained in sound condition and good
5047 repair.

5048 SECTION 545.580: - STAIRS AND WALKING SURFACES

5049 Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be
5050 maintained in sound condition and good repair.

5051 SECTION 545.585: - HANDRAILS AND GUARDS

5052 Every handrail and guard shall be firmly fastened and capable of supporting
5053 normally imposed loads and shall be maintained in good condition.

5054 SECTION 545.590: - INTERIOR DOORS

5055 Every interior door shall fit reasonably well within its frame and shall be capable of
5056 being opened and closed by being properly and securely attached to jambs,
5057 headers or tracks as intended by the manufacturer of the attachment hardware.

5058 **DIVISION 6. - HANDRAILS AND GUARDRAILS**

5059 SECTION 545.595: - GENERAL

5060 Every exterior and interior flight of stairs having four (4) risers or more shall have a
5061 handrail on one (1) side of the stairway and every open portion of a stairway,
5062 landing, balcony, porch, deck, ramp or other walking surface which is more than
5063 thirty (30) inches above a floor or grade shall have guards. Handrails shall not be

5064 less than thirty-four (34) inches high or more than thirty-eight (38) inches high
5065 measured vertically above the nosing of the tread or above the finished floor of the
5066 landing or walking surfaces. Guards shall not be less than thirty-six (36) inches high
5067 above the floor of the landing, balcony, porch, deck or ramp or other walking
5068 surface.

5069 Exception: Guards shall not be required where exempted by the adopted building
5070 Code.

5071 **DIVISION 7. - SOLID WASTE**

5072 Solid Waste shall be contained and disposed of in accordance with Chapter 235:
5073 Solid Waste of the City Code.

5074 **DIVISION 8. - EXTERMINATION**

5075 SECTION 545.605: - INFESTATION

5076 All structures shall be kept free from insect and rodent infestation. All structures in
5077 which insects or rodents are found shall be promptly exterminated by approved
5078 processes that will not be injurious to human health. After extermination, proper
5079 precautions shall be taken to prevent reinfestation.

5080 SECTION 545.610: - OWNER

5081 The owner of any structure shall be responsible for extermination within the
5082 structure prior to renting or leasing the structure.

5083 SECTION 545.615: - SINGLE OCCUPANT

5084 The occupant of a one-family dwelling or of a single-tenant non-residential
5085 structure shall be responsible for extermination on the premises.

5086 SECTION 545.620: - MULTIPLE OCCUPANCY

5087 The owner of a structure containing two (2) or more dwelling units, a multiple
5088 occupancy, a rooming house or a non-residential structure shall be responsible for
5089 extermination in the public or shared areas of the structure and exterior property.
5090 If infestation is caused by failure of an occupant to prevent such infestation in the
5091 area occupied, the occupants shall be responsible for extermination.

5092 SECTION 545.625: - OCCUPANT

5093 The occupant of any structure shall be responsible for the continued rodent and
5094 pest-free condition of the structure.

5095 Exception: Where the infestations are caused by defects in the structure, the owner
5096 shall be responsible for extermination.

5097 **ARTICLE IV. - PLUMBING FACILITIES AND FIXTURE REQUIREMENTS**

5098 **DIVISION 1. - GENERAL**

5099 SECTION 545.630: - SCOPE

5100 The provisions of this Chapter shall govern the minimum plumbing systems,
5101 facilities and plumbing fixtures to be provided, notwithstanding the requirements
5102 contained in Chapter 500: Building Code of the City Code regarding the adopted
5103 Plumbing Code.

5104 SECTION 545.635: - RESPONSIBILITY

5105 The owner of the structure shall provide and maintain such plumbing facilities and
5106 plumbing fixtures in compliance with these requirements. A person shall not
5107 occupy as owner-occupant or permit another person to occupy any structure or
5108 premises which does not comply with the requirements of this Chapter.

5109 **DIVISION 2. - REQUIRED FACILITIES**

5110 SECTION 545.640: - DWELLING UNITS

5111 Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet
5112 and kitchen sink which shall be maintained in a sanitary, safe working condition.
5113 The lavatory shall be placed in the same room as the water closet or located in
5114 close proximity to the door leading directly into the room in which such water
5115 closet is located. A kitchen sink shall not be used as a substitute for the required
5116 lavatory.

5117 **DIVISION 3. - PLUMBING SYSTEMS AND FIXTURES**

5118 SECTION 545.645: - GENERAL

5119 All plumbing fixtures shall be properly installed and maintained in working order
5120 and shall be kept free from obstructions, leaks and defects and be capable of
5121 performing the function for which such plumbing fixtures are designed. All
5122 plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

5123 SECTION 545.650: - FIXTURE CLEARANCES

5124 Plumbing fixtures shall have adequate clearances for usage and cleaning.

5125 SECTION 545.655: - PLUMBING SYSTEM HAZARDS

5126 Where it is found that a plumbing system in a structure constitutes a hazard to the
5127 occupants or the structure by reason of inadequate service, inadequate venting,
5128 cross connection, backsiphonage, improper installation, deterioration or damage or
5129 for similar reasons, the code official shall require the defects to be corrected to
5130 eliminate the hazard.

5131 **DIVISION 4. - WATER SYSTEMS**

5132 SECTION 545.660: - GENERAL

5133 Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other
5134 plumbing fixture shall be properly connected to either a public water system or to
5135 an approved private water system. All kitchen sinks, lavatories, laundry facilities,
5136 bathtubs and showers shall be supplied with hot or tempered and cold running
5137 water in accordance with the International One- and Two-Family Dwelling Code and
5138 Uniform Plumbing Code.

5139 SECTION 545.665: - CONTAMINATION

5140 The water supply shall be maintained free from contamination and all water inlets
5141 for plumbing fixtures shall be located above the flood-level rim of the fixture.
5142 Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which
5143 hoses are attached and left in place shall be protected by an approved
5144 atmospheric-type vacuum breaker or an approved permanently attached hose
5145 connection vacuum breaker.

5146 SECTION 545.670: - SUPPLY

5147 The water supply system shall be installed and maintained to provide a supply of
5148 water to plumbing fixtures, devices and appurtenances in sufficient volume and at
5149 pressures adequate to enable the fixtures to function properly, safely and free from
5150 defects and leaks.

5151 SECTION 545.675: - WATER HEATING FACILITIES

5152 Water heating facilities shall be properly installed, maintained and capable of
5153 providing an adequate amount of water to be drawn at every required sink,
5154 lavatory, bathtub, shower and laundry facility at a temperature of not less than one
5155 hundred twenty degrees Fahrenheit (120°F) (forty-nine degrees Celsius (49°C)). A
5156 gas-burning water heater shall not be located in any bathroom, toilet room,
5157 bedroom or other occupied room normally kept closed, unless adequate
5158 combustion air is provided. An approved combination temperature and pressure

5159 relief valve and relief valve discharge pipe shall be properly installed and
5160 maintained on water heaters.

5161 **DIVISION 5. - SANITARY DRAINAGE SYSTEM**

5162 SECTION 545.680: - GENERAL

5163 All plumbing fixtures shall be properly connected to either a public sewer system or
5164 to an approved private sewage disposal system.

5165 SECTION 545.685: - MAINTENANCE

5166 Every plumbing stack, vent, waste and sewer line shall function properly and be
5167 kept free from obstructions, leaks and defects.

5168 **DIVISION 6. - STORM DRAINAGE**

5169 SECTION 545.690: - GENERAL

5170 Drainage of roofs and paved areas, yards and courts, and other open areas on the
5171 premises shall not be discharged in a manner that creates a public nuisance.

5172 SECTION 545.695: - DRAINAGE REGULATIONS

5173 A. *Minimum standards:* All drainage facilities shall be designed to carry water to the
5174 nearest drainage way, storm sewer conveyance, or other approved point of
5175 collection and conveyance. Erosion of ground in the area of discharge shall be
5176 prevented by installation of erosion control devices. Unless specified drainage
5177 ways and swales are specifically approved by the Code Official, abutting
5178 property lines between dwellings shall be designed to function as drainage
5179 ways. The toe of slopes shall set back from the property line a minimum of one
5180 (1) foot. The area surrounding the building foundation shall have a drainage
5181 gradient as provided for in the International Residential Code or International
5182 Building Code, as amended from time to time.

5183 B. *Prohibited conduct:* No person shall allow or cause any:

5184 (1) Obstruction to be created, installed or maintained within any drainage way,
5185 detention facility, or engineered swale which will create ponding on
5186 adjacent property, divert water onto the adjoining property, or impede
5187 drainage. Fences may be erected in such areas provided they do not
5188 unnecessarily restrict the flow of water.

5189 (2) Water from intermittent sources such as discharges from sump pumps,
5190 downspouts, foundation drains, swimming pools, swimming pool
5191 backwashes, or other similar sources excluding lawn sprinklers to be

5192 discharged closer than five feet to any adjoining property line.

5193 C. *Sump Pump Discharges to Street Curb:*

5194 (1) Discharge pipes from sump pump systems may discharge directly to the
5195 curb line of a street. Discharge pipes shall be installed under any sidewalk
5196 or trail that exists within the public right-of-way. Street curbs shall not be
5197 cut or altered to allow the discharge pipe to drain.

5198 (2) All discharge pipes that are installed to the curb line, or anywhere within
5199 the street right-of-way, shall be disconnected on the private property to a
5200 point at least five (5) feet from the right-of-way line between November 1st
5201 and April 1st.

5202 D. *Water discharge to Right-of-way:* Intentional discharge of water from private
5203 property that is allowed to enter the right-of-way shall not create an unsafe
5204 condition upon any sidewalk, driveway approach, or street. Unsafe condition
5205 includes, but is not limited to: algae, ice, dirt, mud, stone or rock that
5206 accumulates or is present upon a surface.

5207 **ARTICLE V. - MECHANICAL AND ELECTRICAL REQUIREMENTS**

5208 **DIVISION 1. - GENERAL**

5209 SECTION 545.700: - SCOPE

5210 The provisions of this Chapter shall govern the minimum mechanical and electrical
5211 facilities and equipment to be provided.

5212 SECTION 545.705: - RESPONSIBILITY

5213 The owner of the structure shall provide and maintain mechanical and electrical
5214 facilities and equipment in compliance with these requirements. A person shall not
5215 occupy as owner-occupant or permit another person to occupy any premises which
5216 does not comply with the requirements of this Chapter.

5217 **DIVISION 2. - MECHANICAL EQUIPMENT**

5218 SECTION 545.710: - MECHANICAL EQUIPMENT

5219 All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking
5220 appliances and water heating appliances shall be properly installed and maintained
5221 in a safe working condition and shall be capable of performing the intended
5222 function.

5223 SECTION 545.715: - COOKING AND HEATING EQUIPMENT

5224 All cooking and heating equipment, components and accessories in every heating,
5225 cooking and water heating device shall be maintained free from leaks and
5226 obstructions.

5227 SECTION 545.720: - REMOVAL OF COMBUSTION PRODUCTS

5228 All fuel-burning equipment and appliances shall be connected to an approved
5229 chimney or vent.

5230 Exception: Fuel-burning equipment and appliances which are labeled for unvented
5231 operation.

5232 SECTION 545.725: - CLEARANCES

5233 All required clearances to combustible materials shall be maintained.

5234 SECTION 545.730: - SAFETY CONTROLS

5235 All safety controls for fuel-burning equipment shall be maintained in effective
5236 operation.

5237 SECTION 545.735: - COMBUSTION AIR

5238 A supply of air for complete combustion of the fuel and for ventilation of the space
5239 containing the fuel-burning equipment shall be provided for the fuel-burning
5240 equipment.

5241 SECTION 545.740: - ENERGY CONSERVATION DEVICES

5242 Devices intended to reduce fuel consumption by attachment to a fuel-burning
5243 appliance, to the fuel supply line thereto or to the vent outlet or vent piping
5244 therefrom shall not be installed unless labeled for such purpose and the installation
5245 is specifically approved.

5246 **DIVISION 3. - ELECTRICAL FACILITIES**

5247 SECTION 545.745: - FACILITIES REQUIRED

5248 Every occupied building shall be provided with an electrical system in compliance
5249 with the requirements of this Section and Section 545.765 of this Chapter.

5250 SECTION 545.750: - SERVICE

5251 The size and usage of appliances and equipment shall serve as a basis for
5252 determining the need for additional facilities in accordance with the National
5253 Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt,
5254 single-phase electrical service having a rating of not less than sixty (60) amperes.

5255 SECTION 545.755: - ELECTRICAL SYSTEM HAZARDS

5256 Where it is found that the electrical system in a structure constitutes a hazard to
5257 the occupants or the structure by reason of inadequate service, improper fusing,
5258 insufficient outlets, improper wiring or installation, deterioration or damage or for
5259 similar reasons, the Code Official shall require the defects to be corrected to
5260 eliminate the hazard.

5261 **DIVISION 4. - ELECTRICAL EQUIPMENT**

5262 SECTION 545.760: - INSTALLATION

5263 All electrical equipment, wiring and appliances shall be properly installed and
5264 maintained in a safe and approved manner.

5265 SECTION 545.765: - RECEPTACLES

5266 Every habitable space in a dwelling shall contain at least two (2) separate and
5267 remote receptacle outlets. Every laundry area shall contain at least one (1)
5268 grounded-type receptacle or a receptacle with a ground fault circuit interrupter.
5269 Every bathroom shall contain at least one (1) receptacle. Any new bathroom
5270 receptacle outlet shall have ground fault circuit interrupter protection.

5271 SECTION 545.770: - LUMINAIRES

5272 Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room,
5273 boiler room and furnace room shall contain at least one (1) electric luminaire.

5274 **DIVISION 5. - ELEVATORS, ESCALATORS AND DUMBWAITERS**

5275 SECTION 545.775: - GENERAL

5276 Elevators, dumbwaiters and escalators shall be maintained to sustain safely all
5277 imposed loads, to operate properly and to be free from physical and fire hazards.
5278 The most current certificate of inspection shall be on display at all times within the
5279 elevator or attached to the escalator or dumbwaiter; or the certificate shall be
5280 available for public inspection in the office of the building operator. The inspection
5281 and tests shall be performed at not less than the periodic intervals listed in ASME
5282 A17.1, Appendix N, except where otherwise specified by the authority having
5283 jurisdiction.

5284 SECTION 545.780: - ELEVATORS

5285 In buildings equipped with passenger elevators, at least one (1) elevator shall be
5286 maintained in operation at all times when the building is occupied. Exception:

5287 Buildings equipped with only one (1) elevator shall be permitted to have the
5288 elevator temporarily out of service for testing or servicing.

5289 **DIVISION 6. - DUCT SYSTEMS**

5290 SECTION 545.785: - GENERAL

5291 Duct systems shall be maintained free of obstructions and shall be capable of
5292 performing the required function.

5293 **ARTICLE VI. - FIRE SAFETY REQUIREMENTS**

5294 **DIVISION 1. - GENERAL**

5295 SECTION 545.790: - GENERAL

5296 All buildings shall be maintained per the requirements of the International Fire
5297 Code as adopted and amended by Chapter 500: Building Code of the City Code.

5298 SECTION 545.800: - PURPOSE

5299 It is the purpose and intent of the City Council, through the adoption of this Article,
5300 to establish a program for registration of properties which are in the process of
5301 foreclosure as a mechanism to protect residential neighborhoods and
5302 non-residential areas from becoming blighted through the lack of adequate
5303 maintenance and/or security of the property.

5304 SECTION 545.805: - DEFINITIONS

5305 For the purposes of this Article, certain words and phrases used in this Article are
5306 defined as follows:

5307 *ABANDONED* means a property that is vacant and under a current Notice of
5308 Default or Notice of Sale, or properties that have been the subject of a
5309 foreclosure sale where the title was retained by the beneficiary of a deed of
5310 trust involved in the foreclosure and any properties transferred under a deed in
5311 lieu of foreclosure or sale.

5312 *ACCESSIBLE PROPERTY* means a property that is accessible through a
5313 compromised, breached or broken gate, fence or other entry point.

5314 *ACCESSIBLE STRUCTURE* means a structure that is unsecured or breached in such
5315 a way as to allow access to the interior space by unauthorized persons.

5316 *BENEFICIARY* means a lender under a note secured by a deed of trust.

- 5317 *DAYS* means consecutive calendar days.
- 5318 *DEED OF TRUST* means an instrument by which title to real estate is transferred
5319 to a third party trustee as security for a real estate loan. This definition includes
5320 any subsequent deeds of trust.
- 5321 *DEED IN LIEU OF FORECLOSURE OR SALE* means a recorded document that
5322 transfers ownership of a property from the trustor to the holder of a deed of
5323 trust upon consent of the beneficiary of the deed of trust.
- 5324 *DEFAULT* means the failure to fulfill a contractual obligation, monetary or
5325 conditional.
- 5326 *EVIDENCE OF VACANCY* means any condition that on its own, or combined with
5327 other conditions present would lead a reasonable person to believe that the
5328 property is vacant. Such conditions include but are not limited to, overgrown or
5329 dead vegetation; accumulation of newspapers, circulars, flyers or mail; past due
5330 utility notices or disconnected utilities; accumulation of trash, junk or debris;
5331 the absence of window coverings such as curtains, blinds or shutters; the
5332 absence of furnishings or personal items consistent with residential habitation;
5333 the absence of furnishings, merchandise or equipment consistent with
5334 non-residential occupancy; or statements by neighbors, passersby, delivery
5335 agents, or government employees that the property is vacant.
- 5336 *FORECLOSURE* means the process by which a property, placed as security for a
5337 real estate loan, is sold at auction to satisfy the debt if the trustor (borrower)
5338 under a deed of trust defaults.
- 5339 *LOCAL* means within forty (40) road/driving miles distance of the subject
5340 property.
- 5341 *NON-RESIDENTIAL BUILDING* means any improved real property, or portion of,
5342 situated in the City, designed or permitted to be used for non-residential
5343 purposes, and shall include the buildings and structures located on such
5344 improved real property. This includes any real property being offered for sale,
5345 trade, transfer, or exchange as "non-residential" whether or not it is legally
5346 permitted or zoned for such use.
- 5347 *NOTICE OF DEFAULT* means a notice, issued pursuant to the applicable real
5348 estate security documentation or section 408.554, RSMo., that a default has
5349 occurred under a deed of trust.
- 5350 *OUT OF AREA* means in excess of forty (40) road/driving miles distance of the
5351 subject property.
- 5352 *OWNER* means any person, co-partnership, association, corporation, or fiduciary
5353 having legal or equitable title or any interest in any real property.

5354 *OWNER OF RECORD* means the person having recorded title to the property at
5355 the point in time the record is provided by the Cass County Recorder of Deeds
5356 Office.

5357 *PROPERTY* means any unimproved or improved real property, or portion of,
5358 situated in the city and includes the buildings or structures located on the
5359 property regardless of condition.

5360 *REGISTERED REPRESENTATIVE* means the person designated by a beneficiary as
5361 the beneficiary's representative for purposes of accepting notice, service and
5362 summons on behalf of the Beneficiary and for otherwise ensuring compliance
5363 with the requirements of this Article.

5364 *RESIDENTIAL BUILDING* means any improved real property, or portion of,
5365 situated in the City, designed or permitted to be used for dwelling purposes,
5366 and shall include the buildings and structures located on such improved real
5367 property. This includes any real property being offered for sale, trade, transfer,
5368 or exchange as "residential" whether or not it is legally permitted or zoned for
5369 such use.

5370 *SECURING* means such measures as may be directed by the Director of
5371 Development Services that assist in rendering the property inaccessible to
5372 unauthorized persons, including but not limited to the repairing of fences and
5373 walls, chaining/pad locking of gates, or the repair or boarding of door, window
5374 or other openings.

5375 *TRUSTEE* means the person, firm or corporation holding a Deed of Trust on a
5376 property.

5377 *TRUSTOR* means a borrower under a Deed of Trust, who deeds property to a
5378 trustee as security for the payment of a debt.

5379 *VACANT* means a building/structure that is not legally occupied.

5380 SECTION 545.810: - REGISTRATION

5381 A. Any beneficiary under a deed of trust covering a property located within the
5382 City shall cause an inspection to be performed of the property that is the
5383 security for the deed of trust within fifteen (15) days of issuing a notice of
5384 default to the trustor. If the property is found to be vacant or shows evidence of
5385 vacancy, it is, by this article, deemed abandoned and the beneficiary shall,
5386 within ten (10) days of the inspection, register the property with the Director of
5387 Development Services on forms provided by the City.

5388 B. The registration shall contain the full legal name of the beneficiary and the
5389 registered representative, the direct street/office mailing address of the
5390 beneficiary and the registered representative (no P.O. boxes), a direct contact
5391 name and phone number for the beneficiary and registered representative,

- 5392 and, if applicable, the local property management company responsible for the
5393 security, maintenance and/or marketing of the property.
- 5394 C. The registration shall be valid as long as the subject property remains vacant
5395 and shall be amended as needed.
- 5396 D. This Section shall also apply to properties that have been the subject of a
5397 foreclosure sale where title to the property was transferred to the beneficiary of
5398 a deed of trust involved in the foreclosure and any properties transferred under
5399 a deed in lieu of foreclosure or sale.
- 5400 E. Properties subject to this Article shall remain under the security and
5401 maintenance standards of this section as long as they remain vacant.
- 5402 F. Any person, firm or corporation that has registered a property under this Article
5403 must report any change of information contained in the registration within ten
5404 (10) days of the change.
- 5405 G. If the beneficiary is an out of area beneficiary, a local property management
5406 company shall be contracted to ensure that the requirements of this Article,
5407 and any other applicable laws, are being met.

5408 SECTION 545.815: - MAINTENANCE REQUIREMENTS

5409 Properties subject to this Article shall be maintained so as to be in compliance with
5410 Chapter 545: Property Maintenance Code and Chapter 220: Nuisances of the City
5411 Code. Adherence to this section does not relieve the beneficiary or property owner
5412 of any obligations set forth in any Covenants, Conditions and Restrictions or
5413 Homeowners Association rules and regulations which may apply to the property.

5414 SECTION 545.820: - SECURITY REQUIREMENTS

5415 Properties subject to this section shall be maintained in a secure manner so as not
5416 to be accessible to unauthorized persons. This includes, without limitation, the
5417 closure and locking of windows, doors (walk-through, sliding and garage), gates and
5418 any other opening of such size that it may allow a child to access the interior of the
5419 property and or structure(s). In the case of broken windows "securing" means the
5420 reglazing or boarding of the window.

5421 SECTION 545.825: - COMPLIANCE WITH OTHER AUTHORITY

5422 The requirements of this Article are in addition to any other maintenance and
5423 security measures required by the City Code. The requirements of this Article shall
5424 not serve to lessen or abrogate any other applicable provisions of the City Code.

5425 SECTION 545.830: - VIOLATIONS

5426 Upon conviction or a plea of guilty, any person, firm or corporation violating or
5427 failing to comply with any of the provisions of this Chapter shall be subject to the
5428 penalty provisions provided for in Section 100.220 of the City Code.

5429 **ARTICLE VIII. HOARDING**

5430 SECTION 545.900: DEFINITIONS

5431 Definitions contained within Chapter 545: Property Maintenance Code shall apply
5432 to this Article. For the purposes of this Article, certain words and phrases used in
5433 this Article are defined as follows:

5434 "Dangerous Accumulation" means when objects, goods, possessions or similar
5435 items present a safety hazard to an occupant of a building or occupants of an
5436 adjacent property by:

- 5437 a. preventing ingress or egress to windows or doors;
- 5438 b. preventing access to the mechanical or electrical systems;
- 5439 c. exceeding the maximum load capacity of the floor of a room or structure;
- 5440 d. providing pest harborage;
- 5441 e. impeding access to gain entry into a building;
- 5442 f. impeding maintenance of the exterior of a building;
- 5443 g. preventing or impeding the use of normal utilities, fixtures or furniture,
5444 including sinks, bathtubs or beds;
- 5445 h. being stored, stacked or placed in a manner that creates an imminent
5446 danger of falling or collapsing;
- 5447 i. impeding normal maintenance of yards and property; or
- 5448 j. impeding access and movement of emergency personnel.

5449 "Hoarding" means the compulsive and/or dangerous accumulation of objects,
5450 goods, possessions, animals, or similar items.

5451 "Long-term storage" means the keeping or storage of items for more than thirty
5452 (30) days.

5453 "Occupant" means an individual at least eighteen years old having lawful
5454 possession of a structure or premises.

5455 SECTION 545.905: APPLICABILITY

5456 This Article applies to any property in the City of Raymore.

5457 SECTION 545.910: UNLAWFUL ACCUMULATIONS

- 5458 A. It is unlawful for an occupant to maintain a dangerous accumulation inside a
5459 building or upon the exterior area of a property that may create a fire hazard
5460 or threaten the health, safety or welfare of an occupant of a building on the
5461 same or an adjacent property.

5462 B. It is unlawful for an occupant to maintain a dangerous accumulation so as to
5463 prevent upkeep, maintenance, or regular housekeeping in a room or building
5464 wherein such storage would create a public health risk to an occupant of a
5465 building on the same or an adjacent property.

5466 C. It is unlawful for an occupant to maintain a dangerous accumulation so as to
5467 prevent upkeep or maintenance of the exterior of a structure or the exterior
5468 area of a property wherein such storage would create a public health risk to
5469 an occupant of a building on the same or an adjacent property.

5470 D. It is unlawful for an occupant to accumulate items, goods, objects, materials
5471 and similar items in excess of what is reasonable and customarily necessary
5472 for the use of the property.

5473 E. It is unlawful for an occupant to keep, store or maintain an accumulation of
5474 items, goods, objects, materials or similar items in a manner that is
5475 unorganized, unmaintained, spread over the exterior yard area of the
5476 property, or generally so excessive that the visible appearance of the exterior
5477 area of the property creates an attractive nuisance for adjacent properties.

5478 F. It is unlawful for an occupant to accumulate or allow to be accumulated
5479 abandoned, discarded or unused items, goods, objects, materials or similar
5480 items that are in a visible state of deterioration.

5481 G. It shall be unlawful for an occupant to accumulate or allow to be
5482 accumulated on the exterior areas of a property non-customary outdoor
5483 storage of items such as indoor furniture, refrigerators, stoves, washers,
5484 dryers and other household appliances.

5485 H. It is unlawful for an occupant to utilize a vehicle for an unintended purpose
5486 that renders the vehicle undrivable.

5487 SECTION 545.915: HOARDING DETERMINED TO BE A NUISANCE

5488 Hoarding is hereby determined to be a public nuisance as defined by this Chapter
5489 and Section 67.398 RSMo.

5490 SECTION 545.920: AUTHORITY TO CONSULT WITH MENTAL HEALTH
5491 ORGANIZATION

5492 The Code Official may consult with the Missouri Department of Health and Senior
5493 Services, or any other mental health organization, when circumstances related to
5494 the enforcement of this Article reasonably indicate that an occupant of a structure
5495 subject to enforcement under this Article may suffer from a mental illness,

5496 including but not limited to a hoarding disorder as described in the then-current
5497 edition of the Diagnostic and Statistical Manual of Mental Disorders.

5498 SECTION 545.925: HOARDING OF ANIMALS

5499 It is unlawful for an occupant to keep or harbor animals:

- 5500 a. in excess of the maximum number or type allowed under City Code
5501 Chapter 205: Animal Control;
- 5502 b. wherein, due to the number of animals, the occupant is unable to
5503 provide minimal standards of nutrition, sanitation, shelter and veterinary
5504 care; or
- 5505 c. within a structure that contains profuse urine or feces in the area where
5506 the animals are kept, threatening the health or safety of the occupant or
5507 an occupant of another building on the same or a contiguous property.

1 **CHAPTER 600: - ALCOHOLIC BEVERAGES**

2 SECTION 600.010: - DEFINITIONS

3 For the purpose of this Chapter, the following terms shall have the meanings
4 designated herein:

5 "*ABANDONMENT OF PREMISES*" means voluntarily ceasing to operate a business that
6 has been legally licensed by the city and state to be conducted under the Sections
7 of this Chapter.

8 "*ADJACENT PROPERTY*" means property immediately adjoining; except, that any
9 intervening street, alley, highway or other public thoroughfare shall be disregarded.

10 "*ALCOHOLIC BEVERAGES*" means intoxicating liquor, malt liquor or non intoxicating
11 beer.

12 "*CHURCH*" means any building or structure regularly and primarily used as a place
13 of worship by any organized religious society, organization or congregation,
14 regardless of whether or not such building or structure was originally designed and
15 constructed for such purpose.

16 "*CLOSED PLACE*" means a place where all doors are locked and where no patrons
17 are in the place or about the premises.

18 "*CONTROL*" means any form of authority, regulation, responsibility or dominion,
19 including a possessory right.

20 "*CLUBS*" means regularly incorporated associations not-for-profit under the laws of
21 this state organized for the sole purpose as benevolent, charitable or social, having
22 regular dues-paying members. Any incorporated association organized for the
23 principal reason of selling alcoholic liquor shall not constitute a club.

24 "*COIN-OPERATED AMUSEMENT DEVICE*" means pinball machines, marble machines,
25 music-vending machines, pool tables or machines, coin-operated shuffleboards
26 and any other devices operated by the insertion of a coin, disc or other insertion
27 piece, whether or not also manipulated by the operator, and which operate for the
28 amusement of the operator, whether or not by registering a score. It shall not
29 include "slot machines," "claw machines" or other machines prohibited by state
30 law. It shall not include machines or devices used bona fide and solely for the
31 vending of service, food, confections or merchandise.

32 "*C.O.L. LICENSE*" means a license for the consumption of alcoholic beverages in or
33 upon premises that do not possess a license for the sale of alcoholic beverages and
34 where food, beverages or entertainment are sold or provided for compensation as
35 provided in Section 311.480 RSMo.

36 "*DISORDERLY PLACE*" means any premises licensed under this Chapter that has three
37 or more police responses to the actual premises, or the immediate vicinity of the
38 premises, in any three-month period. Police responses for non-criminal activity will
39 not be considered in determining whether the premises are a disorderly place.

40 *"DISTILLERY"* means a place where liquor is manufactured.

41 *"DOMESTIC WINERY"* means a business whose primary activity is the manufacture of
42 wine or brandy in quantities not to exceed five hundred thousand (500,000) gallons,
43 not in excess of eighteen (18) percent alcohol by weight for wine or not in excess of
44 thirty-four (34) percent alcohol by weight for brandy, from grapes, berries, other
45 fruits, fruit products, honey and vegetables produced or grown in the State of
46 Missouri, exclusive of sugar, water and spirits.

47 *"DRUG"* means a controlled substance as defined and described now or hereafter
48 by RSMo. Currently, controlled substances are defined and described by 195.005 to
49 195.820 RSMo.

50 *"DWELLING"* means any place that is used regularly or irregularly as a place of
51 repose, sleep or rest, or any place containing a bed, cot, divan, couch or other
52 article of furniture on which an adult person may recline; provided however, this
53 term does not include any premises used as a hotel, motel or hotel room.

54 *"ENFORCEMENT AGENCY"* means the City of Raymore.

55 *"FINANCIAL INTEREST"* means all interest, legal or beneficial, direct or indirect, in the
56 capital devoted to the licensed enterprise and all such interest in the net profits of
57 the enterprise, after payment of reasonable and necessary operating business
58 expenses and taxes, including interest in dividends, preferred dividends, interest
59 and profits, directly or indirectly paid as compensation for, or in consideration of
60 interest in, or for the use of, the capital devoted to the enterprise, or for property or
61 money advanced, loaned or otherwise made available to the enterprise, except by
62 way of ordinary commercial credit or bona fide bank credit not in excess of credit
63 customarily granted by banking institutions whether paid as dividends, interest or
64 profits, or in the guise of royalties, commissions, salaries, or any other form
65 whatsoever.

66 *"FRONTS"* refers to that street upon which the principal entrance of such alcoholic
67 beverage establishment is located.

68 *"INTOXICATING LIQUOR"* has the same meaning as defined in the liquor control laws
69 of the State of Missouri, currently Section 311.020 RSMo.

70 *"LICENSE"* means the holder of any license issued under the provisions of this
71 Chapter.

72 *"MALT LIQUOR"* means any beer manufactured from pure hops or pure extract of
73 hops and pure barley malt or other wholesome grains or cereals and wholesome
74 yeast and pure water and free from all harmful substances, preservatives and
75 adulterants.

76 *"MANAGING OFFICER"* means the person who is in active management and control of
77 an alcoholic beverage establishment.

78 *"MICROBREWERY"* means a business whose primary activity is the brewing and
79 selling of beer with an annual production of ten thousand (10,000) barrels or less.

80 "MINOR" means a person not legally permitted by reason of age to possess,
81 consume, or purchase alcoholic liquor as described by 311.325 (1) RSMo.

82 "MOTOR VEHICLE" means and includes any self-propelled vehicle not operated
83 exclusively upon tracks.

84 "OPEN CONTAINER" means any container which is immediately capable of being
85 consumed from or the seal of which has been broken.

86 "OPEN HOUSE PARTY" means a social gathering at a residence or premises of
87 persons in addition to the owner or those with rights of possession or their
88 immediate family members.

89 "ORIGINAL PACKAGE" means one container of not less than fifty (50) milliliters of
90 any intoxicating liquor containing in excess of five percent alcohol by volume or
91 three or more standard containers of malt liquor.

92 "PERMITTEE" means the holder of an employee's permit issued under the provisions
93 of this Chapter.

94 "PERSON" means an individual, partnership, club, association, firm, corporation,
95 joint stock company, syndicate, receiver, trustee, conservator, or other officer
96 appointed by any state or federal court.

97 "POSSESSION" may be either actual or constructive possession if the individual has
98 knowledge of the presence of the item. A person has actual possession if he or she
99 has the container on his or her person or within easy reach and convenient control.
100 A person who, although not in actual possession, has the power and intention at a
101 given time to exercise dominion or control over the container either directly or
102 through another person or persons is in constructive possession of it. Possession
103 may be sole or joint. If one person alone has possession of the item, possession is
104 sole; if two or more persons share possession of the item, possession is joint.

105 "PREMISES" means the bounds of the enclosure where alcoholic beverages are sold
106 or consumed.

107 "RESIDENCE" or "PREMISES" means a motel room, hotel room, home, apartment,
108 condominium or other dwelling unit, including the curtilage of a dwelling unit, or a
109 hall, meeting room or other place of assembly, whether occupied as a dwelling or
110 specifically for social functions, and whether owned, leased, rented or used with or
111 without compensation.

112 "RESIDENT CORPORATION" shall be as defined in Section 311.060 (3) RSMo.

113 "RESORT" means any establishment having at least forty (40) rooms for the
114 overnight accommodation of transient guests, having a restaurant or similar facility
115 on the premises, at least sixty (60) percent of the gross income of which is derived
116 from the sale of prepared meals or food, or a restaurant provided with special
117 space and accommodations where in consideration of payment, food, without
118 lodging, is habitually furnished to travelers and customers, and which restaurant
119 establishment's annual gross food sales for the past two years immediately

120 preceding its application for a license shall not have been less than one hundred
121 thousand dollars (\$100,000.00) per year, or a new restaurant establishment having
122 been in operation for at least ninety (90) days preceding the application for such
123 license with a projected experience based upon its sale of food during the
124 preceding ninety (90) days which would exceed one hundred thousand dollars
125 (\$100,000.00) per year.

126 *"RESTAURANT BAR"* means any establishment having a restaurant or similar facility
127 on the premises and at least fifty (50) percent of the gross income of which is
128 derived from the sale of prepared meals or food consumed on such premises or
129 which has an annual gross income of at least two hundred seventy-five thousand
130 dollars (\$275,000.00) from the sale of prepared meals or food consumed on such
131 premises.

132 *"SALE BY THE DRINK"* means the sale of any intoxicating liquor except malt liquor, in
133 the original package in any quantity less than fifty (50) milliliters.

134 *"SCHOOL"* means any school that is regularly used as a public, private or parochial
135 school, elementary school, high school, college, university, professional school,
136 business or secretarial school, receiving some support from public, religious or
137 charitable funds.

138 *"SUBSTANTIAL QUANTITIES OF FOOD"* means the amount of prepared meals, food
139 and/or merchandise at least fifty (50) percent of the gross income of an
140 establishment has been derived during the three most recent calendar months
141 preceding or during such period a gross income of at least two hundred
142 seventy-five thousand dollars (\$275,000.00) from the sale of prepared meals or
143 food consumed on the premises.

144 *"WHOLESALEERS" or "DISTRIBUTORS"* mean firms or corporations selling intoxicating
145 liquors to duly licensed retailers for resale.

146 **ARTICLE I - AUTHORITY AND ADMINISTRATION**

147 SECTION 600.020: - ENFORCEMENT AGENCY

148 A. The City Manager shall establish an Enforcement Agency and designate City
149 staff to supervise the administration and enforcement of the provisions of
150 this Chapter.

151 B. It shall be the duty of the Enforcement Agency to keep a record of all licenses
152 and permits issued by it to applicants, and of suspensions and revocations.

153 C. The Enforcement Agency shall prescribe all forms of applications, licenses
154 and permits in compliance with the provisions of this Chapter.

155 D. The Enforcement Agency shall have power to make such reasonable rules,
156 regulations, orders and directions as may be necessary and feasible for

157 carrying out its duties as are not inconsistent with the provisions of this
158 Chapter.

159 E. The Enforcement Agency or its authorized agents or any member of the
160 Police Department shall have the right, at any reasonable time to inspect,
161 and the licensee shall allow inspection of any licensed premises and all
162 portions of the buildings, including all rooms, cellars, outbuildings,
163 passageways, closets, vaults, yards, attics and all buildings used in
164 connection with the operations carried on under such license and which are
165 in their possession, or under their control, and all the places where they keep
166 or have liquor stored, and to seize any and all objects which may appear to
167 be in violation of any provisions of this Chapter and hold in custody such
168 objects as evidence until any matter pertaining thereto is finally adjudicated.
169 Upon such seizure, a receipt shall be given and upon demand, if not
170 forfeited, objects shall be returned to their lawful owner after the matter is
171 finally adjudicated unless the same are found to be contraband by order of a
172 court of competent jurisdiction. If such objects are not claimed by their
173 lawful owner within ninety (90) days after final adjudication, they shall be
174 deemed forfeited. If such objects seized are found to be contraband, they
175 shall remain in custody of the Enforcement Agency or disposed of as per the
176 order of the court.

177 F. The Enforcement Agency shall have the right to examine the books, records
178 and papers of each licensee or applicant for a license or renewal, and to hear
179 and determine complaints against any licensee or applicant for a license. For
180 such purposes, such agency shall have the power to issue subpoenas and all
181 necessary processes to subpoena witnesses; to compel by subpoena duces
182 tecum the production of books, records, papers and other evidence; to
183 administer oaths and take testimony; to make findings of fact and to report
184 to the State Supervisor of Liquor Control the results; and may recommend to
185 the Supervisor the suspension, revocation or cancellation of any license
186 issued under the laws of the State.

187 G. The Enforcement Agency shall have the power to suspend or revoke any
188 license granted under the terms of this Chapter, pursuant to the provisions
189 hereof, for any violation hereof.

190 SECTION 600.030: - DENIAL OF APPLICATIONS-APPEALS

191 A. If an application for any license or permit is denied by the Enforcement
192 Agency or if there is any dispute with respect to the location of premises
193 proposed to be used for the sale of alcoholic beverages, the applicant,
194 licensee or permittee, as the case may be, may request in writing, a review of
195 such denial or decision regarding the location, or issuance of a license or
196 permit to the City Council. Such request to be made by the applicant,
197 licensee or permittee within ten (10) calendar days after notice of the
198 Enforcement Agency's final decision.

- 199 B. Upon written request for review, made within the time above specified, the
200 City Council shall conduct a public hearing at the first available City Council
201 meeting at which time it will investigate, examine and review the denial by
202 the Enforcement Agency of an application for a license or permit in regard to
203 any proposed location of alcoholic beverage selling premises. The City
204 Council may set aside any of the above actions of the Enforcement Agency if
205 the majority of the members of the City Council determines that any such act
206 should be altered and may order the Enforcement Agency to issue a license
207 or permit.
- 208 C. In the event that the Enforcement Agency does not approve or deny an
209 application within forty-five (45) days from the date the application is filed,
210 then it shall be assumed that the application is denied, and the applicant
211 may perfect his or her appeal to the City Council, as provided above.

212 **ARTICLE II - LICENSES**

213 SECTION 600.040: - LICENSES REQUIRED-NONRESIDENT MANUFACTURERS AND
214 WHOLESALERS EXEMPT FROM FEES

- 215 A. It is unlawful for any person to manufacture, sell, solicit orders for the sale,
216 or deliver, at wholesale or retail, alcoholic beverages, or allow the
217 consumption of such beverages in or upon any premises where food,
218 beverages or entertainment are sold or provided for compensation, within
219 the limits of the City without first obtaining a license from the Enforcement
220 Agency.
- 221 B. No license permitted under the provisions of this Chapter shall operate in
222 excess of any licenses granted.

223 SECTION 600.050: - CHANGE IN CONDITIONS

224 It is unlawful for a person to continue to hold an alcoholic beverage license when
225 conditions have occurred which would render such licensee or the licensed
226 premises ineligible or unsuitable for such license under the provisions of this
227 Chapter.

228 SECTION 600.060: - ILLEGALLY SECURED ALCOHOLIC BEVERAGES

229 It is unlawful for any licensee to allow on his or her licensed premises any alcoholic
230 beverage they have purchased or secured in violation of any City, State or Federal
231 ordinance or statute.

232 **ARTICLE III - CLASSIFICATIONS AND FEES**

233 SECTION 600.070: - CREATION OF CLASSES GENERALLY

234 The classes of licenses described below are created for the manufacture and sale of
235 intoxicating liquor or malt liquor at wholesale and retail for which the fees
236 prescribed shall be charged.

237 **Full sales-by-drink licenses**

238 A license shall be issued to all applicants who have complied with this Chapter,
239 licensing such applicant to sell all kinds of alcoholic beverages at retail by the drink
240 for consumption on the licensed premises, upon payment to the City of the fee as
241 approved by the Governing Body and listed in the Schedule of Fees and Charges
242 maintained in the Finance Department for each such license. Such license shall also
243 include the privilege of selling alcoholic beverages in the original package on the
244 licensed premises. Such licenses shall be divided into the following classifications,
245 which fact shall be stated on the face of the license:

- 246 A. Premises on which substantial quantities of food are served.
- 247 B. All other full sales-by-drink licenses.

248 **Malt liquor and light wine sales-by-drink licenses**

249 A license shall be issued to all applicants who have complied with this Chapter,
250 licensing such applicant to sell at retail, by the drink for consumption upon the
251 licensed premises, light wines containing not in excess of fourteen (14) percent by
252 weight made exclusively from grapes, berries and other fruits and vegetables, and
253 malt liquor upon payment to the City of the fee as approved by the Governing Body
254 and listed in the Schedule of Fees and Charges maintained in the Finance
255 Department for such license. Such license shall also include the privilege of selling
256 light wines, and malt liquor in the original package on the licensed premises.

257 **Full original package sales licenses**

258 A license shall be issued to all applicants who have complied with this Chapter,
259 licensing such applicant to sell at retail alcoholic beverages in the original package
260 on the licensed premises, upon payment to the City of the fee as approved by the
261 Governing Body and listed in the Schedule of Fees and Charges maintained in the
262 Finance Department for each such license.

263 **Malt liquor original package sales licenses**

264 A license shall be issued to all applicants who have complied with this Chapter,
265 licensing such applicant to sell at retail malt liquor in the original package on the
266 licensed premises, upon payment to the City of the fee as approved by the
267 Governing Body and listed in the Schedule of Fees and Charges maintained in the
268 Finance Department for each such license.

269 **Wholesalers' licenses for sale of alcoholic beverages of all kinds to retailers**

270 A license shall be issued to all applicants who have complied with this Chapter,
271 licensing such applicant to sell alcoholic beverages of all kinds by a wholesaler to a
272 person duly licensed to sell such alcoholic beverages at retail, upon payment to the
273 City of the fee as approved by the Governing Body and listed in the Schedule of
274 Fees and Charges maintained in the Finance Department for each such license.

275 **Wholesalers' licenses for sale of alcoholic beverages not in excess of**
276 **twenty-two percent of alcohol by weight to retailers**

277 A license shall be issued to all applicants who have complied with this Chapter,
278 licensing such applicant to sell alcoholic beverages not in excess of twenty-two (22)
279 percent of alcohol by weight by a wholesaler to a person duly licensed to sell such
280 intoxicating beverages at retail, upon payment to the City of the fee as approved by
281 the Governing Body and listed in the Schedule of Fees and Charges maintained in
282 the Finance Department for each such license.

283 **Wholesalers' licenses for sale of malt liquor to retailers**

284 A license shall be issued to all applicants who have complied with this Chapter,
285 licensing such applicant to sell malt liquor or light wine containing not in excess of
286 five percent of alcohol by weight by a wholesaler to a person duly licensed to sell
287 such alcoholic beverages at retail upon payment to the City of the fee as approved
288 by the Governing Body and listed in the Schedule of Fees and Charges maintained
289 in the Finance Department for each such license.

290 **Wholesalers' licenses for sale of alcoholic beverages of all kinds to**
291 **wholesalers**

292 A license shall be issued to all applicants who have complied with this Chapter,
293 licensing such applicant to sell to duly licensed wholesalers and solicit orders for
294 the sale of alcoholic beverages of all kinds to, by or through a duly licensed
295 wholesaler within this state, upon payment to the City of the fee as approved by the
296 Governing Body and listed in the Schedule of Fees and Charges maintained in the
297 Finance Department for each such license.

