

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

### **ARTICLE I. - CITY SEAL**

#### SECTION 100.010: - CORPORATE SEAL

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

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

#### SECTION 100.020: - CONTENTS OF CODE

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

#### SECTION 100.030: - CITATION OF CODE

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

#### SECTION 100.040: - OFFICIAL COPY

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

#### SECTION 100.050: - ALTERING CODE

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

#### SECTION 100.060: - NUMBERING

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

#### SECTION 100.070: - AMENDMENTS TO CODE

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

## SECTION 100.075: - FORCE MAJEURE

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

## SECTION 100.080: - DEFINITIONS

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

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

*CITY:* The words "the City" or "this City" or "City" shall mean the City of Raymore, Missouri, a municipal corporation, and any duly authorized representative.

*CITY COUNCIL:* The City of Raymore, Missouri, a municipal corporation, and any duly authorized representative.

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

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

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

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

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

*MAY:* "May" is permissive.

*MAYOR:* The Mayor of Raymore, Missouri.

*MONTH:* A calendar month.

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

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

*PERSON:* Any individual, firm, association, group, partnership, limited liability company, corporation or any combination thereof.

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

*PROPERTY:* Includes real, personal and intellectual property.

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

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

*RSMo.:* The abbreviation "RSMo." shall mean the latest edition of the Revised Statutes of Missouri, as amended.

*SHALL:* The word "shall" is mandatory.

*SIDEWALK:* A paved path provided for pedestrian use and usually located at the side of a road within the right-of-way.

*SIGNATURE:* Where the written signature of any person is required, the proper handwriting of such person or their mark, or appropriate electronic affirmation be intended.

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

*STREET:* Shall mean a right-of-way dedicated to the public use which provides vehicular and pedestrian access to adjacent properties.

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

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

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

#### SECTION 100.090: - NEWSPAPER

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

#### SECTION 100.095 - DELEGATION

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

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

#### SECTION 100.100: - WORDS AND PHRASES, HOW CONSTRUED

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

#### SECTION 100.110: - HEADINGS

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

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

Whenever any ordinance or part of an ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, the ordinance or part of an ordinance repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the prior ordinance shall go into effect unless otherwise expressly provided; but not suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under any ordinance prior to its repeal shall in anywise be affected, released or discharged

but may be prosecuted, enjoyed and recovered as fully as if such ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

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

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

#### SECTION 100.140: - SEVERABILITY

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

#### SECTION 100.150: - TENSE

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

#### SECTION 100.160: - NOTICE

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

1. By delivering the notice to the person to be notified personally or by leaving the same at their residence, office or place of business with some person of suitable age and discretion, or
2. By mailing the notice by certified or regular mail to such person at their last known address, or
3. If the person to be notified is unknown, or may not be notified under the requirements of Subsections (1) or (2) of this Section, then by posting the notice in some conspicuous place on the premises at least five (5) days

before the act or action concerning which the notice is given is to take place. No person shall interfere with, obstruct, mutilate, conceal, or tear down any official notice or placard posted by any City Officer, unless permission is given by said Officer.

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

#### SECTION 100.170: - NOTICE-EXCEPTIONS

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

#### SECTION 100.180: - COMPUTATION OF TIME

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

#### SECTION 100.190: - GENDER

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

#### SECTION 100.200: - JOINT AUTHORITY

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

#### SECTION 100.210: - NUMBER

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

### **ARTICLE IV. - PENALTIES**

#### SECTION 100.220: - PENALTY PROVISIONS

- A. Whenever in this Code or any other ordinance of the City, or in any rule, regulation, notice or order promulgated by any officer or agency of the City under authority duly vested in them, any act is prohibited or is declared to be unlawful or an offense, a municipal ordinance violation, or the doing of any act

is required or the failure to do any act is declared to be unlawful or an offense, a municipal ordinance violation, and no specific penalty is provided for the violation, upon conviction of a violation of any such provision of this Code or of any such ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days or by both such fine and imprisonment; provided, that in any case the penalty for an offense is fixed by Ordinance, RSMo., Missouri Supreme Court Order or Court ordered penalty, and no other, shall be imposed for such offense.

- B. Notwithstanding any provisions to the contrary, the following conditions shall apply to minor traffic violations as defined by Section 479.350 RSMo. and municipal ordinance violations as defined in Raymore City Code.
1. The Raymore Municipal Court shall not assess a fine, if combined with the amount of court costs, totaling in excess of two hundred twenty-five dollars (\$225.00) for minor traffic violations.
- C. For Unified Development Code and Property Maintenance Code violations committed within a twelve (12) month period beginning with the first violation, two hundred dollars (\$200.00) for the first municipal ordinance violation, two hundred seventy five dollars (\$275.00) for the second municipal ordinance violation, three hundred fifty dollars (\$350.00) for the third municipal ordinance violations and four hundred fifty dollars (\$450.00) for the fourth and any subsequent municipal ordinance violations.
- D. The Raymore Municipal Court shall not assess costs if the case is dismissed or a defendant is determined to be indigent based upon standards set by the presiding judge. The standards shall reflect model rules and requirements developed by the Supreme Court. Courts shall not sentence a person to confinement for a minor traffic violation except for the following violations:
- Alcohol and substance abuse violations;
  - Endangering health or welfare of others;
  - Eluding an officer;
  - Giving a false statement to an officer; and
  - Failure to pay a fine but only if nonpayment violates the terms of probation.

#### SECTION 100.230: - EVERY DAY A VIOLATION

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

#### SECTION 100.240: - RESPONSIBILITY

Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted, 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.

## **ARTICLE V. - MISCELLANEOUS PROVISIONS**

### **SECTION 100.250: - MISSOURI LOCAL GOVERNMENT EMPLOYEES RETIREMENT SYSTEM**

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

### **SECTION 100.260: - INSUFFICIENT CHECK CHARGE**

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

## **CHAPTER 105: - ELECTIONS**

### **ARTICLE I. - WARDS**

#### **SECTION 105.010: - BOUNDARIES OF WARDS**

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

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

#### **SECTION 105.020: - DATE OF GENERAL ELECTION**

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

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



SECTION 105.025: - COUNCILMEMBER TERMS

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

SECTION 105.030: - DECLARATION OF CANDIDACY-DATES FOR FILING

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

SECTION 105.040: - FILING FEE OF CANDIDATES

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

SECTION 105.050: - DECLARATION OF CANDIDACY-NOTICE TO PUBLIC

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

SECTION 105.060: - DECLARATION OF CANDIDACY-FORM

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

STATEMENT OF CANDIDACY	

STATE OF MISSOURI	)
	) SS
COUNTY OF CASS	)

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

Signed:

\_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_.

City Clerk

City of Raymore

(S E A L)

- B. Each candidate filing for municipal office, shall submit with their declaration of candidacy form, a copy of the "Affirmation of Tax Payments and Bonding

Requirements" as required to be filed with the Missouri Department of Revenue if applicable.

#### SECTION 105.070: - NOTICE OF ELECTIONS

- A. Not later than 5:00 P.M. on the tenth (10th) Tuesday prior to any election, except a special election to decide an election contest, tie vote, or a delay in notification pursuant to Subsection (B) of this Chapter, or pursuant to the provisions of Section 115.399 RSMo., the officer or agency calling the election shall notify the election authorities responsible for conducting the election. The notice shall be in writing, shall specify the name of the officer or agency calling the election and shall include a certified copy of the legal notice to be published pursuant to Subsection (2) of Section 115.127 RSMo. The notice and any other information required by this Section may, with the prior notification to the election authority receiving the notice, be accepted by electronic transmission prior to 5:00 P.M. on the tenth (10th) Tuesday prior to the election, provided that the original copy of the notice and a certified copy of the legal notice to be published shall be received in the office of the election authority within three (3) business days from the date of the electronic transmission. In lieu of a certified copy of the legal notice to be published pursuant to Subsection (2) of Section 115.127 RSMo., each notice of a special election to fill a vacancy shall include the name of the office to be filled, the date of the election and the date by which candidates must be selected or filed for the office. Not later than the fourth (4th) Tuesday prior to any special election to fill a vacancy called by a political subdivision or special district, the officer or agency calling the election shall certify a sample ballot to the election authorities responsible for conducting the election.
- B. Except as provided for in Sections 115.247 and 115.359 RSMo., if there is no additional cost for the printing or reprinting of ballots or if the political subdivision or special district calling for the election agrees to pay any printing or reprinting costs, a political subdivision or special district may, at any time after certification required in Subsection (A) of this Chapter, but no later than 5:00 P.M. on the sixth (6th) Tuesday before the election, be permitted to make late notification to the election authority pursuant to court order, which, except for good cause shown by the election authority in opposition thereto, shall be freely given upon application by the political subdivision or special district to the circuit court of the area of such subdivision or district.