298 **Wholesalers' licenses for sale of alcoholic beverages not in excess of**
299 **twenty-two percent of alcohol by weight to wholesalers**

300 A license shall be issued to all applicants who have complied with this Chapter,
301 licensing such applicant to sell to duly licensed wholesalers and solicit orders for
302 the sale of alcoholic beverages containing not in excess of twenty-two (22) percent
303 of alcohol by weight to, by or through a duly licensed wholesaler within this state,
304 upon payment to the City of the fee as approved by the Governing Body and listed
305 in the Schedule of Fees and Charges maintained in the Finance Department for
306 each such license.

307 **Wholesalers' licenses for sale of malt liquor or non intoxicating beer to**
308 **wholesalers**

309 A license shall be issued to all applicants to sell at wholesale and to solicit orders
310 for the sale of malt liquor containing not in excess of five percent of alcohol by
311 weight or non intoxicating beer to, by or through a duly licensed wholesaler within
312 this state, upon payment to the City of the fee as approved by the Governing Body
313 and listed in the Schedule of Fees and Charges maintained in the Finance
314 Department for each such license.

315 **Manufacturers' licenses for manufacture of alcoholic beverages of all kinds**

316 A license shall be issued to all applicants who have complied with this Chapter,
317 licensing such applicant to manufacture, distill or blend alcoholic beverages of all
318 kinds, upon payment to the City of the fee as approved by the Governing Body and
319 listed in the Schedule of Fees and Charges maintained in the Finance Department
320 for each such license.

321 A. The holder of such license may apply to the Enforcement Agency for a by the
322 drink license. If granted, this by the drink license would allow the sales of all
323 kinds of alcoholic beverages by the drink for consumption on the licensed
324 premises on Monday through Saturday between 6:00 a.m. and midnight and on
325 Sunday between 11:00 a.m. and 9:00 p.m. in accordance with 311.070 (1) RSMo.

326 **Manufacturers' licenses for manufacture of alcoholic beverages containing**
327 **alcohol not in excess of twenty-two percent by weight**

328 A license shall be issued to all applicants who have complied with this Chapter,
329 licensing such applicant to manufacture, distill or blend alcoholic beverages
330 containing alcohol not in excess of twenty-two (22) percent by weight, upon
331 payment to the City of the fee as approved by the Governing Body and listed in the
332 Schedule of Fees and Charges maintained in the Finance Department for each such
333 license.

334 A. The holder of such license, if in accordance with the requirements set forth in
335 311.192 RSMo. may apply to the Enforcement Agency for a by the drink license.
336 If granted, this by the drink license would allow the sales of all kinds of alcoholic
337 beverages by the drink for consumption on the licensed premises on Monday
338 through Saturday between 6:00 a.m. and 1:30 a.m. and on Sunday between 9:00
339 a.m. and midnight in accordance with 311.070.11 RSMo.

340 **"C.O.L." consumption of alcoholic beverage licenses**

341 A "C.O.L." license shall allow the consumption of alcoholic beverages during the
342 hours alcoholic beverages can be sold by full sales-by-drink licenses.

343 A. For every "C.O.L." license for clubs, organizations or associations which are
344 private and nonprofit, where either food, beverages or entertainment are

345 provided for compensation in the form of dues, fees or special assessments,
346 the licensee shall pay to the City the fee as approved by the Governing Body
347 and listed in the Schedule of Fees and Charges maintained in the Finance
348 Department for each license.

349 B. For every "C.O.L." license for commercial establishments or establishments
350 which are commercial in nature, where either food, beverages or
351 entertainment are provided for compensation of any kind, the licensee shall
352 pay the fee to the city for each license as approved by the Governing Body and
353 listed in the Schedule of Fees and Charges maintained in the Finance
354 Department.

355 **Manufacturers' licenses for manufacture of malt liquor or non intoxicating**
356 **beer**

357 A license shall be issued to all applicants who have complied with this Chapter,
358 licensing such applicant to manufacture or brew malt liquor containing alcohol not
359 in excess of five percent by weight or non intoxicating beer upon payment to the
360 City of the fee as approved by the Governing Body and listed in the Schedule of
361 Fees and Charges maintained in the Finance Department for each such license.

362 **Manufacturers' licenses for manufacture of non intoxicating beer**

363 A license shall be issued to all applicants who have complied with this Chapter,
364 licensing such applicant to manufacture or brew non intoxicating beer, upon
365 payment to the City of the fee as approved by the Governing Body and listed in the
366 Schedule of Fees and Charges maintained in the Finance Department for each such
367 license.

368 **Microbrewery license for the manufacture/sale of beer and malt liquor**

369 A license shall be issued to all applicants who have complied with this Chapter and
370 meets the requirements set forth in 311.195 RSMo., licensing such applicant to
371 manufacture beer and malt liquor in quantities not to exceed ten thousand (10,000)
372 barrels per annum. The fee for such license shall be as approved by the Governing
373 Body and listed in the Schedule of Fees and Charges maintained in the Finance
374 Department.

375 A. The holder of such license may also sell beer and malt liquor produced in the
376 brewery to duly licensed wholesalers provided the holder of the microbrewer's
377 license shall not under any circumstances, directly or indirectly, have any
378 financial interest in any wholesaler's business.

379 B. The holder of such license may also apply to the Enforcement Agency for a sales
380 by the drink license and additionally may apply for a Sunday by the drink
381 license which would allow the sales of all kinds of alcoholic beverages by the
382 drink for consumption on the licensed premises.

383 **Domestic winery license for the manufacture, wholesale and retail sale of**
384 **Missouri produced wine and brandy products**

385 A license shall be issued to all applicants who have complied with this Chapter,
386 licensing such applicant to manufacture wine and brandy in quantities not to
387 exceed five hundred (500) gallons per annum. The fee for such license shall be as
388 approved by the Governing Body and listed in the Schedule of Fees and Charges
389 maintained in the Finance Department.

390 A. The holder of such license may not produce wine in excess of eighteen (18)
391 percent alcohol by weight and brandy in excess of thirty-four (34) percent
392 alcohol by weight from grapes, berries, other fruits, fruit products, honey and
393 vegetables produced or grown in the State of Missouri, exclusive of sugar,
394 water and spirits. A domestic winery may use, in any calendar year, wine and
395 brandy making material produced or grown outside the State of Missouri in a
396 quantity not exceeding fifteen (15) percent of the manufacturer's wine entered
397 into fermentation in the prior calendar year.

398 B. The holder of such license may purchase and sell bulk or packaged wines and
399 brandies from and to other domestic wineries. A domestic winery may also sell
400 packaged wines or brandies to licensed wholesalers and retailers on any day
401 except Sunday. In addition, holders of this license may offer samples of
402 Missouri produced wine, may sell Missouri produced wine and brandy in its
403 original package directly to consumers at the winery and may open wine
404 purchased by consumers so that it may be consumed on the winery premises
405 on Monday through Saturday between 6:00 a.m. and midnight and on Sunday
406 between 9:00 a.m. and 10:00 p.m.

407 **Restaurant-bar licenses**

408 Upon payment to the City of the fee as approved by the Governing Body and listed
409 in the Schedule of Fees and Charges maintained in the Finance Department, for
410 each such license, a restaurant-bar license shall be issued to applicants whose
411 premises qualify as a restaurant-bar as provided in the definitions and which is
412 covered by an existing sale-by-the-drink license.

413 A. Applicants for restaurant-bar licenses must furnish the Enforcement Agency
414 with the application, a certified public accountant's certificate showing:

415 1. At least fifty (50) percent of the gross income for the past one year
416 immediately preceding, was derived from the sale of prepared meals or
417 food consumed on the premises;

418 2. An annual gross income for the past one year immediately preceding of at
419 least two hundred seventy-five thousand dollars (\$275,000.00) from the
420 sale of prepared meals or food consumed on the premises.

421 B. **Temporary License.** Applicants who have not been in business one year
422 preceding the filing of application may receive their license for a temporary

423 period of ninety (90) days from the date of application but shall, at the end of
424 ninety (90) days of operation produce proof of eligibility for said license by
425 providing a report by a certified public accountant showing that fifty (50)
426 percent of the gross income for the past period immediately preceding the
427 application was derived from the sale of prepared meals or food consumed on
428 the premises. Should a report of a certified public accountant show that less
429 than fifty (50) percent of the gross income for the past period immediately
430 preceding was derived from the sale of prepared meals or food consumed on
431 the premises, then such temporary license shall terminate and be considered
432 null and void for all purposes.

433 **Tasting Permits Wine and malt beverages**

434 Notwithstanding any other provisions of this Chapter, any person possessing the
435 qualifications and meeting the requirements of this Chapter, who is licensed to sell
436 intoxicating liquor in the original package at retail under Sections 311.200 and
437 311.293, may apply for a special permit to conduct wine, malt beverage and
438 distilled spirit tastings on the licensed premises. A licensee under this Section shall
439 pay the fee as approved by the Governing Body and listed in the Schedule of Fees
440 and Charges maintained in the Finance Department. Nothing in this Section shall be
441 construed to permit the licensee to sell wine, malt beverages or distilled spirits for
442 on-premises consumption.

443 **Temporary Location for liquor by the Drink-Caterer Permit**

444 A temporary permit to caterers and other persons holding licenses to sell
445 intoxicating liquor by the drink at retail for consumption on the premises who
446 furnish provisions and service for use at a particular function, occasion, or event at
447 a particular location other than the licensed premises. The temporary permit shall
448 be effective for a period not to exceed one hundred sixty-eight (168) hours (seven
449 days), and shall authorize the service of alcoholic beverages at such function,
450 occasion or event during the hours at which alcoholic beverages may lawfully be
451 sold or served upon premises licensed to sell alcoholic beverages for on-premises
452 consumption. For every permit issued pursuant to the provisions of this Section,
453 the permittee shall pay to the City a fee approved by the Governing Body and listed
454 in the Schedule of Fees maintained in the Finance Department for each calendar
455 day, or fraction thereof, for which the permit is issued.

456 **Temporary Permit For Sale By Drink—Certain Organizations**

457 The Enforcement Agency may issue a permit for the sale of malt liquor and
458 intoxicating liquor for consumption on the premises where sold to any church,
459 school, civic, service, fraternal, veteran, political or charitable club or organization at
460 a picnic, bazaar, fair or similar gathering. The permit shall be issued only for the day
461 or days named therein and it shall not authorize the sale of intoxicating liquor for
462 more than seven (7) days by any such club or organization. For every permit issued,
463 the permittee shall pay to the City a fee approved by the Governing Body and listed

464 in the Schedule of Fees maintained in the Finance Department for each calendar
465 day the permit is issued.

466 A. If the event will be held on a Sunday, the permit shall authorize the sale of
467 intoxicating liquor on that day beginning at 9:00 A.M.

468 B. At the same time that an applicant applies for a permit under the provisions of
469 this Section, the applicant shall notify the Director of Revenue of the holding of
470 the event by certified mail and by such notification shall accept responsibility
471 for the collection and payment of any applicable sales tax.
472

473 C. No provision of law or rule or regulation of the City shall be interpreted as
474 preventing any wholesaler or distributor from providing customary storage,
475 cooling or dispensing equipment for use by the permit holder at such picnic,
bazaar, fair or similar gathering.

476 D. Concessionaires, operating concession stands in Raymore City Parks, under
477 contract with the Department of Parks and Recreation are authorized to
478 dispense alcoholic beverages by the drink, under the terms and conditions
479 stated.
480

481 E. Concessionaires operating concession stands as stated above, shall prior to
482 dispensing alcoholic beverages as stated therein, and with the prior approval of
483 the Director of Parks and Recreation, obtain a license to dispense alcoholic
484 beverages, pursuant to this Chapter and as required by the laws of the State of
485 Missouri. Said concessionaires may dispense such alcoholic beverages by the
486 drink only at the times and places and under the conditions of the Parks and
Recreation Board and approved by the Raymore City Council.

487 **SECTION 600.080: - DUE DATES FOR LICENSE FEES-PRORATING OF FEES**

488 All license fees as provided for and as approved by the Governing Body and listed
489 in the Schedule of Fees and Charges maintained in the Finance Department, shall
490 be due and payable on or before the first day of May of each year, and shall be
491 good for the year beginning July 1 and ending June 30. If such license is originally
492 issued after July 1, the applicant shall pay one-twelfth (1/12) of such fee for each
493 month, or fraction of for the remaining in the twelve-month period.

494 **ARTICLE IV - INITIAL APPLICATIONS**

495 **SECTION 600.090: - INDIVIDUAL REQUIRED TO MAKE APPLICATION**

496 Application for a license under this Chapter shall be made by the individual who is
497 to be, in fact, actively engaged in the actual control and management of the
498 particular alcoholic beverage establishment for which such license is sought.

499 SECTION 600.100: - FORM AND CONTENTS

500 Any person desiring to secure a license under the terms of this Chapter shall make
501 application to the enforcement agency, in writing, and under oath. Each question in
502 the application blank shall be considered material to the issuance of the license,
503 and each question in such application must be answered in full by the applicant.
504 Such applicant shall state:

505 A. The name and residential address of the applicant or applicants and if the
506 application is on behalf of a partnership, the names and residential addresses of all
507 partners or any person who has a financial interest in any such partnership. If the
508 application is on behalf of a corporation, the date of incorporation, the state in
509 which incorporated, the amount of paid-in-capital, the amount of authorized
510 capital, the names and residential addresses of the officers and directors and the
511 names and addresses of all stockholders who hold ten (10) percent or more of the
512 capital stock shall be given.

513 B. The place of birth of the applicant or applicants and if the applicant is a
514 naturalized citizen, the date and place of naturalization.

515 C. The names and business addresses of the applicant's employers for a period
516 of five years prior to the application.

517 D. Whether or not the applicant or applicants have been convicted of a felony.

518 E. The location, place or premises for which a license is sought. feet

519 F. Whether or not the proposed location, place or premises is within one hundred
520 (100) feet of a school or church. The distance shall be measured in accordance with
521 Title I-Definitions of this Code.

522 G. The class of the license for which application is made.

523 H. Whether or not any distiller, wholesaler, wine maker, brewer or supplier of
524 coin-operated, commercial, manual or mechanical amusement devices or the
525 employees, officers or agents thereof, have any financial interest in the retail
526 business of the applicant for the sale of alcoholic beverages, and whether or not
527 the applicant, either directly or indirectly, will borrow or accept from any such
528 person or persons equipment, money, credit or property of any kind except
529 ordinary commercial credit for liquor sold.

530 I. A complete description of the plans, specifications and fixtures in the
531 applicant's proposed place of business, if the application is for a retail license;
532 provided, however, that this shall apply only when the application is for a new
533 location or a change in the plans for specifications within a previously established
534 location.

535 J. That the applicant will not violate any of the ordinances of the city, the laws of
536 the state or of the United States, in the conduct of the business.

537 K. A comprehensive and informative statement, as the Enforcement Agency may
538 deem necessary, to disclose the true ownership and management of the business
539 and any further reasonable information required by the Enforcement Agency.

540 Section 600.110: - FALSE STATEMENTS OR INCOMPLETE INFORMATION

541 A. It is unlawful for any person in obtaining or attempting to obtain a license to
542 make any materially false statements in the application for such license.

543 B. It is unlawful for any person to fail to make a complete disclosure of all
544 pertinent and material information required in the application for a license.

545 SECTION 600.120: - INVESTIGATIONS OF APPLICANTS

546 A. The Enforcement Agency shall have the authority to conduct an investigation
547 into any new or renewal application for any alcoholic beverage license.

548 **ARTICLE V: - LICENSE QUALIFICATIONS**

549 SECTION 600.130: - CLASSIFICATIONS

550 **Individuals.** No license provided for by this Chapter shall be issued to any
551 individual except in conformity with the following:

552 A. Such individual is actively engaged in the actual control and management of
553 the alcoholic beverage establishment for which a license is sought; and

554 B. Such individual is twenty-one (21) years of age or over, and a resident of the
555 State of Missouri for one (1) year; and

556 C. Such person is of good moral character, is qualified to hold an alcoholic
557 beverage license in the State of Missouri and that such person has never been the
558 holder of an alcoholic beverage license or permit which has been revoked by the
559 City or the State of Missouri.

560 **Partnerships.** No license provided for in this Chapter shall be issued to any
561 partnership unless all members of the partnership are persons who would be
562 eligible for licenses as individuals under the provisions of this Chapter, and no such
563 license shall be issued to any partnership, any partner of which has been the holder
564 of a license or permit which has been revoked by the City or the State of Missouri.

565 **Corporations.** No license provided for in this Chapter shall be issued to any
566 corporation except in conformity with the following:

567 A. The managing officer of the corporation is a person who is eligible for a
568 license as an individual under the provisions of this Chapter; and

569 B. Such corporation has not been the holder of a license or permit which has
570 been revoked by the City or the State of Missouri.

571 **Article VI. - ISSUANCE OF ORIGINAL LICENSE**

572 SECTION 600.140: - The Enforcement Agency is authorized and empowered to issue
573 licenses provided by this Chapter for the manufacture or sale of alcoholic
574 beverages, at wholesale or retail, and may issue such licenses to applicants who
575 have complied with the terms of this Chapter and have paid the necessary license
576 fee as approved by the Governing Body and listed in the Schedule of Fees and
577 Charges maintained in the Finance Department.

578 SECTION 600.150: - CONDITION PRECEDENT TO ISSUANCE OF LICENSES

579 As a condition precedent to the issuance of a license under the provisions of this
580 Chapter, the applicant must obtain a City occupational license for the premises,
581 submit a valid No Tax Due letter from the Missouri Department of Revenue dated
582 within 90 days of application, a criminal record check from the Missouri State
583 Highway Patrol completed within the last six (6) months, proof of voter registration,
584 a copy of the liquor license issued by Cass County, Missouri. The applicant must
585 also procure a permit and license from the State of Missouri, under the provisions
586 of Chapter 311 RSMo. Revocation of any liquor license under this Chapter shall not
587 automatically affect the status of an occupation license.

588 SECTION 600.160: - PURCHASERS OF EXISTING ESTABLISHMENTS

589 A bona fide purchaser of an existing establishment is required by this Chapter to
590 make application for a license.

591 **ARTICLE VII. - RENEWAL, TRANSFER, LOST LICENSES, CHANGES**

592 SECTION 600.170: - RENEWALS GENERALLY

593 A. Each person holding a valid license desiring such license renewed, shall file with
594 the Enforcement Agency an application for license renewal on or after the first
595 day of May and not later than the thirtieth day of May each year. Failure to
596 submit the completed renewal application by May 1, will be subject to late
597 charges approved by the Governing Body and listed in the Schedule of Fees
598 maintained in the Finance Department.

599 B. Applications shall be accompanied by a license issued by the Supervisor of
600 Alcohol and Tobacco Control, a No Tax Due Letter issued by the Missouri
601 Department of Revenue within the last ninety (90) days, a criminal record check
602 from the Missouri State Highway Patrol completed within the last six (6)
603 months, proof of voter registration, and a copy of the liquor license issued by
604 Cass County, Missouri.

605 C. Proper Parties to File. The application shall be filed by the actual owner, if a
606 single ownership, or if a partnership, information on all partners shall be

607 included with the application, or if a corporation, the person filing must be a
608 stockholder in the corporation for such filing.

609 D. Contents of Application. The application shall disclose in affidavit form any
610 information the Enforcement Agency deems necessary.

611 E. If during the period for which a license is granted, there are any change of facts
612 or information differing from that set forth in the original or in any renewal
613 application on file, written notice shall be given by the license holder within ten
614 (10) days after the change to the Enforcement Agency.

615 F. Refusal to Renew. If any affidavit contains information which does not justify
616 such renewal or if the Enforcement Agency has other information that the
617 applicant has not met all the other requirements of this Chapter, the
618 Enforcement Agency, in its discretion, may refuse to renew such license. In the
619 event of such refusal, the applicant shall be given a hearing before the
620 Enforcement Agency in the same manner as provided for revocation or
621 suspension proceedings, and such applicant shall be entitled to take the matter
622 to the City Council in the manner provided in this Chapter.

623 G. If any licensee fails to file an application for license renewal during the
624 prescribed time, then such license shall be automatically suspended until such
625 application is filed.

626 SECTION 600.180: - ASSIGNMENT OF TRANSFER PROHIBITED-EXCEPTIONS

627 No license shall be transferable or assignable except as provided by 311.250 RSMo.

628 SECTION 600.190: - SALE OR CHANGE IN OWNERSHIP

629 A. No person holding a license under this Chapter to manufacture or sell alcoholic
630 beverages shall make any change in the ownership of the business without first
631 filing a completed application to change the managing officer and submitting
632 same to the Enforcement Agency. A criminal record check from the Missouri
633 State Highway Patrol completed within the last six (6) months, proof of voter
634 registration, and authorization from the entity approving the appointment of
635 the new managing officer.

636 B. Whenever a corporation holding a liquor license under the provisions of this
637 Chapter makes application for a change of managing officers, a fee approved
638 by the Governing Body and listed in the Schedule of Fees maintained in the
639 Finance Department.

640 C. The Enforcement Agency may have ten (10) days from the filing of the
641 application and required information provided for in subsection A of this
642 Section before approving the transferee or purchaser. Any such application not
643 acted upon within a period of ten (10) days from the date of filing may be
644 considered disapproved and the applicant may make an appeal in the manner
645 provided in this Chapter.

646 SECTION 600.200: - CONTINUANCE OF LICENSE AFTER PARTNERS WITHDRAWAL

647 If one or more members of a partnership having a license for the sale of alcoholic
648 beverages withdraws from the partnership, the Enforcement Agency, upon
649 application accompanied by a bill of sale or affidavit of transfer, shall allow the
650 remaining partner or partners originally licensed, to continue the operation under
651 the original license for the remainder of the period for which the license fee has
652 been paid and it shall not be necessary for the remaining partner or partners to
653 secure a new license until the expiration of the license.

654 SECTION 600.210: - LICENSES NON TRANSFERABLE-EXCEPTIONS

- 655 A. No license issued under this Chapter shall be transferable or assignable except
656 as herein provided. In the event of the death of the licensee, the widow or
657 widower or the next of kin of such deceased licensee, who shall meet the other
658 requirements of this law may make application and the Enforcement Agency
659 may transfer such license to permit the operation of the business of the
660 deceased for the remainder of the period for which a license fee has been paid
661 by the deceased.
- 662 B. Whenever one or more members of a partnership withdraws from the
663 partnership the supervisor of liquor control, upon being requested, shall permit
664 the remaining partner, or partners, originally licensed, to continue to operate
665 for the remainder of the period for which the license fee has been paid, without
666 obtaining a new license.

667 **ARTICLE VIII - LOCATION RESTRICTIONS**

668 SECTION 600.220: SALES-BY-DRINK-RETAIL-PACKAGE-WHOLESALE-MANUFACTURER

- 669 A. A sales-by-drink, retail package, Wholesale, or Manufacturer licenses shall not
670 be issued by the Enforcement Agency for a new location or for the expansion of
671 existing premises until there has been shown compliance with the
672 requirements of South Metropolitan Fire Protection District, Cass County Health
673 Department, building code and zoning ordinances of the City, and hold a valid
674 Cass County liquor license.
- 675 B. No alcoholic beverage license shall be issued for any premises when such
676 premises is within one hundred (100) feet of a traditional pre K-12 school or
677 church, measured in accordance with Title I-Definitions of this Code. Distances
678 are measured in accordance with Title I-Definitions of this Code.
- 679 C. A licensee legally established within one hundred (100) feet of a church or
680 school prior to the adoption of this Chapter, who may lose his or her location
681 due to any governmental action, federal, state, county or city, or upon proof of
682 loss of lease or premises through no fault of the licensee, or complete
683 destruction of the premises by fire or flood, may at the discretion of the

684 Enforcement Agency relocate within one hundred (100) feet of the original
685 church or school location; provided, that the desired premises meets all other
686 requirements of this Chapter and is not within one hundred (100) feet of
687 another church or school. Distances are measured in accordance with Title
688 I-Definitions of this Code.

689 **ARTICLE IX OPERATIONAL RULES AND REGULATIONS**

690 SECTION 600.230: - ALL RETAIL LICENSES

- 691 A. Scope. The provisions of this Section shall apply to all retail licensees
- 692 B. Hours and Days of Sale shall be as outlined in Chapter 311.290- 311.293 and
693 311.298 RSMo.
- 694 C. In the event that a licensee or their employees knows that an illegal or violent
695 act has been committed on or about the licensed premises, they shall
696 immediately report the occurrence to law enforcement authorities and shall
697 cooperate with law enforcement authorities and agents of the State of Missouri
698 Division of Alcohol and Tobacco Control during the course of any investigations
699 into an occurrence.
- 700 D. No such licensee or employee, of such licensee shall sell, give away or
701 otherwise dispose of, upon or about the premises for which such license has
702 been issued, any alcoholic beverages to any person who is under the age of
703 twenty-one (21) years or who is actually or apparently impaired by the
704 consumption of alcoholic beverages to an extent that a reasonable person
705 would recognize such impairment.
- 706 E. Sales by Minors Prohibited except as provided in 311.300 RSMo.
- 707 F. Intoxicated Persons on Premises Prohibited. No retail licensee, or employee,
708 agent or servant of such licensee shall allow any person who is impaired by the
709 consumption of alcoholic beverage to remain on premises for which the license
710 was issued.
- 711 G. Serving or Delivering in Vehicles Prohibited. No retail licensee, or employee,
712 agent or servant of any such licensee, shall serve or deliver any alcoholic
713 beverages to any person who is in or about any motor car or other vehicle.
- 714 H. Orders Off Licensed Premises Prohibited. No orders for the sale of alcoholic
715 beverages at retail shall be taken at any place not licensed under this Chapter
716 for the sale of alcoholic beverages, even though such orders are filled and
717 delivery thereon made at a place duly licensed hereunder. Nothing in this
718 provision shall be construed as to prevent any hotel or motel operator or
719 private club from serving any alcoholic beverage to any guest, including
720 registered guests, in or occupying any room of such hotel, motel or private club,

- 721 if such alcoholic beverage so served shall be kept in or served from a licensed
722 location, place or premises in such hotel, motel or private club.
- 723 I. Unlicensed Beverages on Premises Prohibited. No person selling alcoholic
724 beverages at retail shall allow on their premises any alcoholic beverages except
725 that type in which they are licensed to sell. The presence of any unlicensed
726 alcoholic beverages will be prima facie evidence of the illegal sale of the same,
727 and shall be grounds for suspension or revocation of the license.
- 728 J. Disorderliness, Indecency and Obscenity. No retail licensee under this Chapter
729 or employee, agent or servant of such licensee shall allow in or upon the
730 licensed premises any disturbances, disorderliness, lewdness, immoral
731 activities, and brawls.
- 732 K. Storing Beverages Off-Licensed Premises. No licensee under this Chapter shall
733 store any alcoholic beverage off or outside of the licensed premises without
734 first obtaining the written consent of the Enforcement Agency; provided,
735 however, that a licensee may store alcoholic beverages in a bonded warehouse
736 or central warehouse if they have first notified the Enforcement Agency in
737 writing of their intention to do so.
- 738 L. Solicitation. No by-the-drink retail licensee, or their employee, agent or servant
739 shall give at no or reduced value any alcoholic beverage, nonalcoholic beverage,
740 drink, merchandise or other thing of value in any quantity to any person who
741 shall solicit another to buy any of the above items, nor shall he or she allow any
742 such person to solicit the purchase of such items by another on the premises of
743 such licensee.
- 744 M. Responsibility of Licensee and Employees. Licensees are at all times responsible
745 for the conduct of their business and at all times responsible for any act or
746 conduct of any employee on the premises which is in violation of this Chapter
747 or the regulations of the Enforcement Agency.
- 748 1. It shall be the duty and responsibility of the licensee and the person in
749 charge of the licensed premises at all times to supervise the operation and
750 conduct of business in a diligent manner and to make reasonably certain
751 that this Chapter or regulations of the Enforcement Agency are not violated.
 - 752 2. It shall be the duty and responsibility of a by-the-drink licensee to require all
753 employees, agents or servants to obtain training from SMART (State of
754 Missouri Alcohol Responsibility Training), or a similar program previously
755 approved by the Enforcement Agency, and to maintain accurate records
756 that all employees, agents or servants have completed such training and
757 are current in their certification.
 - 758 3. It shall also be the duty and responsibility of the licensee's agents, servants
759 and employees to report to the licensee or person in charge of the licensed
760 premises any violation of this Chapter or regulations of the Enforcement
761 Agency.

762 N. Display of License Required. Before commencing or doing any business for the
763 time for which a City license has been granted, such license shall be posted on
764 the licensed premises, and kept displayed at all times during the term of the
765 license in a conspicuous place on the premises so that all persons visiting the
766 premises may readily see the same.

767 1. No licensee shall post such license or allow such license to be posted upon
768 premises other than the premises licensed, or upon premises where traffic
769 in alcoholic beverages is being carried on by any person other than the
770 licensee, or knowingly deface, destroy or alter any such license in any
771 respect.

772 SECTION 600.240: - RETAIL SALES-BY-DRINK LICENSEES

773 A. Scope. This Section shall apply to retail sales-by-drink licensees.

774 B. Closed Place. The premises of any such licensee shall be and remain a "closed
775 place," as defined, at the times and upon the days during which the sale or
776 consumption of alcoholic beverages is prohibited by this Chapter; provided,
777 that where such licenses are held by clubs, motels and hotels, this prohibition
778 shall apply only to the premises where alcoholic beverages are dispensed or
779 consumed; and provided, further, that where such licenses are held by
780 restaurants, where substantial quantities of food are served, then the licensee
781 shall keep securely locked during the hours and upon the days specified, all
782 refrigerators, cabinets, cases, boxes and taps from which alcoholic beverages
783 are dispensed. "Securely locked" shall mean locked in such a manner that
784 alcoholic beverages cannot be removed without unlocking a lock. Any unlocked
785 container or any open case of alcoholic beverages in such place of business
786 shall be deemed an illegal sale of the same and grounds for suspension or
787 revocation of the license.

788 C. Serving or Delivering in Vehicles Prohibited. No retail licensee, or employee,
789 agent or servant of any such licensee within this Section, shall serve or deliver
790 any alcoholic beverages to any person who is in or about any vehicle.
791 *****COUNCIL DISCUSSION ITEM**

792 D. Orders Off Licensed Premises Prohibited. No orders for the sale of alcoholic
793 beverages at retail shall be taken at any place not licensed under this Section
794 for the sale of alcoholic beverages, even though such orders are filled and
795 delivery made at a place duly licensed. Nothing in this provision shall be
796 construed as to prevent any hotel or motel operator or private club from
797 serving any alcoholic beverage to any guest, including registered guests, in or
798 occupying any room of such hotel, motel or private club, if such alcoholic
799 beverage so served shall be kept in or served from a licensed location, place or
800 premises in such hotel, motel or private club.

801 E. Prohibited Acts on Sales-by-Drink Premises. It shall be unlawful for the holder
802 of any license authorized by this Chapter, for the sale of any intoxicating liquor

803 at retail by the drink for consumption on the premises where sold, to keep or
804 secrete, or to allow any other person to keep or secrete in or upon the
805 premises described in such license, any intoxicating liquor, other than the kind
806 of liquor expressly authorized to be sold by such license, or any kind of liquor
807 used exclusively as an ingredient in any food being prepared and sold on the
808 premises.

809 F. Alcoholic Beverages Brought On to Premises. It is unlawful for any person to
810 take alcoholic beverages into or upon any premises covered by a sales-by-drink
811 license for the purpose of consuming such alcoholic beverages in any form on
812 such premises.

813 G. Minor Entering Premises Prohibited. It is unlawful for any licensee holding a
814 sales-by-drink license or his employee, agent or servant to either directly or
815 indirectly suffer or allow a person under the age of twenty-one (21) years to
816 enter the premises or to linger or loiter in or about such premises; except that a
817 person sixteen (16) through twenty (20) years of age may be on such premises
818 if accompanied by parent or legal guardian. This subsection shall not apply to
819 premises where substantial quantities of food are served; and providing, that
820 nothing contained in this Section shall be construed as preventing the entrance
821 of any person under the conditions of Section 4.16.110.

822 H. No by the drink retail licensee, or their employee, agent or servant shall
823 consume alcoholic beverages on the licensed premises during those times
824 when they are working for the establishment.

825 SECTION 600.250: - FULL ORIGINAL PACKAGE SALE LICENSEES

826 A. Scope. The provisions of this Section shall apply to full original package sale
827 licensees.

828 B. Consumption on Premises. It is unlawful for such licensee or any employee,
829 agent or servant of such licensee to allow the consumption of any alcoholic
830 beverages in or upon the licensed premises without also maintaining a valid
831 retail sales by drink license. Consumption of alcoholic beverages purchased in
832 the original package shall not be consumed on the licensed premises.

833 C. Sale, Etc., Other Than in Original Package. It is unlawful for such licensee or any
834 employee, agent or servant of such licensee to sell, dispense or give away
835 alcoholic beverages except in the original package.

836 D. At those times when sales are prohibited, signage indicating no sales must be
837 displayed prominently.

838 E. Serving or Delivering in Vehicles Prohibited. No retail licensee, or employee,
839 agent or servant of any such licensee within this Section, shall serve or deliver
840 any alcoholic beverages to any person who is in or about any vehicle.

841 F. Orders Off Licensed Premises Prohibited. No orders for the sale of alcoholic
842 beverages at retail shall be taken at any place not licensed under this Section

843 for the sale of alcoholic beverages, even though such orders are filled and
844 delivery made at a place duly licensed. Nothing in this provision shall be
845 construed as to prevent any hotel or motel operator or private club from
846 serving any alcoholic beverage to any guest, including registered guests, in or
847 occupying any room of such hotel, motel or private club, if such alcoholic
848 beverage so served shall be kept in or served from a licensed location, place or
849 premises in such hotel, motel or private club.

850 SECTION 600.260: - MALT LIQUOR BEER ORIGINAL PACKAGE SALES LICENSEES

851 A. Scope. The provisions of this Section shall apply to malt liquor beer original
852 package sales licensees.

853 B. Consumption on Premises. It is unlawful for such licensee or any agent, servant
854 or employee of such licensee to allow the consumption of any alcoholic
855 beverages in or upon the licensed premises.

856 C. Unlicensed Beverages on Premises. It is unlawful for such licensee, or any
857 agent, servant or employee of such licensee to have in or upon the licensed
858 premises any intoxicating liquor other than malt liquor beer.

859 D. When Malt Liquor beer to be locked up. All such licensees whose places of
860 business remain open on the days and at the hours when the sale and
861 consumption of alcoholic beverages is prohibited by law, shall keep all malt
862 liquor-beer securely under lock and key in such a manner that such alcoholic
863 beverages cannot be removed without unlocking a lock. Any unlocked alcoholic
864 beverages in such places of business shall be deemed an illegal sale of same
865 and grounds for the suspension or revocation of the license.

866 E. Signage. At those times when sales are prohibited, signage indicating no sales
867 must be displayed prominently.

868 F. Serving or Delivering in Vehicles Prohibited. No retail licensee, or employee,
869 agent or servant of any such licensee within this Section, shall serve or deliver
870 any alcoholic beverages to any person who is in or about any vehicle.

871 G. Orders Off Licensed Premises Prohibited. No orders for the sale of alcoholic
872 beverages at retail shall be taken at any place not licensed under this Section
873 for the sale of alcoholic beverages, even though such orders are filled and
874 delivery made at a place duly licensed. Nothing in this provision shall be
875 construed as to prevent any hotel or motel operator or private club from
876 serving any alcoholic beverage to any guest, including registered guests, in or
877 occupying any room of such hotel, motel or private club, if such alcoholic
878 beverage so served shall be kept in or served from a licensed location, place or
879 premises in such hotel, motel or private club.

880 **ARTICLE X. - PREMISES**

881 SECTION 600.270: - DWELLINGS

882 No license shall be issued for the sale of alcoholic beverages in or upon any
883 structure occupied in whole or in part as a dwelling.

884 SECTION 600.280: - HOTELS, MOTELS, DRUGSTORES, ETC.

885 A. Hotels, Motels and Private Clubs. Nothing in this article shall be construed as to
886 prevent any hotel or motel operator, or private club, from serving any alcoholic
887 beverage to any guest in or occupying any room of such hotel, motel or private
888 clubs if such alcoholic beverage so served shall be kept in or served from a
889 licensed location, place or premises in such establishments.

890 B. Drugstores, Pharmacies, Etc. No alcoholic beverage sales-by-drink license
891 provided for in this Chapter shall be issued if the structure for which such
892 license is sought is occupied and operated solely as a drugstore, pharmacy,
893 confectionary, soda fountain, soft drink, stationery or school supply store.

894 SECTION 600.290: - ONE RETAIL LICENSE ONLY FOR EACH SINGLE PREMISES

895 No more than one retail license provided for by this Chapter shall be issued
896 licenses for any single premises at any given time.

897 **ARTICLE XI. - MINORS**

898 SECTION 600.300: - PURCHASE OR POSSESSION OF ALCOHOLIC BEVERAGES

899 It is unlawful for any person under the age of twenty-one (21) years to purchase
900 alcoholic beverages. No person under the age of twenty-one (21) years shall
901 possess alcoholic beverages, either on his or her person, or while in a vehicle.

902 SECTION 600.310: - ENTRANCE OR PRESENCE AT LICENSED PREMISES

903 It is unlawful for any person under the age of twenty-one (21) years to enter, or be
904 on the premises of any licensee holding any sales-by-drink license under this
905 Chapter; provided, however, that nothing contained in this Section shall be
906 construed as preventing anyone under the age of twenty-one (21) years from being
907 on premises unless accompanied by a parent or guardian; or where substantial
908 quantities of food are served or sold.

909 SECTION 600.320: - EMPLOYMENT OF PERSONS UNDER TWENTY-ONE (21)

910 A. Persons eighteen (18) years of age or older may be employed to act in the
911 capacity of a waiter or waitress and accept payment for or serve intoxicating
912 liquor or beer in places of business which sell food for consumption on the
913 premises if at least fifty (50) percent of all sales in those places consists of food;

914 provided, that nothing in this Section shall authorize persons under twenty-one
915 (21) years of age to mix or serve across the bar intoxicating beverages or beer
916 under the provisions of 311.300 RSMo.

917 B. In any distillery, warehouse, wholesale distributorship, or similar place of
918 business which stores or distributes intoxicating liquor but which does not sell
919 intoxicating liquor at retail, persons at least eighteen years of age may be
920 employed and their duties may include the handling of intoxicating liquor for all
921 purposes except consumption, sale at retail, or dispensing for consumption or
922 sale at retail.

923 C. Any wholesaler licensed pursuant to this Chapter may employ persons of at
924 least eighteen years of age to:

925 1. Rotate, stock and arrange displays at retail establishments licensed to sell
926 intoxicating liquor; and

927 2. Unload delivery vehicles and transfer intoxicating liquor into retail licensed
928 premises if such persons are supervised by a delivery vehicle driver who is
929 twenty-one years of age or older.

930 **TITLE XII - PROHIBITED ACTS**

931 SECTION 600.330: - MISREPRESENTING AGE FOR THE PURPOSE OF PURCHASING, 932 ETC., ALCOHOLIC BEVERAGES

933 It is unlawful for any person under the age of twenty-one (21) years to misrepresent
934 his or her age or make a false statement willfully about his or her age to anyone for
935 the purpose of purchasing or in any way obtaining alcoholic beverages.

936 SECTION 600.340: - ACQUISITION OF ALCOHOLIC BEVERAGES FOR MINOR 937 PROHIBITED

938 It is unlawful for any person to obtain, convey, make available or deposit alcoholic
939 beverages in any place where such person knows, or by the exercise of reasonable
940 care should know, that a person or persons under the age of twenty-one (21) years
941 are likely to come into possession of the same. It is unlawful for any person to
942 purchase or in any way obtain alcoholic beverages for any person under the age of
943 twenty-one (21) years.

944 SECTION 600.350: - OPEN HOUSE PARTIES

945 No person who is the owner in possession, a tenant or sub-tenant, or has
946 temporary charge of any residence or premises, shall allow an open house party to
947 take place at the residence or premises if any alcoholic beverage is possessed or
948 consumed at the residence or premises by any minor where the person knew or
949 reasonably should have known that any alcoholic beverage was in the possession
950 or being consumed by a minor at the residence or premises and where the person

951 failed to take reasonable steps to prevent the possession or consumption of
952 alcoholic beverages at the residence or premises.

953 SECTION 600.360: - PENALTY

954 Upon conviction or a plea of guilty, any person, firm or corporation violating or
955 failing to comply with any of the provisions of this Chapter shall be subject to the
956 penalty provisions provided for in Section 100.220 of the City Code.

957 **TITLE XIII. - SUSPENSION OR REVOCATION OF A LICENSE OR PERMIT-CLOSING**
958 **OF PREMISE.**

959 SECTION 600.370: - SCOPE OF AUTHORITY

960 A. Whenever it shall be shown or whenever the Enforcement Agency has
961 knowledge that:

- 962 1. Failure to obtain or maintain a license from the Supervisor of Alcohol and
963 Tobacco Control;
- 964 2. Selling, offering for sale, possessing or knowingly permitting the
965 consumption on the licensed premises of any kind of intoxicating liquors,
966 the sale, possession or consumption of which is not authorized under the
967 license;
- 968 3. Selling, offering for sale, possessing or knowingly permitting the
969 consumption of any intoxicating liquor which has not been inspected and
970 labeled according to the laws of the State of Missouri; or
971
- 972 4. Selling, giving, or otherwise supplying intoxicating liquor to:
- 973 a. Any person under the age of twenty-one (21) years,
 - 974 b. Any person during unauthorized hours on the licensed
975 premises,
 - 976 c. A habitual drunkard or to any person who is under or
977 apparently under the influence of intoxicating liquor, or
 - 978 d. Any person on the licensed premises during the term of
979 suspension.
- 980 5. A licensee or permittee under this Chapter has allowed the premises to
981 become a disorderly place;
- 982 6. Such licensee or any employee, agent or servant of such licensee has
983 violated any of the provisions of this Chapter or provisions of Chapter 311
RSMo.;

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7. The license or permit held by such person was obtained through materially false statements in the application for such license or permit, or renewal;
 8. The licensee or permittee failed to make a complete disclosure of all pertinent information in the application for such license or permit, or renewal;
 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 has been discontinued or abandoned or the sale of alcoholic beverages has been discontinued, and that after five days' written notice, the licensee has failed to respond or satisfactorily explain;
 11. Anything has occurred which would render the licensee or permittee or licensed premises ineligible or unsuitable for a license or permit under the provisions of this Chapter or provisions of Chapter 311 RSMo.;
then the Enforcement Agency may suspend for a period not to exceed ninety (90) days, or revoke the license or permit issued, or in the case of an original application for a license or permit, refuse to issue a license or permit.
- B. Public Hearing Required. After not less than five days' notice, the City Council shall hold a public hearing to ascertain all facts in the matter. Such public notice shall be in writing and shall set out reasons for the public hearing and conditions under which the public hearing may be held, and shall be served upon the person to whom the license or permit is issued or by leaving a copy at the premises covered by the license or by mailing such public notice by certified or registered mail to the person to whom the license or permit is issued at their last known business or residence address.
- C. Public Hearing Procedure. The applicant, licensee or permittee shall have full right to have counsel, to produce witnesses and cross-examine all witnesses who may appear against them. All proceedings in such public hearing shall be recorded mechanically or electronically, in such a manner capable of being transcribed whenever required by law. Subpoenas shall be issued by the Enforcement Agency for any witness whose presence is desired at any public hearing or proceeding before the City Council. A subpoena may be served by any member of the Enforcement Agency. Witnesses may also appear voluntarily at such hearings and testify. Before any witness shall testify in any such public hearing or proceeding, they shall be sworn by the Enforcement Agency, to tell the truth and nothing but the truth. The Enforcement Agency shall make a finding and order on facts and law. No suspension or revocation shall become

1022 effective until ten (10) days after the finding and order has been made by the
1023 Enforcement Agency.

1024 D. Effect of Revocation. Whenever any license or permit shall be revoked under the
1025 terms and provisions of this Chapter, the licensee shall not thereafter be
1026 eligible for any license except at the discretion of the Enforcement Agency. Such
1027 revocation or suspension shall be in addition to the penalty provided for in
1028 Section 600.430.

1029 SECTION 600.380: - TEMPORARY CLOSING OF PREMISES

1030 Notwithstanding any other provision of this Chapter, the Enforcement Agency shall
1031 have power to close, for a period not to exceed twenty-four (24) hours, any
1032 premises which may be in the immediate area of any act of civil disobedience,
1033 threatened or occurring; provided, however, that it may not close such place under
1034 such circumstances without advising at the earliest possible moment the mayor
1035 and city council; and provided further, that the Enforcement Agency may not close
1036 such place for two or more consecutive twenty-four-hour periods without approval
1037 of the mayor, acting in their official capacity.

1038 SECTION 600.390: - REFUSAL TO OBEY SUBPOENA

1039 A. The failure or refusal of any person to obey all the terms and conditions of the
1040 subpoena issued by the Enforcement Agency is declared to be a misdemeanor,
1041 and upon conviction, such person shall be punished as provided for in Section
1042 600.420.

1043 B. Upon information by the City attorney that any person has failed or refused to
1044 obey all of the terms and conditions of the subpoena or subpoena duces tecum
1045 issued by the Enforcement Agency, the Raymore Municipal Court shall at once
1046 issue a warrant for the arrest of the person complained against, which shall be
1047 executed by a sworn Law Enforcement Officer.

1048 SECTION 600.400:- AUTOMATIC REVOCATION/SUSPENSION

1049 A license shall be revoked automatically if the licensee's State liquor license is
1050 revoked or if the licensee is convicted in any court of any violation of Chapter 311
1051 RSMo. A license shall be suspended automatically if the licensee's State liquor
1052 license is suspended, and the suspension shall be for a term not less than that
1053 imposed by the State.

1054 SECTION 600.410: - VIOLATION OF SUSPENSION OF CLOSING ORDER

1055 Any licensee who continues to operation following an order to close during the time
1056 of any suspension or closing order shall be charged with a misdemeanor. In
1057 addition, the licensee shall also be subject to further suspension or revocation of all
1058 licenses issued by the City.

1059 SECTION 600.420: - Penalty

1060 Upon conviction or a plea of guilty, any person, firm or corporation violating or
1061 failing to comply with any of the provisions of this Chapter shall be subject to the
1062 penalty provisions provided for in Section 100.220 of the City Code.

1063 **CHAPTER 605: - BUSINESSES, TRADES, OCCUPATIONS AND SERVICE**
1064 **OCCUPATIONS LICENSES, TAXES AND REGULATIONS**

1065 **ARTICLE I. - GENERALLY**

1066 SECTION 605.010: - ANNUAL LICENSE REQUIRED

1067 A. Purpose—Applicability—Exemptions. No person shall engage in any of the
1068 businesses, trades, occupations, or service occupations set forth in Section
1069 605.020 of this Chapter within the City without first having obtained a license
1070 from the City Clerk in compliance with the requirements of this Chapter and
1071 paying the applicable license fee. It is the express intent of the City and of this
1072 Chapter to license, regulate and impose a fee on every business, trade,
1073 occupation, or service occupation that is subject to licensing under the
1074 applicable laws of the State of Missouri; provided that, the license fees set forth
1075 in this Chapter shall not be applicable to leaders of faith-based organizations,
1076 teachers, college professors, lawyers, certified public accountants, dentists,
1077 chiropractors, optometrists, chiropodists, physicians, surgeons, farmers,
1078 producers selling produce raised by them, or any other profession or vocation
1079 enumerated under Sections 71.620.1 or 71.620.3, RSMo. No vendor in an event
1080 sponsored by the City shall be required to obtain a license unless they would
1081 otherwise be required to do so under the requirements of this chapter.

1082 The license fee provided for in this Chapter is a fee for the privilege of doing
1083 business within the City and shall be due and payable by the businesses, trades,
1084 occupations, or service occupations set forth in Section 605.020 of this Chapter,
1085 whether or not such businesses, trades, occupations, or service occupations occupy
1086 or maintain a business premises within the City; provided that, the license fees set
1087 forth in this Chapter shall not be applicable to veterinarians, architects, professional
1088 engineers, land surveyors, auctioneers, real estate brokers and salespersons, or
1089 any other profession enumerated under Section 71.620.2, RSMo., unless such
1090 persons maintain a business office within the City. Except as otherwise provided in
1091 this Chapter, the license shall be for the annual license year.

1092 B. *Applications—Requirements For Issuance.* Applications for licenses under this
1093 Chapter shall be made in writing on a form provided by the City and submitted
1094 to the City Clerk. An application shall be made to renew any license upon its

1095 expiration. The form of license shall be as prescribed by the City Clerk or
1096 designee.

1097 1. *Evidence of insurance.* At the time of application or reapplication, each
1098 applicant who is a contractor in the construction industry (as those terms
1099 are used in Section 287.061 RSMo.) shall produce a current copy of:

1100 a. a certificate of insurance naming the City of Raymore, Missouri as a
1101 certificate holder, for Workers' Compensation coverage or an affidavit
1102 signed by the applicant attesting that the contractor is exempt from the
1103 requirements of the Workers' Compensation Law, Chapter 287, RSMo.,
1104 or applicable successor statutes; and

1105 b. a policy of general liability insurance naming the City of Raymore,
1106 Missouri as a certificate holder, including completed operations
1107 coverage during the term of the building permit or during actual
1108 construction, whichever date is later. Such insurance policy shall be with
1109 a company licensed to do business in the State of Missouri. All
1110 contractors shall maintain general liability coverage in an amount as
1111 required in Section 537.610 (2) RSMo.

1112 c. Cass County and/or State of Missouri inspections, certificates or
1113 licensing, if applicable.

1114 d. Applicants shall provide the registered agent and office address if
1115 business owner is not the responsible party.

1116 2. Sales taxes and all other taxes and obligations to be paid.

1117 a. New application. No license shall be issued to any applicant under this
1118 Chapter until all financial obligations of the applicant to the City or other
1119 valid jurisdictions are paid and satisfied. Each applicant shall provide
1120 such documentation or certifications as the City Clerk may require to
1121 assure compliance with this Subsection.

1122 b. Mid-year Suspension. Any business holding a current valid occupational
1123 license that becomes delinquent on the payment of any financial
1124 obligation of the business to the City or other valid jurisdiction shall
1125 have said license suspended until such time that any such delinquent
1126 obligation is paid and satisfied. The City Clerk shall notify businesses
1127 delinquent in any obligation to the City or other valid jurisdiction in
1128 writing of the suspension of their license. The delinquency shall be paid
1129 within ten (10) days of the date on the notification letter. Failure to
1130 satisfy the delinquent financial obligation shall lead to revocation of
1131 business license in accordance with section 605.040 (B) and (C) of this
1132 Chapter.

1133 c. Expired License, Failure to Renew. Any business that allows their
1134 occupational license to expire shall not operate the business as of
1135 January 1 and must be issued a new business license, according to the

1136 process outlined in 605.010 2 (a) of this Chapter, before being allowed
1137 to resume the business operation in accordance with section 605.040
1138 (B) and (C) of this Chapter.

1139 C. *Determination Of Business Categories.* The City Clerk shall initially establish and
1140 classify each business, trade, occupation and service occupation within the
1141 categories provided in Section 605.020 of this Chapter. Any business, trade,
1142 occupation, or service occupation which objects to the category within which
1143 the business has been classified shall have the opportunity to file a written
1144 appeal to the City Manager and to request reclassification. Any such appeal
1145 shall be filed with the City Manager within ten (10) days after such classification
1146 for any appeal to be taken.

1147 1. *Multiple business activities by single entity.* Any applicant which is engaged in
1148 more than one (1) business, trade, occupation or service occupation
1149 category within the City shall make separate application for each such
1150 category and shall pay the applicable license fee(s).

1151 2. *Separate license required for each business premises.* Applicants which
1152 operate or maintain more than one (1) business premises within the City
1153 shall obtain a separate license for each such business premises. Applicants
1154 which do not maintain or operate a business premises within the City shall
1155 designate on the form of application for each applicable business, trade,
1156 occupation, or service occupation category a principal business address
1157 and, in the event of a change of such principal business address during the
1158 period of the license, shall notify the City Clerk in writing within ten (10)
1159 business days of the change.

1160 3. *License not transferable.* No license required under this Chapter shall be
1161 transferable or assignable.

1162 4. *Notification of change of location.* If the holder of a license to engage in a
1163 business, trade, occupation, or service occupation at a particular business
1164 premises changes the location of the business premises before the
1165 expiration of the license period, the license holder shall notify the City Clerk
1166 in writing. No business, trade, occupation, or service occupation shall be
1167 engaged at a new location until the notice of such change has been given as
1168 provided in this Subsection and until the holder has paid any additional
1169 license fees as may be determined to be applicable under this Chapter by
1170 the City Clerk.

1171 D. *How Issued, Maintained.* Upon completion of the required application forms,
1172 provision of the required information and documentation, and payment of the
1173 applicable license fees, the City Clerk shall issue the license. The license issued
1174 shall be signed by the City Clerk and countersigned by the Finance Director and
1175 the City Clerk shall affix the corporate seal of the City.

1176 1. *Record of licenses issued.* The City Clerk shall maintain a written record of
1177 each license issued under this Chapter; the amount of the license fee-paid;

1178 the business, trade, occupation, or service occupation for which the license
1179 was issued; the location, as applicable, where the license privilege is to be
1180 exercised; and the name of the holder of the license.

1181 2. *License to be available for examination.* The holder of any license issued
1182 under this Chapter shall have the duty to display or otherwise make the
1183 license available for examination and shall produce the license for
1184 inspection upon request of any City Official.

1185 E. *License Fees—Applicability.* Except as otherwise provided in this Chapter, the
1186 license fees shall be due and payable at the time of initial application for license
1187 and prior to commencing operations or business activity within the City.

1188 1. *Delinquencies subject to penalty.* From and after the date of delinquency of
1189 any license fee due and payable under this Chapter, the City Clerk shall add
1190 to the amount due five percent (5%) penalty for each month that such
1191 license fee remains delinquent and a business, trade, occupation, or service
1192 occupation is conducted within the City, up to a twenty-five percent (25%)
1193 maximum penalty. This penalty shall be in addition to all other penalties
1194 which may be imposed by law or Ordinance.

1195 2. *Discounted fees.* Amounts due under this Chapter as license fees for a
1196 business, trade, occupation, or service occupations exercised within the City
1197 shall be discounted at a rate of five percent (5%) per month after June first
1198 (1st).

1199 SECTION 605.020: - DEFINITIONS

1200 A. *Terms Defined.* The following words, terms and phrases when used in this
1201 Chapter shall have the meanings ascribed to them in this Section, except where
1202 the context clearly indicates a different meaning:

1203 *BUSINESS OCCUPATION:* Any business, trade, pursuit, occupation, and service
1204 occupation, excluding "merchants" and "manufacturers" (as those terms are
1205 defined in this Section) engaged in at any location within the City.

1206 *CONTRACTOR:* Any person or business that undertakes with or for another to
1207 construct, alter, repair or demolish any structure. The following persons shall
1208 not be considered contractors as defined herein: an employee or agent working
1209 for and under the supervision of a contractor licensed under this Chapter for
1210 any type of construction being undertaken; and a homeowner who personally
1211 occupies and undertakes the construction, alteration, repair or maintenance of
1212 such homeowner's single-family residence or any accessory structure. For
1213 purposes of this Chapter, any homeowner who undertakes the construction of
1214 a new residence for his personal occupancy more than one time in any five (5)
1215 year period shall be deemed to be a "contractor".

1216 *BUSINESS*: shall mean any sole proprietorship, partnership, association, limited
1217 liability company, or corporation.

1218 *MANUFACTURER*: Any person, corporation, co-partnership, or association of
1219 persons within the City who shall hold or purchase personal property for the
1220 purpose of adding to the value by any process of manufacturing, assembly,
1221 refining, or by the combination of materials.

1222 *MERCHANT*: Any person, corporation, co-partnership, or association of persons
1223 who shall deal in the sales of goods, wares or merchandise or providing for
1224 remuneration of entertainment (other than those activities operated by a "civic
1225 organization" as that term is defined in and pursuant to Chapter 615, of the City
1226 Code), lodging, recreational, or sports facilities at any stand, store, hotel, arena,
1227 theatre, or other premises occupied for that purpose within the City and not
1228 otherwise specifically enumerated in Subsection (B) of this Chapter. As used in
1229 this Chapter, the term "Merchant" shall also include every person, corporation,
1230 co-partnership, or association of persons doing business within the City who
1231 shall, in the conduct of such business, make or cause to be made any wholesale
1232 or retail sales of goods, wares, or merchandise, whether such sales be
1233 accommodation sales, or from a stock of goods on hand, or by ordering goods
1234 from another source, and whether the subject of said sales be similar or
1235 different types of goods than the type, if any, regularly processed or sold by
1236 such person.

1237 *HOME OCCUPATION*: An accessory use of any dwelling unit for business or
1238 commercial purposes, including any internet business, where the dwelling unit
1239 is the principal residence of the business operator, subject to the standards as
1240 outlined in Section 420.040 of the Unified Development Code of the City, unless
1241 prohibited by Section 71.620 RSMo. For the purposes of this Chapter, home
1242 occupations shall be classified as a business occupation.

1243 *NEW VEHICLE TRIP*: A single or one-direction vehicle movement having either an
1244 origin or destination at a given building or premises and occurring during the
1245 weekday afternoon peak period (P.M. Peak Hour) as determined by reference
1246 to the applicable property/use classification in the most recent edition of Trip
1247 Generation, published by the Institute of Transportation Engineers.

1248 B. *Business, Trade, Occupation, And Service Occupation Categories.*

1249 License fees are assessed on those business, trades, occupations, and service
1250 occupation categories as provided for in 94.110 RSMo.

1251 SECTION 605.025: - CONTRACTOR LICENSING

1252 A. *Purpose and Intent.* The purpose of contractor licensing is to protect the public
1253 health, safety and welfare by assuring that those undertaking the construction,
1254 alteration, repair or demolition of structures are qualified to perform such

1255 services. It is further the intent that owner-occupants of single-family residential
1256 structures be permitted, without first obtaining a contractor's license, to
1257 perform work on such homeowner's residence.

1258 B. *License Classifications.* There shall be five (5) separate classes of licenses
1259 authorized for contractors as provided:

1260 Class A: General Contractor - Entitles the contractor to construct, remodel,
1261 repair and demolish any structure. Said contractor shall not engage in any
1262 mechanical (HVAC), plumbing or electrical services unless also licensed as a
1263 Class D Contractor.

1264 Class B: Building Contractor - Entitles the contractor to construct, remodel,
1265 repair or demolish all structures not exceeding three (3) stories in height. Said
1266 contractor shall not engage in any mechanical (HVAC), plumbing or electrical
1267 services unless also licensed as a Class D Contractor.

1268 Class C: Residential Contractor - Entitles the contractor to construct, remodel,
1269 repair and demolish any single-family, duplex, or townhouse structure and
1270 buildings accessory. Said contractor shall not engage in any mechanical (HVAC),
1271 plumbing or electrical services unless also licensed as a Class D Contractor.

1272 Class D: Mechanical, Electrical and Plumbing Contractor - Entitles the contractor
1273 to perform mechanical (HVAC) services, plumbing services, or electrical
1274 contractor services. Said contractor shall be licensed for each trade in which
1275 they desire to perform work and shall not engage in any work entitled to a Class
1276 A, Class B, or Class C Contractor unless also properly licensed to perform said
1277 work.

1278 Class E: Sub-contractor - Entitles the contractor to perform work for any Class A,
1279 Class B, Class C contractor provided the work is completed under the
1280 supervision of the building permit holder. Said contractor shall not perform
1281 work of any Class D contractor unless licensed as a Class D contractor. A Class E
1282 contractor may obtain a building permit for any work that does not require a
1283 Class A, Class B, Class C or Class D contractor to obtain a permit, such as a
1284 fence permit, deck permit, sign permit, roof permit, swimming pool permit,
1285 on-site sewage disposal permit, or demolition permit.

1286 C. *License Qualifications.* Any individual or entity providing residential and/or
1287 commercial construction services, mechanical, plumbing or electrical contract
1288 or subcontract work within the City limits, in addition to all other requirements
1289 of this Chapter, shall satisfy one of the following requirements to obtain a
1290 contractor's license:

1291 1. Obtain or possess and maintain a certificate of competency from a
1292 nationally recognized testing institution or other recognized equivalency to
1293 the satisfaction of the Building Official, with a seventy percent (70%) passing
1294 score; or

- 1295 2. Hold a bachelor's degree in a field related to their license class as listed
1296 above from an accredited college or university; or
- 1297 3. Hold a valid contractor's license from Johnson County, Kansas or other
1298 municipality to the satisfaction of the Building Official where equivalency of
1299 licensing can be substantiated for the same category for which a license is
1300 requested from the City; or
- 1301 5. Class D Electrical Contractors that hold a Missouri Division of Professional
1302 Registration license in accordance with 324.900-324.945 RSMo.
- 1303 D. *Renewal of Licenses.* A Contractor's License issued in accordance with Section
1304 605.025(B) of this Chapter, shall expire on December 31st of the year. A
1305 contractor shall be entitled to renew such contractor's license upon satisfaction
1306 of the following requirements:
- 1307 1. Submittal of documentation that the licensee had at least eight (8)
1308 continuing education credits (CEU) related to the trade for which the license
1309 was issued within the last twelve (12) month period. The Building Official is
1310 authorized to verify whether the submitted CEU's meet this requirement.
- 1311 2. Any contractor whose license has been suspended for any Code-related
1312 violation must provide satisfactory evidence to the Building Official that the
1313 violation has been corrected in accordance with the applicable code.
- 1314 3. A contractor whose primary office is not physically located in the City limits
1315 may declare a license as inactive at the time of license renewal by
1316 submitting a letter to the City Clerk indicating the desire to have the license
1317 placed on inactive status. If placed on inactive status by the City Clerk the
1318 contractor is not required to pay the license renewal fee until the time the
1319 contractor requests renewal of the license. No building permit or Certificate
1320 of Occupancy can be issued unless the contractor has a current license.
- 1321 E. *Firms/Designated Representative.* A firm may obtain, in the firm's name, a
1322 contractor's license provided that such firm has at least one full-time employee
1323 who is designated by the firm as its representative and such designated
1324 representative satisfies one of the requirements of Section 605.025(B) of this
1325 Chapter. A designated representative must spend a minimum of thirty (30)
1326 hours per week carrying out meaningful supervision of the construction work of
1327 the firm. Whenever a building permit is issued in the name of the firm, the firm
1328 shall be subject to these regulations.
- 1329 F. *Failure to Obtain a License.* It shall be unlawful for any person to engage in the
1330 construction contractor business without first obtaining a license as required by
1331 this Chapter.
- 1332 G. *Appeal.* Any decision of the Building Official or designated representative in the
1333 administration and enforcement of the Contractor's Licensing requirements
1334 contained in Section 605.025 of this Chapter may be appealed to the Board of
1335 Appeals in accordance with Chapter 540 of the City Code.

1336 SECTION 605.026: - EROSION AND SEDIMENT CONTROL CERTIFICATION

- 1337 A. *Certificate Requirements.* Any Class A, B, or C contractors providing construction
1338 services within City limits, in addition to all other requirements of this Chapter,
1339 shall obtain a City Erosion and Sediment Control Certificate from the
1340 Engineering Department annually.
- 1341 B. *Renewal of Certificate.* An Erosion and Sediment Control Certificate issued in
1342 accordance with Section 605.026 of this Chapter shall expire on December 31st
1343 of the year as noted on the certificate. Renewal of the Certificate shall be a
1344 requirement to obtain or renew an occupational license.
- 1345 C. *Firms/Designated Representative.* A firm may obtain, in the firm's name, an Erosion
1346 and Sediment Control Certificate provided that such firm has at least one
1347 full-time employee who is designated by the firm as its representative and such
1348 designated representative satisfies one of the requirements of Section
1349 605.025(B) of this Chapter. A designated representative must spend a minimum
1350 of thirty (30) hours per week carrying out meaningful supervision of the
1351 construction work of the firm. Whenever a building permit is issued in the name
1352 of the firm, the firm shall be subject to these regulations.
- 1353 D. *Failure to Obtain an Erosion and Sediment Control Certificate.* It shall be unlawful
1354 for any Class A, B, or C contractor to engage in construction activity without first
1355 obtaining a certificate as required by this Chapter.
- 1356 E. *Appeal.* Any decision of the Public Works Director or designated representative in
1357 the administration and enforcement of the Erosion and Sediment Control
1358 Certification requirements contained in Section 605.026 of this Chapter may be
1359 appealed to the Board of Appeals in accordance with Chapter 540 of the City
1360 Code.

1361 SECTION 605.030: - LICENSE FEE SCHEDULE

- 1362 A. *License Fee Levied—Exemptions.* There is hereby levied on every business, trade,
1363 occupation, or service occupation enumerated in this Chapter a license fee
1364 upon the privilege of doing business within the limits of the City; provided that
1365 the license fee levied shall not be applicable to any profession or calling
1366 enumerated under Section 71.620, RSMo., or applicable successor statutes; and
1367 provided further that, the license fee levied shall not be applicable to any
1368 profession enumerated under Section 71.620.2, RSMo., or applicable successor
1369 statutes, unless such persons maintain a business office within the City.
- 1370 B. *Classification And Fees For Licenses.* License fees for each classification of
1371 Merchant, Manufacturer and Business Occupation shall be approved by the
1372 Governing Body and listed in the Schedule of Fees and Charges maintained in
1373 the Finance Department.
- 1374 C. *When Paid.* License fees under this Chapter shall be due and payable at the time
1375 of commencing operations or business within the City by any Merchant,

1376 Manufacturer, or Business Occupation and at renewal on or before the first
1377 (1st) day of January of each year.

1378 SECTION 605.040: - PENALTIES FOR VIOLATIONS

1379 A. *Non-Compliance Or Violation A Misdemeanor.* In addition to any other penalties
1380 prescribed under this Chapter or Chapter 500 of the City Code, related to
1381 construction activities, any failure to comply with or any violation of any
1382 provision of this Chapter shall upon conviction or a plea of guilty, any person,
1383 firm or corporation violating or failing to comply with any of the provisions of
1384 this Chapter shall be subject to the penalty provisions provided for in Section
1385 100.220 of the City Code. Each day of such failure or non-compliance shall
1386 constitute a separate offense.

1387 B. *Suspension Or Revocation.* Any failure to comply with or any violation of any
1388 provision of this Chapter may be cause for suspension or revocation of such
1389 license. The suspension or revocation as provided under this Section shall be in
1390 addition to any other penalties prescribed under this Chapter.

1391 1. *Suspension.*

1392 a. Any failure to comply with or any violation of any provision of this
1393 Chapter may be cause for suspension by the City Manager or their
1394 designee at the recommendation of the City Clerk,

1395 b. In addition to the language contained in subsection (1) (a) above, a
1396 contractor's license may be suspended by the City Manager or their
1397 designee after receiving a report from the Building Official that the
1398 contractor:

1399 1. Made a serious or repeated violation of the contractor licensing
1400 provisions, any applicable Code, or the failure to comply within a
1401 reasonable time to any lawful written order of the Building Official;
1402 or

1403 2. Fraudulently or deceitfully utilized a contractor's license to obtain a
1404 building permit; or

1405 3. Knowingly or intentionally misrepresented a material fact made in
1406 connection with obtaining a contractor's license or a building
1407 permit; or

1408 4. Failed to obtain a building permit or failed to obtain a required
1409 inspection of an ongoing project as required by any applicable
1410 Code; or

1411 5. Failed to exercise regular, routine control and supervision over an
1412 ongoing project for which the contractor has obtained a building
1413 permit; or

- 1414 6. Failed to obtain a certificate of occupancy for a completed structure,
1415 prior to occupancy, as required by the applicable building code; or
- 1416 7. Failed to hire a licensed electrical, plumbing, or mechanical (HVAC)
1417 contractor to perform any electrical, plumbing or mechanical work
1418 on the job site for which the contractor obtained a building permit.

1419 2. *Revocation.*

- 1420 a. Any failure to comply with or any violation of any provision of this
1421 Chapter may be cause for revocation of such license by the City Council
1422 upon the recommendation of the City Manager for any of the following
1423 causes:

- 1424 1. Fraud, misrepresentation or false statement contained in the
1425 application for license;
- 1426 2. Fraud, misrepresentation or false statement made in the course of
1427 carrying on their business within the City;
- 1428 3. Any violation of this Chapter;
- 1429 4. Conviction of any felony crime; or
- 1430 5. Conducting business in an unlawful manner so as to constitute a
1431 breach of the peace or menace to health, safety or general welfare
1432 of the public.

- 1433 b. Notice of the hearing for revocation of a license shall be given in writing
1434 setting forth specifically the grounds for complaint at the time and place
1435 of hearing. Notice shall be mailed to the licensee or applicant at least
1436 five (5) days prior to the date set for the hearing and any decision to be
1437 made by the City Council with respect to revocation. Notice shall
1438 indicate the date and time of the Council's hearing. All decisions of the
1439 City Council following the hearing shall be final.

- 1440 C. Any person or entity found guilty of violating any provision of this Code shall be
1441 subject to the penalty provisions of Section 100.220 of the City Code in addition
1442 to the suspension or revocation.

- 1443 D. *Unlawful Continuation—Further Remedies Authorized.* In the event any business,
1444 trade, occupation or service occupation which is required to obtain an annual
1445 license under this Chapter continues to operate after having received written
1446 notice of failure to obtain such license or in the event any business, trade,
1447 occupation or service occupation continues to operate following revocation or
1448 suspension of such license pursuant to Subsection 605.040(B) of this Chapter,
1449 the City Manager, the City Clerk or any other official authorized to enforce City
1450 license ordinances may seek injunctive relief from the Circuit Court or order of
1451 the Municipal Court to restrain, correct, abate or prevent such continued
1452 operation. In the event of the issuance of an injunction or order by a court of
1453 competent jurisdiction, the costs of such enforcement proceedings may be

1454 charged against the offending party. The remedies provided for by this
1455 Subsection (D) shall be in addition to all other costs and penalties prescribed
1456 under this Chapter.

1457 **ARTICLE II. - LICENSE TAX SURCHARGE FOR DEVELOPMENT THAT GENERATES**
1458 **NEW TRAFFIC**

1459 **Cross reference**— As to methodology for calculating the license tax, see Resolution
1460 00-04 on file in the City offices. As to administrative guidelines applicable to the
1461 license tax surcharge on building contractors, as authorized by Ordinance 20004 in
1462 this Article, see Resolution 00-24 on file in the City offices.

1463 SECTION 605.050: - RESERVED

1464 SECTION 605.060: - DEFINITIONS

1465 As used in this Article, the following terms and phrases have the following meaning:

1466 *AREA OF BUILDING:* The total floor area of a building measured by square feet.

1467 *BUILDING:* Any structure used or intended for supporting or sheltering any use
1468 or occupancy.

1469 *BUILDING CONTRACTOR:* A person that is licensed to build a building.

1470 *BUILDING PERMIT:* The permit required for new construction and additions
1471 pursuant to Chapter 500 of the City Code, as amended.

1472 *DEVELOPER:* A person who engages in development.

1473 *DEVELOPMENT:* Any man-made change to improved or unimproved land.

1474 *DWELLING UNIT:* One (1) or more rooms constituting all or part of a building and
1475 that are arranged, designed, or used exclusively as a single housing unit and
1476 that includes cooking, living, sanitation, and sleeping facilities.

1477 *ECONOMIC DEVELOPMENT INCENTIVE:* Any program, approval or legislative action
1478 of the City or the state which authorizes the use of public funds, tax credits or
1479 tax abatement to facilitate development or redevelopment of property in the
1480 City.

1481 *LICENSE TAX SURCHARGE:* The tax surcharge imposed upon a building contractor
1482 pursuant to this Article.

1483 *LICENSE TAX SURCHARGE ADMINISTRATOR:* The City Clerk.

1484 *NON-RESIDENTIAL*: Created or used for any purpose other than residential uses
1485 or purposes.

1486 *PERSON*: Any individual, partnership, corporation, trust, incorporated or
1487 unincorporated association, marital community, joint venture, governmental
1488 entity, or other entity or group of persons however organized.

1489 *P.M. PEAK HOUR*: The hour between 4:00 and 6:00 P.M. during the weekdays,
1490 Monday through and including Friday, at which the average traffic volume is
1491 highest.

1492 *PUBLIC BODY*: Agencies of the Federal or State government, or political
1493 subdivisions of the State.

1494 *RESIDENTIAL*: Primarily created or used for a dwelling for one (1) or more
1495 persons.

1496 *SCHOOL DISTRICT*: A public school district of the State of Missouri.

1497 *STRUCTURE*: Any piece of work artificially built up or composed of parts joined
1498 together in some definite manner for either residential or non-residential
1499 purposes.

1500 *VEHICLE TRIP*: A single or one-direction vehicle movement with either the origin
1501 or the destination (exiting or entering) at the subject building. For trip
1502 generation purposes, the total trip ends for a building over a given period of
1503 time are the total of all trips entering plus all the trips exiting a site during a
1504 designated time period.

1505 SECTION 605.070: - APPLICABILITY

1506 A. This Article shall be applicable to development requiring a residential building
1507 permit and resulting in additional vehicle trips. This Article shall be applicable to
1508 development requiring a non-residential building permit and resulting in
1509 additional vehicle trips on properties that receive, or on properties that are a
1510 direct beneficiary of, any economic development incentive. This Article shall not
1511 apply to any non-residential development that relocates from an existing store
1512 or facility within the City into areas that receive, or that are the direct
1513 beneficiary of, economic development incentives. All development located on
1514 properties that are within the boundaries of an area or district in which an
1515 economic development incentive is approved is deemed to be a direct
1516 beneficiary of the economic development incentive. As used in this Subsection,
1517 "relocates" means that an existing store or facility ceases operations and closes
1518 for business at the prior location in the City within one (1) year before or one (1)
1519 year after the new store or facility opens in the area where the economic
1520 development incentive is provided. Additional vehicle trips shall be calculated
1521 during the afternoon time period (P.M. peak hour) when traffic volume on

1522 adjacent streets is highest. As used in this Section, additional vehicle trips shall
1523 mean vehicle trips that add to the total traffic volume on the street network as
1524 a result of the new development. This Article shall apply to any building permit
1525 submitted subsequent to March 1, 2012.

1526 B. *Credits.* Any credit granted under this Article shall reduce the total license tax
1527 surcharge owed by a building contractor.

1528 1. Upon submission of a proper application, the following persons shall be
1529 granted a full credit in the amount of the license tax surcharge imposed
1530 pursuant to this Article by the License Tax Surcharge Administrator.

1531 a. Development requiring a building permit and resulting in additional
1532 vehicle trips constructed by, or by a building contractor on behalf of, a
1533 public body for its governmental use;

1534 b. Development requiring a building permit and resulting in additional
1535 vehicle trips constructed by, or by a building contractor on behalf of, a
1536 school district of the State.

1537 c. Rebuilding of an involuntarily damaged or destroyed building, provided
1538 that such rebuilding does not result in additional vehicle trips.

1539 d. Development requiring a building permit and resulting in additional
1540 vehicle trips constructed by, or by a building contractor on behalf of, a
1541 person that has entered into a development agreement with the City,
1542 executed and dated prior to the enactment of this Article, wherein the
1543 development agreement contains:

1544 (1) A specific clause that provides that the person shall not be required
1545 to make financial contributions for improvements to the City's
1546 street network other than as specifically provided for in the
1547 development agreement; and

1548 (2) A commitment by the person entering into a development
1549 agreement with the City to construct or reconstruct, or provide a
1550 financial contribution for, street improvements in the City, and
1551 which financial contributions and/or street improvements enhance
1552 the City's street network.

1553 e. Development requiring a building permit and resulting in additional
1554 vehicle trips that is constructed by, or by a building contractor on behalf
1555 of, a person that is not subject to any Federal, State or local taxes,
1556 including Federal, State and local sales, income, personal property, real
1557 property, use, earnings, excise or license taxes. The burden of proof
1558 shall be on the building contractor claiming this credit to demonstrate
1559 to the License Tax Surcharge Administrator, by clear and convincing
1560 evidence, that the development being constructed by, or by a building
1561 contractor on behalf of, a person claiming such credit is exempt from all
1562 Federal, State and local taxes as described in this Subsection.

- 1563 f. A building contractor that requests a building permit for which a final
1564 plat was approved by the appropriate approving authority on or before
1565 April 1, 2000, and for which a complete building permit application, as
1566 determined by the building official, is submitted on or before
1567 September 30, 2001.
- 1568 2. Upon submission of a proper application, the following persons shall be
1569 granted a partial credit from the license tax surcharge imposed pursuant to
1570 this Article by the License Tax Surcharge Administrator:
- 1571 a. A building contractor that requests a building permit that is required for
1572 utilization of currently underutilized facilities within an existing building.
1573 As used in this Subsection, underutilized means not fully occupied or
1574 being used to full capacity. The credit shall be granted only for the
1575 number of trips that were generated by the previously underutilized
1576 facility during the P.M. peak time period;
- 1577 b. A building contractor that requests a building permit that is required for
1578 a change of existing uses within an existing building, except that a
1579 change of use from a residential use to a non-residential use shall not
1580 be granted a credit. The credit shall be granted only for the number of
1581 trips that were generated by the building during the P.M. peak time
1582 period prior to the change in use;
- 1583 c. A building contractor that requests a building permit that results in the
1584 redevelopment of property, provided that a complete application for a
1585 building permit to construct a building to replace the existing building is
1586 filed within six (6) months following demolition of the existing building,
1587 or within a longer period of time as approved by the License Tax
1588 Surcharge Administrator or the City Manager. As used in this
1589 Subsection, redevelopment means the demolition of one (1) or more
1590 buildings and the subsequent construction of one (1) or more new
1591 buildings on the property. The credit shall be granted only for the
1592 number of trips that were generated by the previous building during
1593 the P.M. peak time period.
- 1594 C. In the event that the building is transferred to a person that would not be
1595 eligible for a credit, within a period of one (1) year from the date of the issuance
1596 of the building permit, the transferee shall be required to pay the license tax
1597 surcharge imposed by this Article.

1598 SECTION 605.080: - ASSESSMENT AND COLLECTION OF THE LICENSE TAX
1599 SURCHARGE

- 1600 A. Upon submission of a building permit application, the License Tax Surcharge
1601 Administrator shall:
- 1602 1. Determine the applicability of this Article to the development for which a
1603 building permit is submitted;

- 1604 2. If this Article is not applicable, the License Tax Surcharge Administrator
1605 shall notify the applicant in writing of its inapplicability, and the City shall
1606 process the building permit application in accordance with all applicable
1607 City ordinances and regulations;
- 1608 3. If this Article is applicable, the License Tax Surcharge Administrator shall
1609 calculate and assess the license tax surcharge in accordance with this
1610 Article. The applicable license tax surcharge shall be calculated pursuant to
1611 Section 605.090 of this Article. Assessment shall be completed within fifteen
1612 (15) days of submission of a building permit application, unless the
1613 applicant is notified otherwise in writing by the License Tax Surcharge
1614 Administrator.
- 1615 B. The license tax surcharge, subject to Section 605.080(E) of this Article, shall be
1616 paid to the License Tax Surcharge Administrator prior to issuance of a building
1617 permit by the building official; provided that the License Tax Surcharge
1618 Administrator shall allow the applicant to delay the payment of the license tax
1619 surcharge for non-residential uses until prior to the issuance of any certificate
1620 of occupancy, if the applicant submits a written request to do so to the License
1621 Tax Surcharge Administrator. In such instance, but subject to Section 605.080(E)
1622 of this Article, no certificate of occupancy shall be issued by the building official
1623 until the license tax surcharge has been paid.
- 1624 C. The imposition of the license tax surcharge pursuant to this Article does not
1625 alter, negate, supersede or otherwise affect any of the requirements of the City,
1626 including the City zoning ordinance and subdivision regulations and County,
1627 State and Federal legislation or regulations that may be applicable to a
1628 development that may impose street network improvements.
- 1629 D. The funds collected pursuant to this Article shall be deposited in the Excise Tax
1630 Fund of the City and separately accounted for and used for the purposes
1631 specified in Section 605.050(B)(1) of this Article.
- 1632 E. The Building Official shall have the authority, upon written request of the
1633 applicant, to delay collection of the license tax surcharge for those structures
1634 that are shell buildings that are constructed for the purpose of speculative
1635 office or similar development, until tenant finish building permits are issued for
1636 tenant occupancy.
- 1637 F. It shall be unlawful to occupy a building subject to the provisions of this Article
1638 unless the license tax surcharge for that building has been paid.

1639 SECTION 605.090: - CALCULATION OF THE LICENSE TAX SURCHARGE

1640 The City shall calculate the license tax surcharge as follows:

- 1641 1. The City Council shall by resolution establish the license tax surcharge
1642 imposed upon a building contractor that shall be calculated by multiplying
1643 the "*trip generation rate*" by the "*license tax surcharge rate*".

- 1644 2. *Trip generation rate.* The trip generation rate is a measurement of the
1645 number of trips to and from a building for which a building permit
1646 application is submitted.
- 1647 a. The License Tax Surcharge Administrator shall determine the trip
1648 generation rate for residential property by multiplying the number of
1649 dwelling units by the trip generation rate specified for the specific type
1650 of land use category.
- 1651 b. The License Tax Surcharge Administrator shall determine the trip
1652 generation rate for non-residential property by dividing the total floor
1653 area of the building, measured in square feet, by one thousand (1,000),
1654 and then multiplying that number by the trip generation rate specified
1655 for the specific type of land use category.
- 1656 3. *License tax surcharge rate.* The license tax surcharge rate is a measurement
1657 of the rate of tax surcharge to be paid by building contractors according to
1658 land use classifications.

1659 SECTION 605.100: - ADMINISTRATION OF THIS ARTICLE

- 1660 A. The License Tax Surcharge Administrator shall perform all duties imposed by
1661 this Article unless otherwise provided.
- 1662 B. The City Manager shall have the authority to create administrative guidelines
1663 that are necessary to effectuate and carry out the intent and purposes of this
1664 Article. No administrative guidelines shall take effect until adopted by
1665 resolution by the City Council.

1666 SECTION 605.110: - APPEALS

- 1667 A. *Appeal To The City Manager.*
- 1668 1. A building contractor or developer ("*appellant*") may appeal the assessment
1669 of a license tax surcharge to the City Manager by filing a Notice of Appeal
1670 with the City Manager within thirty (30) days following the assessment of
1671 the license tax surcharge by the License Tax Surcharge Administrator. If an
1672 appellant fails to appeal the assessment of the license tax surcharge within
1673 thirty (30) days as set forth in this Section, the assessment of the license tax
1674 surcharge shall be final and no appeal shall be heard. If the appellant pays
1675 the license tax surcharge without protest, the appellant waives the right to
1676 appeal the assessment of the license tax surcharge.
- 1677 2. If the license tax surcharge is due and payable under the terms of Section
1678 605.080, and an appellant desires to process a building permit application
1679 or any certificate of occupancy during the appeal process, the building
1680 contractor is required to pay the license tax surcharge under protest. If the
1681 license tax surcharge is paid under protest by the building contractor, an
1682 appeal from a final decision of the License Tax Surcharge Administrator

1683 shall not delay the processing of the building permit and shall not delay any
1684 other permit, license or approval issued by the City.

1685 3. An appellant may appeal to the City Manager the following decisions:

1686 a. The land use classification of the development;

1687 b. The number of trips generated by the proposed development;

1688 c. Any credit determination pursuant to Section 605.070(B) of this Article.

1689 4. Within ten (10) days of receipt of the Notice of Appeal, or by such date as
1690 shall be agreed upon in writing between the appellant and the City, the
1691 appellant shall submit to the City Manager copies of all studies, calculations
1692 and other documentation appropriate to the determination of the license
1693 tax surcharge. If a specified basis for the appeal is to challenge the License
1694 Tax Surcharge Administrator's determination of the number of trips
1695 generated by the proposed development, the appellant may be required to
1696 submit to the City Manager a traffic study prepared by a certified traffic
1697 engineer or traffic engineering firm, paid for by the appellant, which sets
1698 forth the appellant's proposed trip generation calculations for the
1699 development. If the basis for the appeal is a credit determination pursuant
1700 to Section 605.070(B) of this Article, the appellant must submit to the City
1701 Manager proof that it is eligible for a credit and the extent of the credit.

1702 5. The Notice of Appeal filed with the City Manager shall specify the grounds
1703 for the review. The City Manager shall consider the appeal. The appellant
1704 maintains the burden of proof to demonstrate by clear and convincing
1705 evidence that:

1706 a. The land use classification of the development is incorrect;

1707 b. The number of trips generated by the development, as calculated by the
1708 License Tax Surcharge Administrator, does not reflect the actual
1709 number of trips created by the development; or

1710 c. The credit determination under Section 605.070(B) of this Article is
1711 incorrect.

1712 6. Within thirty (30) days after filing of the Notice of Appeal, the City Manager
1713 shall render a final decision in writing to the appellant regarding
1714 assessment, calculation and collection of the license tax surcharge.

1715 **B. *Appeal To The City Council***

1716 1. An appeal under this Subsection may be heard only if the appellant has
1717 received a final decision from the City Manager pursuant to Section
1718 605.110(A)(6) of this Article.

1719 2. If the license tax surcharge is due and payable under the terms of Section
1720 605.080 of this Article, and an appellant desires to process a building permit
1721 application or any certificate of occupancy after appeal is taken from the
1722 final decision of the City Manager, the building contractor is required to pay

- 1723 the license tax surcharge under protest. If the license tax surcharge is paid
1724 under protest by the building contractor, an appeal from a final decision of
1725 the City Manager shall not delay processing the building permit and shall
1726 not delay any other permit, license or approval issued by the City.
- 1727 3. An appellant may appeal the final decision of the City Manager by filing a
1728 Notice of Appeal with the City Clerk within fifteen (15) days following
1729 issuance of the final written decision of the City Manager as specified in
1730 Section 605.110(A)(6) of this Article. If an appellant fails to appeal the final
1731 decision of the City Manager within fifteen (15) days as set forth in this
1732 Section, the assessment of the license tax surcharge shall be final and no
1733 appeal shall be heard.
- 1734 4. An appellant may appeal the following decisions of the City Manager to the
1735 City Council:
- 1736 a. The land use classification of the development;
- 1737 b. The number of trips generated by the proposed development; or
- 1738 c. Any credit determination pursuant to Section 605.070(B) of this Article.
- 1739 5. Within thirty (30) days of receipt of the Notice of Appeal, or by such date as
1740 shall be agreed upon in writing between the appellant and the City, the
1741 appellant shall submit to the City Council copies of all studies, calculations
1742 and other documentation appropriate to the determination of the license
1743 tax surcharge. If a specified basis for the appeal is to challenge the City
1744 Manager's determination of the number of trips generated by the proposed
1745 development, the appellant may be required to submit to the City Council a
1746 traffic study prepared by a certified traffic engineer or traffic engineering
1747 firm, paid for by the appellant, which sets forth the appellant's proposed
1748 trip generation calculations for the development. If the basis for the appeal
1749 is a credit determination pursuant to Section 605.070(B) of this Article, the
1750 appellant must submit to the City Council proof that it is eligible for a credit
1751 and the extent of the credit.
- 1752 6. The Notice of Appeal shall specify the grounds for the appeal, and no
1753 argument shall be heard by the City Council that is not set forth in the
1754 Notice of Appeal. The Notice of Appeal shall be forwarded to the City
1755 Council along with a recommendation from City staff and the City Council
1756 shall conduct a hearing. The appellant shall receive notice of the hearing at
1757 least fifteen (15) days prior to the hearing. The burden of proof shall be on
1758 the appellant to demonstrate by clear and convincing evidence that:
- 1759 a. The land use classification of the development is incorrect; or
- 1760 b. The number of trips generated by the development, as calculated by the
1761 License Tax Surcharge Administrator, does not reflect the actual
1762 number of trips created by the development; or

1763 c. The credit determination under Section 605.070(B) of this Article is
1764 incorrect.

1765 7. Within thirty (30) days after the City Council's final decision, the party that
1766 submitted the Notice of Appeal shall receive written notice of the decision.

1767 C. *Calculation Of Days.* The number of days specified in Section 605.110 of this
1768 Article shall include weekend days and holidays. The last day of the period shall
1769 be included in the computation, unless it is a Saturday, Sunday or legal holiday,
1770 and if it is, the period runs until the end of the next day which is not a Saturday,
1771 Sunday or a legal holiday. A half-holiday shall be considered as other days and
1772 not as a holiday. "Legal holiday" includes any day designated as a holiday by the
1773 Congress of the United States, Missouri General Assembly or the City Council.

1774 SECTION 605.120: - ANNUAL REVIEW

1775 A. Annually, the City Manager shall prepare a report on the subject of the license
1776 tax surcharge, which report shall include:

- 1777 1. Recommendations on amendments, if appropriate, to this Article;
- 1778 2. Any increase in the license tax surcharge rates, which shall become effective
1779 on November first (1st) of that year;
- 1780 3. Proposed changes to the license tax surcharge calculation methodology,
1781 including the trip generation estimates and the land use categories, if
1782 appropriate;
- 1783 4. Analysis of costs and revenues resulting from the license tax surcharge
1784 imposed pursuant to this Article;
- 1785 5. The status of the implementation and administration of this Article;
- 1786 6. A summary of the appeals taken from the imposition of the license tax
1787 surcharge imposed pursuant to this Article.

1788 B. *License Tax Review Committee.*

- 1789 1. The report shall be presented to the License Tax Review Committee. The
1790 Mayor shall appoint, upon the advice and consent of a majority of the City
1791 Council, the members of the License Tax Review Committee for two (2) year
1792 terms. The License Tax Review Committee shall be composed of five (5)
1793 members, including a member of the City Council, two (2) citizens of the
1794 City, a local developer and one (1) City staff appointment. The Chair of the
1795 License Tax Review Committee shall be the member of the City Council.
- 1796 2. The License Tax Review Committee's primary purpose shall be to review
1797 and comment on the annual report prepared by the City Manager. The
1798 Committee's comments shall be forwarded to the City Council.

1799 C. Based on the annual report, the comments of the License Tax Review
1800 Committee, and other factors as the Council deems relevant and appropriate,
1801 the Council may amend this Article.