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

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

SECTION 105.090: - CONFORMANCE OF CITY ELECTIONS WITH STATE LAW

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

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

**ARTICLE I. - MAYOR**

SECTION 110.010: - QUALIFICATIONS OF MAYOR-TERMS OF OFFICE

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

SECTION 110.015: - OATH

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

SECTION 110.020: - COMMITTEES APPOINTED

- A. There shall be no standing committees.
- B. The Mayor, or when applicable, the Mayor Pro Tempore, with the advice and consent of a majority of the Council, may establish special committees as they deem necessary or proper and, with the advice and consent of a majority of the Council, may appoint such persons to those committees as they deem appropriate.

SECTION 110.030: - PROCLAMATIONS, MEETINGS, ELECTIONS

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

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

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

#### SECTION 110.050: - APPOINT CERTAIN OFFICERS

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

#### SECTION 110.060: - PRESIDING OVER CITY COUNCIL-VOTING RIGHTS-SUPERVISION OF CITY AFFAIRS

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

#### SECTION 110.070: - COMMUNICATIONS TO COUNCIL

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

#### SECTION 110.080: - APPROVAL OF BILLS-VETO POWER

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

110.090: - PRESIDING OFFICER-ABSENCE OF MAYOR AND MAYOR PRO TEM

In the case of the physical absence of the Mayor and Mayor Pro Tem, the remaining members of the Council shall select a Presiding Officer to serve over the meeting or until the next regular municipal election.

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

SECTION 110.100-110.110: - RESERVED

**ARTICLE II. - CITY COUNCIL**

SECTION 110.120: - QUALIFICATIONS OF COUNCILMEMBERS-TERMS OF OFFICE

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

SECTION 110.130: - OATH

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

SECTION 110.140: - MEMBERSHIP

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

SECTION 110.145: - PROCEDURE FOR FILLING VACANCIES ON CITY COUNCIL

- A. When a vacancy occurs on the Council, the Council shall:
  1. Give public notice that a vacancy exists and that the Council will receive applications for the position for a period of fourteen (14) days from the date of the notice;
  2. Upon expiration of the fourteen-day application period, give public notice of those persons who applied for the position and notice of when the Council

will hold a public meeting to interview applicants and receive information from citizens who would be eligible to vote for the applicants if the applicants were running for election;

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

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

#### **SECTION 110.150: - REGULAR MEETINGS**

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

#### **SECTION 110.155: - SPECIAL MEETINGS**

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

## SECTION 110.160 - WORK SESSIONS

- A. The City Council may meet in work session in the Council room of City Hall on the first (1st) and third (3rd) Mondays of each month at such time as may be provided by the Council. If needed or requested, the City Council may meet in work session on the fifth (5th) Monday of the month.
- B. When any such meeting day is a holiday, the work session may be held at such time as may be provided by agreement of the Mayor and Council.
- C. The Mayor and Council may dispense with any work session at their discretion.

## SECTION 110.165 - PUBLIC MEETINGS

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

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

- A. The introduction of any item, which has not been before the City Council prior to the current Council meeting, is considered new business. Since it is inappropriate to consider new business prior to disposing of any old business and since it is important that the City Council not delay the conducting of the peoples' business, the first (1st) regularly scheduled meeting following the election/re-election of the Mayor and/or Councilmembers will be scheduled, per existing ordinance, and will contain only one (1) item of business: "AN ORDINANCE DECLARING THE RESULTS OF THE ELECTION."
- B. The City Clerk will publish notice that a special City Council meeting will be held on the same date as the meeting described in Subsection A. above. The special meeting agenda will contain all of the agenda items, which normally would have been included in the regular meeting.

## SECTION 110.175: - QUORUM

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

## SECTION 110.180: - COMPELLING ATTENDANCE

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

## SECTION 110.190: RESERVED

## SECTION 110.200: - MAYOR TO PRESIDE OVER COUNCIL



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

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

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

SECTION 110.220: - MAYOR PRO TEMPORE-DUTIES

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

SECTION 110.230: - RULES OF ORDER

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

SECTION 110.240: - DECORUM

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

SECTION 110.250: - VOTING

- A. Voting shall be by a show of hands, and the "ayes" and "nays" shall be recorded in the minutes. Except as otherwise provided in the Charter or City Code, the affirmative vote of a majority of the entire Council shall be necessary to adopt any ordinance.
- B. Unless legally disqualified or abstaining, every member of the Council shall vote upon every question and when requested by any member the vote upon any question shall be taken by "ayes" and "nays" and be recorded.
- C. Whenever an action under this Code requires the vote of the Council, this shall mean a vote of a majority of a quorum of the Councilmembers present. In the event of a tie of the Councilmembers, the Mayor may vote to break a tie in accordance with Section 110.080 of the Code.
- D. Whenever an action under this Code requires the vote of the entire Council, this shall mean a vote of at least five (5) of the eight (8) Councilmembers present. In

the event of a four (4) to four (4) tie of the eight (8) Councilmembers, the Mayor may vote to break the tie in accordance with Section 110.080 of the Code.

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

SECTION 110.260: - RESERVED

SECTION 110.270: - EXPRESSION OF DISSENT OR PROTEST BY MEMBER

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

SECTION 110.280: - RESERVED

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

- A. All ordinances and resolutions shall be introduced to the City Council in written form. All proposed ordinances shall be reviewed by the City Attorney or bear their certification that they are in correct form. A copy shall be sent to each member of the City Council in advance of the meeting. Failure to follow the procedure shall not invalidate any ordinance or resolution adopted by the City Council.
- B. The second (2nd) readings of all bills except those regarding special assessments, appropriations, or designated as an "Emergency Bill" shall be conducted at a subsequent meeting to that at which they are introduced.
- C. "Emergency bill" is defined as a bill needing formal Council approval due to specific time restraints, or involving an issue of health, safety, and/or public welfare or as determined by the Mayor on a case by case basis.
- D. Every emergency ordinance shall be read in full at least once in an open Council meeting, except that the portion of an emergency ordinance setting out real estate legal descriptions, or the terms of bond sales, certificates of indebtedness, capital notes, lease purchase agreements, certificates of participation and installment purchase agreements shall not be required to be read in full. An ordinance may be passed as an emergency measure on the day of its introduction if it contains a declaration describing in clear and specific terms the facts and reasons constituting the emergency and receives the affirmative vote of three-fourths ( $\frac{3}{4}$ ) of the entire Council. Every proposed emergency ordinance shall allow public comment to be heard prior to a vote being taken at its second reading.
- E. Approval of a resolution shall require an affirmative vote of a majority of the Council.

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

1. To amend any Section:

"An Ordinance to amend Section \_\_\_\_\_ (or Sections \_\_\_\_\_ and \_\_\_\_\_ ) of the Code of the City of Raymore."

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

"An Ordinance amending the Municipal Code of the City of Raymore, Missouri by adding a new Section (or new Sections, a new Article, a new Chapter, or a new Title, as the case may be) which new Section (Sections, Article, Chapter or Title) shall be designated as Section \_\_\_\_\_ (or Sections \_\_\_\_\_ and \_\_\_\_\_ ) of Chapter \_\_\_\_\_ of Title \_\_\_\_\_ (or proper designation if a Chapter or Title is added) of said Code."