1802 E. The annual review shall be completed by the fourth (4th) Monday of July of each
1803 year.

1804 **CHAPTER 610: - PEDDLERS, CANVASSERS, AND SOLICITORS**

1805 SECTION 610.010: - DEFINITIONS

1806 The following words, terms and phrases, when used in this chapter, shall have the
1807 meanings ascribed to them in this section, except where the context clearly
1808 indicates a different meaning:

1809 *Canvasser/Solicitor* shall mean a person who attempts to enlist support for or
1810 against any cause or non profit organization political issue or candidate even if
1811 incidental to such purpose the canvasser accepts the donation of money.

1812 *Peddler* shall mean a person who attempts to sell a good or service, for profit to
1813 their principal, or seeks a donation for any cause of a profit-making or
1814 commercial character. Peddler shall not mean a student of an educational
1815 institution who attempts to make personal contact with a resident at their
1816 residence without prior specific invitation or appointment from the resident, for
1817 the primary purpose of attempting to sell a good or service as a fundraising
1818 activity for the benefit of an educational program or non-profit organization.

1819 SECTION 610.020: - PERMIT REQUIRED

1820 It shall be unlawful within the corporate limits of the City for any person to engage
1821 in any act as a peddler as defined in Section 610.050 of this Code without first
1822 obtaining from the City, a peddlers permit and an identification card in accordance
1823 with the provisions of this Chapter. Peddlers, canvassers, and solicitors must
1824 display their identification card and permit in a visible location to the public and law
1825 enforcement officers at all times.

1826 SECTION 610.020: - INVITATION REQUIRED

1827 It shall be unlawful for any peddler to enter into any private residence or business
1828 without invitation, or when such premises are posted with a sign stating "No
1829 Peddlers Allowed" or "No Solicitations Allowed" or other words to such effect.

1830 SECTION 610.030: - REFUSING TO LEAVE

1831 Any peddler who enters upon premises owned, leased, or rented by another, and
1832 refuses to leave such premises after having been notified by the owner or occupant

1833 of such premises, or their agent, to leave and not return to such premises, shall be
1834 deemed guilty of a misdemeanor.

1835 SECTION 610.040: - APPLICATION FOR PERMIT

1836 Applicants for permits under this Chapter must file with the Chief of Police a sworn
1837 application in writing on a form to be furnished by the Police Department.

1838 SECTION 610.050: - ENFORCEMENT BY POLICE

1839 It shall be the duty of any Law Enforcement Officer of the City to require any person
1840 seen peddling, and who is not known by such officer to be duly permitted, to
1841 produce their peddler's permit and to enforce the provisions of this Chapter
1842 against any person found to be violating the same.

1843 SECTION 610.060: - RECORDS OF VIOLATIONS

1844 The Chief of Police shall maintain a record for each permit issued and the reports of
1845 violation(s).

1846 SECTION 610.070: - VIOLATIONS

1847 Any person found guilty of violating any provision of this Code shall be subject to
1848 the penalty provisions of Section 100.220 of the City Code.

1849 SECTION 610.080: - FEES GENERALLY

1850 The fees for any peddler permit that may be issued under the provisions of this
1851 Chapter as approved by the Governing Body and listed in the Schedule of Fees and
1852 Charges maintained in the Finance Department.

1853 SECTION 610.090: - HOURS OF OPERATION

1854 It shall be unlawful for any peddler to engage in the business of peddling within the
1855 City between the hours of 7:00 P.M. and 9:00 A.M. or at any time on Sundays,
1856 except by specific appointment with or by invitation from the prospective customer.

1857 SECTION 610.100: - PERMIT NON-TRANSFERABLE

1858 No permit issued under this Chapter shall be transferable or assignable.

1859 SECTION 610.110: - USE OF STREETS-PUBLIC AREAS AND CITY SPONSORED EVENTS

1860 1. Except as may be provided herein for vendor spaces at City sponsored
1861 events, no peddler or solicitor shall have any exclusive right to any location in
1862 the streets or public areas of the City, nor shall any be permitted a stationary
1863 location, nor shall they be permitted to operate in any congested area where
1864 their operations might impede or inconvenience the public. For the purpose
1865 of this Chapter, the judgment of a Law Enforcement Officer, exercised in

1866 good faith, shall be deemed conclusive as to whether the area is congested
1867 or the public impeded or inconvenienced.

1868
1869 2. No peddler or solicitor shall be permitted to operate within twenty (20) feet
1870 outside of the identified entrance to a City sponsored event.

1871 3. No peddler or solicitor shall be permitted to operate within a City sponsored
1872 event where vendor spaces are allocated, unless such peddler shall have
1873 acquired a vendor space for the same. A peddler or solicitor who has
1874 acquired a vendor space at a City sponsored event shall operate from within
1875 their vendor space only.

SECTION 610.120: - LOUD NOISES AND SPEAKING DEVICES

1876 No peddler, solicitor/canvasser, nor any person acting on their behalf, shall violate
1877 any portion of Chapter 280, Noise and Peace Disturbance Standards, of the City
1878 Code.

1879 SECTION 610.130: - SALES NEAR CHURCHES, SCHOOLS, ASSEMBLIES

1880 It shall be unlawful for any peddler to sell or attempt to sell within one thousand
1881 (1,000) feet from any school, church, or public assembly while the same is in
1882 session and for thirty (30) minutes before and after said assembly or session.

1883 SECTION 610.140: - REVOCATION OF PERMIT

1884 Permits issued under the provisions of this Chapter may be revoked by the Chief of
1885 Police for any of the following causes:

- 1886 1. Fraud, misrepresentation, or false statement contained in the application
1887 for license.
- 1888 2. Fraud, misrepresentation, or false statement made in the course of carrying
1889 on their business as a peddler.
- 1890 3. Any violation of this Chapter.
- 1891 4. Conviction of any crime or misdemeanor involving moral turpitude.
- 1892 5. Conducting the business of peddling in an unlawful manner or in such a
1893 manner as to constitute a breach of the peace or to constitute a menace to
1894 the health, safety, or general welfare of the public.

1895 SECTION 610.150: - APPEAL

1896 In the event of a denial of an application or a revocation of a permit by the Chief of
1897 Police, the applicant may file an appeal to the City Manager. Such appeal shall be
1898 heard within forty-eight (48) hours of the date and time the appeal was filed with
1899 the City Manager. The City Manager shall make the decision and shall set forth the
1900 grounds for granting or denying the appeal.

1901 SECTION 610.160: - EXPIRATION OF PERMITS

1902 Said permit shall expire thirty (30) days after the date of issuance.

1903 SECTION 610.170: - EXCEPTIONS TO CHAPTER

1904 The provisions of this Chapter shall not apply to canvassers, solicitations, sales, or
1905 distributions made by charitable, educational or religious organizations which have
1906 their principal place of activity in the City.

1907 **CHAPTER 615: - PUBLIC AMUSEMENTS**

1908 SECTION 615.010: - CHAPTER DEFINITIONS

1909 As used in this Chapter, and unless otherwise defined or distinctly expressed, the
1910 following words and phrases shall have the following meanings:

1911 *ADMISSION CHARGE:* Any charge or consideration for the right or privilege to
1912 enter or interact with any amusement or entertainment, or admission to or
1913 entry to any area or facility, where such amusements or entertainment acts are
1914 conducted.

1915 *AMUSEMENT OR ENTERTAINMENT:* Includes but not limited to independently
1916 operated, transient and temporary festivals, carnivals, circuses and sideshows,
1917 and street fairs, for which an admission charge is made.

1918 *CIVIC ORGANIZATION:* Any not-for-profit organization, organized for civic,
1919 charitable, benevolent or religious purposes, and the purposes of which are
1920 primarily for the benefit of the City and its citizens. Political organizations are
1921 expressly excluded from being within the definition of such term.

1922 SECTION 615.020: - PERMIT REQUIRED

1923 A permit must be obtained in order to conduct any amusement or entertainment
1924 within the limits of this City, under the provisions of this Chapter. Civic
1925 organizations shall be required to obtain a permit, but shall have the permit fee
1926 waived; other amusements or entertainment may be conducted, but only if the
1927 same has been licensed under the provisions of Chapter 605 of this Code.

1928 SECTION 615.030: - APPLICATION FOR PERMIT

1929 Every civic or independently operated organization proposing to sponsor or
1930 conduct any amusement or entertainment within the City shall apply in writing to
1931 the City Clerk for a permit to operate such amusement or entertainment.

- 1932 1. All applicants shall accompany their application with a refundable cash
1933 deposit approved by the Governing Body and listed in the Schedule of Fees
1934 and Charges maintained in the Finance Department, which shall secure the
1935 applicant's removing all litter from the site of the amusement or
1936 entertainment at its termination.
- 1937 2. The City Clerk may refuse to issue a permit to any amusement or
1938 entertainment, the operation of which does not comply with this Chapter,
1939 or which has in any previous operation in any other City, or in this City,
1940 violated the ordinance or requirements of such other City or of this City.
1941 The decision of the City Clerk to deny a permit may be appealed to the City
1942 Manager.
- 1943 3. In the event of a denial of an application or a revocation of a permit by the
1944 City Clerk, the applicant may file an appeal to the City Manager. Such
1945 appeal shall be heard within forty-eight (48) hours of the date and time the
1946 appeal was filed with the City Manager. The City Manager shall make the
1947 decision and shall set forth the grounds for granting or denying the appeal.
- 1948 4. Upon determination that the proposed amusement or entertainment shall
1949 comply with this Chapter, the City Clerk shall issue a permit and shall so
1950 notify the applicant.

1951 SECTION 615.040: - OPERATIONAL RULES AND REGULATIONS

1952 Any amusement or entertainment conducted pursuant to this Chapter shall comply
1953 with the following rules:

- 1954 1. Hours of operation shall be limited from 10:00 A.M. to 10:00 P.M.
1955 Extensions of these hours must be approved by the City Manager with
1956 submittal of the application.
- 1957 2. All electrical wiring and lighting must be approved by the Building Official.
- 1958 3. Adequate facilities for the disposal of trash and debris must be provided on
1959 the premises.
- 1960 4. The premises shall be inspected prior to operation by the Building Official
1961 to determine that the requirements of this Chapter and any other
1962 ordinances of the City have been complied with.
- 1963 5. The area or premises where such amusement or entertainment is
1964 conducted shall be cleaned and secured after the conclusion of each day of
1965 the event. All trash, litter and debris shall be removed.

1966 SECTION 615.050: - ADDITIONAL RULES AND REGULATIONS

1967 The City Manager is hereby given authority to promulgate rules and regulations
1968 consistent with the terms of this Chapter, for the purpose of carrying out and
1969 enforcing compliance. A copy of such rules and regulations shall be on file and

1970 available for public examination in the office of the City Clerk. Failure or refusal to
1971 comply with any such rules and regulations promulgated under this Section shall be
1972 deemed a violation of this Chapter.

1973 SECTION 615.060: - REVOCATION OF PERMIT

1974 Any permit issued pursuant to this Chapter may be revoked by the City Manager
1975 upon determination that the amusement or entertainment is being operated or
1976 conducted in violation of this Chapter, or is conducted or operated as to endanger
1977 the public peace, health, safety and welfare of the citizens of this City.

1978 SECTION 615.070: - FEES FOR PERMIT

1979 The fee for the permit required by this Chapter shall be approved by the Governing
1980 Body and listed in the Schedule of Fees and Charges maintained in the Finance
1981 Department.

1982 **CHAPTER 620: - JUNK YARDS**

1983 SECTION 620.010: - DEFINITIONS

1984 Except where otherwise indicated by the context, the following definitions shall
1985 apply in the interpretation and enforcement of this Chapter:

1986 *BUSINESS PREMISES OR PREMISES:* The area of a junkyard as described in a junk
1987 dealer's license or application for license, as provided for in this Chapter.

1988 *JUNK:* Any fragment, item or material that has been discarded or is no longer useful.

1989 *JUNK DEALER:* A person who operates a "junkyard" as defined below, within the City.

1990 *JUNKYARD:* An establishment, area or place of business maintained, operated, or
1991 used for storing, keeping, buying, or selling of junk.

1992 SECTION 620.020: - APPLICATION AND LICENSE REQUIRED

1993 It shall be unlawful for any person to act as a junk dealer in the City, whether
1994 personally, by agents or employees, singly, or along with some other business or
1995 enterprise, without first having obtained a license from the City Clerk in accordance
1996 with the provisions of Chapter 605 of the Raymore City Code.

1997 SECTION 620.030: - INVESTIGATION-APPROVAL AND ISSUANCE OF LICENSE

1998 Upon receipt of an application for a junk dealer's license, the City may cause an
1999 investigation to be made of the applicant's business background and character. If
2000 the findings of said investigation are favorable to the applicant, the City Clerk shall
2001 issue a junk dealer's license to the applicant. If the findings of said investigation are
2002 not favorable to the applicant, the City Clerk shall deny a junk dealer's license to the

2003 applicant. The applicant will have ten (10) days to appeal the decision to the City
2004 Manager.

2005 SECTION 620.040: - LICENSE NOT TRANSFERABLE

2006 No license issued under this Chapter shall be transferred or assigned or used in any
2007 way by any person other than the one (1) to whom it was issued.

2008 SECTION 620.050: - DURATION - DISCOUNTED AND REFUND OF FEES

2009 All licenses issued under the provisions of this Chapter shall expire on the
2010 thirty-first (31st) day of December annually. License fees shall be discounted as
2011 outlined in Chapter 605. No license fee shall be refunded.

2012 SECTION 620.060: - GENERAL OPERATING REQUIREMENTS

2013 The following general operating requirements shall apply to all junk dealers
2014 licensed in accordance with the provisions of this Chapter:

- 2015 1. The license issued pursuant to this Chapter shall be plainly displayed on the
2016 business premises.
- 2017 2. The junkyard, together with things kept on premise, shall at all times be
2018 maintained in a sanitary condition.
- 2019 3. No space not covered by the license shall be used in the licensed business.
- 2020 4. No water shall be allowed to stand in any place on the premises in such
2021 manner as to afford a breeding place for mosquitoes.
- 2022 5. Weeds and grass on the premises shall be kept at a height of not more than
2023 eight (8) inches.
- 2024 6. No garbage or other waste that gives off a foul odor or attracts vermin shall
2025 be kept on the premises; nor shall any refuse of any kind be kept on the
2026 premises, unless such refuse is junk as described herein and is in use in the
2027 licensed business.
- 2028 7. No junk shall be allowed to rest upon or protrude over any public property,
2029 street, alley, walkway, or curb or become scattered or blown off the
2030 business premises.
- 2031 8. Junk shall be stored in piles not exceeding six (6) feet in height and shall be
2032 arranged so as to permit easy access to all such junk.
- 2033 9. No combustible material of any kind not used in the normal course of
2034 business shall be kept on the premises; nor shall the premises be allowed
2035 to become a fire hazard.
- 2036 10. Gasoline and oil shall be removed from any scrapped engines or vehicles
2037 on the premises.

- 2038 11. No junk or other material shall be burned on the premises.
- 2039 12. No noisy activity shall be carried on in connection with the licensed
2040 business on Sunday, Christmas, Thanksgiving, or at any time between the
2041 hours of 8:00 P.M. and 7:00 A.M.
- 2042 13. The area on the premises where junk is kept (other than indoors) shall be
2043 enclosed, except for entrances and exits, with an opaque vertical wall or
2044 fence of a minimum height of six (6) feet measured from ground level.
2045 Entrances and exits shall not be wider or more numerous than reasonably
2046 necessary for the conduct of the licensed business.
- 2047 14. Any and all other conditions as may be imposed by the Unified
2048 Development Code or Conditional Use Permit.

2049 **CHAPTER 625: - DECEPTIVE TRADE PRACTICES**

2050 The City observes Deceptive Trade Practices as provided for in Chapter 407 RSMo.

2051 **CHAPTER 630: - PAWNSHOP LICENSING AND REGULATIONS**

2052 SECTION 630.010: - PURPOSE

2053 The intent of this Code is to regulate pawnshops and their business practices in
2054 order to protect and promote public safety and welfare.

2055 SECTION 630.020: - APPLICABILITY OF CODE

2056 Every pawnshop establishment shall conform to the requirements of this Code and
2057 in accordance with Chapter 367 RSMo.

2058 SECTION 630.030: - SEVERABILITY

2059 In any case where a provision of this Code is found to be in conflict with a provision
2060 of any other ordinance the provision which establishes the higher standard shall
2061 prevail. If any part of this Chapter should be declared invalid for any reason, such
2062 decision shall not affect the remaining portions of this Code.

2063 SECTION 630.040: - DEFINITIONS

2064 For the purpose of this Chapter, the following definitions shall apply:

2065 *PAWNBROKER*: Any person engaged in the business of lending money on the
2066 security of pledged goods or engaged in the business of purchasing tangible
2067 personal property on the condition that it may be redeemed or repurchased by the
2068 seller for a fixed price within a fixed period of time.

2069 *PAWNSHOP*: The location at which or premises in which a pawnbroker conducts
2070 business.

2071 *PERSON*: Any individual, partnership, corporation, joint venture, trust, association or
2072 any other legal entity however organized.

2073 *PLEDGED GOODS*: Tangible personal property which is deposited or otherwise
2074 actually delivered into possession of a pawnbroker in the course of their business
2075 in connection with a pawn transaction.

2076 *SECURED PERSONAL CREDIT LOAN*: Every loan of money made in this State, the
2077 payment of which is secured by a security interest in tangible personal property
2078 which is physically delivered into the hands of the lender at the time of the making
2079 of the loan and which is to be retained by the lender while the loan remains an
2080 obligation.

2081 *VALUE*: The fair market value of the article at the time and place of the acquisition of
2082 the article by the dealer, or, where no reasonable monetary value can be
2083 ascertained, the cost of replacement of the article. It is expressly provided that
2084 value, as used in this Code, shall not be determined by the cost of the article as
2085 paid by the dealer.

2086 SECTION 630.050: - PAWNSHOP LICENSE REQUIRED

2087 It shall be unlawful for any person, organization or corporation within the City limits
2088 to act as agent for or cause the solicitation, advertising or promotion, or participate
2089 directly or indirectly in or for the operation of a pawnshop without first obtaining
2090 an occupational license issued by the City as provided for in Chapter 605 of the
2091 Raymore City Code. No such license shall be issued unless the pawnshop, or any
2092 person, organization or corporation engaged in the activity of such establishment
2093 fully complies with the provisions of this Code, regardless of the location of such
2094 establishment or place where such activity is conducted. The occupational license
2095 shall be applied for at least fourteen (14) days prior to the start of business.

2096 SECTION 630.060: - LICENSE REQUIREMENTS

2097 A. No person shall carry on the business of pawnbroker within the City
2098 without obtaining a license. The annual pawnshop license fee for the
2099 operation of a pawnshop shall be approved by the Governing Body and
2100 listed in the Schedule of Fees and Charges maintained in the Finance
2101 Department.

2102 B. A criminal background check from the Missouri Highway Patrol, issued
2103 within the last thirty (30) days, shall be submitted with each application. No
2104 owner, manager, or employee shall have a felony or misdemeanor
2105 conviction which directly relates to the duties and responsibilities of the
2106 occupation of pawnbrokers or otherwise makes the applicant presently
2107 unfit to own, run or be employed in a pawnshop.

2108 C. Every pawnshop shall maintain a minimum of one million dollars
2109 (\$1,000,000.00) of liability insurance. Proof of insurance is required at the
2110 time the occupational license is applied for or renewed. Such policy shall
2111 provide that the City shall be notified of any cancellation or alteration by

2112 the insurance carrier within ten (10) days before such cancellation or
2113 alteration becomes effective.

2114 D. A no tax due letter issued by the Missouri Department of Revenue shall be
2115 submitted with the initial license application and each renewal.

2116 SECTION 630.070: - DISPOSAL OF GOODS

2117 A. No pawnbroker shall expose for sale, or sell or dispose of any article, or
2118 articles, within sixty (60) days of the time of purchasing, except when
2119 redeemed by the owner.

2120 B. No gold, silver, diamonds, or other precious or semi-precious gems or
2121 metals purchased by any pawnbroker shall be removed from the
2122 pawnbroker's place of business, re-cut or melted within sixty (60) days after
2123 receipt, except when redeemed by the owner.

2124 C. In case the person obtaining the loan fails to pay the interest or principle
2125 when due, the pawnbroker shall not sell the article pawned with them as
2126 security for such loan until the expiration of sixty (60) days from the date of
2127 such failure. The person failing may at any time within the sixty (60) days
2128 redeem the article if they pay the full amount of the principle and interest
2129 due at the date of such redemption according to the terms of the contract.
2130 If the person obtaining the loan fails to redeem the article within sixty (60)
2131 days that person shall thereby forfeit all right, title, and interest in such
2132 article to such pawnbroker who then acquires and possesses an absolute
2133 right in and to then hold and dispose of as their own property.

2134 SECTION 630.080: - BOOKS AND RECORDS

2135 Each pawnshop shall keep consistent and adequate books and records of
2136 purchases relating to the licensee's pawn transactions. Said books and records shall
2137 be preserved for a period of at least two (2) years from the date of last transaction
2138 recorded therein. The records must contain, but are not limited to, the following
2139 information:

2140 1. Time, date, and place of purchase of each item.

2141 2. Name of individual acting on behalf of dealer in making purchases.

2142 3. Name, age, and address of seller.

2143 4. Confirmation of identification through a drivers license, state identification
2144 card, or other adequate picture ID. The dealer shall include in the record any
2145 identification numbers which may be displayed on the identification. Any purchase
2146 without such proof is prohibited.

2147 5. A description of the item being sold with any identification numbers or
2148 markings.

2149 6. A clear and identifiable fingerprint of the right index finger of the seller if said
2150 merchandise is valued over one hundred fifty dollars (\$150.00).

2151 7. A clear and identifiable photograph accompanied by a detailed written
2152 description of each item if said merchandise is valued over one hundred fifty
2153 dollars (\$150.00).

2154 SECTION 630.090: - LAW ENFORCEMENT INSPECTIONS

2155 A register of all property received, deposited, or purchased shall at all times be
2156 open to the inspection of Law Enforcement Officers upon request.

2157 SECTION 630.100: - RECEIPTS

2158 Every pawnbroker shall give to each person who pledges property to secure a loan,
2159 or who leaves property with the pawnbroker for any reason, a plainly written
2160 receipt or ticket having upon it a full copy of all the entries required by this Chapter
2161 to be kept in the pawnbroker's register, and no charge should be made for such
2162 receipt.

2163 SECTION 630.110: - RECEIVING PLEDGED GOODS FROM MINORS

2164 No pawnbroker shall take, buy or receive any personal property from any person
2165 under the age of seventeen (17) years without the written consent of such
2166 individual's parents or guardians. Said written consent shall be kept on file with the
2167 books and records.

2168 SECTION 630.120: - GEOGRAPHIC LIMITATIONS

2169 The following special conditions and regulations shall apply to pawnshops to
2170 protect the character of residential and commercial areas and preserve the value of
2171 the property throughout the City.

2172 1. A pawnshop shall not be established or expanded within one thousand (1,000)
2173 feet of the district boundary line of any Residential Zoning District.

2174 2. A pawnshop shall not be established or expanded within one thousand (1,000)
2175 feet of the property line of a church, school or public park.

2176 3. A pawnshop shall not be established or expanded within one thousand (1,000)
2177 feet of any other pawnshop.

2178 SECTION 630.130: - INTEREST RATES

2179 The maximum rate of interest which may be charged for making and carrying any
2180 secured personal credit loan shall not exceed the maximum annual rate allowed by
2181 Chapter 408.500 RSMo. per month on the amount of such loan.

2182 SECTION 630.140: - EXEMPTIONS

2183 The provisions of this Code shall not apply to the following:

2184 1. Transactions between one (1) licensed, established dealer in the normal course
2185 of business and another licensed, established dealer.

2186 2. Any precious metal or gem dealer, at least ninety percent (90%) of whose gross
2187 income is derived from the sale of newly manufactured merchandise and who

2188 certifies this to the City Clerk upon the enactment of this Code and whenever an
2189 occupational license shall be obtained or renewed.

2190 3. Estates purchased through banks, attorneys or at an auction or estate sale.

2191 4. Out of State purchases transacted through the United States Mail.

2192 5. Industrial residue or by-products purchased from manufacturing firms.

2193 6. Coins which are not currently in circulation, purchased for their numismatic
2194 value.

2195 7. Monetized silver and gold coins.

2196 8. Antique dealers.

2197 SECTION 630.150: - ENFORCEMENT

2198 It shall be the duty and responsibility of the Raymore Police Department to enforce
2199 this Code. When, on the basis of a complaint, personal observation and/or other
2200 information an authorized Law Enforcement Officer reasonably suspects that a
2201 violation has occurred, it is the applicant's responsibility to cooperate with the Law
2202 Enforcement Officer(s).

2203 SECTION 630.160: - PENALTY

2204 Any person, partnership, association, or corporation convicted of violating any of
2205 the provisions of this Code may be deemed guilty of a municipal ordinance
2206 violation. Upon conviction or a plea of guilty, any person, firm or corporation
2207 violating or failing to comply with any of the provisions of this Chapter shall be
2208 subject to the penalty provisions provided for in Section 100.220 of the City Code.
2209 The severability of the penalty may include a warning up to the revoking of the
2210 license to do business and/or criminal prosecution depending on the seriousness
2211 of the offense.

2212 SECTION 630.170: - REVOCATION OF LICENSE

2213 If any pawnbroker, or their agents, or employees, shall violate any of the provisions
2214 of this Code or Chapter 367 RSMo., and is convicted in any court of the City or State,
2215 they may have their pawnbroker's license suspended or revoked by the City Council
2216 after a hearing. Ten (10) days written notice of the hearing stating the grounds
2217 thereof shall be delivered to said pawnbroker at their place of business or by
2218 leaving or posting said notice at the address. The pawnbroker shall have the right at
2219 the hearing to be represented by an attorney, to cross examine witnesses, to
2220 present evidence, and to testify on their own behalf. The hearing shall be held in
2221 public at a regular or special meeting of the City Council. If suspension or
2222 revocation of the license occurs, no license fee shall be refunded.

2223 **CHAPTER 635: - MASSAGE ESTABLISHMENTS**

2224 SECTION 635.010: - PURPOSE

2225 The intent of this Code is to regulate massage establishments and massage
2226 therapists.

2227 SECTION 635.020: - APPLICABILITY OF CODE

2228 Every massage establishment and/or massage therapist shall conform to the
2229 requirements of the City Code and the Unified Development Code.

2230 SECTION 635.030: - SEVERABILITY

2231 In any case where a provision of this Code is found to be in conflict with a provision
2232 of any other ordinance or other legislation of the City existing on the effective date
2233 of this Code, the provision which establishes the higher standard for the promotion
2234 and protection of the safety, welfare and health of the people shall prevail. If any
2235 part of this Code should be declared invalid for any reason, such decision shall not
2236 affect the remaining portions of this Code.

2237 SECTION 635.040: - DEFINITIONS

2238 For the purpose of this Code, the following words and phrases shall have the
2239 following interpretation and/or meanings.

2240 *EMPLOYEE*: Any person, other than the massage therapist, who renders any service
2241 to a permittee under this Code, who receives compensation from the permittee or
2242 patron.

2243 *MASSAGE ESTABLISHMENT* Any place of business in which massage therapy is
2244 practiced or performed.

2245 *MASSAGE THERAPISTS*: Any person who offers to any person the service of massage
2246 or massage therapy with or without compensation.

2247 *MASSAGE THERAPY*: A health care profession which involves the treatment of the
2248 body's tonus system through the scientific or skillful touching, rubbing, pressing or
2249 other movements of the soft tissues of the body with the hands, forearms, elbows,
2250 or feet, or with the aid of mechanical apparatus, for relaxation, therapeutic,
2251 remedial or health maintenance purposes to enhance the mental and physical
2252 well-being of the client.

2253 *PATRON*: Any person over eighteen (18) years of age who utilizes or receives the
2254 services of any establishment subject to the provisions of this Chapter Patrons
2255 under the age of eighteen (18) shall have on file with the establishment or therapist,
2256 written permission from a parent or legal guardian to receive therapeutic massage.

2257 SECTION 635.050: - OCCUPATIONAL LICENSE REQUIRED

2258 A. No person, firm, partnership, association or corporation shall operate a
2259 massage establishment without first having obtained an occupational license
2260 issued by the City in accordance with Chapter 605 of the City Code.

2261 SECTION 635.060: - REQUIREMENTS FOR AN OCCUPATIONAL LICENSE

2262 A. *Massage Therapists.* Applicant must be licensed to perform massage therapy
2263 in accordance with Chapter 324 of RSMo.

2264 B. *Massage Establishment.*

2265 1. Premises shall comply with all applicable zoning, fire, health and
2266 building codes.

2267 2. Premises and equipment shall be clean, sanitary, and well maintained.

2268 3. Items for the personal use of patrons, such as linens, sheets and
2269 towels, shall be cleaned and freshly laundered, unless disposable,
2270 and no such item, if non-disposable, shall be used twice without
2271 being laundered. Disposable items must be disposed of in a sanitary
2272 manner after each use.

2273 4. All State and local licenses of the massage establishment and of every
2274 massage therapist employed, shall be displayed in an open and
2275 conspicuous place on the premises and shown to officers of the City
2276 upon request.

2277 5. Massage establishments and massage therapist licenses are not
2278 transferable and such authority as a permit confers shall be
2279 conferred only on the permitting name therein. Any applications
2280 made, fees paid and permits obtained under the provisions of this
2281 Chapter shall be in addition to and not in lieu of any other fees,
2282 permits or licenses required to be paid or obtained under any other
2283 ordinances of this City.

2284 6. All signs pertaining to a massage establishment shall be affixed to the
2285 building in which business is being conducted. In addition, all
2286 massage establishments are required to obtain a sign permit from
2287 the Planning and Zoning Administrator before placement of said
2288 sign.

2289 SECTION 635.070: - ENFORCEMENT

2290 It shall be the duty and responsibility of the Code Enforcement Official, Raymore
2291 Police Department, and/or the Building Official to enforce this Chapter of this Code.
2292 When, on the basis of a complaint, personal observation and/or other information
2293 an authorized enforcement official reasonably suspects that a violation has
2294 occurred, it is the applicant's responsibility to cooperate with the investigating
2295 official(s).

2296 SECTION 635.080: - REVOCATION OF LICENSE

2297 If any massage therapist or their employees, shall violate any of the provisions of
2298 this Code or the Revised Statutes of Missouri, they may have their massage
2299 establishment license suspended or revoked pursuant to the provisions of 605.040
2300 of the Raymore City Code.

2301 **CHAPTER 640: - FRANCHISE TAXES**

2302 SECTION 640.010: - FRANCHISE/OCCUPATION TAX-NON-MUNICIPAL UTILITIES

2303 Every person, firm, company, or corporation, and the successors and assigns
2304 owning, operating, controlling, leasing, and/or managing any such person, firm,
2305 company, or corporation, engaged in the business of furnishing public,
2306 non-municipal utility services to the citizens and entities of the City, and operating
2307 within the City, shall pay, as an annual franchise/occupation tax, seven percent (7%)
2308 of the gross receipts derived and collected from the sale of such public utility
2309 services within the present or future limits of the City, during the period of such
2310 occupation. The seven percent (7%) annual franchise/occupation tax shall be paid
2311 in addition to any other taxes imposed upon such public utilities.

2312 SECTION 640.020: - VIDEO SERVICES PROVIDERS

2313 A. *Definitions.* The words and phrases used in this Section shall have the meaning
2314 as set forth in Section 67.2677 RSMo., or if not defined therein, shall have such
2315 meanings as established by City Code.

2316 B. *Franchise Fee.* Pursuant to Section 67.2689 RSMo. and as partial compensation
2317 for use of the City's public rights-of-way, each video service provider or other
2318 person providing cable services or video services within the City shall, to the extent
2319 permitted by law, pay to the City a fee of five percent (5%) of the gross revenues
2320 from such video services provider in the geographic area of the City. Such payment
2321 shall be made as required by Section 67.2689 RSMo. The City shall have the right to
2322 audit any video service provider as authorized by Section 67.2691 RSMo. Late
2323 payments shall accrue interest due to the City compounded monthly at one and
2324 one-half percent (1.5%) or such other maximum rate as may be established by law.

2325 C. *Customer Service Requirements.* All video service providers providing service
2326 within the City shall adopt and comply with the minimum customer service
2327 requirements set forth in Section 67.2692 RSMo. Notice or receipt of this Section by
2328 the video service provider shall be deemed notice of the City invoking such
2329 customer service requirements.

2330 D. *Rights-Of-Way Regulation—Indemnification—Permits And Compliance With Other*
2331 *Laws.* Video service providers shall comply with the requirements of Sections
2332 67.2707, 67.2709 RSMo. and all applicable ordinances and regulations consistent
2333 with Sections 67.1830 to 67.1846 RSMo. relating to the use of City rights-of-way.
2334 Each video service provider shall indemnify and hold harmless the City and its
2335 officers, employees and agents from any loss or damage, including, but not limited
2336 to, attorneys' fees, as provided in such ordinances or regulations, but in no event
2337 less than the obligation on video service providers set forth in Section 67.2695
2338 RSMo. The City may require documentation of such indemnification by written
2339 agreement or other instrument to the extent permitted by law. Notwithstanding
2340 any other ordinance to the contrary, no facilities to be used for video services shall
2341 be installed without obtaining a permit from the City authorizing the location and

2342 plans for such facilities; provided that this provision shall not apply to installation of
2343 otherwise lawful and authorized poles or wires.

2344 E. *Public, Educational And Governmental Channels.* Each video service provider shall
2345 designate a number of channels for public, educational and governmental
2346 programming consistent with Section 67.2703 RSMo. provided that any greater
2347 number of channels, as may be required in the incumbent cable franchise or
2348 franchise ordinance, shall be required pursuant to Section 67.2703.2 RSMo. The
2349 City shall bear no cost relating to the transmission, availability or maintenance of
2350 such channels unless expressly authorized by the City in writing and approved by
2351 the Governing Body. Incumbent cable operators and other video service providers
2352 shall provide support for such public, educational and governmental channels
2353 consistent with Section 67.2703.8 RSMo.

2354 F. *Continued Obligations.* The obligations of a cable service provider or video
2355 service provider as set forth in any existing cable services or video services
2356 franchise or ordinance shall also continue to apply to the full extent permitted by
2357 applicable law.

2358 G. *Reservation Of Rights.* The City retains all rights in Sections 67.2675 through
2359 67.2714 RSMo. inclusive, and may take any and all actions permitted by law to
2360 exercise such rights or to enforce such obligations on providers of video service.

2361 H. *Notice.* A copy of this Section shall be delivered to each video service provider
2362 operating in the City after notice to the City that such provider is authorized to
2363 provide service within the City; provided that the provisions of this Section shall, to
2364 the extent permitted by law, not be affected by any claimed or actual failure of a
2365 service provider to have received delivery of a copy of this Section.

2366 SECTION 640.030: - TELEPHONE SERVICE DEFINED

2367 A. *"Telephone service"* is hereby defined to include provision of cellular and
2368 wireless telephones and is defined to be a public non-municipal utility service as
2369 contemplated under Section 640.010 of this Code, and further *"telephone service"* is
2370 defined to mean the service ordinarily and popularly ascribed to it including,
2371 without limitation, the transmission of messages and conversations through use of
2372 local, toll and wide area telephone service, private line services, landline services,
2373 cellular telephone services and maritime and air-to-ground telephone services.
2374 Telephone service includes the transmission of information over telephone lines
2375 and other telephonic media for facsimile transfers. Telephone service does not
2376 include value added services including computer processing applications used to
2377 act on the form, content, code and protocol of the information for purposes other
2378 than transmission.

2379 B. A subscriber of telephone service is any individual, business, corporation or
2380 other entity who uses or maintains for use, equipment necessary to transmit
2381 information over telephone lines. Telephone line refers to any means of
2382 transmitting telephone messages including, but not limited to, wire, radio
2383 transmission, microwave and optic fiber technology.

2384 C. The purpose of this Subsection is to clarify the telephone service as well as the
2385 provision of cellular and wireless telephone services shall be included as a public
2386 non-municipal utility service and shall not limit the application of said franchise and
2387 occupation tax under Section 640.010, of this Code, to all other current forms of
2388 public non-municipal utility services including, but not limited to, the provision of
2389 electricity, natural gas, water and cable television services to citizens and entities of
2390 the City.

2391 SECTION 640.040: - ELECTRIC COMPANIES-OCCUPATION TAX

2392 A. The City hereby establishes and renews an occupation tax as established by
2393 ordinance on every electric company and every other person, firm or corporation,
2394 their successors and assigns, owning, operating, controlling, leasing or managing
2395 any electric plant or system, generating, manufacturing, selling, distributing or
2396 transporting electricity, (referred to as "*energy providers*"). Energy providers shall
2397 collect from their customers, but not from the City and other governmental
2398 agencies and political subdivisions located within the corporate limits of the City,
2399 and pay to the City an amount equal to seven percent (7%) of gross receipts derived
2400 from the sale, distribution or transportation of electricity delivered within the
2401 present or future limits of the City. Gross receipts as used herein are revenues
2402 received from the sale, distribution or transportation of electricity, after adjustment
2403 for the net write-off of uncollectible accounts and corrections of bills rendered.

2404 B. The amount paid by energy providers shall be in lieu of, and energy providers
2405 shall be exempt from all other occupation, license, excise or right-of-way permit
2406 fees or taxes which the City may impose for the rights and privileges granted or for
2407 the privilege of doing business as an energy provider within the City and in the
2408 event any such fee, charge, license, tax or assessment shall be imposed by the City,
2409 the payment to be made in accordance with the provisions of this Section shall be
2410 reduced in an amount equal to the annual burden of such fee, charge, license, tax
2411 or assessment imposed upon the energy providers. Ad valorem property taxes
2412 imposed generally upon all real and personal property within the City shall not be
2413 deemed to affect the obligation of the energy providers under this Section.

2414 C. Any consideration shall be reported and paid to the City by energy providers
2415 on a monthly basis. Such payment shall be made not more than thirty (30) days
2416 following the close of the period for which payment is due. Initial and final
2417 payments shall be prorated for the portion of the period at the beginning and end
2418 of the term of this Section.

2419 D. Energy providers shall list the local occupation tax collected from customers as
2420 a separate item on bills for utility service issued to customers. If at any time the
2421 Missouri Public Service Commission, or other authority having proper jurisdiction,
2422 prohibits such recovery, then energy providers will no longer be obligated to collect
2423 and pay the occupation tax contemplated. In addition, an energy provider may
2424 discount or reduce the occupation tax payable for electricity delivered to a specific
2425 customer of an energy provider when it is required to reduce the occupation tax to
2426 retain the business of that customer. Modification or reduction of the occupation

2427 tax should occur if the occupation tax would cause the customer to cease purchase
2428 or transportation deliveries of electricity from the energy provider by installing
2429 equipment to access electric supply not subject to the City's occupation tax.

2430 E. The City shall provide copies of annexation ordinances to energy providers on
2431 a timely basis to ensure appropriate occupation tax collection from customers
2432 within the corporate limits of the City.

2433 F. The City shall have access to and the right to examine during normal business
2434 hours, Energy providers' books, receipts, files, records and documents that are
2435 necessary to verify the correctness of payments due. If it is determined that a
2436 mistake was made in the payment of any occupation tax required, such mistake
2437 shall be corrected promptly upon discovery, such that any under-payment by
2438 energy providers shall be paid within thirty (30) days of the recalculation and any
2439 over-payment by energy providers shall be discounted from the next payment(s)
2440 due.

2441 **CHAPTER 645: –RESERVED**

2442 **CHAPTER 650: - ADULT BUSINESSES**

2443 SECTION 650.010: - DEFINITIONS

2444 For the purposes of this Chapter and unless the context plainly requires otherwise,
2445 the following definitions are adopted:

2446 *ADULT BUSINESS*: Any business:

2447 1. That has as a substantial or significant purpose the sale or rental of
2448 merchandise that is intended for use in connection with specified sexual activities
2449 or that emphasizes matters depicting, describing or relating to specified sexual
2450 activities or specified anatomical areas; or

2451 2. That has as one (1) of its regular and substantial business purposes:

2452 a. The providing of entertainment where the emphasis is on performances,
2453 live or otherwise, that depict, portray, exhibit or display specified anatomical
2454 areas or specified sexual activities; or

2455 b. The providing of services that are intended to provide sexual arousal or
2456 excitement or that allow observation of specified sexual activities or specified
2457 anatomical areas ancillary to other pursuits or allow participation in specified
2458 sexual activities ancillary to other pursuits.

2459 3. That is "self-designated" as an adult business, whether through the use of
2460 signage or other business activities.

2461 4. The definition of adult business also includes, but is not limited to, any and all
2462 of the following specific adult businesses:

2463 a. Businesses that offer merchandise for sale or rent.

2464 (1) *ADULT MEDIA OUTLET*: A business engaging in the sale or rental of merchandise
2465 where a substantial or significant portion of the business is devoted to the sale or
2466 rental of adult media. For purposes of this Subsection, it shall be presumed that a
2467 substantial or significant portion of a business is devoted to the sale or rental of
2468 adult media if any one (1) or more of the following criteria are satisfied:

2469 (a) Forty percent (40%) or more of the sales (including rentals) is derived
2470 from adult media;

2471 (b) Forty percent (40%) or more of the number of transactions, measured
2472 over any consecutive ninety (90) day period, relate to adult media;

2473 (c) Forty percent (40%) or more of the dollar value of all merchandise
2474 displayed at any time is attributable to adult media;

2475 (d) Forty percent (40%) or more of the inventory consists of adult media at
2476 any time;

2477 (e) Forty percent (40%) or more of the merchandise displayed for sale or
2478 rental consists of adult media at any time; or

2479 (f) Forty percent (40%) or more of the sales floor area of the business (not
2480 including storerooms, stock areas, bathrooms or any portion of the business
2481 not open to the public) is devoted to adult media at any time.

2482 The presumption that a substantial or significant portion of a business is
2483 devoted to the sale or rental of adult media, based upon the above
2484 guidelines, shall be rebuttable.

2485 (2) *ADULT NEWSRACK*: Any coin- or card-operated device that offers for sale by
2486 dispensing printed material which is distinguished or characterized by its emphasis
2487 on matter depicting, describing or relating to specified sexual activities or specified
2488 anatomical areas.

2489 (3) *ADULT RETAIL ESTABLISHMENT*: A business that displays or offers goods for sale
2490 or rent and that meets any of the following tests:

2491 (a) It displays or offers for sale or rent items from any two (2) of the
2492 following categories: sexually-oriented toys or novelties; lingerie; clothing
2493 that graphically depicts specified anatomical areas; leather goods designed
2494 or marketed for use for sexual bondage or sadomasochistic practices; and
2495 the combination of such items constitutes:

2496 (i) Ten percent (10%) or more of the sales (including rentals),
2497 measured in dollars over any consecutive ninety (90) day period; or

2498 (ii) Ten percent (10%) or more of the number of sales transactions,
2499 measured over any consecutive ninety (90) day period; or

2500 (iii) Ten percent (10%) or more of the dollar value of all merchandise
2501 displayed at any time; or

2502 (iv) Ten percent (10%) or more of all inventory at any time; or

- 2503 (v) Ten percent (10%) or more of the merchandise displayed for sale
2504 at any time; or
- 2505 (vi) Ten percent (10%) or more of the sales floor area of the business
2506 (not including storerooms, stock areas, bathrooms or any portion of
2507 the business not open to the public) at any time; or
- 2508 (b) Five percent (5%) or more of the sales (including rentals), measured in
2509 dollars over any consecutive ninety (90) day period, is derived from
2510 sexually-oriented toys or novelties; or
- 2511 (c) Five percent (5) or more of the number of sales transactions, measured
2512 over any consecutive ninety (90) day period, relate to sexually-oriented toys
2513 or novelties; or
- 2514 (d) Five percent (5%) or more of the dollar value of all merchandise
2515 displayed at any time is attributable to sexually-oriented toys or novelties; or
- 2516 (e) Five percent (5%) or more of all inventory consists of sexually-oriented
2517 toys or novelties at any time; or
- 2518 (f) Five percent (5%) or more of merchandise displayed for sale consists of
2519 sexually-oriented toys or novelties at any time; or
- 2520 (g) Five percent (5%) or more of the sales floor area of the business (not
2521 including storerooms, stock areas, bathrooms or any portion of the business
2522 not open to the public) is devoted to sexually-oriented toys or novelties at
2523 any time.
- 2524 b. Businesses that provide entertainment.
- 2525 (1) *ADULT ENTERTAINMENT BUSINESS*: Any business to which the public, patrons or
2526 members are invited or admitted and where providing adult entertainment, as
2527 defined, as a regular and substantial portion of its business.
- 2528 (2) The definition of "*adult entertainment business*" also includes, but is not limited
2529 to, any and all of the following specific adult entertainment businesses as defined:
- 2530 (a) *ADULT MOTION PICTURE THEATER*: An establishment with a screen or
2531 projection areas, where a regular and substantial portion of its business is
2532 the exhibition to patrons of films, videotapes or motion pictures which are
2533 intended to provide sexual arousal or sexual excitement to the patrons and
2534 which are distinguished by or characterized by an emphasis on matter
2535 depicting, describing or relating to specified sexual activities or specified
2536 anatomical areas.
- 2537 (b) *ADULT THEATER*: An establishment where a regular and substantial
2538 portion of its business is providing the live performance of activities relating
2539 to specified sexual activities or exhibition of specified anatomical areas of live
2540 performers, for observation by patrons.
- 2541 (c) *ADULT ENTERTAINMENT CABARET*: An establishment where a regular and
2542 substantial portion of its business is providing adult entertainment which

2543 features strippers, male or female impersonators or live performances or
2544 material which depict, portray, exhibit or display specified anatomical areas
2545 or specified sexual activities or are intended to arouse or excite the sexual
2546 desires of the entertainer, other entertainer or patron.