3. To repeal a Section, Chapter or Title:

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

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

#### SECTION 110.300: - WHEN BILLS MAY BE AMENDED

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

#### SECTION 110.310: - RULES OF PROCEDURE

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

#### SECTION 110.320: - ATTENDANCE AND OATH OF WITNESSES-FEE FOR EXECUTION OF PROCESS

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

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

#### SECTION 110.330: - AMENDMENT OR SUSPENSION OF RULES

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

#### **ARTICLE IV. - RESERVED**

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

#### SECTION 111.010: - DECLARATION OF POLICY

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

#### SECTION 111.020: - RESERVED

#### SECTION 111.030: - QUALIFICATIONS

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

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

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

#### SECTION 111.050: - FELONY CONVICTIONS

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

#### SECTION 111.060: - PAYMENT OF TAXES

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

#### SECTION 111.070: - ATTENDANCE OF COUNCIL MEETINGS

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

#### SECTION 111.080: - FAIR AND EQUAL TREATMENT

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

#### SECTION 111.090: - CONFLICTS OF INTEREST; DISCLOSURE

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

#### SECTION 111.100: - GIFTS AND FAVORS

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

## SECTION 111.110: - CONFIDENTIAL INFORMATION

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

## SECTION 111.120: - ADMINISTRATIVE POLICY MATTERS-INTERFERENCE WITH CITY EMPLOYEES

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

## SECTION 111.130: - OPEN MEETINGS AND RECORDS

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

## SECTION 111.140: - ADVISORY OPINIONS

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

## SECTION 111.150: - HEARING OFFICER

1. *Appointment.* If a motion to appoint a Hearing Officer is made and seconded, and receives a majority vote of the Council, then the Mayor (or the Mayor Pro Tempore, if applicable) shall, with the advice and consent of a majority of the Council, appoint a person to act as a Hearing Officer to determine if an elected official has violated provisions of this Chapter. Upon appointment, the Hearing Officer shall have jurisdiction over alleged violations of this chapter and shall serve for a term of two (2) years, unless discharged by the Mayor upon a majority vote of the City Council before the expiration of said term.
2. *Qualifications and powers.* The Hearing Officer shall hold no other office or employment with the City, and shall have the power to subpoena witnesses, administer oaths, take testimony and require the production of evidence to a public hearing held before the Hearing Officer in accordance with all the requirements of due process. The Hearing Officer may seek the advice of the City Attorney regarding violations of this Chapter; however, if the City Attorney gave an advisory opinion as to the alleged violation, the Hearing Officer may, with a majority vote of the Council, retain independent legal counsel to assist and advise them and/or the Council regarding interpretation of this Chapter and the operation and/or effect of this Chapter to any factual pattern.
3. *Findings and conclusions.* The Hearing Officer shall make written findings of fact and conclusions of law based thereon as it relates to a determination concerning whether or not the conduct of the elected official was in violation of this Chapter, and shall, upon conclusion of his investigation, report his findings and conclusions to the City Council.

## SECTION 111.160: - SANCTIONS

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

## SECTION 111.170: - JUDICIAL REVIEW

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

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

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

## SECTION 111.190: - SEVERABILITY

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

## **CHAPTER 115: - CITY ORGANIZATION**

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

## **ARTICLE I. - OFFICERS AND EMPLOYEES-GENERALLY**

### SECTION 115.010: - OFFICERS ENUMERATED

The Officers of this City shall consist of:

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

### SECTION 115.020: - TERM OF APPOINTIVE OFFICERS

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



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

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

SECTION 115.040: - OFFICERS' OATH-BOND

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

SECTION 115.050: - SALARIES

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

SECTION 115.060: - ADMINISTRATION OF OATHS

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

1. The Mayor, Mayor Pro Tem, and City Attorney to witnesses or other persons concerned with any subject under consideration by the City Council in which the interest of the City is involved.

2. The Municipal Judge, to witnesses, jurors, or other persons relating to any trial or other proceedings within the jurisdiction of their court.
3. The City Clerk, to any person certifying to any demand or claim against the City concerning the correctness of the same.
4. The City Clerk to all newly elected or appointed members of the City Council, newly hired, commissioned officers of the Police Department, and Emergency Management personnel of the City.

SECTION 115.070: - RESERVED

## **ARTICLE II. - CITY ATTORNEY**

SECTION 115.080: - APPOINTMENTS-TERM

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

SECTION 115.090: - QUALIFICATIONS

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

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

SECTION 115.100: - DUTIES GENERALLY

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

SECTION 115.110: - REPORT TO CITY COUNCIL

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

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

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

## SECTION 115.130: - COMPENSATION

- A. The City Attorney shall be allowed compensation such as from time to time shall be fixed by the City Council. The City Attorney shall not receive compensation contingent upon the outcome of any case or matter.
- B. In the event of a case in which the City is interested in being tried in any Circuit Court, Supreme Court or Court of Appeal, then the City Council shall allow the City Attorney the usual and customary fees and necessary expenses allowed in like or similar cases.

## **ARTICLE III. - PROSECUTING ATTORNEY**

### SECTION 115.133: - PROSECUTING ATTORNEY

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

### SECTION 115.134 - COMPENSATION

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

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

### SECTION 115.135: - REPORT TO CITY COUNCIL

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

## **ARTICLE IV. - CITY CLERK**

### SECTION 115.140: - APPOINTMENT OF CITY CLERK

The City Manager shall appoint a City Clerk with the advice and consent of a majority of the Council. Before entering upon the duties of their office, the City Clerk shall take and subscribe to an oath or affirmation. The City Clerk shall keep the journal of City Council proceedings, authenticate by signature all ordinances and resolutions, and record them in full in a book kept for that purpose. The City

Clerk shall perform such other duties as may be required by law, by the Charter, by ordinance, or by the City Manager.

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

#### SECTION 115.150: - QUALIFICATIONS

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

#### SECTION 115.160: - DUTIES GENERALLY

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

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

### **ARTICLE V. - CITY MANAGER**

#### SECTION 115.170: - CITY MANAGER

There shall be a City Manager for the City.

#### SECTION 115.180: - APPOINTMENT AND TERM

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

## SECTION 115.190: - QUALIFICATIONS

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

## SECTION 115.200: - RESERVED

## SECTION 115.210: - COMPENSATION

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

## SECTION 115.220: - RESERVED

## SECTION 115.230: - DUTIES AND POWERS

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

1. *Appointment and removal of employees.* The City Manager shall appoint and, when the City Manager deems it necessary for the good of the City, suspend or remove City employees and appointive administrative officers, including the City Clerk, provided for, by or under the Charter, except as otherwise provided by law, the Charter or the Personnel Code and regulations thereunder adopted pursuant to Section 6.2 of the Charter. The City Manager may authorize any administrative officer who is subject to the City Manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.
2. *Administration of departments.* The City Manager shall direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by the Charter or by law.
3. *Attend City Council meetings.* The City Manager shall attend all Council meetings unless excused by the Mayor and shall have the right to take part in discussion but may not vote. The City Manager shall receive notice of all special Council meetings.
4. *Enforcement of laws.* The City Manager shall see that all laws, provisions of the Charter and acts of the Council subject to enforcement by the City

Manager, or by any person subject to the City Manager's direction and supervision, are faithfully executed.

5. *Budget and capital program.* The City Manager shall prepare and submit a recommended annual budget and capital program to the Mayor and Council.
6. *Finance and administrative report.* The City Manager shall submit to the Mayor and Council, and make available to the public, a complete report on the finances and administrative activities of the City at the end of each fiscal year.
7. *Other reports.* The City Manager shall make such other reports as the Council may require concerning the operations of City departments, offices and agencies subject to their direction and supervision.
8. *Report of financial condition of the City.* The City Manager shall keep the Mayor and Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City as the Mayor or Council deems desirable.
9. *Execution of documents.* Except as otherwise provided by the Council, the City Manager shall sign on behalf of the City all instruments required to implement the Council-approved budget, all documents related to the administration and management of employees, all administrative policies, all capital project contracts and professional services agreements, and all contracts and agreements related to the administration and management of government business.
10. *Other duties.* The City Manager shall perform such other duties as specified in the Charter, City Code or as required by the Council.

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

#### SECTION 115.240: - INTERFERENCE BY MEMBERS OF THE COUNCIL

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

### CHAPTER 120: - BOARDS, COMMISSIONS AND COMMITTEES

#### ARTICLE I. - PARK AND RECREATION BOARD

**Editor's note—** The Park and Recreation Board has been established by and functions as provided for in Chapter 90 RSMo. As to procedures for filling vacancies on the Parks and Recreation board in conformance with Chapter 90 RSMo. and Resolution 99-04, the Parks and Recreation Board shall be composed of nine (9) directors who are citizens and qualified voters of the City who have been appointed

by the Mayor with the approval of the majority of the Council. The Mayor and Council state, if practicable, they shall attempt to have each ward have equal representation consisting of at least two directors from each ward. The Council agrees that to aid the Mayor in selection of each director, two Council members from each ward shall jointly submit a list of up to three names from which the Mayor shall make the final selection. The ninth director shall be selected by the Mayor from the names submitted to the Mayor by the Council members or from the citizens at large.

#### SECTION 120.010: - BOARD ESTABLISHED

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

#### SECTION 120.020: - PARKS AND RECREATION DIRECTORS-TERMS OF OFFICE

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

#### SECTION 120.030: - PARKS AND RECREATION BOARD VACANCIES-NO COMPENSATION

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

#### SECTION 120.040: - PARKS AND RECREATION BOARD-ORGANIZATION

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

## SECTION 120.050: - PARKS AND RECREATION BOARD-POWERS AND DUTIES

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

1. All money received for such parks and recreation shall be deposited with the City to the credit of the Park and Recreation Fund and shall be kept separate and apart from the other monies and drawn upon by the properly authenticated documentation.
2. Said Board shall have the power to purchase or otherwise secure ground to be used for such parks and recreation facilities as is deemed necessary. Said Board of Directors shall have the power to appoint a suitable person to take care of said parks and necessary assistants for said person and fix their compensation, and shall have the power to remove such appointees.
3. It shall be the duty of the Board of Directors to recommend to the City Council the following:
  - a. All matters relating to policy formation, programming, legislation and use of park and recreation facilities and areas;
  - b. Make such recommendations as in the opinion of the Board will improve the effectiveness of the parks and recreation programs or facilities, including annual budgetary recommendations;
  - c. Prepare rules and regulations (including any fees and charges) governing the conduct of persons, and use of all City park and recreational areas and facilities, which rules and regulations shall not become effective until approved by the City Council after a public hearing, which shall be held at least five (5) days after publication of the proposed rules and regulations and notice of hearing in the nearest newspaper in the area;
  - d. Organize and conduct a City wide recreational program for all age groups as approved by the City Council. The Parks and Recreation Board shall assume such other duties as may be assigned by the Mayor or City Council.

## SECTION 120.060: - PARKS AND RECREATION BOARD-ANNUAL REPORT

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



## SECTION 120.070: - PUBLIC PARK AND RECREATION-PRIVATE DONATIONS

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

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

### SECTION 120.100: - BOARD ESTABLISHED

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

### SECTION 120.110: - ARTS COMMISSIONERS-TERMS OF OFFICE

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

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

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

### SECTION 120.120: - ARTS COMMISSION-NO COMPENSATION

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

## SECTION 120.130 - ARTS COMMISSION-ORGANIZATION

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

## SECTION 120.140: - ARTS COMMISSION-PURPOSE AND DUTIES

The Arts Commission will:

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

## SECTION 120.150: - ARTS COMMISSION-FUND FOR BETTERMENT OF COMMISSION

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

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

### SECTION 125.010: - DECLARATION OF POLICY

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

### SECTION 125.020: - CONFLICTS OF INTEREST

- A. All elected and appointed officials as well as employees of the City must comply with applicable Sections of Chapter 105 RSMo. on conflicts of interest as well as any other State law governing official conduct.
- B. Any member of the City Council who has a "substantial personal or private interest" in any measure, bill, order, or ordinance proposed or pending before

such City Council must disclose that interest to the City Clerk and such disclosure shall be recorded in the minutes of the City Council. "Substantial or private interest" is defined as ownership by the individual, their spouse, or their dependent children, whether singularly or collectively, directly or indirectly, of ten percent (10%) or more of any business entity, or of an interest having a value of ten thousand dollars (\$10,000.00) or more, or the receipt of a salary, gratuity, or other compensation or remuneration of five thousand dollars (\$5,000.00), or more, per year from any individual, partnership, organization, or association within any calendar year.

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

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

#### SECTION 125.030: - DISCLOSURE REPORTS

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

#### SECTION 125.040: - FINANCIAL INTEREST STATEMENTS-WHEN FILED

- A. The financial interest statements shall be filed at the following times, but no person is required to file more than one (1) financial interest statement in any calendar year:
  - 1. Every person required to file a financial interest statement shall file the statement annually no later than May first (1st) and the statement shall cover the calendar year ending the immediately preceding December thirty-first (31st); provided that any member of the City Council may supplement the financial interest statement to report additional interests acquired after December thirty-first (31st) of the covered year until the date of filing of the financial interest statement.
  - 2. Each person appointed to office shall file the statement within thirty (30) days of such appointment or employment.

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

## **CHAPTER 130: - MUNICIPAL COURT**

### **SECTION 130.010: - COURT ESTABLISHED**

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

### **SECTION 130.020: - JURISDICTION**

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

### **SECTION 130.030: - MUNICIPAL JUDGE-APPOINTMENT AND TENURE**

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

### **SECTION 130.040: - MUNICIPAL JUDGE-QUALIFICATIONS**

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

### **SECTION 130.050: - MUNICIPAL JUDGE-COMPENSATION**

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

### **SECTION 130.060: - MUNICIPAL JUDGE-VACATION/FORFEITURE OF OFFICE**

- A. The Municipal Judge shall vacate their office under the following circumstances:
  - 1. Upon removal from office by the State Commission on retirement, removal and discipline of Judges, as provided in Missouri Supreme Court Rule 12,

2. Upon attaining their seventy-fifth (75th) birthday, or
  3. Upon the Judge's death, resignation, or removal from office in any manner authorized by the Charter or by law, or upon forfeiture of the office.
- B. A Municipal Judge shall forfeit their office if the Judge:
1. At any time during the term of office lacks any qualification for the office prescribed by the Charter or by law,
  2. Violates any prohibition as provided in Section 7.2(d) of the Charter, or
  3. Violates the requirements of Section 14.1 of the Charter.

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

#### SECTION 130.070: - SUPERINTENDING AUTHORITY

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

#### SECTION 130.080: - MUNICIPAL JUDGE-REPORT TO CITY COUNCIL

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

#### SECTION 130.090: - INTERFERENCE BY MEMBERS OF THE COUNCIL

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

#### SECTION 130.100: - DOCKET AND COURT RECORDS

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

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

2. Keep such other records as may be required. The docket and records shall be records of the Circuit Court of Cass County.
3. Deliver the docket and records of the Municipal Court, and all documents pertaining to their office, to their successor in office or to the Presiding Judge of the Circuit.

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

The Municipal Judge shall be and is authorized to:

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

#### SECTION 130.120: RESERVED

#### SECTION 130.130: - VIOLATIONS BUREAU

The Municipal Judge may establish a Violations Bureau and adopted a schedule of fines and court costs, in respect to which payments may be accepted by the Court Administrator in satisfaction thereof, in compliance with orders of Missouri

Supreme Court Rule 37 or RSMo. The Violations Bureau shall accept the designated fines and issue receipts to those violators permitted to plead guilty through the Violations Bureau. The Municipal Judge has established certain offenses that shall require appearance before the Court. The Violations Bureau shall follow such procedure as may be prescribed by the ordinances of the City or as may be required by any laws of this State. The City shall provide all expenses incident to the operation of the Violations Bureau. The Court Administrator is designated as the Violations Clerk for the Violations Bureau.

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

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

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

#### SECTION 130.150: - VIOLATIONS BUREAU TO KEEP RECORDS

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

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

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

#### SECTION 130.170: - ISSUANCE AND EXECUTION OF WARRANTS

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

#### SECTION 130.180: - ARRESTS WITHOUT WARRANTS

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

#### SECTION 130.190: - JURY TRIALS

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

#### SECTION 130.180: - RESERVED

#### SECTION 130.200: - SUMMONING OF WITNESSES

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

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

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

#### SECTION 130.220: - JAILING OF DEFENDANTS

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



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

- A. Any Judge hearing violations of municipal ordinances may, when in their judgment it may seem advisable, grant a parole or probation to any person who shall plead guilty or who shall be convicted after a trial before such Judge. When a person is placed on probation they shall be given a document explicitly stating the conditions on which they are being released.
- B. In addition to such other authority as exists to order conditions of probation, the court may order conditions which the court believes will serve to compensate the victim of the crime, any dependent of the victim, or society in general. Such conditions may include, but need not be limited to:
  - 1. Restitution to the victim or any dependent of the victim, in an amount to be determined by the judge; and
  - 2. The performance of a designated amount of free work for a public or charitable purpose, or purposes, as determined by the judge.
- C. A person may refuse probation conditioned on the performance of community service. If they do so, the court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. Any county, city, person, organization, or agency, or employee of a county, city, organization or agency charged with the supervision of such free work or who benefits from its performance shall be immune from any suit by the person placed on parole or probation or any person deriving a cause of action from them if such cause of action arises from such supervision of performance, except for intentional torts or gross negligence. The services performed by the probationer or parolee shall not be deemed employment within the meaning of the provisions of Chapter 288 RSMo.
- D. The court may modify or enlarge the conditions of probation at any time prior to the expiration or termination of the probation term.

SECTION 130.240: - TRIAL DE NOVO-RIGHT-TIME

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

SECTION 130.250: - FAILURE TO APPEAR

Any person who willfully violates their written promise to appear or who shall fail to appear at the time and place scheduled in response to any summons or warrant shall be guilty of an ordinance violation regardless of disposition of the charge upon which they were originally arrested or summoned, with the exception of

minor traffic violations as defined in Section 479.350 RSMo., being a municipal ordinance violation not involving an accident or injury, which does not involve the operation of a commercial vehicle and violations where the Department of Revenue is authorized to assess no more than four (4) points to a person's driving record upon conviction, and it excludes speeding violations for exceeding the speed limit by more than nineteen (19) miles per hour or violations in a construction or school zone.