2547 (d) *ADULT ENTERTAINMENT STUDIO (INCLUDES THE TERMS RAP STUDIO, EXOTIC*
2548 *DANCE STUDIO, SENSITIVITY STUDIO OR ENCOUNTER STUDIO)*: An establishment
2549 whose premises are physically arranged so as to provide booths, cubicles,
2550 rooms, compartments or stalls separate from the common areas of the
2551 premises and where a regular and substantial portion of its business is
2552 providing entertainment which features materials or live performances
2553 characterized by an emphasis on or features materials relating to specified
2554 sexual activities or the exhibition of specified anatomical areas.

2555 (e) *ADULT ENCOUNTER PARLOR*: An establishment where a regular and
2556 substantial portion of its business is the provision of premises where patrons
2557 congregate, associate or consort with employees, performers and/or other
2558 patrons or private contractors who display specified anatomical areas in the
2559 presence of such patrons, with the intent of providing sexual arousal or
2560 excitement to such patrons.

2561 (f) *BODY PAINTING STUDIO*: An establishment where a regular and
2562 substantial portion of its business is the application of paint or other
2563 substance to or on the human body by any means of application, technique
2564 or process when the subject's body displays for the patron's view specified
2565 anatomical areas.

2566 c. Businesses that provide services.

2567 (1) *BATHHOUSE*: An enterprise where a regular and substantial portion of its
2568 business is offering baths and/or showers with other persons present who are
2569 nude or displaying specified anatomical areas.

2570 (2) *ADULT MOTEL*: An enterprise where a regular and substantial portion of its
2571 business is offering public accommodations, containing more than one hundred
2572 fifty (150) square feet of gross floor area, for the purpose of viewing motion
2573 pictures or viewing publications which are distinguished or characterized by an
2574 emphasis on the depiction or description of specified sexual activities or specified
2575 anatomical area by any photographic, electronic, magnetic tape, digital or other
2576 medium (including, but not limited to, film, video, magnetic tape, laser disc,
2577 CD-ROM, books, magazines or periodical) for observation by patrons therein and
2578 which rents room accommodations for less than six (6) hours at a time.

2579 *ADULT ENTERTAINMENT*: Any exhibition, performance, display or dance of any type
2580 including, but not limited to, talking, singing, reading, listening, posing, serving food
2581 or beverages, soliciting for the sale of food, beverages or entertainment,
2582 pantomiming, modeling, removal of clothing or any service offered on a premises
2583 where such exhibition, performance, display or dance is intended to arouse or
2584 excite the sexual desires of the entertainer, other entertainers or patrons or if the

2585 entertainment depicts, portrays, exhibits or displays specified anatomical areas or
2586 specified sexual activities.

2587 *ADULT MEDIA:* Books, magazines, periodicals, other printed matter, pictures, slides,
2588 records, audiotapes, videotapes, compact discs, motion pictures, films, CD-ROMs or
2589 other devices used to record computer images or other media which are
2590 distinguished or characterized by an emphasis on matters depicting, describing or
2591 relating to specified sexual activities or specified anatomical areas.

2592 *ADULT VIDEO VIEWING BOOTH:* Any booth, cubicle, stall or compartment which is
2593 designed, constructed or used to hold or seat patrons and is used for presenting or
2594 viewing motion pictures or viewing publications which are distinguished or
2595 characterized by an emphasis on the depiction or description of specified sexual
2596 activities or specified anatomical areas by any photographic, electronic, magnetic
2597 tape, digital or other medium (including, but not limited to, film, video, magnetic
2598 tape, laser disc, CD-ROM, books magazines or periodicals) for observation by
2599 patrons. Adult video viewing booths are sometimes referred to as peep shows,
2600 adult video arcades, panorams and adult mini-motion picture theaters. An adult
2601 video viewing booth shall not mean a theater, movie house, playhouse or a room or
2602 enclosure or a portion thereof which contains more than one hundred fifty (150)
2603 square feet of gross floor area.

2604 *CONTAGIOUS AND COMMUNICABLE DISEASES:* Those diseases which are set out in
2605 Missouri Code of State Regulations, Department of Health, 19 C.S.R. 20-20.020, as
2606 amended.

2607 *EMPLOYEE:* Any and all persons, including managers, entertainers and independent
2608 contractors, who work in or at or render any services directly related to the
2609 operation of an adult business.

2610 *ENTERTAINER:* Any person who provides adult entertainment within an adult
2611 business, whether or not a fee is charged or accepted for entertainment.

2612 *MANAGER:* Any person who manages, directs, administers or is in charge of the
2613 affairs and/or conduct of any portion of any activity at any adult business.

2614 *MINOR:* Any person less than eighteen (18) years of age.

2615 *NUDE OR NUDITY:* The appearance of the human bare buttocks, anus, human
2616 genitals, the areola or the nipple of the female breast or a state of dress which fails
2617 to opaquely or fully cover the anus, human genitals or the areola or nipple of the
2618 female breast.

2619 *OPERATE:* To own, conduct or maintain the affairs of any adult business.

2620 *OPERATOR:* Any person owning, operating, conducting or maintaining an adult
2621 business.

2622 *PATRON:* Any person who enters an adult business without regard to whether a
2623 purchase is made from the adult business or compensation is paid to the adult
2624 business or any employee of the adult business for merchandise, entertainment or
2625 service, provided that the term patron shall not include persons who enter an adult

2626 business for the sole purpose of providing service or merchandise to the adult
2627 business and who do not remain in the adult business after the purpose has been
2628 accomplished including, but not limited to, persons performing construction, repair
2629 or maintenance on the premises or delivering goods or merchandise to the adult
2630 business and any such similar activity.

2631 *PERSON:* Any individual, partnership, corporation, trust, incorporated or
2632 unincorporated association, joint venture, governmental entity or other entity or
2633 group of persons, however organized.

2634 *SERVER:* Any person who serves food and drink at an adult entertainment business.

2635 *SEXUALLY-ORIENTED TOYS OR NOVELTIES:* Instruments, devices or paraphernalia
2636 which either depict specified anatomical areas or are designed or marketed for use
2637 in connection with specified sexual activities. In determining whether an item is
2638 designed or marketed for use in connection with specified sexual activities, the
2639 following guidelines may be considered:

- 2640 1. Expert testimony as to the principal use of the item;
- 2641 2. Evidence concerning the total business of a person or business or a
2642 person or business establishment and the type of merchandise involved in
2643 the business;
- 2644 3. National and local advertising concerning the use of the item;
- 2645 4. Evidence of advertising concerning the nature of the business
2646 establishment;
- 2647 5. Instructions, graphics or other material contained on the item itself or
2648 on the packaging materials for the item;
- 2649 6. The physical or structural characteristics of the item; or
- 2650 7. The manner in which the item is displayed, including its proximity to
2651 other regulated merchandise or signage relating to items in a display area.

2652 Any person may request an interpretive ruling from the City as to whether a
2653 particular item is considered by the City to be designed or marketed for use in
2654 connection with specified sexual activities. An application for an interpretive
2655 ruling shall be made in writing on a form provided by the City and shall be
2656 accompanied by such other information as may reasonably be requested under the
2657 circumstances pertaining to the specific item about which a ruling is requested. The
2658 City shall issue a written interpretive ruling within ten (10) business days following
2659 submission of a completed application. The decision of the City may be appealed to
2660 the City Council within fifteen (15) days following the date of the interpretive ruling
2661 by submitting a written notice of appeal to the City Clerk.

2662 *SPECIFIED ANATOMICAL AREAS:*

- 2663 1. Uncovered or exposed human genitals, pubic region or pubic hair, buttocks,
2664 female breast or breasts below a point immediately above the top of the areola
2665 encircling the nipple or any combination of the foregoing; or

2666 2. Human male genitals in a discernibly erect state, even if completely and
2667 opaquely covered.

2668 *SPECIFIED SEXUAL ACTIVITIES:* Any of the following acts of intended sexual arousal or
2669 excitement:

2670 1. Sexual conduct including, but not limited to, actual or simulated acts of
2671 sexual intercourse, masturbation, oral copulation or sodomy;

2672 2. Fondling or other intentional touching of a person's clothed or
2673 unclothed genitals, pubic area, buttocks or the breast of a female;

2674 3. Sadomasochistic acts; or

2675 4. Acts involving animals or latent objects.

2676 SECTION 650.020: - LICENSE REQUIRED FOR ADULT BUSINESS

2677 A. It is unlawful for any person to operate or maintain an adult business in the
2678 City unless the owner of the adult business has obtained an adult business license
2679 from the City or to operate such business after such license has been revoked or
2680 suspended by the City.

2681 B. It is unlawful for any entertainer, server, employee, manager, operator or
2682 owner to knowingly perform any work, service or entertainment directly related to
2683 the operation of an unlicensed adult business.

2684 C. The failure to post an adult business license in the manner required shall be
2685 prima facie evidence that an adult business has not obtained such a license. In
2686 addition, it shall be prima facie evidence that any entertainer, employee, manager
2687 or owner who performs any business, service or entertainment in an adult business
2688 in which an adult business license is not posted in the manner required herein had
2689 knowledge that such business is not licensed.

2690 D. Any business that engages in the barter, rental or sale of items consisting of
2691 printed matter, pictures, slides, records, audiotapes, videotapes, compact discs,
2692 motion pictures, films or other media, if such business is not open to the public in
2693 general but only to private members, excluding any minor by reason of age, or if a
2694 substantial or significant portion of such items are distinguished or characterized
2695 by an emphasis on the depiction or description of specified sexual activities or
2696 specified anatomical areas shall be deemed to have consented to periodic entry
2697 into and inspection of the business premises by appropriate City Officials and
2698 inspection by those officials of only those business records necessary for the
2699 limited purpose of determining whether such business enterprise is an adult
2700 business as defined. This entry and inspection shall take place during the hours
2701 when such business is open, unless otherwise requested by the business, and shall
2702 not unreasonably interfere with the conduct of such business.

2703 SECTION 650.030: - LICENSE REQUIRED FOR MANAGERS, SERVERS AND
2704 ENTERTAINERS

2705 It is unlawful for any person to work as an entertainer, server or manager at an
2706 adult business without first obtaining a license to do so from the City or to work as

2707 an entertainer, server or manager at an adult business after such person's license
2708 to do so had been revoked or suspended.

2709 SECTION 650.040: - LICENSE-CLASSIFICATION AND FEES

2710 A. The license year for all fees required shall be from each January first (1st)
2711 through December thirty-first (31st). The application for a license shall be
2712 accompanied by payment in full of the fee approved by the Governing Body and
2713 listed in the Schedule of Fees and Charges maintained in the Finance Department,
2714 as amended, by certified or cashier's check or money order and no application shall
2715 be considered complete until such fee is paid.

2716 B. All licenses shall be non-transferable to other persons, but shall not be limited
2717 to a specific adult business that is properly licensed under this Chapter. All license
2718 fees shall be non-refundable.

2719 C. All adult business licenses shall be issued only for one (1) adult business use
2720 listed on the application. Any change in the type of adult use shall invalidate the
2721 adult business license and require the licensee to obtain a new license for the
2722 change in use. A separate license is required for each adult use.

2723 SECTION 650.050: - LICENSE APPLICATIONS

2724 A. *Adult Business License.* All persons desiring to secure a license to operate an
2725 adult business shall make a verified application with the City Clerk. All applications
2726 shall be submitted in the name of the person who owns the adult business. The
2727 application shall be signed by the applicant. If the applicant is a corporation, the
2728 application shall be signed by its President. If the applicant is a partnership, the
2729 application shall be signed by a partner. In all other instances where the owner is
2730 not an individual, where applicable, the application shall be signed by an authorized
2731 representative of the owner. The City Clerk may require proof of authorization
2732 before accepting an application. All applications shall be submitted on a form
2733 supplied by the City Clerk and shall require all of the following information:

2734 1. The name, residence address, contact telephone number, occupation,
2735 date, place of birth and Social Security number of the applicant.

2736 2. The tax identification number, registered agent and Missouri Retail Sales
2737 Tax number, if the owner is required to have a tax identification number,
2738 Missouri Retail Sales Tax number, or registered agent.

2739 3. The name of the adult business, a description of the type of adult
2740 business to be performed on the licensed premises and the name of the
2741 owner of the premises where the adult business will be located.

2742 4. The names, residence addresses, Social Security numbers and dates of
2743 birth of all partners, if the applicant is a partnership or limited liability
2744 partnership, and if the applicant is a corporation or limited liability company,
2745 the same information for all corporate officers and directors and
2746 stockholders or members who own more than twenty-five percent (25%)
2747 interest in the corporation.

2748 5. A statement from the applicant whether the applicant or any corporate
2749 officer or director or stockholder, partner or member who owns more than
2750 twenty-five percent (25%) interest in such entity, in previously operating in
2751 this or another City, County or State, has had an adult business license of any
2752 type revoked or suspended and, if so, the reason for the suspension or
2753 revocation and the business activity subjected to the suspension or
2754 revocation.

2755 6. A statement from the applicant, all partners or each corporate officer
2756 and director that each such person has not been either: convicted of or
2757 released from confinement for conviction of or diverted from prosecution
2758 on:

2759 a. Any felony within the five (5) years immediately preceding the
2760 application, or

2761 b. A State Statute, municipal or County ordinance violation within
2762 the two (2) years immediately preceding the application where such
2763 State felony, misdemeanor, municipal or County ordinance violation
2764 involved sexual offenses, prostitution, indecent exposure, sexual
2765 abuse of a child or pornography or related offenses or controlled
2766 substances or illegal drugs or narcotics offenses as defined in the
2767 Missouri Statutes or County or municipal ordinances.

2768 7. On applications requesting a license to operate a bathhouse or body
2769 painting studio, the applicant shall submit to the City Clerk within forty-eight
2770 (48) hours of the time each employee begins employment a health certificate
2771 from a duly licensed Missouri physician stating that within thirty (30) days
2772 prior to the date of employment, such employee has been examined and
2773 found free of any contagious or communicable disease as defined in this
2774 Chapter. This shall be a continuing requirement and shall also initially apply
2775 to the applicant.

2776 8. If the applicant is a corporation or limited liability company, a current
2777 certificate of good standing issued by the Missouri Secretary of State.

2778 9. A statement signed under oath that the applicant has personal
2779 knowledge of the information contained in the application and that the
2780 information contained is true and correct and that the applicant has read the
2781 provisions of this Chapter regulating adult businesses.

2782 10. A letter of no tax due from the Missouri Department of Revenue shall be
2783 submitted with the application if retail sales tax is collected.

2784 11. A background check from the Missouri Highway Patrol issued within the
2785 last thirty (30) days of all partners, if the applicant is a partnership or limited
2786 liability partnership, and if the applicant is a corporation or limited liability
2787 company, the same information for all corporate officers and directors and
2788 stockholders or members who own more than twenty-five percent (25%)
2789 interest in the corporation.

2790 Failure to provide the information and documentation required shall
2791 constitute an incomplete application. The City Clerk shall notify the applicant
2792 whether or not the application is complete within ten (10) working days of
2793 the date the application is received by the City Clerk.

2794 B. *Manager, Server Or Entertainer License.* All persons desiring to secure a license
2795 to be a manager, server or entertainer shall make a verified application with the
2796 City Clerk. All applications shall be submitted in the name of the person proposing
2797 to be a manager, server or entertainer. All applications shall be submitted on a
2798 form supplied by the City Clerk in accordance with 650.060 of this Chapter. Failure
2799 to provide the information required shall constitute an incomplete application. The
2800 City Clerk shall notify the applicant whether or not the application is complete
2801 within ten (10) working days of the date the application was received by the City
2802 Clerk.

2803 C. *Application Processing.* It shall be the duty of the City to investigate such
2804 application to determine whether the information contained in the application is
2805 accurate and whether the application meets the requirements for issuance of the
2806 license for which the application is made. The license application for an adult
2807 business, server, manager or entertainer license shall be approved or disapproved
2808 within forty-five (45) days from the date a complete application is received by the
2809 City Clerk.

2810 SECTION 650.060: - EXAMINATION OF APPLICATION, ISSUANCE OF LICENSE,
2811 DISAPPROVAL, APPEAL

2812 A. After such examination, the City shall approve the issuance of a license only if
2813 the appropriate license fee has been paid, the applicant is qualified and all the
2814 applicable requirements set forth are met. No license shall be approved for any
2815 person ineligible pursuant to the provisions of this Chapter.

2816 B. The adult business license and all manager, server and entertainer licenses
2817 shall state that it is not transferable to other persons or entities and the calendar
2818 year for which it is issued.

2819 C. If an application for a license is denied, the applicant shall be immediately
2820 notified by registered or certified mail to the applicant's last known address and the
2821 notification shall state the basis for such disapproval.

2822 D. Appeal. The denial of a license application may be appealed to the City Council.
2823 The appeal shall be filed with the City Clerk within ten (10) days after the notice of
2824 denial was issued. The appeal shall be placed on the agenda for the next regular
2825 meeting of the City Council for A public hearing.

2826 E. Any applicant aggrieved by the disapproval of a license application may seek
2827 judicial review in the Cass County Circuit Court in the manner provided by law.

2828 SECTION 650.070: - LICENSE — INELIGIBILITY AND DISQUALIFICATION

2829 No person is eligible nor shall a license be issued to:

2830 1. An applicant for an adult business license if one (1) or more of the following
2831 conditions exist:

2832 a. The applicant knowingly failed to supply all of the information requested
2833 on the application;

2834 b. The applicant knowingly gave materially false, fraudulent or untruthful
2835 information on the application;

2836 c. The applicant's proposed business premises does not comply with or
2837 meet the requirements of the applicable health, Unified Development Code,
2838 building code, fire and property maintenance ordinances of the City;

2839 d. The applicant has been convicted, released from incarceration for
2840 conviction or diverted on any of the crimes during the time period set forth
2841 in this Chapter;

2842 e. The applicant has had an adult business license or comparable license
2843 revoked or suspended in this or any other City during the past five (5) years;
2844 or

2845 f. If the applicant is applying for a license to operate a bathhouse or body
2846 painting studio and applicant has not produced a health certificate as
2847 required in this Chapter for all persons working on the premises.

2848 2. An applicant for a manager, server or entertainer license if one (1) or more of
2849 the following conditions exist:

2850 a. The applicant has been convicted, released from incarceration for
2851 conviction or diverted on any of the crimes during the time period set forth
2852 in this Chapter;

2853 b. The applicant knowingly failed to provide all of the information required
2854 on the application;

2855 c. The applicant knowingly gave materially false, fraudulent or untruthful
2856 information on the application;

2857 d. The applicant has had a manager, server or entertainer license revoked
2858 or suspended in this or any other City during the past five (5) years; or

2859 e. The applicant is applying for a license for a manager, server or
2860 entertainer in a bathhouse or body painting studio and has not produced a
2861 health certificate as required.

2862 SECTION 650.080: - STANDARDS OF CONDUCT

2863 The following standards of conduct shall be adhered to by all adult businesses,
2864 their employees and all managers, servers and entertainers and patrons of adult
2865 businesses, while on or about the premises of the business:

- 2866 1. *Identification cards/Licenses.* All or any manager, server or entertainer issued a
2867 license by the City under the provisions contained in this Chapter shall, at all times
2868 have their license located in the office of the establishment. Any manager, server or
2869 entertainer, must produce valid photo identification matching the license upon
2870 demand of a City representative.
- 2871 2. *Age restriction.* Only persons eighteen (18) years of age or older shall be
2872 permitted on the premises of any adult business.
- 2873 3. *Exterior observation.* The premises of all adult businesses will be so constructed
2874 as to insure that the interior of the premises is not observable from the exterior of
2875 the building. In addition, all windows will be covered to prevent viewing of the
2876 interior of the building from the outside and all doorways not constructed with an
2877 anteroom or foyer will be covered so as to prevent observation of the interior of
2878 the premises from the exterior of the building.
- 2879 4. *Exterior display.* No adult business will be conducted in any manner that
2880 permits the observation of live performers engaged in an erotic depiction or dance
2881 or any material or persons depicting, describing or relating to specified sexual
2882 activities or specified anatomical areas, as defined in this Chapter, from any
2883 exterior source by display, decoration, sign, show window or other opening.
- 2884 5. *Nudity prohibited.* No manager, employee, server, entertainer or patron in an
2885 adult business other than a licensed bathhouse shall be nude or clothed in less
2886 than opaque attire.
- 2887 6. *Certain acts prohibited.*
- 2888 a. No manager, employee, server, entertainer or patron shall perform any
2889 specified sexual activities as defined in this Chapter, wear or use any device
2890 or covering exposed to view which simulates any specified anatomical area,
2891 use artificial devices or inanimate objects to perform or depict any of the
2892 specified sexual activities or participate in any act of prostitution as
2893 prohibited by State law or municipal ordinance while on the premises of an
2894 adult business.
- 2895 b. All dancing or other live entertainment on the licensed premises that is
2896 intended to provide sexual stimulation or to appeal to, arouse or excite the
2897 sexual desire or interests of the patrons shall occur and be performed solely
2898 on a platform or stage which is raised at least two (2) feet above the primary
2899 level of the customer floor area. In order to insure the performance area of
2900 the stage or performance platform is not within the reach of patrons and to
2901 further insure patrons are unable to touch the performers during their
2902 performances, the licensee, owner, operator or manager shall either erect a
2903 physical barrier between the performers and the patrons that effectively
2904 eliminates the touching of the performers by the patrons or they shall paint a
2905 clearly discernible boundary line on the stage surface beyond which the
2906 performers shall not perform and which is sufficiently distant from the
2907 forward edge of the stage to insure the patrons cannot touch the

2908 performers. Further, it shall be unlawful for any patron to be upon any
2909 portion of the stage during a performance or for an owner, operator or
2910 manager to permit a patron to be upon any portion of the stage during the
2911 performance.

2912 c. No manager, employee, server, entertainer or patron of an adult
2913 business while on the premises of an adult business shall knowingly touch,
2914 fondle or caress any specified anatomical area of another person or
2915 knowingly permit another person to touch, fondle or caress any specified
2916 anatomical area of such manager, employee, server, entertainer or patron,
2917 whether such specified anatomical areas are clothed, unclothed, covered or
2918 exposed.

2919 d. No entertainer shall solicit, demand or receive any payment or gratuity
2920 from any patron for any act prohibited by this Chapter and while on the
2921 premises of an adult business and no entertainer shall receive any payment
2922 or gratuity from any patron for any entertainment except as follows:

2923 (1) While such entertainer is on the stage, a patron may place such
2924 payment of gratuity into a container affixed to the stage; or

2925 (2) While such entertainer is not on the stage but while on the
2926 premises of an adult business and is clothed so as to not expose to
2927 view any specified anatomical area, a patron may either place such
2928 payment or gratuity into the entertainer's hand or under a leg garter
2929 worn by such entertainer at least four (4) inches below the bottom of
2930 the pubic region.

2931 e. No owner, operator, manager or other person in charge of the premises
2932 of an adult business shall knowingly allow or permit a violation of this
2933 Chapter or any other City ordinance provision or State law.

2934 7. *Signs.*

2935 a. All adult businesses shall conspicuously display on the principal
2936 entrance to the premises a sign, visible from the exterior of the premises, on
2937 which uppercase letters shall be at least two (2) inches high and lowercase
2938 letters at least one (1) inch high, which shall read as follows:

2939 THIS BUSINESS IS AN ADULT BUSINESS.

2940 ONLY PERSONS EIGHTEEN (18) YEARS OF AGE OR OLDER

2941 SHALL BE PERMITTED ON THE PREMISES.

2942 b. All adult entertainment businesses that provide live entertainment shall
2943 conspicuously display in the common area inside the principal entrance to
2944 the premises a sign on which uppercase letters shall be at least two (2)
2945 inches high and lowercase letters at least one (1) inch high, which shall read
2946 as follows:

2947 THIS ADULT ENTERTAINMENT BUSINESS IS REGULATED
2948 AND LICENSED BY THE CITY OF RAYMORE
2949 ENTERTAINERS ARE:

2950 Not permitted to engage in any type of sexual conduct or prostitution on the
2951 premises or to fondle, caress or touch the breasts, pubic region, buttocks or
2952 genitals of any employee, patron or other entertainer or to permit any employee,
2953 patron or other entertainer to fondle, caress or touch the breasts, pubic region,
2954 buttocks or genitals of said entertainer.

2955 Not permitted to be nude.

2956 Not permitted to demand or collect any payment or gratuity from any customer for
2957 entertainment, except as follows:

2958 While such entertainer is on the stage, by placing such payment or gratuity into a
2959 box affixed to the stage; or

2960 While such entertainer is not on the stage, by either placing such payment or
2961 gratuity into the entertainer's hand or under the entertainer's leg garter.

2962 CUSTOMERS ARE:

2963 Not permitted to be upon the stage at any time.

2964 Not permitted to touch, caress or fondle the breasts, pubic region, buttocks or
2965 genitals of any employee, server, entertainer or patron or engage in solicitation for
2966 prostitution.

2967 c. Signs and window displays shall not display adult media or sexually
2968 oriented toys or novelties.

2969 8. *Lighting required.* The premises of all adult businesses shall be equipped with
2970 overhead lighting of every place to which customers are permitted access, at an
2971 illumination of not less than one (1) foot-candle, as measured at the floor level and
2972 such illumination must be maintained at all times that any customer or patron is
2973 present in or on the premises.

2974 9. *Closed booths or rooms prohibited.* The premises of all adult businesses shall be
2975 physically arranged in such a manner that the entire interior portion of any booths,
2976 cubicles, rooms or stalls is visible from a common area of the premises. Visibility
2977 shall not be blocked or obscured by doors, curtains, drapes or any other
2978 obstruction whatsoever. Adult video viewing booths are prohibited whether or not
2979 the booth is visible from a common area of the premises. Adult video viewing
2980 booths are prohibited as a principal use or accessory use.

2981 10. *Ventilation and sanitation requirements.* The premises of all adult businesses
2982 shall be kept in a sanitary condition. Except as otherwise provided in this Chapter,
2983 separate dressing rooms and rest rooms as required by the International Building
2984 Code, shall at all times be maintained and kept in a sanitary condition.

2985 11. *Hours of operation.* No adult business may be open or in use:

2986 a. Between the hours of 12:00 A.M. and 8:00 A.M. Monday through
2987 Saturday; nor

2988 b. Between the hours of 12:00 A.M. Sunday and 8:00 A.M. Monday; nor

2989 12. *Facilities necessary.* No adult business license to conduct a bathhouse or body
2990 painting studio shall be issued unless an inspection by an appropriate City Official
2991 proves that the premises on which the applicant intends to conduct such business
2992 complies with the minimum requirements of the International Building Code,
2993 RSMo., and the Cass County Health Department:

2994 a. No activity related to an adult business shall be carried on within any
2995 cubicle, room, booth or any area within any permitted establishment which is
2996 fitted with a door capable of being locked.

2997 An appropriate City Official shall certify that the proposed business establishment
2998 complies with all of the requirements of this Section and shall give or send such
2999 certification to the City Clerk. Provided, however, that nothing contained shall be
3000 construed to eliminate other requirements of Statute or ordinance concerning the
3001 maintenance of premises nor to preclude authorized inspection. The appropriate
3002 City Official may recommend the issuance of a license contingent upon compliance
3003 with any requirements in this Section.

3004 SECTION 650.090: - LICENSE — POSTING OR DISPLAY

3005 Every business licensed as an adult business shall post such license in a
3006 conspicuous place and manner on the adult business premises.

3007 SECTION 650.100: - MANAGER ON PREMISES

3008 A. A manager shall be on duty at all adult businesses at all times the premises are
3009 open for business.

3010 B. It shall be the responsibility of the manager to verify that any person who
3011 provides adult entertainment or works as a server within the premises possesses a
3012 current and valid entertainer or server's license and that such licenses are available
3013 for review upon demand of a City Official. It shall also be the responsibility of the
3014 manager to ensure minors do not enter upon the premises of an adult
3015 entertainment business.

3016 SECTION 650.110: - INSPECTORS AND INSPECTIONS

3017 All adult businesses shall permit Law Enforcement Officers or any other City
3018 Officials acting in their official capacity, to inspect the premises as necessary to
3019 insure the business is complying with all applicable regulations and laws.

3020 SECTION 650.120: - SUSPENSION, REVOCATION OR NON-RENEWAL — LICENSE

3021 Whenever the City Clerk has information that:

3022 1. The owner or operator of an adult business or a holder of a manager, server or
3023 entertainer license has violated or knowingly allowed or permitted the violation of
3024 any of the provisions of this Chapter; or

3025 2. There have been recurrent violations of provisions of this Chapter that have
3026 occurred under such circumstances that the owner or operator of an adult
3027 business knew or should have known that such violations were committed; or

3028 3. The adult business licensee or the manager, server or entertainer license was
3029 knowingly obtained through false statements in the application or renewal for such
3030 license; or

3031 4. The adult business licensee or the manager, server or entertainer licensee
3032 knowingly failed to make a complete disclosure of all information in the application
3033 or renewal for such license; or

3034 5. The owner or operator or any partner or any corporate officer or director
3035 holding an adult business license has become disqualified from having a license by
3036 a conviction as provided in this Chapter.

3037 If the owner or operator of an adult business or the holder of a manager, server or
3038 entertainer license has become disqualified from having a license by a conviction as
3039 provided, then the City Clerk shall make this information known to the City
3040 Manager to determine whether the license should be suspended or revoked. Based
3041 on the evidence produced the City Manager may take any of the following actions:

- 3042 a. may take no action;
- 3043 b. Suspend the license for up to ninety (90) days;
- 3044 c. Revoke the license for the remainder of the license year; or
- 3045 d. Place the license holder on administrative probation for a period of up to
3046 one (1) year, on the condition that no further violations of this Chapter occur
3047 during the period of probation. If a violation does occur and after a hearing
3048 the violation is determined to have actually occurred, the license will be
3049 revoked for the remainder of the license year.

3050 Notice of the City Manager's decision shall be issued to the license holder by
3051 certified or regular mail and posted on the premise of license where issued within
3052 twenty-four (24) hours.

3053 SECTION 650.130: - APPEAL, NOTICE AND HEARING PROCEDURE

3054 A. APPEAL. Any action of the City Manager, under this section, may be appealed by
3055 any aggrieved person or party to the City Council. The appeal shall be filed with the
3056 City Clerk within ten (10) days after the decision of the City Manager was issued.
3057 The appeal shall be placed on the agenda for the next regular meeting of the City
3058 Council for public hearing.

3059 B. When an appeal has been filed and a hearing is required, City Council shall, after
3060 no less than ten (10) days' written notice to the applicant or licensee, hold such
3061 hearing at the next regular meeting of the City Council to ascertain all facts in the
3062 matter.

3063 C. Notice of such hearing shall be in writing and shall set forth the reason for the
3064 appeal and shall be served upon the licensee in person or by registered or certified

3065 mail to the licensee's last known address. In the event that the City Council is
3066 unable to serve the adult entertainment business licensee in person and any notice
3067 sent by mail is returned by the postal service, the City Council shall cause such
3068 notice to be posted at the principal entrance of the adult entertainment business
3069 and such posting shall be a valid means of service.

3070 C. At such hearing, an applicant or licensee shall have full right to be represented
3071 by counsel, to produce witnesses and other evidence and to cross-examine all
3072 witnesses who appear against them. Oral evidence shall be taken only upon oath or
3073 affirmation. All proceedings in such hearing shall be recorded and entered into the
3074 minutes as required by law. The City Council may receive evidence relevant to the
3075 issues from the applicant or licensee. Witnesses may be subpoenaed and upon
3076 request of any party, the City Council shall issue subpoenas, and in a proper case,
3077 subpoenas duces tecum, which shall be served and returned as in civil actions in
3078 Circuit Court.

3079 D. The City Council shall issue findings of fact and conclusions of law in its
3080 decision at the conclusion of the hearing. The City Council's decision shall be served
3081 upon the applicant or licensee in person or by registered or certified mail to the
3082 applicant's or licensee's last known address. In the event that the City Council is not
3083 able to serve the decision upon the licensee or applicant for a renewal license in the
3084 manner stated above, such decision may be served by posting such decision at the
3085 principal entrance of the adult entertainment business and such posting shall be a
3086 valid means of service.

3087 SECTION 650.140: - RENEWAL

3088 A. A license may be renewed by making application to the City Clerk on
3089 application forms provided for that purpose. Licenses shall expire on December
3090 thirty-first (31st) of each calendar year and renewal applications for such licenses
3091 shall be submitted between December first (1st) and December thirty-first (31st).

3092 B. Upon timely application and review as provided for a new license, a license
3093 issued under the provisions of this Chapter shall be renewed by issuance of a new
3094 license in the manner provided herein.

3095 C. If the application for renewal of a license is not made during the time provided,
3096 a new application shall be required.

3097 SECTION 650.150: - APPLICATION TO EXISTING BUSINESSES

3098 A. The provisions of this Chapter shall apply to all adult businesses existing on
3099 the effective date of this Chapter, as well as to all adult businesses established after
3100 the effective date of this Chapter.

3101 B. Any adult business lawfully operating on the effective date of this Chapter that
3102 is ineligible for licensing solely as a result of the locational restrictions set forth in
3103 Section 420.030 (A) of the Unified Development Code shall be deemed a lawful
3104 non-conforming business.

3105 C. Each of the following adult businesses, as defined in this Chapter, shall be
3106 considered a unique and separate adult business: adult media outlet; adult
3107 newsrack; adult retail establishment; adult motion picture theater; adult theater;
3108 adult entertainment cabaret; adult entertainment studio; adult encounter parlor;
3109 body painting studio; bathhouse; adult motel.

3110 The classification of each adult business shall be determined at the time a license is
3111 issued for the business. Where an adult business is considered a lawful
3112 non-conforming business under this Section, the right to continue such
3113 non-conforming business shall be limited to that specific business as defined and
3114 shall not include other adult businesses listed herein.

3115 D. The extension of a lawful non-conforming business to any portion of a
3116 building, which portion was constructed expressly for such non-conforming
3117 business prior to the effective date of this Chapter, shall be permitted, provided
3118 that no structural alterations shall be made thereafter.

3119 E. An adult business lawfully operating as a conforming business is not rendered
3120 non-conforming by the location, subsequent to grant or renewal of the adult
3121 business license, of a school, church, library, licensed child care center, public park
3122 or property zoned for residential purposes located within the City limits and within
3123 five hundred (500) feet of the adult business. This provision applies only to the
3124 renewal of a valid license and does not apply when an application for a license is
3125 submitted after a license has expired or has been revoked.

3126 SECTION 650.160: - JUDICIAL REVIEW — STAY OF ENFORCEMENT ORDERS

3127 Following the entry of an order by the City Council suspending or revoking a license
3128 issued pursuant to this Chapter or disapproving the renewal application for a
3129 license, such licensee or applicant may seek judicial review in a manner provided by
3130 law. The City Council shall stay enforcement of such order for a period of time not
3131 to exceed forty-five (45) days pending the filing and/or final disposition of
3132 proceedings for judicial review.

3133 SECTION 650.170: - PENALTY

3134 Upon conviction or a plea of guilty, any person, firm or corporation violating or
3135 failing to comply with any of the provisions of this Chapter shall be subject to the
3136 penalty provisions provided for in Section 100.220 of the City Code. Each day's
3137 violation of or failure, refusal or neglect to comply with any provision of this
3138 Chapter shall constitute a separate and distinct offense.

3139 SECTION 650.180: - REGULATIONS

3140 The City Clerk shall have the power to promulgate regulations as may be necessary
3141 and feasible for the carrying out of the duties of their office and which are not
3142 inconsistent with the provisions of this Chapter.

3143 SECTION 650.190: - SAVINGS CLAUSE

3144 Neither the adoption of this Chapter nor the repeal or amendment of any
3145 ordinance or part or portion thereof shall in any manner affect the prosecution or

3146 civil enforcement for violations of ordinances, which violations were committed
3147 prior to the effective date hereof, nor be construed as a waiver of any license, fee
3148 or penalty at said effective date due and unpaid under such ordinances, nor be
3149 construed as affecting any of the provisions of such ordinances relating to the
3150 collection of any such license, fee or penalty or the penal provisions applicable to
3151 any violation thereof.

3152 SECTION 650.200: - SEVERABILITY

3153 If any Section, Subsection, subdivision, paragraph, sentence, clause or phrase in
3154 this Chapter or the application thereof to any circumstances is for any reason held
3155 to be unconstitutional or invalid or ineffective by any court of competent
3156 jurisdiction, such decision shall not affect the validity or effectiveness of the
3157 remaining portions of this Chapter.

3158 **CHAPTER 655: SOLICITATION FOR CHARITABLE DONATIONS**

3159 SECTION 655.010: - PURPOSE

3160 The intent of this code is to outline regulations providing for safe on-street
3161 solicitation activities in the best interest for the health, safety, and welfare of
3162 vehicles, passengers, and pedestrians traveling on or using streets in the City.

3163 SECTION 655.020: - DEFINITIONS

3164 For the purpose of this Code, the following interpretation and/or meanings shall
3165 apply:

3166 *CHARITABLE ORGANIZATION:* Any person, as defined in RSMO section 407.010, who
3167 does business in this state or holds property in this state for any charitable purpose
3168 and who engages in the activity of soliciting funds or donations for, any fraternal,
3169 benevolent, social, educational, alumni, historical or other charitable purpose.

3170 *CHARITABLE PURPOSE:* Any purpose which promotes, directly or indirectly, the
3171 well-being of the public at large or any number of persons, whether such well-being
3172 is in general or limited to certain activities, endeavors or projects.

3173 *SOLICITATION:* Any request or appeal, either oral or written, or by gesture, or any
3174 endeavor to obtain, seek or plead for funds, property, financial assistance or other
3175 thing of value, including the promise or grant of any money or property of any kind
3176 or value for a charitable purpose.

3177 *AGGRESSIVE SOLICITATION:* Approaching or following pedestrians, repetitive soliciting
3178 despite refusals, the use of abusive or profane language to cause fear and
3179 intimidation, unwanted physical contact, or the intentional or unintentional
3180 blocking of pedestrian or vehicular traffic.

3181 SECTION 655.030: - REGULATIONS

3182 A. No person or organization shall solicit for charitable donations on public
3183 streets and public rights-of-way in the City without prior written application and

3184 approval from the Chief of Police, or their designee, and shall comply with the
3185 following:

3186 1. The solicitation will not substantially interrupt the safe and orderly
3187 movement of traffic, either pedestrian or vehicular as provided by in Chapter
3188 345.080.

3189 2. The solicitation will not require the diversion of City resources which
3190 prevents the normal provision of City services.

3191 3. The solicitation event will not reasonably be likely to cause injury,
3192 damage property, provoke disorderly conduct or create a disturbance.

3193 4. The application for permit must be made not later than fourteen (14)
3194 days before the event.

3195 5. The solicitation may only be conducted at traffic controlled, signaled
3196 intersections on 58 Highway, between the Raymore portion of Dean Avenue
3197 and Johnston Parkway.

3198 6. The solicitation may only take place one hour following sunrise until one
3199 hour prior to sunset.

3200 7. The number of solicitors is limited to eight (8) per intersection, two (2)
3201 per corner within the City.

3202 8. The solicitation event may last no more than two (2) days.

3203 9. All solicitors must be seventeen (17) years of age or older.

3204 10. Organizations are limited to one (1) solicitation event per calendar year.

3205 11. Aggressive solicitation is prohibited in all instances.

3206 12. All participants must wear reflective safety vests that meet the
3207 requirements established by the ANSI (American National Standards
3208 Institute) or ISEA (International Safety Equipment Association).

3209 13. No person or participant of the event shall shout, make any outcry,
3210 blow a horn, ring a bell or use any sound device, including any loud speaking
3211 radio or sound amplifying system at or near the intersection at which the
3212 solicitation for charitable donation is being conducted.

3213 B. This Section of code is not intended to limit any persons from exercising their
3214 rights to solicit funds, picket, protest or otherwise engage in constitutionally
3215 protected activities.

3216 C. This Section shall not be construed or interpreted as prohibiting a person(s) or
3217 organization from conducting solicitation on private property within the City with
3218 permission of the owner.

3219 D. A certificate of insurance evidencing that the applicant and/or organization has
3220 public liability insurance in an amount sufficient to cover potential claims for any
3221 bodily injury, death or disability and for property damage which may arise from or
3222 be related to the use allowed by the permit. The policy shall name the City as an

3223 additional insured, apply as primary insurance regardless of any insurance which
3224 the City may carry; and obligate the insurance company to give notice to the City
3225 before cancellation of the policy. The insurance provided shall be in an amount in
3226 an amount up to the current City's sovereign immunity level as established by
3227 RSMo. The certificate of insurance shall accompany the written application.

3228 SECTION 655.040: - APPLICATION FOR PERMIT

3229 A. Applications for permits under this Chapter must be filed with the Chief of
3230 Police. The application must be filed on a form to be furnished by the Police
3231 Department and shall contain a sworn statement which will indemnify and hold the
3232 City free and harmless from any and all claims, actions, or damages of every kind
3233 and description which may accrue to or be suffered by any person by reason or use
3234 of a public street. The application shall provide the following information:

- 3235 1. Name and description of the event.
- 3236 2. Name and address of the charitable organization.
- 3237 3. Dates of the event.
- 3238 4. Location of the event.
- 3239 5. Name, addresses, and ages of all participants of the event.
- 3240 6. A statement as to whether or not the applicant or participants of the
3241 event have been convicted of any crime, misdemeanor, or violation of any
3242 municipal ordinance, the nature of the offense and the punishment or
3243 penalty assessed.

3244 B. No permit issued under this Chapter shall be transferable or assignable.

3245 SECTION 655.050: - EXHIBITION OF PERMIT

3246 The exhibition of the permit issued by the Chief of Police shall be made available at
3247 the location for the solicitation of charitable donation and produced upon demand.

3248 SECTION 655.060: - DENIAL OF APPLICATION

3249 In the event of a denial of an application of a permit by the Chief of Police, the
3250 applicant may file an appeal to the City Manager. Such appeal shall be heard within
3251 forty-eight (48) hours of the date and time the appeal was filed with the City
3252 Manager. The City Manager shall make the decision and shall set forth the grounds
3253 for granting or denying the appeal. Any applicant aggrieved by the decision of the
3254 City Manager may appeal that decision to the City Council provided the appeal is
3255 filed within ten (10) days of the City Manager's decision. The appeal shall be placed
3256 on the agenda of the next regular City Council meeting.

3257 SECTION 655.070: - REVOCATION OF PERMIT

3258 A permit issued under the provisions of this Chapter may be revoked by the Chief
3259 of Police of this City immediately for any of the following causes:

- 3260 1. Fraud, misrepresentation, or false statement contained in the
3261 application for permit.

- 3262 2. Fraud, misrepresentation, or false statements made in the course of
3263 solicitation for charitable donation.
- 3264 3. Any violation of this Chapter.
- 3265 4. Conducting the solicitation for charitable donation in an unlawful
3266 manner or in such a manner as to constitute a breach of the peace or to
3267 constitute a menace to the health, safety, or general welfare of the public.
- 3268 5. Conviction of any crime or misdemeanor involving moral turpitude.

3269 If the situation which prompted the revocation of the permit is corrected, the
3270 individual(s) or organization may reapply if all of the requirements are met.

3271 SECTION 655.080: - VIOLATIONS

3272 Upon conviction or a plea of guilty, any person, firm or corporation violating or
3273 failing to comply with any of the provisions of this Chapter shall be subject to the
3274 penalty provisions provided for in Section 100.220 of the City Code.

3275 **CHAPTER 660: REGULATION ON MEDICAL MARIJUANA**

3276 SECTION 660.010: - APPLICABILITY

3277 A. The regulations contained in this Chapter apply to all property and medical
3278 marijuana uses located within the corporate limits of the City of Raymore.

3279 B. All medical marijuana related uses shall be located in accordance with the
3280 requirements of the City of Raymore Unified Development Code.

3281 SECTION 660.020: - DEFINITIONS

3282 All terms used in this Chapter shall be as defined by the City of Raymore Unified
3283 Development Code or 19-CSR 30-95.10.

3284 SECTION 660.030: - PURPOSE

3285 The purpose of this Chapter is to regulate the placement and licensing of facilities
3286 for the cultivation, manufacturing, storage, transfer, testing and distribution of
3287 medical marijuana and marijuana-infused products, to the extent permitted by the
3288 Missouri Constitution, applicable provisions of RSMo., and regulations promulgated
3289 by the Missouri Department of Health and Senior Services, and to protect the
3290 health, safety and welfare of the residents, businesses and property owners in the
3291 City.

3292 SECTION 660.040: - GENERAL PROVISIONS

3293 No building or property shall be constructed, altered, or used for a medical
3294 marijuana facility without complying with the following regulations:

3295 A. Compliance with State Regulations
3296

3297 All medical marijuana facilities must maintain compliance with all applicable
rules adopted by the State of Missouri.

3298 B. Definitions
3299

3300 Definitions contained in the City of Raymore Unified Development Code and
3301 in 19-CSR 30-95.010 are hereby adopted as the applicable definitions for this
Section.