#### SECTION 130.260: - BREACH OF RECOGNIZANCE

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

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

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

#### SECTION 130.280: - ABSENCE OF JUDGE, PROCEDURE

- A. If the Municipal Judge is absent, sick or disqualified from acting, the Municipal Judge or Court Administrator may designate any other Municipal Judge in the 17th Judicial Circuit Court who shall agree to hear the matter.
- B. Pursuant to Section 478.240 RSMo., whenever any substitute Municipal Judge hears a case pending before the Municipal Court of the City, the substitute Judge shall receive compensation as agreed to by the substitute judge and the Municipal Court and will be paid upon the submission of appropriate reimbursement request.

#### SECTION 130.290: - ADMINISTRATOR OF MUNICIPAL COURT

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

1. Collect fines for violations of offenses as may be described, and the Court costs.
2. Take oaths and affirmations.
3. Accept signed complaints and allow the same to be signed and sworn to or affirmed before them.
4. Sign and issue subpoenas requiring the attendance of witnesses and sign and issue subpoenas duces tecum.
5. Accept the appearance, waiver of trial and plea of guilty and payment of fine and costs in Violations Bureau cases or as directed by the Municipal Judge.
6. Perform all other duties as provided for by ordinance, by rules of practice and procedure adopted by the Municipal Judge and by the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and by RSMo.
7. Maintain, properly certified by the City Clerk, a complete copy of the ordinances of the City which shall constitute prima facie evidence of such ordinance before the Court.

#### SECTION 130.300: - COURT COSTS

- A. In addition to any fine that may be imposed by the Municipal Judge there shall be assessed as costs in all cases the following, except when the case is dismissed, the defendant is found not guilty, or the defendant is found to be indigent:
1. Cost of court in the amount approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department.
  2. Costs for the training of Police Officers in the amount approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department.
  3. Other costs, such as for the issuance of a warrant, a commitment, or a summons, as provided before the Associate Circuit Judge in criminal prosecutions.
  4. Actual costs assessed against the City by the owner of any jail for confinement in said Jail.
  5. An additional sum approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department for Crime Victims Compensation Fund shall be assessed and all sums collected pursuant to this Subsection shall be distributed as follows:
    - a. Ninety-five percent (95%) of such fees shall be paid to the Director of Revenue of the State of Missouri for deposit to the Crime Victims'

Compensation Fund and the Services to Victims Fund as provided in Section 595.045 RSMo.

- b. Five percent (5%) shall be paid to the City.
- 6. Mileage, in the same amount as provided to the Sheriff in criminal violations, for each mile and fraction thereof the officer must travel (both directions) in order to serve any warrant or commitment or order of this Court.
- 7. The Municipal Court Judge shall assess an additional Domestic Violence Shelter surcharge in an amount in compliance with Section 488.607 RSMo., and as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department for each case filed for violation of Municipal ordinances. The Court Administrator shall collect the additional Court costs and promptly disburse them no less often than monthly to the City. The City shall use the proceeds of these additional Court costs only for the purpose of providing operating expenses for shelters for victims of domestic violence that are qualified under State law to receive the proceeds of these additional costs.
- 8. Cost for the Peace Officer Standards and Training Commission Fund shall be in an amount as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department. Such fees collected shall be deposited into the Peace Officer Standards and Training Commission Fund to be used Statewide for training Law Enforcement Officers. Such payments should be made by check payable to the "Treasurer State of Missouri" and mailed each month to:

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

- 9. A fee to be paid into the Inmate Prisoner Detainee Prisoner Security Fund in the amount approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department for the purposes authorized by Section 488.5026 RSMo.
- 10. Reimbursement of certain costs of arrest.
  - a. Upon a plea or a finding of guilt for an offense of violating the provisions of an ordinance of the City involving alcohol- or drug-related traffic offenses, the Court may, in addition to imposition of any penalties provided by law, order the convicted person to reimburse the Police Department for the costs associated with such arrest.
  - b. Such costs hereby authorized shall include the reasonable cost of making the arrest, including the cost of any chemical test made as authorized or required by law or ordinance to determine the alcohol or

drug content of the person's blood, and the costs of processing, charging, booking and holding such person in custody.

- c. The Chief of Police shall establish a schedule of such costs hereby authorized and shall submit the same to the Municipal Judge. However, the Court may order the costs reduced if it determines that the costs are excessive.
- d. These costs shall be calculated as additional costs by the Municipal Court and shall be collected by the court in the same manner as other costs and fees are collected and remitted to the City.
- e. Upon receipt of such additional costs authorized by this Section, the City shall retain such costs in a separate fund to be known as the "DWI/Drug Offense Cost Reimbursement Fund." Monies with such fund shall be appropriated to the Police Department in amounts equal to those costs so collected and shall be used by such Department specifically to enhance and support the enforcement and prosecution of alcohol- and drug-related traffic laws within the City.

#### SECTION 130.310: - COURT COSTS-ASSESSED AGAINST PROSECUTING WITNESS

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

#### SECTION 130.320: - INSTALLMENT PAYMENT OF FINE

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

### **CHAPTER 135: - PURCHASING POLICY**

#### SECTION 135.010: - GENERAL PROVISIONS

- A. This Chapter provides guidelines to be followed in purchasing goods and services for the City. These policies and procedures supersede all prior purchasing directives, memoranda, and practices. The City Manager shall be responsible for enforcing this policy.
- B. *Lowest Best Quality Competition.* All purchasing will demonstrate a reasonable and good faith effort to obtain goods and services at the lowest possible cost with the optimum quality needed. Competition among suppliers shall be encouraged.

- C. *Preference Area Vendors.* Vendors will be treated in a fair and professional manner with preference given to area vendors, if all other things are equal.
- D. *Conflict Of Interest.* Any officer or employee of the City is expressly prohibited from accepting, directly or indirectly, from any person, company, firm or corporation to which any purchase order or contract is, or might be awarded, any rebate, gift, money, or anything of value whatsoever, except where given for the use and benefit of the City. No City employee or official shall have a financial interest in any purchase or contract issued by the City. Violation of this provision is basis for dismissal.
- E. *Budget Goal.* The City Council sets goals, priorities, and standards for the City programs and services through adoption of the annual budget. The budget establishes expenditure levels for each department. No further Council action is required to initiate purchases within the budget limits.
- F. *Department Director Authority.* Department Directors are granted full responsibility and broad discretion by the City Manager to make purchases within the scope of their departmental appropriations subject to the rules contained within these regulations. Budget appropriations do not mandate expenditure unless the need continues to exist at the time of purchase. The City Manager may establish spending levels below those budgeted if revenue collections are inadequate to fulfill budgetary needs.
- G. *Sales Tax Exemption.* All City purchases are exempt from the sales taxes of Missouri and its political subdivisions.

#### SECTION 135.020: - COMPETITIVE QUOTES AND PROPOSALS

- A. *Items Over Five Hundred Dollars.* Any item which exceeds five hundred dollars (\$500.00) purchased individually shall require competitive quotes. Quotes will be obtained in writing, by telephone, email, online, or from current catalog price lists. Quotes shall be solicited from at least three (3) vendors.
- B. *Purchases Over One Thousand Dollars.* Individual purchases which exceed one thousand dollars (\$1,000.00) need to be signed by the City Manager as well as meet the requirements for items over five hundred dollars (\$500.00).
- C. *Purchases Over Ten Thousand Dollars.* Purchases in excess of ten thousand dollars (\$10,000.00) require legal advertisement, written specifications, sealed proposals, and are awarded by the City Council.

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

- D. *Purchases Requiring City Council Approval.*
  - 1. Contracts.
  - 2. Agreements.

3. Purchases over ten thousand dollars (\$10,000.00).
- E. *Exceptions.* These guidelines may be modified or waived under any of the conditions listed below. Written justification for such must be submitted with the purchase order.
1. The goods or services are available from only one (1) vendor;
  2. Any emergency; (an emergency status must be approved by the Department Director)
  3. A concession or maintenance service agreement is being renewed for good workmanship, material, or performance for no more than one (1) year;
  4. It is advantageous to purchase through the purchasing contracts of other governmental agencies;
  5. The services are not conducive to lowest price for proposals such as legal, engineering, audit, or medical services;
  6. For purchases that are of an on-going, repetitive nature, i.e., concrete, asphalt, equipment repairs, or any other items approved by the City Manager or Assistant City Manager. Purchases may be made by Department Directors on a price/availability basis, for purchases up to five hundred dollars (\$500.00), without obtaining separate quotes on each purchase; or
  7. Professional services for architecture, engineering, or land surveying shall be obtained as a Request for Qualifications (RFQs) which is outlined in the Standard Operating Procedure Manual on file with the Purchasing Specialist.
- F. *Single Quotes Or Proposals.* When only one (1) quotes or proposal is received in response to a solicitation, City staff may enter into negotiations with the sole responder to the quotes/proposal solicitation. If staff believes that the following three (3) conditions have been met, then the negotiated award may be recommended to the City Council.
1. The contractor is qualified and background and reference check has been completed.
  2. The Department Director determines that the quote/proposal, fully addresses the scope of work outlined and meets all of the conditions set forth in the general and specific requirements.
  3. The Request for Proposal/Quote (RFP) was properly and effectively advertised and a diligent effort was made to notify vendors of the RFP.

#### SECTION 135.030: - SURPLUS, RECOVERED AND CONFISCATED PROPERTY

- A. A detailed list of any surplus, obsolete, or worn-out, department property shall be submitted to the Purchasing Specialist with recommendation for disposal.

Upon request, items may be transferred to another department subject to approval of the City Manager.

- B. Surplus property may be sold by public auction with authorization of the City Council. Unsold items may be disposed of upon approval of the City Manager.
- C. Disposal of recovered or confiscated property shall be governed and controlled by the adopted policies of the affected City Departments.

#### SECTION 135.040: - GENERAL PROCUREMENT AUTHORITY LIMIT

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

### **CHAPTER 140: - FINANCES**

#### **ARTICLE I. - FISCAL YEAR**

##### SECTION 140.010: - FISCAL YEAR

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

#### **ARTICLE II. - BUDGET**

##### SECTION 140.020: - BUDGET REQUIRED

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

##### SECTION 140.030: - BUDGET CONTENTS

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

1. A budget message from the City Manager shall describe the important features of the budget and to point out any major changes from the previous year.
2. An estimate of revenues which are expected to be received during the next year from all sources, plus a comparative statement of revenues for the previous two (2) budget years. These comparisons shall be shown by year, fund, and source.
3. An estimate of the expenditures that are proposed to be spent during the budget year, plus a comparative statement of actual expenditures for the



previous two (2) years. These comparisons should be shown by year, fund, activity and object.

4. The amount of money required to pay any interest, amortization, or redemption charges which the City will owe during the budget year.
5. A general summary of the total proposed budget.

#### SECTION 140.040: - EXPENDITURES LIMITED

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

#### SECTION 140.050: - DEBT LIMITED

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

#### SECTIONS 140.060-140.070 RESERVED

### **ARTICLE III. - RECORDS MANAGEMENT**

#### SECTION 140.080: - CITY CLERK KEEP RECORDS

- A. The records of the City shall be kept in the custody of the City Clerk in accordance with Chapter 109 RSMo.
- B. The word "record" or "records" shall mean the original of any document, book, paper, photograph, map, sound recording or other material regardless of physical form or characteristics, made or received pursuant to law or in connection with the transaction of official business.
- C. The City Clerk may delegate custody of City records to another City employee after satisfying themselves as to the safety of said records.

### **CHAPTER 145: - TAXES**

#### SECTION 145.010: - IMPOSITION OF CITY SALES TAX

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

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

SECTION 145.020: - SALES TAX FOR TRANSPORTATION

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

SECTION 145.030: - SALES TAX FOR CAPITAL IMPROVEMENTS

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

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

- A. The City hereby imposes a sales tax of one-half of one percent (.5%) for the purpose of providing funding for stormwater control and local parks with an established formula set for the distribution of the monies received to be used only for stormwater control and local parks in the City as authorized by Sections 644.032-644.033 RSMo.
- B. The monies received from the stormwater control and local parks sales tax shall be distributed with stormwater and parks each receiving forty percent (40%) for their respective functions. The remaining twenty percent (20%) shall be reserved for stormwater control and park purposes. However, the annual distribution of this remaining twenty percent (20%) shall be subject to the annual budgeting process. This remaining twenty percent (20%) may only be used for stormwater control and park purposes in conformance with State law.

## **CHAPTER 200: - POLICE DEPARTMENT**

### **SECTION 200.010: - GENERALLY**

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

### **SECTION 200.020: - CHIEF OF POLICE-AUTHORITY**

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

### **SECTION 200.030: - CHIEF OF POLICE-DUTIES**

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

### **SECTION 200.040: - PERSONNEL ASSIGNMENTS**

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

### **SECTION 200.050: - POLICE OFFICERS-DUTIES**

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

### **SECTION 200.060: - STANDARD OF CONDUCT**

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

SECTION 200.070: - RULES, REGULATIONS AND ORDERS

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

SECTION 200.080: - AGE QUALIFICATIONS FOR POLICE OFFICERS

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

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

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

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

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

SECTION 200.110 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 205: - ANIMAL CONTROL**

SECTION 205.010: - RESERVED

SECTION 205.020: - PURPOSE

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

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

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

#### SECTION 205.030: - APPLICABILITY OF CITY CODE

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

#### SECTION 205.040: - INTERPRETATION

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

#### SECTION 205.050: - DEFINITIONS

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

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

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

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

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

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

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

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

*DANGEROUS ANIMAL:* Any animal declared to be a dangerous animal as set forth 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, 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 205.340-205.350: - 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, 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;
  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.
  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.
- 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.
- 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.



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 ( $\frac{1}{2}$ ) 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 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.

## SECTION 250.130: - 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 250.140: - 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 250.150: - 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 250.160: - 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.

## **TITLE III CHAPTER 300: - GENERAL PROVISIONS**

### **SECTION 300.010: - MODEL TRAFFIC ORDINANCE-ADOPTION -EXCEPTIONS**

Chapter 300 RSMo., consisting of Sections 300.010 through 300.600, as amended, commonly known as the "Model Traffic Ordinance" is hereby adopted as the traffic ordinance of this City with the exception of the following Sections: 300.015, 300.020, 300.025, 300.045, 300.050, 300.070 and 300.435 RSMo. All references to Traffic Division in the Model Traffic Ordinance are changed to read Police Department.

### **SECTION 300.020: - DEFINITIONS**

The words and phrases included in or defined in Section 300.010 RSMO. are adopted in the Chapter with the following additions or amendments.

*LOW SPEED VEHICLE* or *LSV*: A (4) four-wheeled motor vehicle capable of a top speed greater than twenty (20) miles per hour, but not greater than twenty-five (25) miles per hour, and otherwise satisfies the definition of "low-speed vehicle" as provided in Section 304.029 RSMo.

*NEIGHBORHOOD VEHICLE*: Includes Low Speed Vehicles and Golf Carts.

## **CHAPTER 305: - TRAFFIC ADMINISTRATION**

### **SECTION 305.010: - POLICE DEPARTMENT TO INVESTIGATE ACCIDENTS**

The provisions of RSMo. 300.030 are adopted in this Section.

### **SECTION 305.020: - TRAFFIC ACCIDENT STUDIES**

The provisions of RSMo.300.035 are adopted in this Section.

### **SECTION 305.030: - TRAFFIC ACCIDENT REPORTS**

The provisions of RSMo.300.040 are adopted in this Section.

### **SECTION 305.040: - POLICE DEPARTMENT TO DESIGNATE METHOD OF IDENTIFYING FUNERAL PROCESSIONS**

The provisions of RSMo. 300.055 are adopted in this Section.

SECTION 305.050: - CITY TRAFFIC ENGINEER

The provisions of RSMo. 300.060 are adopted in this Section.

SECTION 305.060: - EMERGENCY AND EXPERIMENTAL REGULATIONS

The provisions of RSMo.300.065 are adopted in this Section.

**CHAPTER 310: - ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS**

SECTION 310.010: - AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS

The provisions of RSMo.300.075 are adopted in this Section.

SECTION 310.020: - OBEDIENCE TO POLICE AND FIRE DEPARTMENT OFFICIALS

The provisions of RSMo. 300.080 are adopted in this Section.

SECTION 310.030: - PERSONS PROPELLING PUSH CARTS OR RIDING ANIMALS TO OBEY TRAFFIC REGULATIONS

The provisions of RSMo. 300.085 are adopted in this Section.

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

The provisions of RSMo. 300.090 are adopted in this Section with the exception of play streets which are not allowed by Ordinance of the City.

SECTION 310.050: - PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS

The provisions of RSMo.300.095 are adopted in this Section.

SECTION 310.060: - AUTHORIZED EMERGENCY VEHICLES

The provisions of RSMo. 300.100 are adopted in this Section.

SECTION 310.070: - OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES

The provisions of RSMo. 300.105 are adopted in this Section.



SECTION 310.080: - IMMEDIATE NOTICE OF ACCIDENT

The provisions of RSMo. 300.110 are adopted in this Section.

SECTION 310.090: - WRITTEN REPORT OF ACCIDENT

The provisions of RSMo. 300.115 are adopted in this Section.

SECTION 310.100: - WHEN DRIVER UNABLE TO REPORT

The provisions of RSMo. 300.120 are adopted in this Section.

SECTION 310.110: - PUBLIC INSPECTION OF REPORTS RELATING TO ACCIDENTS

The provision of RSMo. 610.100 are adopted in this Section.