3302 C. Public Consumption
3303

3304 1. No marijuana may be smoked, ingested, or otherwise consumed on or
3305 within the premises of any medical marijuana facility, nor shall the
licensee permit such consumption.

3306 2. Public consumption of marijuana is prohibited.

3307 D. Combination of Alcohol Sales and Medical Marijuana Sales
3308

3309 The sale or consumption of alcohol within a medical marijuana facility is
prohibited.

3310 E. Combination of Facilities
3311

3312 Medical marijuana facilities that propose having more than one type of
3313 facility on the same property or within the same building shall comply with all
3314 regulations established for each facility. The location restrictions, as
3315 established in the Unified Development Code, shall be followed for the most
restricted facility.

3316 F. Hours of Operation
3317

3318 All medical marijuana facilities shall be closed to the public, no persons not
3319 employed by the medical marijuana facility shall be on the premises, and no
3320 delivery to or from the medical marijuana facility, between the hours of 10:00
P.M. and 8:00 A.M.

3321 G. Licenses

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1. No medical marijuana or marijuana-infused products shall be acquired, certified, delivered, processed, sold, stored, tested or transported within the City, except by persons or entities licensed for such purposes by the Missouri Department of Health and Senior Services.
2. The applicable medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
3. No medical marijuana facility shall be operated within the City without a valid license issued by the Missouri Department of Health and Senior Services.
4. All medical marijuana facilities shall be licensed in accordance with Chapter 605 of the Raymore City Code.
5. If a facility license is suspended or revoked by the Department of Health and Senior Services, the facility must immediately close and cease all operations until a license is reinstated or a new license is issued.

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H. Ventilation Required

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All medical marijuana facilities shall install and operate a ventilation system that will prevent any odor of marijuana from leaving the premises of the facility. No odors shall be detectable by a person of ordinary senses outside of the boundary of the tenant space or property on which the facility is located.

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I. Multi-Tenant Buildings

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1. No odors shall be detectable by a person of ordinary senses outside of the boundary of the residential unit in a multi-tenant building.
2. No smoke shall be allowed to pass from one tenant space to another, or from one residential unit to another.
3. No medical marijuana may be smoked, ingested, or otherwise consumed in any hallway or common area of a multi-tenant building.

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J. Location Restrictions

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1. Medical marijuana facilities shall comply with the location restrictions identified in Section 420.030N of the City of Raymore Unified Development Code.
2. Each medical marijuana facility shall be operated from a permanent and fixed location. No medical marijuana facility shall be permitted to operate from a moveable, mobile, or transitory location.

3359 K. Transportation and Possession

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No person shall possess marijuana within the City, except:

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1. A qualified patient for the patient's own personal use, in an amount no larger than the law allows; or

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2. A caretaker of a qualified patient, or patients, but only when transporting the medical marijuana to a qualified patient or when accompanying a qualified patient or patients; or

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3. An owner or employee of a medical marijuana facility within the enclosed building licensed as such, or when delivering directly to a qualified patient's or caretaker's residence or another medical marijuana facility.

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L. Disposal of Medical Marijuana

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No person shall dispose of medical marijuana or marijuana-infused products in an unsecured waste receptacle not in possession and control of the licensee and designed to prohibit unauthorized access.

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M. Display of Products

3374

No medical marijuana, marijuana-infused product, or drug paraphernalia shall be displayed as to be visible through glass, windows, or doors by a person of normal visual acuity standing outside of the facility.

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N. Access Restrictions

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1. No person under the age of eighteen (18) shall be allowed in any portion of a medical marijuana cultivation facility, infused products manufacturing facility, or a testing facility. This restriction shall be clearly posted at the entrance to the facility.

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2. No person under the age of eighteen (18) shall be allowed in any portion of a medical marijuana dispensary facility, except that a qualifying patient who is under the age of eighteen (18) may enter if accompanied by a parent or legal guardian. This restriction shall be clearly posted at the entrance to the facility.

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O. Signage

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Signage associated with a medical marijuana facility shall comply with the requirements contained in Chapter 435: Signs of the City of Raymore Unified Development Code.

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3392 P. Permits Required to be Shown

3393

3394 Upon demand of a Law Enforcement Officer, a person in possession of
3395 medical marijuana shall provide the officer with their qualified patient or
3396 primary caregiver identification card. Failure to provide the identification
card upon demand is a violation of this Chapter.

3397 Q. Home Cultivation License

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- 3399 1. All cultivation activities occurring in residences or on residential
3400 property shall be conducted in accordance with 19 CSR 30-95.030.
- 3401 2. No extraction or infused products manufacturing activities shall occur
3402 in a residence or on residential property or anywhere other than a
licensed infused products manufacturing facility.
- 3403 3. Any qualifying patient or primary caregiver with an identification card
3404 to cultivate marijuana plants shall register with the City, the location of
3405 the property where the home cultivation activity is occurring.

3406 SECTION 660.050: - VIOLATIONS

3407 It shall be unlawful for a person, firm or corporation to be in conflict with or in
3408 violation of any of the provisions of this Chapter.

3409 SECTION 660.060: - PENALTIES

3410 Upon conviction or a plea of guilty, any person, firm or corporation violating or
3411 failing to comply with any of the provisions of this Chapter shall be subject to the
3412 penalty provisions provided for in Section 100.220 of the City Code.

1 **TITLE VII. - UTILITIES**

2 CHAPTER 700: - GENERAL PROVISIONS

3 SECTION 700.010: - DEFINITIONS

4 For purposes of this Title, the following words and phrases shall have the following
5 meaning:

6 *APPLICANT*: Any individual, firm, partnership, corporation or other agency
7 owning land within the City applying for a sanitary sewer service.

8 *BOD (Denoting Biochemical Oxygen Demand)*: The quantity of oxygen utilized in
9 the biochemical oxidation of organic matter under standard laboratory
10 procedure in five (5) days at twenty degrees centigrade (20°C), expressed in
11 milligrams per liter.

12 *BUILDING DRAIN*: That part of the lowest horizontal piping of a drainage system
13 which receives the discharge from soil, waste, and other drainage pipes inside
14 the walls of the building and conveys it to the building sanitary sewer,
15 beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

16 *BUILDING SANITARY SEWER*: The extension from the building drain to the public
17 sanitary sewer or other place of disposal.

18 *CIP*: The Capital Improvement Program.

19 *CITY*: The words "the City" or "this City" or "City" shall mean the City of Raymore,
20 Missouri, a municipal corporation, and any duly authorized representative.

21 *CITY COUNCIL*: The City of Raymore, Missouri, a municipal corporation, and any
22 duly authorized representative.

23 *COLLECTION AND TREATMENT FACILITIES*: Any devices and systems for the
24 collection, storage, treatment, recycling, and reclamation of municipal sewage,
25 domestic sewage, or liquid industrial waste. These include intercepting sewers,
26 outfall sewers, sewage collection systems, individual systems, pumping, power,
27 and other equipment and their appurtenances; extensions, improvements,
28 remodeling, additions and alterations; and any works, including site acquisition
29 of the land, that will be an integral part of the treatment process or is used for
30 ultimate disposal of residues; or any other method or system or method for
31 preventing, abating, reducing, storing, treating, separating, or disposing of
32 municipal waste or industrial waste.

33 *COMBINED SEWER*: A sewer receiving both surface runoff and sewage.

34 *CONSUMER*: The owner or person in control of any premises supplied by or in
35 any manner connected to a public water system.

36 *CUSTOMER*: Any individual, partnership, firm, association, or corporation in
37 whose name the utility service is provided.

38 *DIVERT*: To change the intended course or path of water and/or sanitary sewer
39 service without the express authorization or consent of the City.

40 *GARBAGE*: Solid wastes from the domestic and commercial preparation,
41 cooking, and dispensing of food, and from the handling, storage, and sale of
42 produce.

43 *INDUSTRIAL WASTES*: The liquid wastes from industrial manufacturing processes,
44 trade, or business as distinct from sanitary sewage.

45 *INSPECTOR*: The person or persons duly authorized by the City of Raymore to
46 inspect and approve the installation of building sanitary sewers and their
47 connection to the public sanitary sewer system.

48 *LEAD BASE MATERIALS*: Any material containing lead in excess of the quantities
49 specified in the definition of "lead-free".

50 *LEAD FREE*:

51 A. In General.

52 1. When used with respect to solder and flux, refers to solders and flux
53 containing not more than 0.2 percent (0.2%) lead; and

54 2. When used with respect to pipes and pipe fittings, refers to pipes
55 and pipe fittings containing not more than 0.25 percent (0.25%)
56 lead.

57 B. Calculation. The weighted average lead content of a pipe, pipe fitting,
58 plumbing fitting, or fixture shall be calculated by using the following
59 formula: For each wetted component, the percentage of lead in the
60 component shall be multiplied by the ratio of the wetted surface area of
61 that component to the total wetted surface area of the entire product to
62 arrive at the weighted percentage of lead of the component. The
63 weighted percentage of lead of each wetted component shall be added
64 together, and the sum of these weighted percentages shall constitute
65 the weighted average lead content of the product. The lead content of
66 the material used to produce wetted components shall be used to
67 determine compliance with paragraph (A)(2). For lead content of
68 materials that are provided as a range, the maximum content of the
69 range shall be used.

70 *NATURAL OUTLET*: Any outlet into a watercourse, pond, ditch, lake, or other body
71 of surface or groundwater.

72 *NON-RESIDENTIAL CONTRIBUTOR*: Any contributor to the City's wastewater
73 facilities whose lot, parcel of real estate, or building is served by a water meter
74 larger than three-fourths ($\frac{3}{4}$) inch.

75 *NORMAL DOMESTIC WASTEWATER*: Wastewater that has a BOD concentration of
76 not more than two hundred forty (240) mg/l and a suspended solids
77 concentration of not more than two hundred forty (240) mg/l.

78 *OPERATION AND MAINTENANCE*: All expenditures during the useful life of the
79 collection and treatment facilities for materials, labor, utilities, and other items
80 which are necessary for managing and maintaining the sewage works to
81 achieve the capacity and performance for which such works were designed and
82 constructed.

83 *PERSON*: Any individual, firm, company, association, society, corporation, or
84 group.

85 pH: The logarithm of the reciprocal of the weight of hydrogen ions in grams per
86 liter of solution.

87 *PROPERLY SHREDED GARBAGE*: The wastes from the preparation, cooking, and
88 dispensing of foods that have been shredded to such a degree that all particles
89 will be carried freely under the flow conditions normally prevailing in public
90 sanitary sewers, with no particle greater than one-half ($\frac{1}{2}$) inch (1.27
91 centimeters) in any dimension.

92 *PUBLIC DRINKING WATER SYSTEM*: Any publicly or privately owned water system
93 supplying water to the general public which is satisfactory for drinking, culinary
94 and domestic purposes and meets the requirements of the Missouri
95 Department of Natural Resources.

96 *PUBLIC SEWER*: A sanitary sewer in which all owners of abutting properties have
97 equal rights, and is controlled by public authority.

98 *RE-CONNECTION*: The commencement of water service to a service address after
99 service has been discontinued by the City.

100 *REPLACEMENT*: Expenditures for obtaining and installing equipment,
101 accessories, or appurtenances which are necessary during the useful life of the
102 wastewater collection and treatment facilities to maintain the capability and
103 performance for which such works were designed and constructed. The term
104 "operation and maintenance" includes replacement.

105 *RESIDENTIAL CONTRIBUTOR*: Any contributor to the City's wastewater facilities
106 whose lot, parcel of real estate, or building is served by a three-fourths ($\frac{3}{4}$) inch
107 water meter or less.

108 *SANITARY SEWER*: A sewer which carries sewage and to which storm, surface,
109 and ground waters are not intentionally admitted.

110 *SEWAGE*: A combination of the water-carried wastes from residences, business
111 buildings, institutions, and industrial establishments, together with such
112 ground, surface, and stormwaters as may be present.

113 *SEWAGE TREATMENT PLANT*: Any arrangement of devices and structures used for
114 treating sewage.

115 *SEWAGE WORKS*: All facilities for collecting, pumping, treating, and disposing of
116 sewage.

117 *SEWER*: A pipe or conduit for carrying sewage.

118 *SLUG*: Any discharge of water, sewage, or industrial waste which in
119 concentration of any given constituent or in quantity of flow exceeds for any
120 period of duration longer than fifteen (15) minutes more than five (5) times the
121 average twenty-four (24) hour concentration or flows during normal operation.

122 *SS (DENOTING SUSPENDED SOLIDS)*: Solids that either float on the surface of or
123 are in suspension in water, sewage, or other liquids and which are removable
124 by laboratory filtering.

125 *STATE DIRECTOR*: The State Director of the Farmers Home Administration for
126 Missouri, United States Department of Agriculture, or his/her their successor.

127 *STORM DRAIN (Sometimes Termed Storm Sewer)*: A sewer which carries storm
128 and surface waters and drainage, but excludes sewage and industrial wastes,
129 other than unpolluted cooling water.

130 *SUSPENDED SOLIDS*: Solids that either float on the surface of, or are in
131 suspension in water, sewage, or other liquids, and which are removable by
132 laboratory filtering.

133 *TAMPER*: To re-arrange, damage, injure, destroy, alter, interfere with or
134 otherwise prevent from performing normal or customary functions of water or
135 sanitary sewer service.

136 *USEFUL LIFE*: The estimated period during which a collection and treatment
137 facility will be operated.

138 *USER CHARGE*: That portion of the total wastewater service charge which is
139 levied in a proportional and adequate manner for the cost of operation,
140 maintenance, and replacement of the collection facilities.

141 *WATERCOURSE*: A channel in which a flow of water occurs, either continuously or
142 intermittently.

143 *WATER METER*: A water volume measuring and recording device, furnished
144 and/or installed by the City or furnished and installed by the user and approved
145 by the City.

146 *WATER PURVEYOR*: The owner, operator, or individual in responsible charge of a
147 public water system.

148 SECTION 700.020: - COMBINED WATER AND SANITARY SEWER SYSTEM

149 The water and sanitary sewer systems of the City and all future improvements and
150 extensions, whether to the water or to the sewer system or to both, shall be and
151 the same are combined and shall be operated and maintained as a combined
152 water and sewer system.

153 SECTION 700.030: - EXTENSION OF SERVICE

154 A. Property not currently served by public water facilities, public sanitary sewer
155 facilities or both, should have service extended to it in accordance with the
156 City's capital improvements program (CIP), water and/or sewer master plan and
157 Design and Construction Manual. This policy shall apply only to facilities owned
158 and operated by the City of Raymore.

159 B. Individuals, associations, entities or corporations ("applicants") desiring
160 extension of public water or public sanitary sewer service facilities not included
161 in the City's CIP or in advance of the schedule in the City's CIP shall make
162 application to the City for extension of service before starting construction of
163 any water or sewer facilities. The application shall be reviewed by the City to
164 determine whether extension of services is consistent with the City's CIP, the
165 City's water and/or sewer master plan, and the standards of the Design and
166 Construction Manual. If the application is approved by the City, the applicant
167 shall enter into an agreement with the City providing for the construction of
168 approved facilities.

169 1. Applicants will be required to furnish, install and construct at the applicant's
170 expense all water and sanitary sewer facilities necessary to serve their
171 property and shall agree to transfer to the City all property and facilities
172 free of debt, liens and other legal encumbrances, for ownership, operation
173 and maintenance. Facilities not complying with these standards will not be
174 accepted by the City and will not be supplied with water or allowed to

175 connect to the public water and/or sanitary sewer system until the
176 deficiencies are corrected.

177 2. Applicants may be required to provide enlarged ("oversized") watermains
178 and/or sanitary sewers to serve adjacent areas and/or upstream areas. By
179 agreement, the City may provide that the added cost to the applicant be
180 reimbursed by the City as set forth in Section 700.040. In no event will
181 reimbursement occur unless an agreement specifically outlining the terms
182 of said reimbursement is approved by the City Council.

183 3. All water and sanitary sewer facilities constructed by the applicant to be
184 transferred to the City shall be constructed on public right-of-way or upon
185 private land with perpetual easements, conveyed free of cost to the City,
186 providing free, unobstructed and uninterrupted right-of-way for inspection,
187 operation, maintenance, enlargement, replacement, alteration and
188 extension of the facilities per City policy.

189 4. Projects included in the City's CIP and constructed by the applicant in
190 advance of the schedule in the City's CIP shall be deleted from the CIP upon
191 completion.

192 5. In order to facilitate the orderly continuation of the City's water distribution
193 and sanitary sewer collection systems, water and sanitary sewer mains shall
194 be installed to the furthest point or points of a property as approved by the
195 City. The applicant shall install lines on more than one (1) side of the
196 property and/or through more than one (1) internal easement or
197 right-of-way if it is determined that those lines are needed to provide
198 service to other properties beyond the subject property.

199 C. Nothing contained in this Section shall limit the City from extending its water
200 and sanitary system wherever it may determine that circumstances so warrant
201 or denying the extension of service, based on system capacity, as it determines
202 necessary.

203 D. The City shall not extend or allow to be extended water or sanitary sewer lines
204 within or beyond the corporate boundaries of Raymore to individuals,
205 associations, entities or corporations unless funds for such lines shall be made
206 available through bond monies or escrow arrangements or private financing
207 (e.g. Community Improvement District) furnished by said individuals,
208 associations, entities or corporations or other method(s) approved by the City
209 Council.

210 SECTION 700.040: - REIMBURSEMENT OF FUNDS FOR INFRASTRUCTURE
211 OVERSIZING

212 A. Under special agreement as provided by this Section, the City may permit an
213 extension of its water distribution or sanitary sewer collection system to be
214 installed by and at the expense of the applicants desiring to secure such
215 service. All installations of water and sanitary sewer extensions shall conform to

216 the Design and Construction Manual and plans and specifications approved by
217 the City and shall be made under the supervision and inspection of the City.

218 B. The actual size of the water or sanitary sewer line required shall be initially
219 established by the applicant, for approval by the City, with supporting
220 documentation to verify that the sizes of the water or sanitary sewer lines, or
221 both, meet the City's specifications. Final evaluation and design shall be
222 determined by the Public Works Director. The City reserves the right to
223 determine the size of the pipe necessary in making such extension. Criteria to
224 be used for this determination shall include, but shall not be limited to, the
225 following:

- 226 1. Utility master plan requirements.
- 227 2. Potential future demand on the water or sanitary sewer system related to
228 the development being proposed by the applicant or the surrounding area.
- 229 3. Hydraulic design criteria of the water or sanitary sewer system.
- 230 4. Design and Construction Manual requirements.

231 C. Investments by applicants in local facilities in their respective areas, such as
232 distribution mains, fire hydrants, sanitary sewer laterals, manholes and other
233 local appurtenances, will not be refunded by or become an obligation of the
234 City.

235 D. As set forth in Section 700.030, applicants may be required to construct
236 oversized water mains and/or oversized sanitary sewers that serve adjacent
237 areas. If reimbursement is authorized by the City Council as set forth in Section
238 700.020, the extra cost of the oversized water main or sanitary sewer will be
239 reimbursed as set forth in the agreement with the applicant according to the
240 City's oversizing policy.

241 **CHAPTER 705: - WATER**

242 **ARTICLE I. - GENERAL PROVISIONS**

243 **SECTION 705.010: - SERVICE CONNECTION TO MAINS**

244 A. The cost of water service connections from the consumer's premises to the City
245 water mains shall be borne by the owner of the premises and shall include all
246 costs of maintenance, repair, and replacement. The main taps or other means
247 of connections at the main shall be made solely by the City after a deposit, as
248 approved by the Governing Body and listed in the Schedule of fees maintained
249 in the Finance Department, has been made by the owner of the premises or
250 their authorized agent. The City shall be the only agency authorized to connect
251 a water line by means of a tap or any other device or means of connection to a
252 City-owned water main.

- 253 B. Water services shall not be installed except by permit issued by the City on the
254 basis of an application for such permit made by the owner of the premises to
255 be served or their authorized agent. The work on water services, except main
256 taps or connections which are provided by the City, shall be done by licensed
257 plumbers as defined by the City's Building Code and licensed in accordance
258 with Chapter 605 of this Code.
- 259 C. The water tap fees to be charged by the City for water taps or connections to
260 City-owned mains shall be as follows:
- 261 1. *Authority in the creation of the water tap fee.* The City is exercising its local
262 authority including its regulatory powers pursuant to Chapters 88 and 91,
263 RSMo. These provisions authorize and require the City to provide and
264 finance water service facilities and to provide for the health, safety and
265 general welfare of the City.
- 266 2. *Intent.*
- 267 a. It is the intent of this Subsection to establish a water system user's fee
268 imposed upon new connections to the City's water system and not to
269 levy a "tax" or fee as such term is used in Article X, Section 22 of the
270 Missouri Constitution.
- 271 b. It is the intent of this Subsection to impose a water tap fee, payable
272 prior to approval of a new water service connection, in an amount
273 based upon the demand for water attributable to the new connection
274 cost of constructing water service facilities needed to serve the new
275 connection.
- 276 3. *Calculation of the water tap fee.* The City shall calculate the water tap fee due
277 for a new application for service by determining the capacity multiplier of
278 the size and type meter to be used for the new connection, relative to a
279 three-quarter ($\frac{3}{4}$) inch displacement type meter.
- 280 4. Water tap fees shall be approved by the Governing Body and listed in the
281 Schedule of Fees and Charges maintained in the Finance Department.
- 282 5. *Administration of water tap fees.*
- 283 a. *Collection of water tap fee.* Water tap fees calculated and imposed
284 pursuant to this Subsection shall be collected by the City prior to
285 approving any application for service and placed in the Water Tap Fee
286 Fund as established below.
- 287 b. *Water Tap Fund Account established.*
- 288 (1) There is hereby established a separate Water Tap Fee Fund Account
289 for the City.
- 290 (2) Funds withdrawn from the Fund Account must be used solely in
291 accordance with the provisions of Subparagraph (c) of this
292 Subsection.

- 293 (3) Any funds not immediately necessary for expenditure shall be
294 invested in interest-bearing accounts. All interest earned shall be
295 retained in the Fund Account.
- 296 c. *Use of funds collected.* The funds collected by reason of this Subsection
297 shall be used exclusively for the purpose of offsetting actual costs
298 incurred by the City in making a tap and undertaking water facilities
299 projects (including master planning, engineering, legal, administration,
300 construction inspection, construction of facilities, land acquisition and
301 testing) or for financing directly as a pledge against bonds, revenue
302 certificates and other obligations of indebtedness, the costs of water
303 facilities projects.
- 304 d. Water tap fees shall be paid in connection with the issuance of any
305 building permit issued for all new connections.
- 306 e. A review of this Section and water tap fees will be completed annually
307 by the City Manager with recommendations concerning changes to this
308 Section or the water tap fee forwarded to the City Council no later than
309 the beginning of the fiscal year.

310 SECTION 705.020: - WATER METERS

- 311 A. All meters installed for original service shall be a City-owned meter installed and
312 connected at the expense of the owner of the premises served, and remain the
313 property of the City for maintenance, repair and/or replacement upon being
314 placed in service. The City shall have right of access for inspection,
315 maintenance, testing, repairs, and/or disconnection of such meter at all times.
- 316 B. Meter settings shall be installed pursuant to current specifications set by the
317 City.
- 318 C. All water meters will be installed outside of the building for purposes of easy
319 maintenance and readings; only engineering difficulties, as deemed necessary
320 by the Public Works Director, may be given a variance to this requirement at
321 their discretion.
- 322 D. *Water Meter Setup Fees.*
- 323 1. A meter setup fee shall be paid by each applicant for a new water service
324 connection to recover the costs associated with meters, materials and labor
325 provided by the City.
- 326 2. For taps on all meter sizes, the City shall provide the necessary meter and
327 materials and the charge shall include the cost of the meter, materials and
328 labor provided by the City. For the installation of meters the City shall
329 provide the labor necessary to tap the water main and the applicant shall
330 perform all other work including excavation, backfill, restoration,
331 installation of the building service line, and installation of the meter and all
332 appurtenances. The applicant shall provide the copper service line.

- 333 3. The City shall inspect the installation of all water meters prior to backfilling
334 and a City inspector shall be present at the time that any water main is
335 tapped.
- 336 4. The meter setup fee shall be established annually by resolution of the City
337 Council based on meter size and represent actual costs incurred by the City
338 for labor and materials as appropriate. If a new rate is not so established,
339 the water meter setup fee will automatically renew at the existing rate.

340 SECTION 705.030: - REMOVAL AND INSPECTION OF WATER METERS

- 341 A. The City shall cause water meters to be removed from service for tests and
342 inspection at such intervals as is required to insure the accuracy of the readings
343 and registerings. The cost of such removal, tests, inspection, repair, and
344 replacement shall be borne by the City.
- 345 B. The removal of the water meters for tests and inspection may be requested by
346 the consumer or property owner served by the meter. If the water actually
347 metered differs from the test results by less than two percent (2%), the cost of
348 such removal, tests, and replacement shall be borne by the consumer.

349 SECTION 705.040: - FIRE HYDRANTS

- 350 A. All fire hydrants installed in the City must comply with current City
351 specifications. Fire hydrants already installed in the City must comply with
352 current City specifications when replaced for any reason or repaired.
- 353 B. Hydrant meters are for contractors, the City, or other public entities use in
354 order to monitor water usage from a fire hydrant for payment of such water
355 usage and shall be checked out from the Raymore Public Works Department
356 Utilities Division on a first come first serve basis. A deposit is required but shall
357 be refundable if the meter is returned in good working condition. The deposit
358 shall be approved by the Governing Body and listed in the Schedule of Fees and
359 Charges maintained in the Finance Department. A two (2) week maximum time
360 element shall be adhered to unless a written request is approved by the
361 Director of Public Works.

362 **Editor's note—** Ord. no. 26042 §1, adopted April 24, 2006, repealed sections
363 705.070 "limiting line extension", 705.080 "types of extensions" and 705.090
364 "determination of cost to an individual property owner in existing subdivisions and
365 along routes to existing subdivisions" in their entirety. Former sections
366 705.070—705.090 derived from CC 1976 §§28.080—28.082; ord. no. 8378
367 §§28.081—28.082, 8-3-78.

368 SECTION 705.050: - WATER RATES

- 369 A. The water rates shall be approved by the Governing Body and listed in the
370 Schedule of Fees and Charges maintained in the Finance Department.
- 371 B. *Minimum Bills.* All residents will receive a minimum bill for two thousand (2,000)
372 gallons of water and two thousand (2,000) gallons sanitary sewer usage for
373 each meter charged on the account per month or billing cycle. New accounts
374 and final bills of fifteen (15) days or less will be based on actual use.
- 375 C. Upon protest of any bill, a customer may request a recomputation of their
376 service bill.

377 SECTION 705.060: - MONTHLY BILLINGS TO BE SENT

378 All water meters shall be read and bills rendered monthly as services accrue. All
379 bills shall have a due date listed, that remain the same day of the month,
380 depending on the zone billed. All bills shall be considered past due one (1) day after
381 such due date, and Sections 705.070 and 705.080 shall be applied to all delinquent
382 bills.

383 SECTION 705.070: - TEN PERCENT PENALTY

384 If any bill for water service shall be and remains due and unpaid one (1) day after
385 such due date, an additional charge of ten percent (10%) shall be added to the bill.

386 SECTION 705.080: - DISCONNECT WATER

387 If any bill for water service remains past due and unpaid on or after ten (10) days of
388 the due date, service to such customer shall be disconnected. Disconnects will be
389 handled as follows:

- 390 A. Customers with City water will be shut off the first non-holiday Wednesday
391 following the ten (10) day period and prior to noon on the cutoff day. The
392 customer shall pay a reconnect/account charge for turning on the water and
393 re-establishing the account as approved by the Governing Body and listed in
394 the Schedule of Fees and Charges maintained in the Finance Department.
395 This charge shall be waived one (1) time per billing address only. Following
396 shutoff, customers paying their delinquent bill or making arrangements prior
397 to 7:00 P.M. shall have service restored as soon as possible and no later than
398 9:00 P.M. Customers contacting the City after the 7:00 P.M. deadline, through
399 the non-emergency police number, will be required to make a payment of
400 the reconnect/account charge and payment of delinquent bill either online,
401 over the phone or in person, with the Utility Billing office prior to 10:00 A.M.
402 the day following turn-on. Customers failing to take this action prior to 10:00
403 A.M. the day following reconnect will have service disconnected again and
404 the customer will be required to pay an additional reconnect/account charge
405 approved by the Governing Body and listed in the Schedule of Fees and

406 Charges maintained in the Finance Department. For service to be restored,
407 the customer will have to make payment in full of the original
408 reconnect/account charge, the second (2nd) reconnect/account charge and
409 pay the delinquent bill in full. Arrangements will not be accepted in this case.
410 Upon proper notification from Utility Billing office, the Utilities Division of
411 Public Works shall proceed immediately to reconnect water service.
412 B. Customers with City water that has been shut off will also be subject to the
413 water and sanitary sewer deposits as they pertain to disconnection for
414 non-payment.

415 SECTION 705.090: - PRIMACY FEE

- 416 A. *When Collected.* The Missouri State *primacy fee* will be collected monthly. This
417 fee will be stated separately on the customer's water bill as a *State fee*.
- 418 B. *Fee Period.* As set by the Department of Natural Resources, the fee period
419 begins on September first (1st) through August thirty-first (31st) of the
420 succeeding calendar year.
- 421 C. *Remittance Of Fees To State.* The City is responsible for reporting enumerated
422 fees on a form provided by the Department of Natural Resources, no more
423 than the amount collected from its customers, as enumerated on the billing
424 statements sent by the City. The fees collected shall be remitted to the
425 Department of Natural Resources within sixty (60) days following the end of
426 each calendar quarter. The calendar quarters end September thirtieth (30th),
427 December thirty-first (31st), March thirty-first (31st), and June thirtieth (30th).
428 The City is liable for penalties as set forth by the State legislation.
- 429 D. As provided for by the State legislature, the City shall keep two percent (2%) of
430 the fees being remitted as a timely filing allowance for the purpose of
431 reimbursing its expenses for billing and collection of such fees.
- 432 E. *Authority Of Finance Director.* The Finance Director is directed to obtain the
433 necessary services and supplies to comply with this decision, including new
434 state billing forms and computer programming services as required.

435 SECTION 705.100: - WATER SERVICE DEPOSITS

- 436 A. Application for water service shall be made to the Utility Billing office by the
437 owner or occupant of the property to be served, and upon payment of the
438 water service deposit in accordance with the water service deposit schedule,
439 water service shall be provided. The water service deposits shall be approved
440 by the Governing Body and listed in the Schedule of Fees and Charges
441 maintained in the Finance Department.
- 442 B. The water service deposit will be returned to the utility customer when:
- 443 1. The customer disconnects the utility and is billed for the final time, if the
444 deposit is still on the account; or

445 2. The customer has successfully paid their account with no penalties for
446 twenty-four (24) straight months, whichever comes first.

447 C. If a utility customer is disconnected from service for non-payment, the
448 customer will be required to maintain the utility deposit, as listed in the
449 Schedule of Fees and Charges maintained in the Finance Department, and shall
450 be required to pay an additional deposit amount prior to water service being
451 restored. This charge shall be waived one (1) time per billing address only if the
452 customer signs up for automatic draft.

453 SECTION 705.110: - TAMPERING WITH EQUIPMENT OR SERVICE - THEFT OF WATER
454 AND SANITARY SEWER SERVICES PROHIBITED

455 A. *Unlawful Acts.* It shall be unlawful for any person to commit, authorize, solicit,
456 aid, abet, or attempt any of the following acts:

457 1. Divert, or cause to be diverted, water or sanitary sewer service by any
458 means whatsoever.

459 2. Make, or cause to be made, any connection or reconnection with property
460 owned or used by the City to provide water or sanitary sewer service
461 without the express authorization or consent of the City.

462 3. Prevent the utility meter, or other device used in determining the charge for
463 the water or sanitary sewer service of the City from accurately performing
464 its measuring function by tampering or by any other means.

465 4. Tamper with any property owned or used by the City to provide water or
466 sanitary sewer service.

467 5. Knowingly use or receive the direct benefit of all or a portion of the water or
468 sanitary sewer service that has been diverted, tampered with, or has an
469 unauthorized connection existing at the time of the use, or that the use or
470 receipt was without the authorization or consent of the City.

471 6. Advertise, manufacture, distribute, sell, use, rent, or offer for sale, rental, or
472 use any device of any description, or any plan or kit, designed to obtain
473 water or sanitary sewer service from the City in violation of this Section.

474 7. Obtain water or sanitary sewer service from the City by means of false
475 representations, or fraudulent or deceptive actions, designed to avoid the
476 payment of any outstanding lawful charges for the water or sanitary sewer
477 service.

478 8. Avoid the lawful charges, in whole or in part, for water or sanitary sewer
479 service from the City by the use of any fraudulent or deceptive scheme,
480 device, means, or method.

481 C. *Presumption Of Violation.* There is a rebuttable presumption that there is a
482 violation of this Section, if on the premises controlled by the customer or by the

483 person using or receiving the direct benefit of water or sanitary sewer service,
484 there is either, or both of the following:

- 485 1. Any instrument, apparatus, or device primarily designed to be used to
486 obtain water or sanitary sewer service from the City without paying the full
487 lawful charge.
- 488 2. Any water or sanitary sewer equipment owned by the City that has been
489 altered, tampered with, or bypassed so as to cause no measurement or
490 inaccurate measurement of water or sanitary sewer service.

491 **D. Violation.**

- 492 1. Upon conviction or a plea of guilty, any person, firm or corporation violating or
493 failing to comply with any of the provisions of this Chapter shall be subject to
494 the penalty provisions provided for in Section 100.220 of the City Code.
- 495 2. Water Service disconnection. Any violation that results in the need to replace a
496 water meter shall cause the City to discontinue water service and deem the
497 property uninhabitable until the replacement of the tampered meter and
498 reconnection of water service in accordance with Section 545.245 of this Code.

499 **SECTION 705.120: - WATER EMERGENCY MAY BE DECLARED**

500 When in the opinion of the Mayor, drought, equipment failure, facility breakdown,
501 or any other event occurring, which might result in a shortage of an adequate
502 amount of treated water, for drinking and sanitary uses of the citizens to whom the
503 City supplies water, the Mayor may declare a water shortage emergency.

504 **SECTION 705.130: - PROHIBITED ACTIVITY DURING WATER SHORTAGE EMERGENCY**

505 As part of a declaration of water shortage emergency, the Mayor may limit or
506 prohibit the outdoor water use of any water that is supplied by the City. By way of
507 illustration and not limitation, the term "*outdoor water use*" shall mean the irrigating
508 of trees, lawns, shrubs, flowers and other vegetation; the washing of vehicles and
509 other items not associated with regular household use; and the filling of wading
510 and swimming pools.

511 **ARTICLE II. - CROSS-CONNECTIONS**

512 **SECTION 705.140: - REQUIREMENTS FOR BACKFLOW PREVENTION**

- 513 A. Each water customer and/or user shall install an approved backflow prevention
514 device on each service line to their water system serving the premises where, in
515 the judgment of the City or the Missouri Department of Natural Resources,
516 actual or potential hazards to the public (City) potable water system exist. The
517 type and degree of protection required shall be commensurate with the degree

518 of hazard as set forth by the Missouri Department of Natural Resources
519 drinking water regulations.

520 B. A Missouri Department of Natural Resources "currently approved" backflow
521 prevention device shall be installed on the water serviceline upstream of the
522 meter, of every new commercial or industrial building within the City. The
523 proper hazard class of the device is stated in the Missouri Department of
524 Natural Resources regulations. Original installation, testing and successive
525 annual tests shall be paid for by the building owner. Annual testing as required
526 by the State of Missouri shall be at the building owner's expense. The tests are
527 to be performed by a Missouri Department of Natural Resources certified
528 backflow prevention tester who holds a current, valid occupational license in
529 accordance with Chapter 605 of the Raymore City Code. The approved test
530 results shall be forwarded to the City's Utilities Division of Public Works and the
531 State of Missouri Department of Natural Resources for their respective files.

532 SECTION 705.150: - PROTECTION OF WATER SYSTEM

533 All connections to the City's water system shall be subject to the City backflow
534 prevention regulations and all other regulations that may be adopted from time to
535 time by the United States Environmental Protection Agency, the Missouri
536 Department of Natural Resources, or the City.

537 SECTION 705.160: - CROSS-CONNECTIONS PROHIBITED

538 A. No water service connection shall be installed or maintained to any premises
539 where actual or potential cross-connections to the public potable or customer's
540 water system may exist unless such actual or potential cross-connections are
541 abated or controlled to the satisfaction of the City and as required by the laws
542 and regulations of the Missouri Department of Natural Resources.

543 B. No connection shall be installed or maintained whereby an auxiliary water
544 supply may enter a public potable or customer's water system unless such
545 auxiliary water supply and the method of connection and use of such supply
546 shall have been approved by the City and the Missouri Department of Natural
547 Resources.

548 C. No water service connection shall be installed or maintained to any premises in
549 which the plumbing system, facilities, and fixtures have not been constructed
550 and installed using acceptable plumbing practices considered by the City as
551 necessary for the protection of health and safety.

552 SECTION 705.170: - SURVEY AND INVESTIGATIONS

553 A. The customer's premises shall be open at all reasonable times to the City, or
554 their authorized representative, for the conduction of surveys and
555 investigations of water use practices within the customer's premises to
556 determine whether there are actual or potential cross-connections to the

557 customer water system through which contaminants or pollutants could
558 backflow into the public potable water system.

559 B. Upon request by the City or their authorized representative, the customer shall
560 furnish information on water user practices within their premises.

561 C. It shall be the responsibility of the water customer to conduct periodic survey of
562 water use practices on their premises to determine whether there are actual or
563 potential cross-connections to their water system through which contaminants
564 or pollutants could backflow into their or the public potable water system.

565 SECTION 705.180: - TYPE OF PROTECTION REQUIRED

566 The type of protection required shall depend on the degree of hazard which exists
567 as follows:

568 1. An approved air-gap separation shall be installed where the public potable
569 water system may be contaminated with substances that could cause a
570 system or health hazard.

571 2. An approved air-gap separation or an approved reduced pressure principle
572 backflow prevention device shall be installed where the public potable
573 water system may be contaminated with a substance that could cause a
574 system or health hazard.

575 3. An approved air-gap separation or an approved reduced pressure principle
576 backflow prevention device or an approved double-check valve assembly
577 shall be installed where the public potable water system may be polluted
578 with substances that could cause a pollution hazard not dangerous to
579 health.

580 SECTION 705.190: - WHERE PROTECTION IS REQUIRED

581 A. An approved backflow prevention device shall be installed on each service line
582 to a customer's water system serving premises where, in the judgment of the
583 water supplier or the Missouri Department of Natural Resources, actual or
584 potential hazards to the public potable water system exist. The type and degree
585 of protection required shall be commensurate with the degree of hazard.

586 B. An approved air-gap separation or reduced pressure principle backflow
587 prevention device shall be installed after the metered flow of any service
588 connection or within any premises where, in the judgement of the City or the
589 Missouri Department of Natural Resources, the nature and extent of activities
590 on the premises, or the materials used in connection with the activities, or
591 materials stored on the premises, would present an immediate and dangerous
592 hazard to health should a cross-connection occur, even though such
593 cross-connection may not exist at the time the backflow prevention device is
594 required to be installed. This includes but is not limited to the following
595 situations:

- 596 1. Premises having an auxiliary water supply, unless the quality of the auxiliary
597 supply is acceptable to the City and the Missouri Department of Natural
598 Resources.
- 599 2. Premises having internal cross-connections that are not correctable or
600 intricate plumbing arrangements which make it impractical to ascertain
601 whether or not cross-connections exist.
- 602 3. Premises where entry is restricted so that inspections for cross-connections
603 cannot be made with sufficient frequency or at sufficiently short notice to
604 assure the cross-connections do not exist.
- 605 4. Premises having a repeated history of cross-connections being established
606 or re-established.
- 607 5. Premises, which due to the nature of the enterprise, are subject to
608 recurring modification or expansion.
- 609 6. Premises on which any substance is handled under pressure so as to
610 permit entry into the public water supply or where a cross-connection could
611 reasonably be expected to occur. This shall include the handling of process
612 waters and cooling waters.
- 613 7. Premises where materials of a toxic or hazardous nature are handled such
614 that if backsiphonage or backpressure should occur, a serious health
615 hazard may result.
- 616 C. The following types of facilities fall into one (1) or more of the categories of
617 premises where an approved air-gap separation or reduced pressure principle
618 backflow prevention device is required by the water supplier and the Missouri
619 Department of Natural Resources to protect the public water supply and must
620 be installed at these facilities unless all hazardous or potentially hazardous
621 conditions have been eliminated or corrected by other methods to the
622 satisfaction of the water supplier and the Missouri Department of Natural
623 Resources.
- 624 1. Aircraft and missile plants.
- 625 2. Automotive plants.
- 626 3. Auxiliary water systems and water loading stations.
- 627 4. Beverage bottling plants.
- 628 5. Canneries, packing houses, reduction plants, and stockyards.
- 629 6. Car washing facilities.
- 630 7. Chemical manufacturing, processing, compounding, or treatment plants.
- 631 8. Dairies, animal and veterinary clinics.
- 632 9. Film laboratories.

- 633 10. Fire protective systems.
- 634 11. Hazardous waste storage and disposal sites.
- 635 12. Hospitals, mortuaries, clinics, medical buildings.
- 636 13. Industries using toxic substances.
- 637 14. Irrigation and sprinkler systems, residential or commercial, any size.
- 638 15. Laundries and dye works.
- 639 16. Metal manufacturing, cleaning, processing, and fabrication plants.
- 640 17. Nursing or convalescent homes.
- 641 18. Oil and gas production, storage or transmission properties.
- 642 19. Paper and paper products plants.
- 643 20. Plant nurseries, tree farms and fertilizer facilities.
- 644 21. Plating plants.
- 645 22. Power plants.
- 646 23. Printing and publishing facilities.
- 647 24. Radioactive material processing plants or nuclear reactors.
- 648 25. Research and analytical laboratories.
- 649 26. Rubber plants, natural and synthetic.
- 650 27. Sewage and storm drainage facilities, pumping stations and treatment
- 651 plants.
- 652 28. Waterfront facilities and industries.
- 653 29. Any customer or user using any type of booster pressure pumps for any
- 654 purpose or reason.
- 655 D. The water supplier, at their discretion may require a backflow prevention device
- 656 at facilities other than those above that they deem may have a hazardous or
- 657 potentially hazardous conditions.

658 SECTION 705.200: - BACKFLOW PREVENTION DEVICES

- 659 A. Any backflow prevention device required by this Chapter shall be of a type,
- 660 model and construction approved by the water supplier and the Missouri
- 661 Department of Natural Resources as follows:
 - 662 1. Air-gap separation to be approved shall be at least twice the diameter of
 - 663 the supply pipe, measured vertically above the top rim of the vessel, but in
 - 664 no case less than three (3) inches.

665 2. Double-check valve assemblies or reduced pressure principle backflow
666 prevention devices shall be of Watts manufacture series No. 709 or 909 or
667 an approved equivalent.

668 B. Existing backflow prevention devices approved by the water supplier at the
669 time of installation and properly maintained shall, except for inspection and
670 maintenance requirements, be excluded from the requirements of this Chapter
671 so long as the water supplier is assured that they will satisfactorily protect the
672 water system. Whenever the existing device is moved from its current location,
673 or requires more than minimum maintenance, or when the water supplier finds
674 that the maintenance or lack of maintenance constitutes a hazard to health, the
675 unit shall be replaced by a backflow prevention device meeting the
676 requirements of this Chapter.

677 SECTION 705.210: - INSTALLATION

678 Backflow prevention devices required by this Chapter shall be installed at a location
679 and in a manner approved by the water supplier and shall be installed at the
680 expense of the water customer.

681 SECTION 705.220: - INSPECTION AND MAINTENANCE

682 A. Periodic inspection and testing schedules shall be established by the water
683 supplier for all backflow prevention devices. Inspections will not exceed the
684 following intervals.

685 1. Air-gap separations shall be inspected at the time of installation and every
686 twelve (12) months thereafter.

687 2. Double-check valve assemblies shall be inspected and tested for tightness
688 at the time of installation and at least every twelve (12) months thereafter.
689 They shall be dismantled, inspected internally, cleaned, and repaired
690 whenever needed and at least every thirty (30) months.

691 3. Reduced pressure principle backflow prevention devices shall be inspected
692 and tested for tightness at the time of installation and at least every twelve
693 (12) months thereafter. They shall be dismantled, inspected internally,
694 cleaned, and repaired whenever needed and at least every five (5) years.

695 B. All costs associated with inspections, testing, cleaning, repairs, overhaul or
696 replacement of backflow prevention devices shall be the responsibility of the
697 water customer. All inspections, testing, cleaning, repairs and overhauls of
698 backflow prevention devices shall be performed by a State of Missouri Certified
699 Backflow Prevention Service Tester who holds a current, valid occupational
700 license in accordance with Chapter 605 of the Raymore City Code. It shall be the
701 responsibility of the customer to provide the City with written inspection
702 documentation upon receipt.