SECTION 310.120: - LEAVING THE SCENE OF A MOTOR VEHICLE ACCIDENT

The provisions of RSMo. 577.060 are adopted in this Section.

**CHAPTER 315: - TRAFFIC CONTROL DEVICES**

SECTION 315.010: - AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES

The provisions of RSMo. 300.130 are adopted in this Section.

SECTION 315.020: - MANUAL AND SPECIFICATIONS FOR TRAFFIC CONTROL DEVICES

The provisions of RSMo.300.135 are adopted in this Section.

SECTION 315.030: - OBEDIENCE TO TRAFFIC CONTROL DEVICES

The provisions of RSMo. 300.140 are adopted in this Section.

SECTION 315.040: - WHEN OFFICIAL TRAFFIC CONTROL DEVICES REQUIRED FOR ENFORCEMENT PURPOSES

The provisions of RSMo. 300.145 are adopted in this Section.

SECTION 315.050: - OFFICIAL TRAFFIC CONTROL DEVICES-PRESUMPTION OF LEGALITY

The provisions of RSMo. 300.150 are adopted in this Section.

SECTION 315.060: - TRAFFIC CONTROL SIGNAL LEGEND-RIGHT TURN ON RED LIGHT, WHEN

The provisions of RSMo. 300.155 are adopted in this Section.

SECTION 315.070: - PEDESTRIAN CONTROL SIGNALS

The provisions of RSMo. 300.160 are adopted in this Section.

SECTION 315.080: - FLASHING SIGNALS

The provisions of RSMo. 300.165 are adopted in this Section.

SECTION 315.090: - LANE DIRECTION CONTROL SIGNALS

The provisions of RSMo. 300.170 are adopted in this Section.

SECTION 315.100: - DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS OR MARKINGS

The provisions of RSMo. 300.175 are adopted in this Section.

SECTION 315.110-315.130: - RESERVED

SECTION 315.140: - CITY TRAFFIC ENGINEER TO DESIGNATE CROSSWALKS AND ESTABLISH SAFETY ZONES

The provisions of RSMo. 300.195 are adopted in this Section.

SECTION 315.150: - TRAFFIC LANES

A. In addition to the provisions of RSMo. 300.200, the City Traffic Engineer is authorized to establish designated bicycle lanes as defined by Section 300.330 RSMo.

B. A designated bicycle lane shall not be obstructed by a parked or standing motor vehicle or other stationary object. A motor vehicle may be driven in a designated bicycle lane only for the purpose of a lawful maneuver to cross the lane or to provide for safe travel. In making an otherwise lawful maneuver that requires traveling in or crossing a designated bicycle lane, the driver of a motor vehicle shall yield to any bicycle in the lane.

**CHAPTER 320: - SPEED REGULATIONS**

SECTION 320.010: - STATE SPEED LAWS APPLICABLE

The provisions of RSMo. 300.205 are adopted in this Section.

#### SECTION 320.020: - REGULATION OF SPEED BY TRAFFIC SIGNALS

The provisions of RSMo. 300.210 are adopted in this Section.

#### SECTION 320.030: - SPEED LIMITS ESTABLISHED

A. No person shall operate or drive a motor vehicle (except emergency vehicles on emergency runs) or any other conveyance on any street, boulevard, thoroughfare, or public way, in this City, at any time, at a rate of speed in excess of twenty-five (25) miles per hour except as posted.

B. No person shall operate or drive a motor vehicle or other conveyance upon any designated roadway within three hundred (300) feet of any public or private school at a rate of speed in excess of fifteen (15) miles per hour during the period as posted; except that the City Council may adopt higher speed limits in a particular school zone upon a finding that such higher speed limits are appropriate in that particular instance; and the City Council may change the number of feet before any public or private school within which no person shall operate or drive a motor vehicle or other conveyance upon a finding that such would be appropriate in a particular instance.

#### SECTION 320.040: - SPEED LIMIT SIGNS

A. Whenever a zone in which the maximum speed at which a vehicle may be driven shall have been prescribed by ordinance, the City Traffic Engineer shall cause appropriate signs to be placed in conspicuous positions on the street.

B. Nothing in this Section shall be so construed as to prevent the enforcement of speed limitations prescribed for specified, general districts of the City, whether or not maximum speed signs are placed or maintained in such districts.

### **CHAPTER 325: - TURNING MOVEMENTS**

#### SECTION 325.010: - REQUIRED POSITION AND METHOD OF TURNING AT INTERSECTION

The provisions of RSMo. 300.215 are adopted in this Section.

#### SECTION 325.020: - AUTHORITY TO PLACE AND OBEDIENCE TO TURNING MARKERS

The provisions of RSMo. 300.220 are adopted in this Section.

SECTION 325.030: - AUTHORITY TO PLACE RESTRICTED TURN SIGNS

The provisions of RSMo. 300.225 are adopted in this Section.

SECTION 325.040: - OBEDIENCE TO NO-TURN SIGNS

The provisions of RSMo. 300.230 are adopted in this Section.

SECTION 325.050: - LIMITATIONS ON TURNING AROUND

The provisions of RSMo. 300.235 are adopted in this Section.

SECTION 325.060: - RESERVED

**CHAPTER 330: - ONE-WAY STREETS AND ALLEYS**

SECTION 330.010: - AUTHORITY TO SIGN ONE-WAY STREETS AND ALLEYS

The provisions of RSMo. 300.240 are adopted in this Section.

SECTION 330.020: - ONE-WAY STREETS AND ALLEYS

The provisions of RSMo. 300.245 are adopted in this Section.

SECTION 330.030: - AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS

The provisions of RSMo. 300.250 are adopted in this Section.

**CHAPTER 335: - STOP AND YIELD INTERSECTIONS, RAILROAD CROSSINGS**

SECTION 335.010: - THROUGH STREETS DESIGNATED

The provisions of RSMo. 300.255 are adopted in this Section.

SECTION 335.020: - SIGNS REQUIRED AT THROUGH STREETS

The provisions of RSMo. 300.260 are adopted in this Section.

SECTION 335.030: - OTHER INTERSECTIONS WHERE STOP OR YIELD REQUIRED

The provisions of RSMo. 300.265 are adopted in this Section.

SECTION 335.040: - STOP AND YIELD SIGNS

The provisions of RSMo. 300.270 are adopted in this Section.

SECTION 335.050: - VEHICLE ENTERING STOP INTERSECTION

The provisions of RSMo. 300.275. are adopted in this Section.

SECTION 335.060: - VEHICLE ENTERING YIELD INTERSECTION

The provisions of RSMo. 300.280 are adopted in this Section.

SECTION 335.070: - EMERGING FROM ALLEY, DRIVEWAY OR BUILDING

The provisions of RSMo. 300.285 are adopted in this Section.

SECTION 335.080: - STOP WHEN TRAFFIC OBSTRUCTED

The provisions of RSMo. 300.290 are adopted in this Section.

SECTION 335.090: - RESERVED

SECTION 335.100: - RIGHT-OF-WAY AT INTERSECTION-SIGNS AT INTERSECTIONS

The provisions of RSMo. 304.351 are adopted in this Section.

**CHAPTER 340: - MISCELLANEOUS DRIVING RULES**

SECTION 340.010: - FOLLOWING EMERGENCY VEHICLE PROHIBITED

The provisions of RSMo. 300.300 are adopted in this Section.

SECTION 340.020: - CROSSING FIRE HOSE

The provisions of RSMo. 300.305 are adopted in this Section.

SECTION 340.030: - DRIVING THROUGH FUNERAL OR OTHER PROCESSION

The provisions of RSMo. 300.310 are adopted in this Section.

SECTION 340.040: - DRIVING IN PROCESSION

The provisions of RSMo. 300.315 are adopted in this Section.

SECTION 340.050: - RESERVED

SECTION 340.060: - WHEN PERMITS REQUIRED FOR PARADES AND PROCESSIONS

No procession or parade shall occupy, march or proceed along any street except in accordance with a permit issued by the Chief of Police and such other regulations which may apply.

SECTION 340.070: - VEHICLE SHALL NOT BE DRIVEN ON A SIDEWALK

The provisions of RSMo. 300.330 are adopted in this Section.

SECTION 340.080: - LIMITATIONS ON BACKING

The provisions of RSMo. 300.335 are adopted in this Section.

SECTION 340.090: - OPENING AND CLOSING VEHICLE DOORS

The provisions of RSMo. 300.340 are adopted in this Section.

SECTION 340.100: - RIDING ON MOTORCYCLES, ADDITIONAL PASSENGER, REQUIREMENTS

The provisions of RSMo. 300.345 are adopted in this Section.