- 703 C. Backflow prevention devices found to be defective shall be repaired or replaced
704 at the expense of the water customer without delay and in any event no later
705 than thirty (30) days from the discovery of the defect.
- 706 D. Backflow prevention devices shall not be bypassed, made inoperative, remove,
707 or otherwise made ineffective without specific written authorization by the
708 water supplier. Bypass piping around a backflow prevention assembly is
709 allowed only if the bypass is equipped with an identical backflow prevention
710 assembly.
- 711 E. The water supplier shall maintain a complete record of each backflow
712 prevention device. Records will include comprehensive listing of installation,
713 tests, inspections, cleaning, repairs, and overhauls and generally be a complete
714 history of each backflow prevention device from purchase to retirement.
715 Records of customer repairs, cleaning, overhaul, and replacement shall be
716 made available to the water supplier upon request.

717 SECTION 705.230: - VIOLATIONS

- 718 A. The water supplier shall deny or discontinue, after reasonable notice to the
719 customer, the water service to any premises where any backflow prevention
720 device required by this Chapter is not installed, tested, and maintained in a
721 manner acceptable to the water supplier or if it is found that the backflow
722 prevention device has been removed or bypassed, or if an unprotected
723 cross-connection exists on the premises.
- 724 B. Water service to such premises shall not be restored until the customer has
725 corrected or eliminated such conditions or defects in conformance with this
726 Chapter to the satisfaction of the water supplier.

727 **ARTICLE III. - LEAD BAN POLICY**

728 SECTION 705.240: - LEAD BAN—GENERAL POLICY

- 729 A. *Purpose.* The purpose of this Article is:
- 730 1. To ban the use of lead materials in the public drinking water system and
731 private plumbing connected to the public drinking water system; and
- 732 2. To protect City residents from lead contamination in the City's public
733 drinking water system and their own private plumbing system.
- 734 B. *Application.* This Article shall apply to all premises served by the public drinking
735 water system of the City.
- 736 C. *Policy.* This Article will be reasonably interpreted by the water purveyor. It is the
737 purveyors intent to ban the use of lead based material in the construction or
738 modification of the City's drinking water system or private plumbing connected

739 to the City system. The cooperation of all consumers is required to implement
740 the lead ban.

741 If, in the judgment of the water purveyor or their authorized representative, lead
742 base materials have been used in new construction or modifications after January
743 1, 1989, due notice shall be given to the consumer. The consumer shall immediately
744 comply by having the lead base materials removed from the plumbing system and
745 replaced with lead-free materials. If the lead base materials are not removed from
746 the plumbing system, the water purveyor shall have the right to discontinue water
747 service to the premises.

748 **SECTION 705.250: - LEAD BANNED FROM DRINKING WATER PLUMBING**

749 A. No water service connection shall be installed or maintained to any premises
750 where lead base materials were used in new construction or modifications of
751 the drinking water plumbing after January 1, 1989.

752 B. If a premises is found to be in violation of Subsection (A) of this Section, water
753 service shall be discontinued until such time that the drinking water plumbing is
754 lead-free.

755 **CHAPTER 710: - SANITARY SEWERS**

756 **ARTICLE I. - IN GENERAL**

757 **SECTION 710.005: - GENERAL STANDARDS**

758 All private sewage disposal systems within the City, regardless of location, shall
759 meet all applicable City codes, and where cases of conflict arise, the most stringent
760 shall apply.

761 **SECTION 710.010: - CLEAN WATER COMMISSION PERMIT REQUIRED**

762 A. All private sanitary sewer disposal systems except those serving single family
763 residences of all kinds, now existing or constructed, shall be operated and
764 maintained by the duly designated operator only after a proper operating
765 permit is secured from the Missouri Clean Water Commission and the City.

766 B. Each private sanitary sewer disposal system shall be maintained and operated
767 pursuant to the rules, standards and regulations promulgated by the Missouri
768 Clean Water Commission and such other governmental agencies which have
769 jurisdiction and control over the same; including the City.

770 **SECTION 710.020: - NON-COMPLIANCE WITH OPERATING REQUIREMENTS**

771 Each private sanitary sewage disposal system shall be operated only so long as full
772 compliance is made under the necessary standards, regulations, and rules, and
773 upon the City determining non-compliance or being duly notified by the Missouri

774 Clean Water Commission or such other governmental agency, State or Federal,
775 which has jurisdiction and control over the same, that there is a failure to comply,
776 then the City may request the operator to comply within ten (10) days. In the event
777 of default and failure to comply, the City may take such action as may be necessary
778 to repair, maintain, or upgrade the sanitary sewer system so that the same will
779 comply and all expenses shall be chargeable to the operator or the City may revoke
780 the operating permit and such systems shall not be operated until it is determined
781 that there is satisfactory compliance. Within the time granted by the City to comply,
782 the operator may apply for a hearing before the City Council to request a stay for
783 good cause.

784 SECTION 710.030: - DEDICATION TO PUBLIC USE

785 No private sanitary sewage systems shall be dedicated to or accepted by the City as
786 a public sanitary sewer disposal system until such time as the City, by ordinance,
787 approves and accepts the same.

788 SECTION 710.040: - CONSTRUCTION

789 All private sanitary sewage disposal systems must fully comply and conform to the
790 standards and regulations of the Missouri Clean Water Commission and such other
791 governmental agencies as may have jurisdiction and control over the same
792 including the City and if the same is a private sanitary sewer company under the
793 jurisdiction of the Missouri Public Service Commission, the same shall not be
794 operated as such until a franchise is secured from the City.

795 SECTION 710.050: - PUBLIC OPERATION OF SANITARY SEWER

796 The City may, upon proper application, agree to accept a sanitary sewer system as
797 constructed or to be constructed in the future provided the same is constructed in
798 conformity with the provisions of this Chapter and to operate the same as a public
799 sanitary sewer disposal system only as planned and designed within its capability
800 and no connection shall be made to any point within said sanitary sewer system
801 without a permit being first duly secured from the City. The City shall receive all
802 revenues generated from the operation of said sewage disposal system and shall
803 prescribe such rates to be paid by the user as the City deems reasonable for the
804 operation of such sanitary sewer system.

805 SECTION 710.060: - NOT CREATE HEALTH HAZARD

806 All sanitary sewer disposal systems, laterals, septic tanks, or other means of waste
807 disposal of all kinds now existing or constructed shall be operated, maintained and
808 used only in a manner so as not to create a health hazard, be injurious to the public
809 welfare, cause the emission of odoriferous fumes, or create or contribute to create
810 standing, stagnant or polluted streams or pools of water.

811 **ARTICLE II. - PUBLIC SANITARY SEWERS**

812 SECTION 710.070: - ESTABLISHMENT OF RULES AND REGULATIONS

813 The following rules and regulations are adopted to govern the sanitary sewer
814 services furnished by the City in a uniform manner for the benefit of the City and its
815 sanitary sewer users. They are subject to change from time to time. All such
816 changes must be approved by the State Director of the Farmers Home
817 Administration, United States Department of Agriculture, or their successor, so long
818 as the municipality City has unpaid obligations which are held by or insured by the
819 United States of America. If any portion of these rules shall be declared invalid by
820 competent authority, such voidance shall not affect the validity of the remaining
821 portions.

822 SECTION 710.080: - UNLAWFUL TO PLACE GARBAGE ON PUBLIC OR PRIVATE
823 PROPERTY

824 It shall be unlawful for any person to place, deposit, or permit to be deposited in
825 any unsanitary manner on public or private property within the City or in any area
826 under the jurisdiction of said City, any human or animal excrement, garbage, or
827 other objectionable waste.

828 SECTION 710.090: - UNLAWFUL TO DISCHARGE SEWAGE TO ANY NATURAL OUTLET

829 It shall be unlawful to discharge to any natural outlet within the City or in any area
830 under the jurisdiction of the City, any sewage or other polluted waters, except
831 where suitable treatment has been provided in accordance with subsequent
832 provisions of this Article.

833 SECTION 710.100: - PRIVY, SEPTIC TANK, ETC., PROHIBITED

834 Except as provided, it shall be unlawful to construct or maintain any privy, privy
835 vault, septic tank, cesspool, or other facility intended or used for the disposal of
836 sewage.

837 SECTION 710.110: - APPLICABILITY

838 A. No private sewage disposal system shall be constructed or operated in the City
839 where public sanitary sewer is available. Every effort shall be made to secure a
840 sanitary sewer connection to public sanitary sewers as defined in Section
841 710.120. Where a connection to a public sanitary sewer is not feasible and
842 when a considerable number of residences are to be served, consideration may
843 be given to the construction of a private or community sanitary sewer system
844 and collection and treatment facility. However, since an improperly operated or
845 inadequately staffed private or community sewage treatment plant cannot
846 effectively treat wastes, consideration should be given to the size of the

847 proposed system to insure that economically feasible sanitary sewer rates are
848 sufficient to ensure proper treatment plant operation.

849 B. When the installation of a private residential sewage disposal system cannot be
850 avoided, all requirements of the Missouri laws and rules governing on-site
851 sewage systems shall be applicable.

852 SECTION 710.120: - CONNECTIONS TO PUBLIC SANITARY SEWER REQUIRED

853 A. The owner of all houses, buildings or properties used for human occupancy,
854 employment, recreation or other purposes, situated within the City and
855 abutting on any street, alley or right-of-way in which there is now located or
856 may in the future be located, a public sanitary sewer of the City, is required at
857 their expense to install suitable toilet facilities and to connect to such facilities
858 within ninety (90) days after the date of official notice to do so, provided that
859 public sanitary sewer is within three hundred (300) feet of the primary structure
860 upon any lot with an existing individual sewage disposal system. An extension
861 of ninety (90) days may be granted by the office of the Director of Public Works
862 when requested in writing. An extension may be granted up to a maximum of
863 one hundred eighty (180) days after the date of official notice

864 B. Existing residences with an individual sewage disposal system that is properly
865 functioning are not required to connect to a public sanitary sewer system.
866 Should the individual sewage disposal system fail, connection shall be made to
867 a public sanitary sewer system. If no public sanitary sewer system is available
868 within three hundred (300) feet of the primary structure, then the individual
869 sewage disposal system may be repaired or replaced.

870 SECTION 710.130: - ON-SITE SANITARY SEWAGE DISPOSAL SYSTEMS

871 A. *Applicability.* Where a public sanitary sewer is not available under the provisions
872 of Section 710.120, the building sanitary sewer shall be connected to a private
873 on-site sewage disposal system complying with the provisions of this Section.
874 Repairs, as defined by this Section, to existing systems and replacement of
875 existing systems shall comply with the provisions of this Section.

876 B. Before commencement of construction of a private sewage disposal system,
877 the owner shall first obtain a written permit signed by the Building Official. The
878 application for such permit shall be made on a form furnished by the City which
879 the applicant shall supplement by any plans, specifications, and other
880 information as are deemed necessary by the Building Official. A permit and
881 inspection fee, approved by the Governing Body and listed in the Schedule of
882 Fees and Charges maintained in the Finance Department, shall be paid to the
883 City of Raymore prior to the issuance of the permit.

884 C. *Permit.* Any person, firm or corporation wishing to repair an existing system,
885 replace an existing system, or construct an on-site sewage disposal system
886 must first obtain a permit from the Building Official. Repairs to an existing

887 system that would require a permit include, but are not limited to, pipe repair
888 ten feet or more in length, septic tank repair or replacement, alteration or
889 reconstruction of any wastewater pond, relocation or replacement of the
890 absorption field, or similar repair actions.

891 D. *Penalties.* Upon conviction or a plea of guilty, any person, firm or corporation
892 violating or failing to comply with any of the provisions of this Chapter shall be
893 subject to the penalty provisions provided for in Section 100.220 of the City
894 Code.

895 SECTION 710.160: - PUBLIC SANITARY SEWERS

896 A. No unauthorized person shall uncover, make any connections with or opening
897 into, use, alter, or disturb any public sanitary sewer or appurtenance thereof
898 without first obtaining a written permit from the Building Official.

899 B. There shall be two (2) classes of building sanitary sewer permits:

900 1. For residential and commercial service, and

901 2. For service to establishments producing industrial wastes.

902 In either case, the owner or their agent shall make application on a special form
903 furnished by the City. The permit application shall be supplemented by any
904 plans, specifications, or other information considered pertinent in the judgment
905 of the Inspector. A permit and inspection fee, approved by the Governing Body
906 by resolution and listed in the Schedule of Fees and Charges maintained in the
907 Finance Department, shall be paid to the City prior to the issuance of the
908 permit.

909 C. All costs and expenses incidental to the installation and connection of the
910 building sanitary sewer, shall be borne by the owner. The owner shall indemnify
911 the City from any loss or damage that may directly or indirectly be occasioned
912 by the installation of the building sanitary sewer.

913 D. Except for an approved accessory dwelling unit, a separate and independent
914 building sanitary sewer shall be provided for every building ;or tenant space.

915 E. Existing building sanitary sewers may be used in connection with new buildings
916 only when they are found, on examination and test by the City's Building
917 Official, to meet all requirements of this Article.

918 F. The size, slope, alignment, materials of construction of a building sanitary
919 sewer, and the methods to be used in excavating, placing of the pipe, jointing,
920 testing, and backfilling the trench, shall all conform to the requirements of the
921 building and plumbing code or other applicable rules and regulations of the
922 City. In the absence of code provisions or implications, the materials and
923 procedures set forth in appropriate specifications of the Missouri Department
924 of Natural Resources and the Kansas City Metropolitan APWA standards.

- 925 G. No person shall make connection of roof downspouts, exterior foundation
926 drains, areaway drains, or other sources of surface runoff or groundwater to a
927 building sanitary sewer or building drain which in turn is connected directly or
928 indirectly to a public sanitary sewer.
- 929 H. *Connections—Conformance With Codes, Regulations, Etc.*
- 930 1. The connection of the building sanitary sewer into the public sanitary sewer
931 shall conform to the requirements of the building and plumbing code or
932 other applicable rules and regulations of the City. Any deviation from the
933 prescribed procedures and materials must be approved by the Building
934 Official before installation.
- 935 2. The service line including the connection to the public sanitary sewer shall
936 remain the property of the customer and be subject to the jurisdiction of
937 the City. Maintenance and/or repair of the building sanitary sewer or
938 connection shall be the responsibility of the customer. The City will not
939 assume responsibility for uncovering the building sanitary sewer or
940 connection.
- 941 I. The applicant for the service line permit shall notify the Building Official when
942 the service line is ready for inspection and connection to the public sanitary
943 sewer. The connection shall be made under the supervision of the Building
944 Official or their representative.
- 945 J. All excavations for service line installations shall be adequately guarded with
946 barricades and lights so as to protect the public from hazard. Streets, sidewalks,
947 parkways, and other public property disturbed in the course of the work shall
948 be restored in a manner satisfactory to the City.

949 SECTION 710.170: - DISCHARGE OF STORMWATER, DRAIN WATER, ETC., TO ANY
950 SANITARY SEWER

951 No person shall discharge or cause to be discharged any stormwater, surface
952 water, groundwater, roof runoff, subsurface drainage, including interior and
953 exterior foundation drains, uncontaminated cooling water, or unpolluted industrial
954 process waters to any sanitary sewer.

955 SECTION 710.180: - UNPOLLUTED DRAINAGE DISCHARGE TO STORM SEWER

956 Stormwater and all other unpolluted drainage shall be discharged to such sewers
957 as are specifically designated as combined sewers or storm sewers, or to a natural
958 outlet approved by the Public Works Director. Industrial cooling water or
959 unpolluted process waters may be discharged on approval of the Public Works
960 Director, to a storm sewer, combined sewer, or natural outlet.

961 SECTION 710.190: - TOXIC WASTES SHALL NOT BE DISCHARGED

962 No person shall discharge or cause to be discharged any of the following described
963 waters or wastes to any public sewers:

- 964 1. Any flammable or explosive liquid, solid, or gas.
- 965 2. Any waters or wastes containing toxic or poisonous solids, liquids, or gases
966 in sufficient quantity, either singly or by interaction with other wastes, to
967 injure or interfere with any sewage treatment process, constitute a hazard
968 to humans or animals, create a public nuisance, or create any hazard in the
969 receiving waters of the sewage treatment plant, including but not limited to
970 cyanides in excess of two (2) mg/l as CN in wastes as discharged to the
971 public sewer.
- 972 3. Any waters or wastes having a five (5) day biochemical oxygen demand
973 greater than three hundred (300) parts per million by weight, or containing
974 more than three hundred fifty (350) parts per million by weight of
975 suspended solids, or having an average daily flow greater than two percent
976 (2%) of the average sewage flow of the City, shall be subject to the review of
977 the Public Works Director. Where necessary in the opinion of the Public
978 Works Director, the owner shall provide, at their expense, such preliminary
979 treatment as may be necessary to (1) reduce the biochemical oxygen
980 demand to three hundred (300) parts per million by weight, or (2) reduce
981 the suspended solids to three hundred fifty (350) parts per million by
982 weight, or (3) control the quantities and rates of discharge of such waters or
983 wastes. Plans, specifications, and any other pertinent information relating
984 to proposed preliminary treatment facilities shall be submitted for the
985 approval of the Public Works Director and no construction of such facilities
986 shall be commenced until said approvals are obtained in writing.
- 987 4. Solid or viscous substances in quantities or of such size capable of causing
988 obstruction to the flow in sewers, or other interference with the proper
989 operation of the sewage works.
- 990 5. Any water or wastes having a pH lower than five and five-tenths (5.5) or
991 having any other corrosive properties capable of causing damage or
992 hazards to structures, equipment, or personnel of the sewage works.
- 993 6. Any water or wastes having a pH in excess of nine and five-tenths (9.5).

994 SECTION 710.200: - SUBSTANCES THAT MAY DAMAGE SANITARY SYSTEM

995 No person shall discharge or cause to be discharged the following described
996 substances, materials, waters or wastes if it appears likely in the opinion of the
997 Public Works Director that such wastes can harm either the sanitary sewers,
998 sewage treatment process or equipment, have an adverse effect on the receiving
999 stream, or can otherwise endanger life, limb, public property, or constitute a
1000 nuisance. In forming their opinion as to the acceptability of these wastes, the Public

1001 Works Director will give consideration to such factors as the quantities of subject
1002 wastes in relation to flows and velocities in the sanitary sewers, materials of
1003 construction of the sanitary sewers, nature of the sewage treatment process,
1004 capacity of the sewage treatment plant, degree of treatability of wastes in the
1005 sewage treatment plant, and other pertinent factors. The substances prohibited
1006 are:

- 1007 1. Any liquid or vapor having a temperature higher than one hundred fifty
1008 degrees fahrenheit (150°F) (65°C).
- 1009 2. Any water or waste containing fats, wax, grease, or oils, whether emulsified
1010 or not, in excess of one hundred (100) mg/l or containing substances which
1011 may solidify or become viscous at temperatures between thirty-two
1012 degrees fahrenheit (32°F) and one hundred fifty degrees fahrenheit (150°F)
1013 (0° and 65°C).
- 1014 3. Any garbage that has not been properly shredded. The installation and
1015 operation of any garbage grinder equipped with a motor of three-fourths
1016 (¾) horsepower (0.76 hp metric) or greater shall be subject to the review
1017 and approval of the Public Works Director.
- 1018 4. Any waters or wastes containing strong acid iron pickling wastes, or
1019 concentrated plating solutions whether neutralized or not.
- 1020 5. Any waters or wastes containing iron, chromium, copper, zinc, and similar
1021 objectionable or toxic substances; or wastes exerting an excessive chlorine
1022 requirement, to such a degree that any such material received in the
1023 composite sewage at the sewage collection and treatment facility exceeds
1024 the limits established by the Public Works Director for such materials.
- 1025 6. Any waters or wastes containing phenols or other taste or odor producing
1026 substances, in such concentrations exceeding limits which may be
1027 established by the Public Works Director as necessary, after treatment of
1028 the composite sewage, to meet the requirements of the State, Federal, or
1029 other public agencies of jurisdiction for such discharge to the receiving
1030 waters.
- 1031 7. Any radioactive wastes or isotopes of such half-life or concentration as may
1032 exceed limits established by the Inspector in compliance with applicable
1033 State or Federal regulations.
- 1034 8. Any waters or wastes having a pH in excess of nine and five-tenths (9.5).
- 1035 9. Materials which exert or cause:
 - 1036 a. Unusual concentrations of inert suspended solids (such as, but not
1037 limited to, fullers earth, lime slurries, and lime residues) or of dissolved
1038 solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - 1039 b. Excessive discoloration (such as, but not limited to, dye wastes, and
1040 vegetable tanning solutions).

- 1041 c. Unusual BOD, chemical oxygen demand, or chlorine requirements in
1042 such quantities as to constitute a significant load on the sewage
1043 collection and treatment facilities.
- 1044 d. Unusual volume of flow or concentration of wastes constituting "*slugs*"
1045 as defined in 700.010.
- 1046 10. Waters or wastes containing substances which are not amenable to
1047 treatment or reduction by the sewage treatment processes employed, or
1048 which are amenable to treatment only to such a degree that the sewage
1049 collection and treatment facility effluent cannot meet the requirements of
1050 other agencies having jurisdiction over discharge to the receiving waters.

1051 SECTION 710.210: - PUBLIC WORKS DIRECTOR AUTHORITIES

- 1052 A. If any waters or wastes are discharged, or are proposed to be discharged to the
1053 public sewers, which waters contain the substances or possess the
1054 characteristics enumerated in Section 700.200, and which in the judgment of
1055 the Public Works Director, may have a deleterious effect upon the sewage
1056 works, processes, equipment, or receiving waters, or which otherwise create a
1057 hazard to life or constitute a public nuisance, the Public Works Director may:
- 1058 1. Reject the wastes;
 - 1059 2. Require pretreatment to an acceptable condition for discharge to the public
1060 sewers;
 - 1061 3. Require control over the quantities and rates of discharge; and/or
 - 1062 4. Require payment to cover the added cost of handling and treating the
1063 wastes not covered by existing taxes or sewer charges under the provisions
1064 of Section 710.260 of this Article.
- 1065 B. If the Public Works Director permits the pretreatment or equalization of waste
1066 flows, the design and installation of the plants and equipment shall be subject
1067 to the review and approval of the Public Works Director, and subject to the
1068 requirements of all applicable codes, ordinances and laws.

1069 SECTION 710.220: - GREASE, OIL AND SAND INTERCEPTORS—WHEN

1070 Grease, oil, and sand interceptors shall be provided when, in the opinion of the
1071 Public Works Director, they are necessary for the proper handling of liquid wastes
1072 containing grease in excessive amounts, or any flammable wastes, sand, or other
1073 harmful ingredients. Such interceptors shall not be required for private living
1074 quarters or dwelling units unless an approved, licensed business occupation is
1075 being conducted. All interceptors shall be of a type and capacity approved by the
1076 Building Official, and shall be located as to be readily and easily accessible for
1077 cleaning and inspection.

1078 SECTION 710.225: - GREASE INTERCEPTOR MAINTENANCE

1079 A. It shall be the responsibility of the business to clean and maintain grease
1080 interceptors in an efficient operating condition.

1081 B. The business shall maintain a complete written record of the maintenance and
1082 cleaning of each grease interceptor. The maintenance records shall not be
1083 destroyed for at least one (1) year. The log shall include the name and address
1084 of any persons involved in the maintenance or cleaning of the grease
1085 interceptor. The log shall be available for review by the City's Public Works
1086 Department upon request.

1087 SECTION 710.230: - PRELIMINARY TREATMENT AT OWNER'S EXPENSE

1088 Where preliminary treatment or flow-equalizing facilities are provided for any
1089 waters or wastes, they shall be maintained continuously in satisfactory and
1090 effective operation by the owner at their expense.

1091 SECTION 710.240: - MANHOLE-WHEN REQUIRED

1092 When required by the Public Works Director, the owner of any property serviced by
1093 a building sewer carrying industrial wastes shall install a suitable control manhole
1094 together with such necessary meters and other appurtenances in the building
1095 sewer to facilitate observation, sampling, and measurement of the wastes. Such
1096 manhole, when required, shall be accessible and safely located, and shall be
1097 constructed in accordance with plans approved by the Public Works Director. The
1098 manhole shall be installed by the owner at their expense, and shall be maintained
1099 by them so as to be safe and accessible at all times.

1100 SECTION 710.250: - RESERVED

1101 SECTION 710.260: - SPECIAL ARRANGEMENT WITH CITY

1102 No statement contained in this Article shall be construed as preventing any special
1103 agreement or arrangement between the City and any industrial concern whereby
1104 any industrial waste of unusual strength or character may be accepted by the City
1105 for treatment, subject to approval by Little Blue Valley Sewer District and payment
1106 by the industrial concern.

1107 SECTION 710.270: - DAMAGING SEWAGE WORKS - PENALTY

1108 No unauthorized person shall maliciously, willfully, or negligently break, damage,
1109 destroy, uncover, deface, or tamper with any structure, appurtenance, or
1110 equipment which is a part of the sewage works.

1111 Upon conviction or a plea of guilty, any person, firm or corporation violating or
1112 failing to comply with any of the provisions of this Chapter shall be subject to the

1113 penalty provisions provided for in Section 100.220 of the City Code.

1114 SECTION 710.280: - AUTHORITY TO ENTER PROPERTY TO INSPECT

1115 A. The Public Works Director shall be permitted to enter all properties for the
1116 purposes of inspection, observation, measurement, sampling, and testing of
1117 the sewer infrastructure in accordance with the provisions of this Chapter. The
1118 Public Works Director shall have no authority to inquire into any processes
1119 including metallurgical, chemical, oil, refining, ceramic, paper, or other
1120 industries beyond that point having a direct bearing on the kind and source of
1121 discharge to the sewers or waterways or facilities for waste treatment.

1122 B. While performing the necessary work on private properties referred to in
1123 Section 710.280(A), the Inspector or duly authorized employees of the City of
1124 Raymore shall observe all reasonable safety rules and regulations.

1125 C. The Public Works Director shall be permitted to enter all private properties
1126 through which the City holds a duly negotiated easement for the purposes of,
1127 but not limited to, inspection, observation, measurement, sampling, repair, and
1128 maintenance of any portion of the sewage works lying within said easement. All
1129 entry and subsequent work, if any, on said easement, shall be done in full
1130 accordance with the terms of the duly negotiated easement pertaining to the
1131 private property involved.

1132 SECTION 710.290: - VIOLATION AND PENALTY

1133 A. Any person found to be violating any provision of this Article, except Section
1134 710.270, shall be served by the City with written notice stating the nature of the
1135 violation and providing a reasonable time limit for the satisfactory correction.
1136 The offender shall, within the period of time stated in such notice, permanently
1137 cease all violations.

1138 B. Any person, firm or corporation who shall continue any violation beyond the
1139 time limit provided for in Subsection (A), shall, upon conviction or a plea of
1140 guilty, be subject to the penalty provisions provided for in Section 100.220 of
1141 the City Code.

1142 C. Any person violating any of the provisions of this Article shall be liable to the
1143 City for any expense, loss, or damage occasioned the City by reason of such
1144 violation.

1145 **ARTICLE III. - USER CHARGE SYSTEM**

1146 SECTION 710.300: - PURPOSE

1147 For the protection of the public health, safety, and welfare, the City will collect
1148 charges from all users who contribute wastewater to the City's sewage facilities.

1149 SECTION 710.310: - USER CHARGE ACCOUNTS

1150 A. The user charge system shall generate annual revenues to pay costs of
1151 operation and maintenance, including replacement and costs associated with
1152 debt retirement of bonded capital associated with financing the sewer system
1153 which the City may by ordinance, designate to be paid by the user charge
1154 system. That portion of the total user charge which is designated for operation
1155 and maintenance, including replacement of the sewer system, shall be
1156 established as approved by the Governing Body and listed in the Schedule of
1157 fees maintained in the Finance Department.

1158 SECTION 710.320: - USER CHARGE RATES

1159 A. Each user shall pay for the services provided by the City based on their use of
1160 the collection and treatment facilities as determined by water meters
1161 acceptable to the City.

1162 B. For residential contributors, monthly user charges will be based on monthly
1163 water usage.

1164 C. For industrial and commercial contributors, user charges shall be based on
1165 water during the current month. If a commercial or industrial contributor has a
1166 consumptive use of water, or in some other manner uses water which is not
1167 returned to the wastewater collection system, the user charge for that
1168 contributor may be based on a wastewater meter or separate water meters.
1169 Any meters shall be City-owned installed and connected at the expense of the
1170 owner of the premises served, and remain the property of the City for
1171 maintenance, repair and/or replacement upon being placed in service. The City
1172 shall have right of access for billing, inspection, maintenance, testing, repairs,
1173 and/or disconnection of such meter at all times.

1174 SECTION 710.330: - BILLING

1175 A. All users will be billed monthly with their water bill, and delinquency will be in
1176 accordance with the policy established for non-payment of water bills. In
1177 accordance with established City policy, non-payment may result in the
1178 termination of water service until such bill is paid.

1179 SECTION 710.340: - APPLICATION FOR SERVICE

1180 Application for sanitary sewer service shall be made to the City by the owner or
1181 occupant of the property to be served. Upon approval of such application, the
1182 applicant shall have the right to connect with sanitary sewer collection facilities. The
1183 City Council may prescribe a connection fee, as approved by the Governing Body
1184 and listed in the Schedule of fees maintained in the Finance Department, and shall
1185 be paid by such applicant at the time of application. The City shall have the right to

1186 inspect all such connections and to reject such connections due to poor
1187 workmanship or inadequate materials.

1188 SECTION 710.350: - DAMAGING SEWAGE FACILITIES—USER RESPONSIBLE FOR
1189 PROPER USE OF FACILITIES

1190 A. It shall be a misdemeanor for any person to tamper or destroy any sewage
1191 facility or to make any connection without written permission from the City or
1192 to reconnect service when service had been disconnected for nonpayment of
1193 bill². Upon conviction or a plea of guilty, any person, firm or corporation
1194 violating or failing to comply with any of the provisions of this Chapter shall be
1195 subject to the penalty provisions provided for in Section 100.220 of the City
1196 Code.

1197 SECTION 710.360: - CITY TO REVIEW USER CHARGE SYSTEM

1198 A. The City will review the user charge system every year and revise user charge
1199 rates as necessary to ensure that the system generates adequate revenues to
1200 pay the costs of operation and maintenance including replacement and that the
1201 system continues to provide for the proportional distribution of operation and
1202 maintenance including replacement costs among users.

1203 B. The City will notify each user, at least annually, in conjunction with a regular bill,
1204 of the rate being charged for operation, maintenance including replacement of
1205 the facilities.

1206 **ARTICLE IV. - SEWER RATES**

1207 SECTION 710.370: - SANITARY SEWER RATES

1208 A. *Rate Schedule.*

1209 1. The rate for sanitary sewer shall be approved by the Governing Body and
1210 listed in the Schedule of Fees and Charges maintained in the Finance
1211 Department.

1212 2. All customers shall be billed each month for no less than two thousand
1213 (2,000) gallons per meter charged on the account per month or billing cycle.

1214 B. *Rates And Charges Outside City Limits.* The charges and rates established for
1215 sanitary sewer system usage for customers with connections outside the City
1216 limits shall be approved by the Governing Body and listed in the Schedule of
1217 Fees and Charges maintained in the Finance Department, unless otherwise
1218 determined by an approved contract approved by the City Council specifically
1219 establishing a different rate schedule.

1220 C. *High Strength Or Toxic Pollutant Contributors.*

- 1221 1. For those contributors who contribute wastewater, the strength of which is
1222 greater than normal domestic usage, a surcharge in addition to the normal
1223 user charge shall be collected. The charge to each such user shall be as
1224 determined by the City and approved by the City Council.
- 1225 2. Any user which discharges any toxic pollutants into the City collection and
1226 treatment facilities which causes an increase in the cost of managing the
1227 effluent or the sludge collection and treatment facilities serving the City or
1228 any user which discharges any substance which singly or by interaction with
1229 other substances causes identifiable increases in the cost of operation,
1230 maintenance, or replacement of collection and treatment facilities serving
1231 the City, shall pay for the increased costs.
- 1232 3. Any user who discharges grease into the City sewer system shall be charged
1233 a minimum fee approved by the Governing Body and listed in the Schedule
1234 of Fees and Charges maintained in the Finance Department when the City is
1235 required to clean any sewer lines affected by said discharge. In addition the
1236 user shall be responsible and liable for any damages or expenses incurred
1237 by the City in the repair or maintenance of sewer lines caused by sewer
1238 back up resulting from the discharge of grease. After sewer lines have been
1239 cleaned, said user shall have a period of ten (10) days in which to have all
1240 grease traps under their control or ownership cleaned and to notify the
1241 Public Works Director that such cleaning has been completed. If the user
1242 fails to have all grease traps cleaned within the allotted ten (10) days, the
1243 City will have the authority to charge the contributor a fee approved by the
1244 Governing Body and listed in the Schedule of Fees and Charges maintained
1245 in the Finance Department The fee shall be assessed each day that the
1246 violation continues. The charges will then be added to the contributors
1247 water and/or sewer bill.
- 1248 D. *Winter Average Sewer Rate System.*
- 1249 1. Sewer rates to be charged for the collection and treatment facilities and
1250 services made available by the sewer system of the City shall be regulated
1251 and charged as follows:
- 1252 a. *Residential contributors.* Residential contributors shall mean any
1253 contributor to the City's sewer collection system whose structure is
1254 exclusively used for domestic dwelling purposes with no more than a
1255 single dwelling unit on each separate water meter. Users of a portion of
1256 a structure which portion is separately metered for water use and is
1257 used exclusively as a dwelling are also classified as residential
1258 contributors. Residential contributors shall not include the users of
1259 hotels, motels, boarding houses, nursing homes, residence halls, or
1260 multi-unit residential complexes served by a common water meter or
1261 meters. Exceptions may include contributors with a service contract

1262 approved by the City Council. For residential contributors, monthly
1263 sewer user charges shall be based on one (1) of the following:

1264 (1) Average monthly water usage as determined by water meter usage
1265 during the months of December, January, and February, of which
1266 the readings will occur in at least two (2) of these months. Such
1267 average water usage thus determined shall remain the basis for
1268 determining the contributor's monthly sewer charge until a new
1269 average consumption is determined following the next winter
1270 averaging period. If a residential contributor has not established an
1271 average, such contributor's user charge shall be the mean winter
1272 averaging charge of all other residential contributors or at the
1273 contributor's option, the volume method in (2) below.

1274 (2) Residential contributors choosing the volume method shall be billed
1275 each month based upon actual consumption.

1276 b. *Non-residential contributors.* For all other contributors, including
1277 industrial, commercial, or multi-unit residential complexes served by a
1278 common water meter or meters, user charges shall be based on actual
1279 water consumption during the current month. Exceptions may include
1280 contributors with a service contract approved by the City Council.

1281 c. Residential contributors shall be given the option to select either the
1282 winter-averaged method or volume method at any time.

1283 SECTION 710.380: - CITY TO DETERMINE RATES, FEES, AND CHARGES

1284 The City Council of the City shall annually meet to establish the rates, fees, and
1285 charges for the use and services of the sewer system of the City necessary and
1286 adequate to meet the requirements of Sections 250.010 to 250.250, inclusive,
1287 RSMo.

1288 SECTION 710.390: - DISCONNECTION OF SERVICE - WHEN

1289 If any bill for sewer service shall be and remains past due and unpaid on or after
1290 ten (10) days of the due date, water service to such customer shall be disconnected.
1291 Disconnects will be handled as follows:

1292 1. Customers with both City water and City sewer will be shut off after the ten
1293 (10) day period provided in accordance with Sections 705.130 and 710.440
1294 of the City Code.

1295 2. Customers served by water districts that have City sewer only will be shut
1296 off in accordance with the shutoff agreement between the water district
1297 and the City. The customer shall pay a reconnect/account charge and
1298 deposit as approved by the Governing Body and listed in the Schedule of
1299 Fees maintained in the Finance Department for turning on the water and
1300 re-establishing the account. Following shut off, customers shall pay their

1301 delinquent bill, reconnect/account charge and additional deposit by making
1302 payment either online, by phone or in person to the Utility Billing office of
1303 the City of Raymore. City staff will contact the water district providing the
1304 customer's water service and service will be restored within the normal
1305 business hours only of that water district.

1306 SECTION 710.400: - LIABILITY OF OCCUPANT AND USER

1307 The occupant and user of the premises receiving sewer service and the owner of
1308 said premises shall be jointly and severally liable to pay for such services rendered
1309 on said premises. The City shall have the power to sue the occupant or the owner,
1310 or both, of such real estate in a civil action to receive any sums due for such
1311 services, plus a reasonable attorney's fee to be fixed by the court.

1312 SECTION 710.410: - SEWER CONNECTION FEE ON ALL NEW CONSTRUCTION

1313 The sewer connection fees to be charged by the City for connection to City-owned
1314 sewers shall be as follows:

1315 1. The City is exercising its local authority pursuant to Chapters 79, 88 and 91,
1316 RSMo. in collecting sewer connection fees. The aforementioned provisions
1317 authorize and require the City to provide and finance sanitary sewer
1318 collection and treatment facilities and to provide for the health, safety and
1319 general welfare of the City.

1320 2. *Intent.*

1321 a. It is the intent of this Section to establish a sanitary sewer system user's
1322 fee imposed upon new connections to the City's sewer system and not
1323 to levy a "tax" or fee as such term is used in Article X, Section 22 of the
1324 Missouri Constitution.

1325 b. It is the intent of this Section to impose a sanitary sewer connection fee,
1326 payable prior to approval of a new sanitary sewer service connection.

1327 3. *Sewer connection fees.*

1328 a. There shall be two (2) classes of building sanitary sewer connection
1329 permits.

1330 (1) Residential (single-family and multiple-family).

1331 (2) Commercial and industrial.

1332 b. Sanitary Sewer connection fees will be charged as follows:

1333 (1) Sanitary sewer connection fees shall be approved by the Governing
1334 Body and listed in the Schedule of Fees and Charges maintained in
1335 the Finance Department. Multiple drains served by a single faucet
1336 shall be considered one (1) trap.

1337 (2) Applicant will be required to provide the City with a complete listing
1338 of industrial wastes proposed to be discharged into the City's
1339 sanitary sewer system for approval by the City and Little Blue Valley
1340 Sewer District prior to applying for a building permit.

1341 4. *Administration of sewer connection fees.*

1342 a. *Collection of sanitary sewer connection fee.* Sewer connection fees
1343 imposed pursuant to this Section shall be collected by the City prior to
1344 approving any application for service and placed in the Sewer
1345 Connection Fee Fund as established.

1346 b. *Use of funds collected.* The funds collected by reason of this Section shall
1347 be used exclusively for the purpose of:

1348 (1) Offsetting actual connection costs incurred by the City,

1349 (2) Undertaking sewer facilities projects including system master
1350 planning, engineering, legal, administration, construction inspection,
1351 construction of facilities, land acquisition and testing,

1352 (3) Operation and maintenance, including infiltration and inflow
1353 remediation, and

1354 (4) For financing directly as a pledge against bonds, revenue
1355 certificates, grant match and other obligations of indebtedness.

1356 d. A review of this Section and sewer connection fees will be completed
1357 annually by the City Manager with recommendations concerning
1358 changes to this Section or the sewer connection fee forwarded to the
1359 City Council no later than the beginning of the fiscal year.

1360 SECTION 710.420: - SEWER SERVICE DEPOSITS

1361 The sewer service deposit to be charged by the City for sanitary sewer only
1362 customers of the City shall be as follows:

1363 A. Application for residents receiving only sanitary sewer service shall be
1364 made to the Utility Billing office, by the owner or occupant of the property
1365 to be served. Upon payment of the sanitary sewer service deposit approved
1366 by the Governing Body and listed in the Schedule of Fees and Charges
1367 maintained in the Finance Department, sanitary sewer service shall be
1368 provided in accordance to the agreement with the water district.

1369 B. The sanitary sewer service deposit will be returned to the utility customer
1370 when:

1371 1. The customer disconnects the utility and is billed for the final time, if the
1372 deposit is still on the account; or

- 1373
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1375
2. The customer has successfully paid their account with no penalties or disconnects for twenty-four (24) straight months, whichever comes first.
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- C. If a utility customer is disconnected from service for non-payment, the customer will be required to maintain the utility deposit or submit a new utility deposit if one is not being maintained by the City as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department, and shall be required to pay an additional deposit amount prior to water service being restored. This charge shall be waived one (1) time per billing address only if the customer signs up for automatic draft of monthly payments.



CITY OF RAYMORE
AGENDA ITEM INFORMATION FORM

DATE: November 25, 2019

SUBMITTED BY: Mike Krass

DEPARTMENT: Public Works

<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Presentation	<input type="checkbox"/> Public Hearing
<input checked="" type="checkbox"/> Agreement	<input type="checkbox"/> Discussion	<input type="checkbox"/> Other	

TITLE / ISSUE / REQUEST

Bill 3491 HHW Agreement with MARC Solid Waste Management District

STRATEGIC PLAN GOAL/STRATEGY

Goal 2.2.3 Value and protect natural resources and green spaces

FINANCIAL IMPACT

Award To:	MARC
Amount of Request/Contract:	\$23,308.88
Amount Budgeted:	\$23,000
Funding Source/Account#:	GF Streets/01-06-7320-0000

PROJECT TIMELINE

Estimated Start Date	Estimated End Date
N/A	N/A

STAFF RECOMMENDATION

Approval

OTHER BOARDS & COMMISSIONS ASSIGNED

Name of Board or Commission:
Date:
Action/Vote:

LIST OF REFERENCE DOCUMENTS ATTACHED

Agreement
Participating Cities
MARC Letter of invitation

REVIEWED BY:

Jim Feuerborn

BACKGROUND / JUSTIFICATION

The City participates on an annual basis in the Mid-America Regional Council (MARC) Solid Waste Management District Household Hazardous Waste (HHW) program. This program allows Raymore residents to participate in several HHW drop off events held throughout the metropolitan area including an event that alternates between Raymore and Belton. Residents also have access to several permanent HHW drop off locations throughout the metropolitan area that can be used year-round.

Budget for this service is \$23,000 and this year's agreement is \$23,308.88. MARC calculates the annual fee for this service based on a per capita rate of \$1.07 multiplied by the 2018 Census' estimated population for our community (21,784).

Because this is one of several accounts under Contractual Services category for this department and the additional funding may come from other project sources.

Statistical data on collections can be found on the attachment to this memorandum.

Kansas City Facility and Mobiles ONLY

Material	1st Q	2nd Q	3rd Q	4th Q
Latex Paint	54%	50%	56%	
Oil Based Paints	23%	27%	20%	
Motor Oil	11%	0%	6%	
Batteries	5%	2%	5%	
Pesticides	2%	6%	5%	
Flammable Liquids	0%	9%	4%	
Antifreeze	2%	0%	1%	
Aerosols	3%	4%	2%	
Corrosive	0%	2%	1%	
Flourescent Bulbs	0%	0%	0%	
	100%	100%	100%	0%

BILL 3491

ORDINANCE

“AN ORDINANCE OF THE CITY OF RAYMORE, MISSOURI, APPROVING AN AGREEMENT WITH THE MID-AMERICA REGIONAL COUNCIL SOLID WASTE MANAGEMENT DISTRICT, RELATING TO THE REGIONAL HOUSEHOLD HAZARDOUS WASTE PROGRAM.”

WHEREAS, this Agreement is entered into pursuant to the Missouri Revised Statutes Section 70.210 et seq.; and

WHEREAS, Cass, Clay, Jackson, Platte and Ray counties and the City of Kansas City, Missouri, have formed the Mid-America Regional Council Solid Waste Management District (SWMD) pursuant to Section 260.300 through 260.345 of the Revised Statutes of Missouri (1986 & Cum. Supp. 1990) and the members of the SWMD include most cities within member counties; and

WHEREAS, the City of Raymore, Missouri, (sometimes referred to in this Agreement as the “Participating Member”) intends to participate in the regional Household Hazardous Waste (HHW) Collection Program.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RAYMORE, MISSOURI, AS FOLLOWS:

Section 1. The City Manager is authorized to execute an agreement (Exhibit A) with SWMD providing for the participation in the regional HHW program.

Section 2. Effective Date. The effective date of approval of this Ordinance shall be coincidental with the Mayor’s signature and attestation by the City Clerk.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

DULY READ THE FIRST TIME THIS 25TH DAY OF NOVEMBER, 2019.

BE IT REMEMBERED THAT THE ABOVE ORDINANCE WAS APPROVED AND ADOPTED THIS 9TH DAY OF DECEMBER, 2019 BY THE FOLLOWING VOTE:

Councilmember Abdelgawad
Councilmember Barber
Councilmember Berendzen
Councilmember Burke III
Councilmember Circo
Councilmember Holman
Councilmember Jacobson
Councilmember Townsend

ATTEST:

APPROVE:

Jean Woerner, City Clerk

Kristofer P. Turnbow, Mayor

Date of Signature

2020

Intergovernmental Agreement between the MARC Solid Waste Management District and Raymore, Missouri relating to the Regional Household Hazardous Waste Collection Program

This Agreement is entered into pursuant to Missouri Revised Statutes Section 70.210 *et seq.*

Whereas, Cass, Clay, Jackson, Platte, and Ray Counties and the City of Kansas City have formed the MARC Solid Waste Management District (SWMD) pursuant to Sections 260.300 through 260.345 of the Revised Statutes of Missouri (1986 & Cum. Supp. 1990) and the members of the SWMD include most cities within the member counties; and

Whereas the City of Kansas City, Missouri (Kansas City) operates a permanent Household Hazardous Waste facility located at 4707 Deramus, Kansas City, Missouri, and operates outreach sites for collection of Household Hazardous Waste (HHW) at various locations and on various dates; and

Whereas, the City of Lee's Summit, Missouri operates a permanent Household Hazardous Waste Facility located at 2101 SE Hamblen Road, Lee's Summit; and

Whereas, Kansas City and Lee's Summit have made these HHW collection facilities available for use by members of the SWMD and the SWMD, Kansas City and Lee's Summit have agreed to create a regional household hazardous waste program for the benefit of all members of the SWMD; and

Whereas Raymore, Missouri (sometimes referred to in this Agreement as the "Participating Member") intends to participate in the Regional HHW Collection Program;

Therefore, the SWMD and the Participating Member agree that participation in the Regional HHW Collection Program shall be on the following terms and conditions:

I Definitions

Household Hazardous Waste (HHW) shall mean waste that would be classified as hazardous waste by 40 CFR 261.20 through 261.35 but that is exempt under 40 CFR 261.4 (b) (1) (made applicable in Missouri by 10 CSR 25-4.261) because it is generated by households. Examples include paint products, household cleaners, automotive fluids, pesticides, batteries, and similar materials. A determination of whether any material meets this definition shall be made by Kansas City.

II Effective Date

Raymore, Missouri agrees to participate in the Regional HHW Collection Program for a one-year period beginning on January 1, 2020.

III Termination

A. Budget Limitations. This Agreement and all obligations of the Participating Member and the SWMD arising therefrom shall be subject to any limitation imposed by budget law. The parties represent that they have within their respective budgets sufficient funds to discharge the obligations and duties assumed and sufficient funds for the purpose of maintaining this Agreement. This Agreement shall be deemed to terminate by operation of law on the date of expiration of funding.

B. Termination of regional program. If the regional household hazardous waste program is terminated prior to the expiration of this Agreement, the SWMD shall refund the amount paid by the participating member, less the cost of services provided prior to termination of the regional program. The cost of services shall be assessed at seventy-five dollars (\$75.00) for each vehicle belonging to a resident of the participating member that has been served prior to the termination of the program, not to exceed the amount paid by the participating member.

C. Each participating member will be required to notify the SWMD, Kansas City and Lee's Summit in writing of its intention to renew the annual agreement for the following year no later than December 15. In the event that notification is not provided in advance or the final decision is made to not rejoin the program for the upcoming year, the participating member is responsible for any costs incurred by Kansas City and/or Lee's Summit to serve residents after December 31. Kansas City and SWMD reserve the right to invoice the member city or county for any waste disposal costs incurred as a result of late notification.

IV *Duties of Participating Member*

A. *Fees.* **Raymore, Missouri** agrees to pay the sum of **\$23,308.88** to participate in the 2020 Regional HHW Collection Program for the period from January 1 to December 31. The program participation fee is based on a per capita rate of \$1.07 applied to 2018 U.S. Census Population Estimate figures as shown in Attachment One. The fee may be adjusted if a participating member has more current census data. At least one-half of this amount shall be paid within thirty (30) days upon receiving the district invoice. Payment of any remaining balance shall be paid within the following six months.

B. *Payment.* The Participating Member shall be obligated for payment of the amount shown in Paragraph IV(A) irrespective of the participation of its citizens, or of any actual expenses incurred by the SWMD, Kansas City, or Lee's Summit attributable to the Participating Member, except in the event of termination of the regional program, as reflected in III(B) above. Payment by the Participating Member of the agreed upon amount shall not be contingent upon renewal of this Agreement or renewal of the Agreement between the SWMD and Kansas City or Lee's Summit.

Annual Renewal. The agreement between the SWMD and the Participating Member will be subject to renewal each year. To assure community information is included in the printed promotional material, agreements will be due no later than February 1, 2020. No pro ration of fees is applicable under this agreement.

C. *Contact Person.* The Participating Member agrees to notify the SWMD and Kansas City, on or before the date of this Agreement, of the name of an individual who will serve as its contact person with respect to the Regional HHW Collection Program.

V *Services Provided by the SWMD*

A. *Permanent Collection Facilities.* HHW collection services shall be provided by Kansas City and Lee's Summit pursuant to agreements entered into between the SWMD and Kansas City, and the SWMD and Lee's Summit. Pursuant to those agreements, residents of the Participating Member may deliver HHW, by appointment, if required, and during normal hours of operation, to the Kansas City permanent HHW facility and to the Lee's Summit permanent HHW facility.

B. *Outreach Collections.* Pursuant to the agreement between the SWMD and Kansas City, Kansas City has also agreed to provide contractor services for the collection of HHW at outreach collection sites throughout the SWMD area. Residents of the Participating Member will be able to deliver HHW to outreach collection sites, the dates and locations of which will be negotiated by the SWMD and Kansas City. If, at the request of a Participating Member, an outreach collection is held within its boundaries, the Participating Member agrees that Kansas City or the contractor shall have overall control of the collection activities but the Participating Member shall provide the following:

- adequate and safe sites with unobstructed public access;
- access to restroom facilities and drinking water
- adequate publicity of the date and location of the mobile collection;
- a means for the collection, removal and disposal of any wastes that do not meet the definition of hazardous waste;
- volunteers or workers to conduct traffic control, survey participating residents, stack latex paint and automotive batteries, and assist with non-hazardous waste removal and bulking of motor oil;

- means of limiting the vehicles to a number negotiated by Kansas City and the SWMD (estimated to be either 200, 300, or 400 vehicles per outreach collection);
- a forklift and forklift operator available at the opening and closing of the event; and
- access to residents of any city or county that is also a participating member.

VI Reports

The SWMD will provide to the Participating Member quarterly reports on the operations of the Kansas City and Lee's Summit permanent facilities and on the operations of the outreach collections, based on information provided to the SWMD by Kansas City and Lee's Summit. The quarterly reports shall include the following information:

- Total number vehicles using each facility (permanent or mobile) on a quarterly basis;
- Number of vehicles from each participating member using the facility;
- An end-of-the-year summary report including waste composition and disposition.
- Each program year the district will provide brochures which include facility hours of operation, mobile event schedule, and contact information

VII Insurance

A. *Insurance.* The SWMD agrees that, pursuant to the terms of its Agreement with Kansas City, Kansas City shall maintain liability insurance related to the outreach collection sites under which the community where the site is located shall be named as an additional insured.

VIII Legal Jurisdiction

Nothing in this Agreement shall be construed as either limiting or extending the legal jurisdiction of the parties.

MARC Solid Waste Management District:

Participating Member:

_____ Date: _____

_____ Date : _____

Marie Steiner, Chair

Print Name

Print Title

2020 Regional Household Hazardous Waste Collection Program		
Attachment 1	2018	\$1.07
Community	Population Estimates	per capita
Archie	1,207	\$ 1,291.49
Belton	23,598	\$ 25,249.86
Blue Springs	55,104	\$ 58,961.28
Buckner	3,031	\$ 3,243.17
Camden Point	546	\$ 584.22
Claycomo Village	1,494	\$ 1,598.58
Cleveland	663	\$ 709.41
Dearborn	526	\$ 562.82
Drexel	949	\$ 1,015.43
Edgerton	606	\$ 648.42
Excelsior Springs	11,646	\$ 12,461.22
Ferrelview	801	\$ 857.07
Garden City	1,635	\$ 1,749.45
Gladstone	27,317	\$ 29,229.19
Glenaire	581	\$ 621.67
Grain Valley	14,277	\$ 15,276.39
Grandview	24,962	\$ 26,709.34
Greenwood	5,781	\$ 6,185.67
Hardin	537	\$ 574.59
Harrisonville	10,088	\$ 10,794.16
Kearney	10,457	\$ 11,188.99
Lake Lotawana	2,107	\$ 2,254.49
Lake Tapawingo	721	\$ 771.47
Lake Waukomis	927	\$ 991.89
Lake Winnebago	1,187	\$ 1,270.09
Lawson	2,399	\$ 2,566.93
Liberty	31,779	\$ 34,003.53
Loch Lloyd	768	\$ 821.76
Lone Jack	1,306	\$ 1,397.42
North Kansas City	4,529	\$ 4,846.03
Oak Grove	8,182	\$ 8,754.74
Orrick	803	\$ 859.21
Parkville	6,949	\$ 7,435.43
Peculiar	5,323	\$ 5,695.61
Platte City	4,668	\$ 4,994.76
Pleasant Hill	8,639	\$ 9,243.73
Pleasant Valley	3,057	\$ 3,270.99
Raymore	21,784	\$ 23,308.88
Raytown	28,993	\$ 31,022.51
Richmond	5,634	\$ 6,028.38
Riverside	3,453	\$ 3,694.71
Smithville	10,249	\$ 10,966.43
Sugar Creek	3,277	\$ 3,506.39
Weatherby Lake	2,037	\$ 2,179.59
Weston	1,808	\$ 1,934.56
Wood Heights	685	\$ 732.95
Unincorporated Cass County	25,166	\$ 26,927.62
Unincorporated Clay County	16,157	\$ 17,287.99
Unincorporated Jackson Co.	23,018	\$ 24,629.26
Unincorporated Platte County	29,159	\$ 31,200.13
Unincorporated Ray County	11,440	\$ 12,240.80

Source: marc.org/data&economy/MetroDataline/Currentpopulationdata



MARC Solid Waste Management District

Serving local governments in Cass, Clay, Jackson, Platte and Ray Counties and working cooperatively with Johnson, Leavenworth, Miami and Wyandotte Counties

Executive Board

Appointed:

Forest Decker

City of Kansas City

Jimmy Odom

Cass County

Gene Owen

Clay County

Matthew Willier

Jackson County

Daniel Erickson

Platte County

Bob King

Ray County

Elected:

Marie Steiner, Chair

City of Kearney

Doug Wylie, Vice Chair

City of Parkville

Mike Jackson

City of Independence

Chris Bussen

City of Lee's Summit

Mike Larson

City of Sugar Creek

David Gress

City of Raymore

Matthew Wright

City of Blue Springs

Leslee Rivarola

City of Lake Lotawana

Ex Officio:

Lisa McDaniel, Planner

Secretary/Treasurer

September 27, 2019

Re: 2020 Regional Household Hazardous Waste (HHW) Program

The MARC Solid Waste Management District has administered the Regional HHW Collection Program for 23 years. We are pleased that this program continues to make possible the safe disposal of household hazardous waste to thousands of residents.

Program membership provide residents access to two permanent facilities in Kansas City and Lee's Summit, and to multiple mobile collections. **The Lee's Summit facility is now open three days a week year-round, with an appointment.**

Materials accepted for safe disposal include paint and paint-related products, automotive fluids, batteries, lawn and garden chemicals, housecleaners, fluorescent bulbs, and other items such as bug spray, nail polish, and oven cleaner.

The 2020 participation fee will be \$1.07 per capita and will be applied to 2018 population estimates. This is the same rate as last year. A community cost list is attached to the agreement enclosed. The program is also supported with a grant from the Missouri Department of Natural Resources to help with disposal costs.

If you are interested in providing this service to your residents in 2020, please return the signed agreement to the MARC office by **Friday, December 13, 2019.**

We look forward to serving your community. Please contact Nadja Karpilow at (816) 701-8226 if you have any questions. District staff is available to speak to your city council or county commissioners if further information is requested.

Sincerely,

A handwritten signature in cursive script that reads "Marie Steiner".

Marie Steiner

Chair, MARC Solid Waste Management District



**CITY OF RAYMORE
AGENDA ITEM INFORMATION FORM**

DATE: November 25, 2019

SUBMITTED BY: Nathan Musteen

DEPARTMENT: Parks & Recreation

<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Presentation	<input type="checkbox"/> Public Hearing
<input checked="" type="checkbox"/> Agreement	<input type="checkbox"/> Discussion	<input type="checkbox"/> Other	

TITLE / ISSUE / REQUEST

Bill 3510 - Recreation Park Playground Replacement - GameTime Play Equipment

STRATEGIC PLAN GOAL/STRATEGY

Goal 1.3.2: Develop programs & amenities that meet the needs of the community.

FINANCIAL IMPACT

Award To:	GameTime c/o Cunningham Recreation
Amount of Request/Contract:	296,716.13
Amount Budgeted:	300,000.00
Funding Source/Account#:	Fund 47 Park Sales Tax Fund

PROJECT TIMELINE

Estimated Start Date	Estimated End Date
January 2020	April 2020

STAFF RECOMMENDATION

Approval

OTHER BOARDS & COMMISSIONS ASSIGNED

Name of Board or Commission:	Parks and Recreation Board
Date:	October 22, 2019
Action/Vote:	7-1

LIST OF REFERENCE DOCUMENTS ATTACHED

Agreement and site plan
Omni Government Purchasing agreement

REVIEWED BY:

Jim Feuerborn

BACKGROUND / JUSTIFICATION

The FY20 Capital Improvement Plan, which began Nov. 1, 2019, includes the replacement of the 5- to 12-year-old playground equipment at Recreation Park. The playground at Recreation Park is the most popular equipment within the park system and is nearly 17 years old.

In October, the Parks & Recreation Board reviewed two site proposals provided by Cunningham Recreation.

The Park Board selected a design package that includes site preparation, equipment purchase and installation. The package includes one modular structure, six independent play features, poured-in-place surface and drainage. The playground equipment is ADA compliant with individual inclusive features.

Cunningham Recreation and GameTime play equipment are members of the competitively solicited and publicly awarded agreement available through OMNIA Partners, Public Sector (subsidiaries National IPA and U.S. Communities). The City of Raymore is a current member of OMNIA.

BILL 3510

ORDINANCE

"AN ORDINANCE OF THE CITY OF RAYMORE, MISSOURI, ESTABLISHING AN AGREEMENT TO PURCHASE AND INSTALL PLAYGROUND EQUIPMENT AT RECREATION PARK WITH GAMETIME C/O CUNNINGHAM RECREATION."

WHEREAS, the Recreation Park playground equipment is outdated and in need of replacement, and;

WHEREAS, Staff has utilized the government purchasing contracts with Cunningham Recreation to provide equipment and installation, and:

WHEREAS, the proposed playground plan is within the approved budget.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RAYMORE, MISSOURI, AS FOLLOWS:

Section 1. The City Manager is directed and authorized to enter into an agreement with GameTime c/o Cunningham Recreation to purchase and install playground equipment at Recreation Park.

Section 2. The City Manager is authorized to approve change orders for this project within established budget constraints.

Section 3. Effective Date. The effective date of approval of this Ordinance shall be coincidental with the Mayor's signature and attestation by the City Clerk.

Section 4. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

DULY READ THE FIRST TIME THIS 25TH DAY OF NOVEMBER, 2019.

BE IT REMEMBERED THAT THE ABOVE ORDINANCE WAS APPROVED AND ADOPTED THIS 9TH DAY OF DECEMBER, 2019, BY THE FOLLOWING VOTE:

Councilmember Abdelgawad
Councilmember Barber
Councilmember Berendzen
Councilmember Burke III
Councilmember Circo
Councilmember Holman
Councilmember Jacobson
Councilmember Townsend

ATTEST:

APPROVE:

Jean Woerner, City Clerk

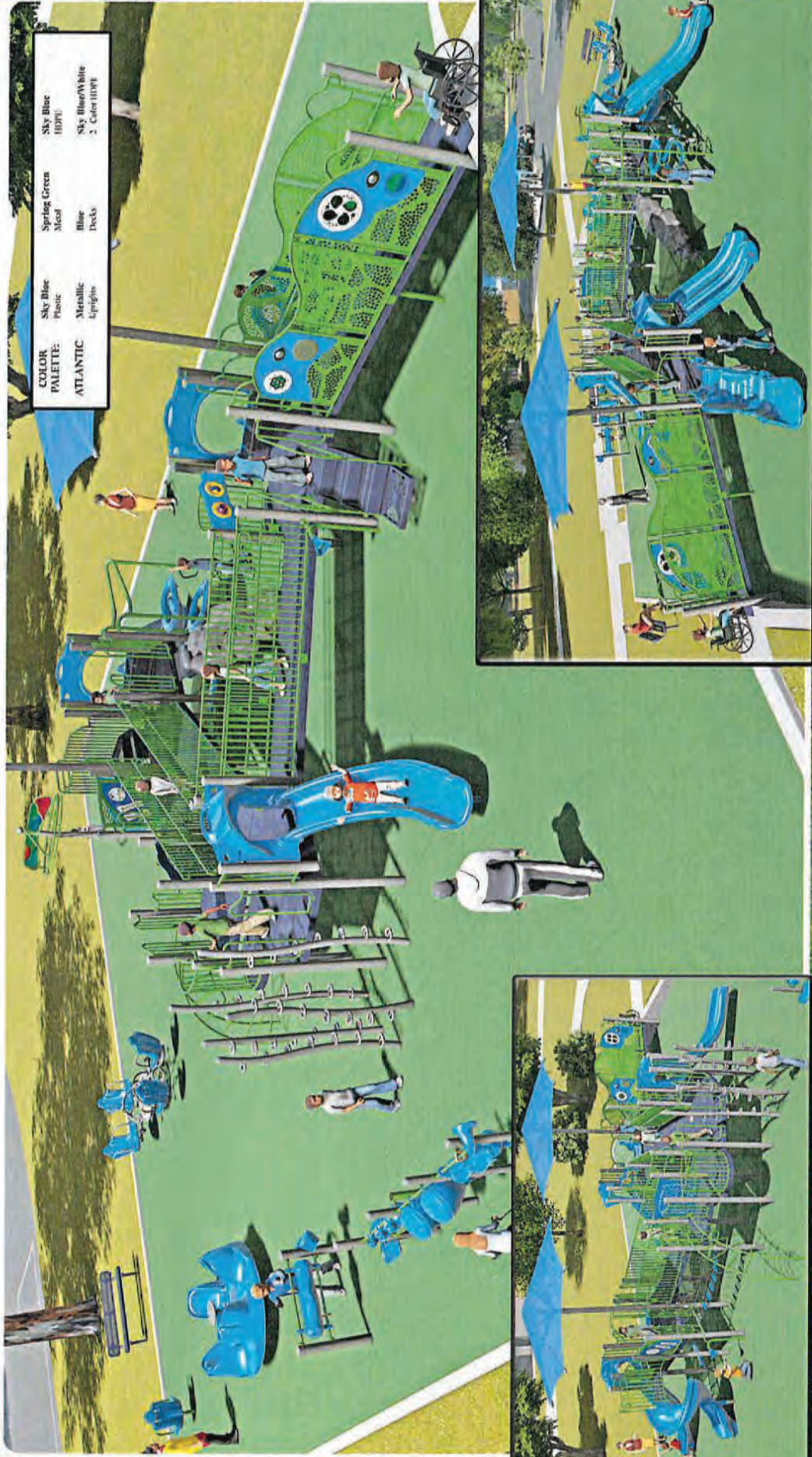
Kristofer P. Turnbow, Mayor

Date of Signature

City of Raymore Proposed Playground - Option 2

CUNNINGHAM RECREATION

Design • Build • PLAY!



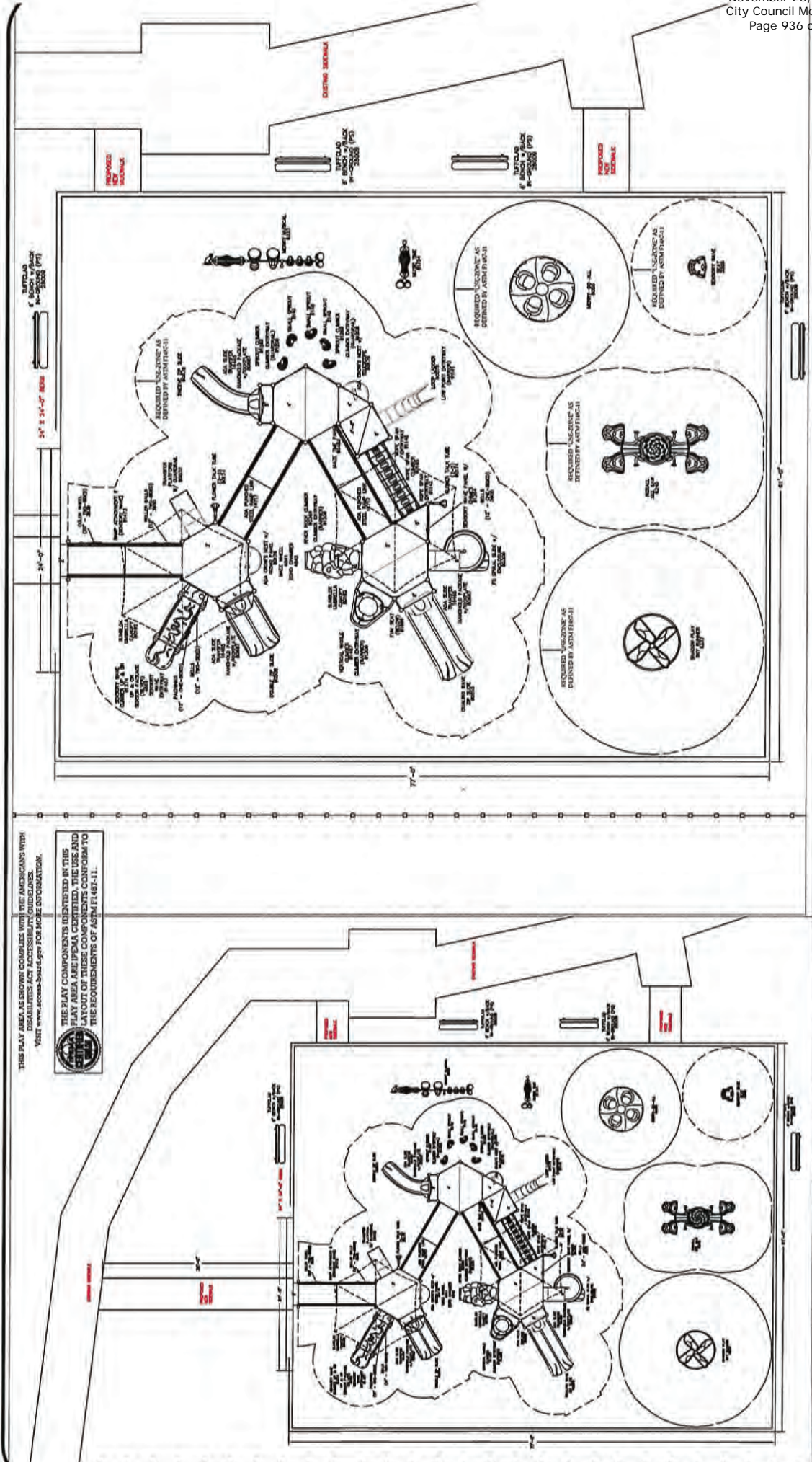
COLOR PALETTE: ATLANTIC	
Sky Blue Plastic	Sky Blue HDPE
Spring Green Metal	Sky Blue/White 2 Color HDPE
Blue Decks	
Metallic Lightings	



www.cunninghamrec.com

Site shown in rendering is an interpretation and may not reflect exact site conditions

800.438.2780



THIS PLAY AREA AS SHOWN COMPLIES WITH THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES.
 VISIT www.access-board.gov FOR MORE INFORMATION.

THE PLAY COMPONENTS IDENTIFIED IN THIS PLAY AREA ARE IPEDMA CERTIFIED. THE USE AND MAINTENANCE OF THESE COMPONENTS CONFORM TO THE REQUIREMENTS OF ASTM F1487-11.



Drawn By:
 CDG
 Date:
 10/04/2019
 Drawing Name:
 99920-02

IMPORTANT: Soft resilient surfacing should be placed in the use zones of all equipment, as specified for each type of equipment, and at depths to meet the critical fall heights as specified by the U.S. Consumer Product Safety Commission, ASTM standard F 1487 and Canadian Standard CAN/CSA-Z614

Minimum Area Required:
 Scales: NTS
 This drawing can be scaled only when in an 11" x 17" format

This play equipment is recommended for children ages 5-12

City of Raymore Parks & Recreation
 Raymore, MO
 Proposed Playground - Option 2
 Representative
 Rodney Born, Cunningham Recreation - Phone (800) 233-0529



GAME TIME
 ENRICHING CHILDHOOD THROUGH PLAY
 150 PlayCore Drive SE
 Fort Payne, AL 35967
www.gametime.com



GameTime c/o Cunningham Recreation
PO Box 240981
Charlotte, NC 28224
800.438.2780
704.525.7356 FAX

November 25, 2019
 City Council Meeting
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QUOTE
#145348

10/04/2019

Raymore Park - Option 2 - Remaining Equipment, Installation, Surfacing and Sitework

Raymore Parks & Recreation
 Attn: Nathan Musteen
 1021 S. Madison St.
 Raymore, MO 64083
 Phone: 816-322-2791
 Fax: 816-892-3099
 nmusteen@raymore.com

Project #: P99922
 Ship To Zip: 64083

Quantity	Part #	Description	Unit Price	Amount
1	INSTALL	MISC - Removal & Disposal of Existing Equipment	\$20,120.00	\$20,120.00
1	6245	GameTime - RoxAll See Saw [Accent: _____] [Basic: _____] [Roto Plastic: _____]	\$10,168.00	\$10,168.00
1	6237	GameTime - Shadow Play Sky Runner [Accent: _____] [Basic: _____]	\$5,641.00	\$5,641.00
1	5055	GameTime - Merry-Go-All [Basic: _____] [Roto Plastic: _____]	\$5,466.00	\$5,466.00
1	3205	GameTime - Spinning Sensory Wave Seat [Accent: _____] [Basic: _____] [Roto Plastic: _____]	\$1,096.00	\$1,096.00
1	6223	GameTime - Merry Musical [Accent: _____] [Basic: _____] [Roto Plastic: _____]	\$4,477.00	\$4,477.00
1	81754	GameTime - Music Time [Accent: _____] [Basic: _____] [Roto Plastic: _____]	\$1,509.00	\$1,509.00
4	28009	GameTime - 6' P/S Bench W/Back Inground [Basic: _____] [Coated Site: _____]	\$663.00	\$2,652.00
1	INSTALL	MISC - Installation of Play Equipment & Benches - Pricing includes installation of main play structure on Cunningham Recreation Quote #145349.	\$47,050.00	\$47,050.00
1	INSTALL	MISC - Create 24" Berm	\$3,655.00	\$3,655.00



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November 25, 2019
 City Council Meeting
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QUOTE
#145348

10/04/2019

Raymore Park - Option 2 - Remaining Equipment, Installation, Surfacing and Sitework

Quantity	Part #	Description	Unit Price	Amount
1	ILTILE-325	GT-Impax - Rubber Interlocking Tile Surfacing - <ul style="list-style-type: none"> • Area: 4,560 Square Feet • Tile Thickness: 3.25" • (1270) 2' x 2' Square Tiles • (85) Tubes Binder • Color: Standard • Critical Height: 8 Feet • Base Material: Concrete Slab • Adhesive: Full Adhesion 	\$45,160.00	\$45,160.00
1	INSTALL	MISC - Installation of Tile Safety Surfacing	\$14,465.00	\$14,465.00
1	INSTALL	MISC - Supply and Install Concrete Sub-Base for Tile Safety Surfacing	\$52,830.00	\$52,830.00
1	INSTALL	MISC - Supply and Install Concrete Curb	\$8,350.00	\$8,350.00
1	INSTALL	MISC - Excavation of Area	\$6,975.00	\$6,975.00
1	INSTALL	MISC - Provide Sidewalk Access to Playground tying into Existing Sidewalks	\$1,500.00	\$1,500.00

Contract: USC

SubTotal: \$231,114.00
 Discount: (\$4,234.06)
 Estimated Freight: \$1,980.00
Total Amount: \$228,859.94



GameTime c/o Cunningham Recreation
PO Box 240981
Charlotte, NC 28224
800.438.2780
704.525.7356 FAX

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QUOTE
#145348

10/04/2019

Raymore Park - Option 2 - Remaining Equipment, Installation, Surfacing and Sitework

U.S. COMMUNITIES CONTRACT - TERMS & CONDITIONS:

- **LEAD AGENCY:** City of Charlotte, NC - RFP No. 269-2017-028, awarded 5/08/2017.
- **AWARDEE (VENDOR):** Playcore Wisconsin, Inc d/b/a GameTime
- **CONTRACT NUMBER:** 2017001134
- **TERM OF CONTRACT:** 7/01/17 to 7/01/22 (5 years).
- **PRICING:** Varies. Refer to Discount Schedule and Price Lists (Contract Exhibit A). USC Contract pricing is valid through December 31, of each calendar year. Pricing is subject to change with lead agency approval and contract amendment. Request updated pricing when purchasing from quotes more than 30 days old.
- **VOLUME DISCOUNTS:** Large purchases are eligible for additional discounts as follows: 5% when the net US Communities discounted total for standard GameTime play structure components is \$50,000 to \$75,000; 10% when that total is \$75,000 to \$100,000 and 15% when that total exceeds \$100,000.
- **TERMS OF SALE:** For equipment & material purchases, Net 30 days from date of invoice for governmental agencies and those with approved credit. All others, full payment for equipment, taxes and freight up front. Balance for services & materials due upon completion or as otherwise negotiated upon credit application review. Pre-payment may be required for equipment orders totaling less than \$5,000. Payment by VISA, MasterCard, or AMEX is accepted. Checks should be made payable to Playcore Wisconsin, Inc. d/b/a GameTime unless otherwise directed.
- **CREDIT APPLICATION:** Required for all non-governmental agencies and those entities who have not purchased from GameTime within the previous twelve calendar months.
- **FINANCE CHARGE:** A 1.5% monthly finance charge (or maximum permitted by law) will be added to all invoices over 30 days past due.
- **CASH WITH ORDER DISCOUNT:** Orders for GameTime equipment paid in full at time of order via check or electronic funds transfer (EFT) are eligible for a 3% cash-with-order (CWO) discount.
- **ORDERS:** All orders shall be in writing by purchase order, signed quotation or similar documentation. Purchase orders must be made out to Playcore Wisconsin, Inc. d/b/a GameTime.
- **MINIMUM ORDER:** All purchases, \$500.00 with one exception for replacement parts.
- **FREIGHT CHARGES:** Shipments shall be F.O.B. destination. Freight charges prepaid and added separately.
- **SHIPMENT:** Standard Lead time is 4-6 weeks after receipt and acceptance of purchase order, credit application, color selections and approved drawings or submittals.
- **PACKAGING:** All goods shall be packaged in accordance with acceptable commercial practices and marked to preclude confusion during unloading and handling.
- **RECEIPT OF GOODS:** Customer shall coordinate, receive, unload, inspect and provide written acceptance of shipment. Any damage to packaging or equipment must be noted when signing delivery ticket. If damages are noted, receiver must submit a claim to Cunningham Recreation within 15 Days. Receiver is also responsible for taking inventory of the shipment and reporting any concealed damage or discrepancy in quantities received within 60 days of receipt.
- **RETURNS:** Returns are only available on shipments delivered within the last 60 days. A 25% (min.) restocking fee will be deducted from any credit due. Customer is responsible for all packaging & shipping charges. Credit is based on condition of items upon return. All returns must be in unused and merchantable condition. GameTime reserves the right to deduct costs associated with restoring returned goods to merchantable condition. Uprights & custom products cannot be returned.
- **TAXES:** Sales tax is shown as a separate line item when included. A copy of your tax exemption certificate must be submitted at time of order or taxes will be added to your invoice.

INSTALLATION CONDITIONS:

- **ACCESS:** Site should be clear, level and allow for unrestricted access of trucks and machinery.
- **STORAGE:** Customer is responsible for providing a secure location to off-load and store the equipment during the installation process. Once equipment has delivered to the site, the owner is responsible should theft or vandalism occur unless other arrangements are made and noted on the quotation.
- **FOOTER EXCAVATION:** Installation pricing is based on footer excavation through earth/soil only. Customer shall be responsible for unknown conditions such as buried utilities (public & private), tree stumps, rock, or any concealed materials or conditions that may result in additional labor or materials cost.
- **UTILITIES:** Installer will contact Miss Utility to locate all public utilities prior to layout and excavation of any footer holes. Owner is responsible for locating any private utilities.
- **ADDITIONAL COSTS:** Pricing is based on a single mobilization for installation unless otherwise noted. Price includes ONLY what is stated in this quotation. If additional site work or specialized equipment is required, pricing is subject to change.



GameTime c/o Cunningham Recreation
 PO Box 240981
 Charlotte, NC 28224
 800.438.2780
 704.525.7356 FAX

**QUOTE
 #145348**

10/04/2019

Raymore Park - Option 2 - Remaining Equipment, Installation, Surfacing and Sitework

ACCEPTANCE OF QUOTATION:

Acceptance of this proposal indicates your agreement to the terms and conditions stated herein.

Accepted By (printed): _____ Title: _____

Telephone: _____ Fax: _____

P.O. Number: _____ Date: _____

Purchase Amount: **\$228,859.94**

SALES TAX EXEMPTION CERTIFICATE #: _____

(PLEASE PROVIDE A COPY OF CERTIFICATE)

_____ Salesperson's Signature Customer Signature

BILLING INFORMATION:

Bill to: _____

Contact: _____

Address: _____

Address: _____

City, State: _____ Zip: _____

Tel: _____ Fax: _____

E-mail: _____

SHIPPING INFORMATION (IF DIFFERENT FROM ABOVE):

Ship to: _____

Contact: _____

Address: _____

Address: _____

City, State: _____ Zip: _____

Tel: _____ Fax: _____

E-mail: _____



GameTime c/o Cunningham Recreation
PO Box 240981
Charlotte, NC 28224
800.438.2780
704.525.7356 FAX

QUOTE
#145349

10/04/2019

Raymore Park - Option 2 - Main Play Structure (Grant)

Raymore Parks & Recreation
 Attn: Nathan Musteen
 1021 S. Madison St.
 Raymore, MO 64083
 Phone: 816-322-2791
 Fax: 816-892-3099
 nmusteen@raymore.com

Project #: P99920
 Ship To Zip: 64083

Quantity	Part #	Description	Unit Price	Amount
1	RDU	GameTime - Owner's Kit		
		(1) 178749 -- Owner's Kit		
		(1) MISC -- Owner's Kit (No Charge)		
1	2019 Grant	GAMETIME-MISC - GameTime Matching Funds Grant - GameTime grants can only be applied to additional GameTime purchases and only in conjunction with the original purchase. Standard policies and warranties as listed in the 2019 GameTime Playground Design Guide apply. Freight and applicable sales tax are extra and not included. To qualify for a 100% matching grant, list price of the qualifying playground system must exceed \$90,000 and payment in full must accompany your order. For play systems that require credit terms or for systems with a list price of less than \$90,000, GameTime playground grants are available with matching funds ranging between 40-70%. Matching funds are subject to rounding rules and may vary based on qualified purchase. No other offer, discount, or special programs can be used with this grant program. This special matching fund offer applies to PowerScape, PrimeTime, Xscape and IONiX systems only. All applications must be validated by the project administrator. GameTime reserves the right to decline any application for a GameTime grant. Orders accepted by GameTime must ship by December 31, 2019. This offer expires October 30, 2019.		
1	RDU	GameTime - Custom PowerScape Modular Ramped Play Structure	\$120,289.00	\$120,289.00



GameTime c/o Cunningham Recreation
PO Box 240981
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704.525.7356 FAX

November 25, 2019
 City Council Meeting
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QUOTE
#145349

10/04/2019

Raymore Park - Option 2 - Main Play Structure (Grant)

Quantity	Stock ID	Description	Unit Price	Amount
		(2) 80192 -- Sunblox Umbrella Canopy		
		(1) 3939 -- Color Wheel 20" 2S		
		(1) 3950 -- Roller Balls 12" 2S		
		(1) 91473 -- 2'6"-3'0" Sensory Wave Ramp Att. II		
		(3) 80687 -- Handhold/Kick Plate Pkg		
		(2) 90174 -- Flower Talk Tube Gr Lvl Attach (2-5)		
		(1) 3905 -- Bells 12" 1S		
		(1) 91364 -- Sensory Wave Panel w/ chimes		
		(1) 90165 -- 2'/5' Rope Span Climber		
		(2) 91142 -- Rope Span Entryway - Barrier		
		(1) 90466 -- Maze Panel, Above Dk		
		(1) 16806 -- Ada 6"Stepped Platform		
		(2) 16701 -- Ada 49"Tri Punch Steel Dk		
		(1) 81666 -- Fun Seat		
		(1) 90309 -- 5'-0 F5 Slide W/Enclosure		
		(3) 90005 -- Two Piece Hex Deck, Ada Ramp Access		
		(2) 91209 -- Climber Entryway - Barrier		
		(1) 91487 -- Vertical Wiggle Climber 5' -5'6"		
		(1) 91141 -- Low Point Entryway - Barrier		
		(1) 90079 -- 5' Loop Ladder		
		(1) 4842 -- Echo Chamber Ass'Y		
		(1) 4841 -- Maze Wheel Ass'Y		
		(1) 90176 -- Ada Crow'S Nest W/ Gizmo		
		(1) 90178 -- Ada Crow'S Nest W/Telescope		
		(3) 5140 -- Small Sprout Climber		
		(2) 91208 -- Climber Entryway - Guardrail		
		(2) 91269 -- Sprout Climber		
		(1) 90369 -- River Rock Climber		
		(1) 90578 -- Swerve Slide		
		(3) 16465 -- Slide Transfer (Ada)		
		(1) 90510 -- 6' Dueling Wave Zip Slide, Std Dk		
		(2) 16717 -- 147" Ada Ramp Link		
		(1) 90508 -- 4' Double Zip Slide, Std Dk		
		(1) 4669 -- Up & On Silver Sensor Package		



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QUOTE
#145349

10/04/2019

Raymore Park - Option 2 - Main Play Structure (Grant)

Quantity	Stock ID	Description	Unit Price	Amount
		(1) 91457 -- Sensory Wave Entryway		
		(1) 91374 -- PS Sensory Wave Up & On (3' & 3'6")		
		(1) 90032 -- 3' Transfer Platform W/Guardrail		
		(4) 90267 -- 9' Upright, Alum		
		(6) G90262 -- 4' Upright, Galv		
		(4) G90268 -- 10' Upright, Galv		
		(5) 90269 -- 11' Upright, Alum		
		(6) G90269 -- 11' Upright, Galv		
		(2) G90270 -- 12' Upright, Galv		
		(2) 90268 -- 10' Upright, Alum		
		(1) G90271 -- 13' Upright, Galv		

Materials only quotation. Installation, Safety Surfacing, Sitework, etc are included on Cunningham Recreation Quote #145141.

SubTotal: \$120,289.00
 Grant: (\$60,144.00)
 Estimated Freight: \$7,711.19
Total Amount: \$67,856.19



GameTime c/o Cunningham Recreation
PO Box 240981
Charlotte, NC 28224
800.438.2780
704.525.7356 FAX

QUOTE
#145349

10/04/2019

Raymore Park - Option 2 - Main Play Structure (Grant)

GAMETIME - TERMS & CONDITIONS:

- **PRICING:** Pricing is subject to change. Request updated pricing when purchasing from quotes more than 30 days old.
- **TERMS OF SALE:** For equipment & material purchases, Net 30 days from date of invoice for governmental agencies and those with approved credit. All others, full payment for equipment, taxes and freight up front. Balance for services & materials due upon completion or as otherwise negotiated upon credit application review. Pre-payment may be required for equipment orders totaling less than \$5,000. Payment by VISA, MasterCard, or AMEX is accepted. Checks should be made payable to Playcore Wisconsin, Inc. d/b/a GameTime unless otherwise directed.
- **CREDIT APPLICATION:** Required for all non-governmental agencies and those entities who have not purchased from GameTime within the previous twelve calendar months.
- **FINANCE CHARGE:** A 1.5% monthly finance charge (or maximum permitted by law) will be added to all invoices over 30 days past due.
- **CASH WITH ORDER DISCOUNT:** Orders for GameTime equipment paid in full at time of order via check or electronic funds transfer (EFT) are eligible for a 3% cash-with-order (CWO) discount.
- **ORDERS:** All orders shall be in writing by purchase order, signed quotation or similar documentation. Purchase orders must be made out to Playcore Wisconsin, Inc. d/b/a GameTime.
- **FREIGHT CHARGES:** Shipments shall be F.O.B. destination. Freight charges prepaid and added separately.
- **SHIPMENT:** Standard Lead time is 4-6 weeks after receipt and acceptance of purchase order, credit application, color selections and approved drawings or submittals.
- **PACKAGING:** All goods shall be packaged in accordance with acceptable commercial practices and marked to preclude confusion during unloading and handling.
- **RECEIPT OF GOODS:** Customer shall coordinate, receive, unload, inspect and provide written acceptance of shipment. Any damage to packaging or equipment must be noted when signing delivery ticket. If damages are noted, receiver must submit a claim to Cunningham Recreation within 15 Days. Receiver is also responsible for taking inventory of the shipment and reporting any concealed damage or discrepancy in quantities received within 60 days of receipt.
- **RETURNS:** Returns are only available on shipments delivered within the last 60 days. A 25% (min.) restocking fee will be deducted from any credit due. Customer is responsible for all packaging & shipping charges. Credit is based on condition of items upon return. All returns must be in unused and merchantable condition. GameTime reserves the right to deduct costs associated with restoring returned goods to merchantable condition. Uprights & custom products cannot be returned.
- **TAXES:** Sales tax is shown as a separate line item when included. A copy of your tax exemption certificate must be submitted at time of order or taxes will be added to your invoice.

SUPPLY ONLY:

- All items are quoted supply only.
- Installation services are not included.
- Customer is responsible for coordinating delivery, receipt, unloading, and inventory equipment.
- Missing or damaged equipment must be reported within 60 days of delivery.



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QUOTE
#145349

10/04/2019

Raymore Park - Option 2 - Main Play Structure (Grant)

ACCEPTANCE OF QUOTATION:

Acceptance of this proposal indicates your agreement to the terms and conditions stated herein.

Accepted By (printed): Title:

Telephone: Fax:

P.O. Number: Date:

Purchase Amount: \$67,856.19

SALES TAX EXEMPTION CERTIFICATE #:

(PLEASE PROVIDE A COPY OF CERTIFICATE)

Salesperson's Signature Customer Signature

BILLING INFORMATION:

Bill to:

Contact:

Address:

Address:

City, State: Zip:

Tel: Fax:

E-mail:

SHIPPING INFORMATION (IF DIFFERENT FROM ABOVE):

Ship to:

Contact:

Address:

Address:

City, State: Zip:

Tel: Fax:

E-mail:



THANK YOU FOR REGISTERING

Your registration has been received and processed by OMNIA Partners, Public Sector!

Participant Organization: City of Raymore, MO

Your Participating Agency Number: 1022653

City of Raymore, MO is now eligible to access and utilize the competitively solicited and publicly awarded agreements available through OMNIA Partners, Public Sector (subsidiaries National IPA and U.S. Communities).

For more information, visit us at omniapartners.com/publicsector.

OMNIA PARTNERS PUBLIC SECTOR

Thank you for your participation and we look forward to serving you and your organization.

The OMNIA Partners, Public Sector Team

OMNIA Partners | 640 Crescent Centre Drive, Suite 600 | Franklin, TN 37067 | United States

You received this email because you are subscribed to Member Only Information from OMNIA Partners.

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Miscellaneous

THE RAYMORE CITY COUNCIL HELD A WORK SESSION ON MONDAY, OCTOBER 21, 2019, 7:00 P.M., AT RAYMORE CITY HALL. PRESENT: MAYOR TURNBOW, COUNCILMEMBERS ABDELGAWAD, BERENDZEN, BURKE III, CIRCO, HOLMAN, JACOBSON, AND TOWNSEND. ALSO PRESENT: CITY MANAGER JIM FEUERBORN, ASSISTANT CITY MANAGER MIKE EKEY, CITY ATTORNEY JONATHAN ZERR, AND CITY STAFF.

Mayor Turnbow called the work session to order at 7:00 p.m.

A. Code Review

Staff presented an overview of changes to Titles VI and VII of City Code that were distributed last month to the City Council following the extensive code review project.

B. Utilizing Live Goats for One-Time Brush Clearing

Development Services Director Jim Cadoret reviewed recent requests from a Raymore resident seeking approval to utilize the services of a company that provides goats to clear brush from property. Staff discussed relevant sections of Code for review by the Council. Council directed staff to draft proposed language to bring to a future work session.

C. Board and Commission Appointments

Mayor Turnbow presented recommendations for Board and Commission appointments to the Council. Appointments will be presented for consideration at the next regular meeting.

D. Other

The work session of the Raymore City Council adjourned at 7:36 p.m.

THE RAYMORE CITY COUNCIL HELD A JOINT WORK SESSION ON MONDAY, NOVEMBER 4, 2019, 7:00 P.M., AT CENTERVIEW, 227 MUNICIPAL CIRCLE. PRESENT: MAYOR TURNBOW, COUNCILMEMBERS ABDELGAWAD, BARBER, BERENDZEN, BURKE III, HOLMAN, JACOBSON, AND TOWNSEND. ALSO PRESENT: CITY MANAGER JIM FEUERBORN, ASSISTANT CITY MANAGER MIKE EKEY, CITY ATTORNEY JONATHAN ZERR, CITY STAFF, MEMBERS OF THE PLANNING AND ZONING COMMISSION AND MEMBERS OF THE TAX INCREMENT FINANCING COMMISSION.

Mayor Turnbow called the work session to order at 6:00 p.m.

A. Economic Development Presentation

The City Council, Planning and Zoning Commission, and Tax Increment Financing Commission met in joint session. Janet Ady, President and CEO of Ady Advantage presented a session entitled Economic Development 101. The primary objective of the training was to help high-performing Councils and Commissions to support the mission and strategy of the economic development team for Raymore.

B. Other

The work session of the Raymore City Council adjourned at 8:18 p.m.