SECTION 340.110: - RIDING BICYCLE ON SIDEWALKS OR CITY DESIGNATED TRAILS, LIMITATIONS - MOTORIZED BICYCLES PROHIBITED

A. Whenever any person is riding a bicycle upon a sidewalk or City designated trail, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

B. No person shall ride a motorized bicycle upon a sidewalk or City designated trail.

SECTION 340.120: - ALL-TERRAIN VEHICLES, PROHIBITED-EXCEPTIONS, OPERATION OF UNDER AN EXCEPTION-PROHIBITED USES-PENALTY

The provisions of RSMo. 300.348 and 304.013 are adopted in this Section.

SECTION 340.130: - RIDING BICYCLES, SLEDS, ROLLER SKATES, BY ATTACHING TO ANOTHER VEHICLE, PROHIBITED

The provisions of RSMo. 300.350 are adopted in this Section.

SECTION 340.140: - CONTROLLED ACCESS

The provisions of RSMo. 300.355 are adopted in this Section.

SECTION 340.141: - AVOIDANCE OF ANY TRAFFIC CONTROL DEVICE

A. *Avoidance Of any traffic control device.* The driving of a motor vehicle onto, across and out of any commercial, private property on, or near, the corner of any street intersection without stopping on the or government property for the purpose of transacting business solely to avoid a traffic control device is prohibited.

Upon conviction or a plea of guilty of this Section, 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 340.150: - RESERVED

SECTION 340.160: - DRIVING THROUGH SAFETY ZONE PROHIBITED

The provisions of RSMo. 300.365 are adopted in this Section.

SECTION 340.170: - CARELESS AND IMPRUDENT DRIVING

The provisions of RSMo. 304.012 are adopted in this Section.

Any person who violates the provisions of this Section is guilty of a misdemeanor.

SECTION 340.180: - SLOW SPEED-REGULATION OF

The provisions of RSMo. 304.011 are adopted in this Section.

SECTION 340.190: - RESERVED

SECTION 340.200: - DRIVE ON RIGHT OF HIGHWAY

The provisions of RSMo. 304.015 are adopted in this Section.

SECTION 340.210: - PASSING REGULATIONS-VIOLATIONS-PENALTIES

The provisions of RSMo. 304.016 are adopted in this Section.

SECTION 340.220: - DISTANCE AT WHICH VEHICLE MUST FOLLOW-PENALTY

The provisions of RSMo. 304.017 are adopted in this Section.

SECTION 340.230: - HAND AND MECHANICAL SIGNALS, VIOLATIONS-PENALTY

The provisions of RSMo. 304.019 are adopted in this Section.

SECTION 340.240: - SCHOOL BUSES, DRIVERS TO STOP FOR, WHEN-SIGNS REQUIRED ON BUSES

The provisions of RSMo. 304.050 are adopted in this Section.

SECTION 340.250: - HANDICAPPED PERSONS WITH ASSISTIVE TECHNOLOGY OR SERVICE ANIMALS

The driver of a vehicle approaching a pedestrian who is utilizing assistive technology or a marked service animal, shall yield to such pedestrian, and any driver who fails to take such precautions shall be liable in damages for any injury caused to the pedestrian and any injury caused to the pedestrian's service animal; provided that the pedestrian not carrying assistive technology or using a service animal in any of the places. Accommodations or conveyances listed in Section 209.150 RSMo., shall have all of the rights and privileges conferred by law upon other persons.

SECTION 340.260: - DRIVER'S RESPONSIBILITY NOT TO OBSTRUCT TRAFFIC

The provisions of RSMo. 304.151 are adopted in this Section.

SECTION 340.270: - GLASS, TACKS, INJURIOUS SUBSTANCES, DUTY TO REMOVE FROM HIGHWAY-WHEN

The provisions of RSMo. 304.160 are adopted in this Section.

SECTION 340.280: - REGULATIONS AS TO WIDTH, HEIGHT AND LENGTH OF VEHICLES-EXCEPTIONS

The provisions of RSMo. 304.170 are adopted in this Section.

SECTION 340.290: - REGULATIONS AS TO WEIGHT - AXLE LOAD - TANDEM AXLE DEFINED

The provisions of RSMo. 304.180 are adopted in this Section.

SECTION 340.300: - RESTRICTION ON THE USE OF METAL-TIRED VEHICLES

The provisions of RSMo. 304.250 are adopted in this Section.



SECTION 340.310: - TEXT MESSAGING AND USING A HAND-HELD MOBILE DEVICE WHILE OPERATING A MOTOR VEHICLE PROHIBITED, WHEN-EXCEPTIONS-DEFINITIONS-VIOLATION, PENALTY

The provisions of RSMo. 304.820 are adopted in this Section.

SECTION 340.320: NON-LOCAL COMMERCIAL CONSTRUCTION VEHICLES WITHIN RESIDENTIAL NEIGHBORHOODS

A. For purposes of this Section 340.320, the term “non-local commercial construction vehicles” shall be defined as semi-trucks and trailers, commercial trucks in excess of 1/2-ton capacity and commercial trailers in excess of One Thousand Six Hundred (1,600) pounds which are providing construction or landscaping services, or delivery of materials and equipment for construction and landscaping services to portions of residentially zoned developments where new construction is progressing.

B. The City Traffic Engineer is hereby authorized to determine and designate streets or parts of streets located within residentially zoned developments where new construction is progressing upon which non-local commercial construction vehicles shall be prohibited from travel without prior authorization from the Chief of Police and/or the City Traffic Engineer.

C. In determining and designating the streets or parts of streets located within residentially zoned developments upon which non-local commercial construction vehicles shall be prohibited from travelling upon, the City Traffic Engineer shall;

1. Not establish an alternative route which negatively impacts other residentially zoned developments, and
2. Ensure that the alternative route is readily available for the prohibited non-local commercial construction vehicles.

D. Whenever any ordinance of the City prohibits non-local commercial construction vehicles on streets or parts of streets within residentially zoned developments where new construction is progressing the City Traffic Engineer shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the traffic prohibition of non-local commercial construction vehicles and the alternative route for the same shall be placed at every intersection where the designated non-local commercial construction vehicles are prohibited.

E. It shall be unlawful for any person to operate any vehicle in violation of such markings, signs, or barriers or other devices so placed in accordance with this Section.

F. Citations for violation of this Section may be issued to the operator of the vehicle, or to the employer of the operator if such identification can be made.

## **CHAPTER 341: - OPERATION OF NEIGHBORHOOD VEHICLES ON PUBLIC STREETS**

### **SECTION 341.010: - MUNICIPALITIES AUTHORIZED**

Notwithstanding any other law to the contrary, the governing body of any municipality may by resolution or ordinance allow persons to operate Neighborhood Vehicles upon any street or highway under the governing body's jurisdiction subject to the following limitations. No Neighborhood Vehicle shall operate at any time on any state or federal highway or on a street or a highway with a posted speed in excess of thirty-five (35) miles per hour. Notwithstanding the foregoing, Neighborhood Vehicles may be operated on public streets and/or state highways with posted speed limits in excess of thirty-five (35) miles per hour, but not more than forty-five (45) miles per hour, for the sole purpose of crossing a portion of such street or state highway. Crossing such roadways shall only occur at intersections equipped with electronic traffic control signals, unless access to such an intersection is not available. No Neighborhood Vehicle shall cross any street or highway at an intersection where the street or highway being crossed has a posted speed limit of more than forty-five (45) miles per hour.

### **SECTION 341.020: - NEIGHBORHOOD VEHICLE EQUIPMENT AND REGISTRATION**

A. Neighborhood Vehicles operated on public streets shall be manufactured and equipped in accordance with the requirements of RSMo., Chapter 304 Sections 304.029 and 304.034, and in any case, will minimally be equipped with the following:

1. Headlamps;
2. Front and rear turn signal lamps;
3. Taillamps;
4. Stop lamps/brake lights;
5. Reflex reflectors: one (1) red on each side as far to the rear as practicable, and one (1) red on the rear;
6. An exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror;
7. Seatbelts installed to cross the lap portion of all passengers;
8. Headlights, taillights, and brake lights must emit light visible at night under normal atmospheric conditions on a straight, level, unlighted roadway at five hundred (500) feet.

B. Unless otherwise required by the laws of the State of Missouri, and except as expressly provided for in this Chapter of City Code, Neighborhood Vehicles are not

subject to the State of Missouri title or registration provisions, and are specifically not subject to Chapter 385 of this Code, other than Section 385.020 (DRIVER'S LICENSE REQUIRED) and Section 380.160 (USE OF SAFETY BELTS) which shall remain applicable to Neighborhood Vehicles, but only as to the operation of same on public streets.

#### SECTION 341.030: - OPERATION OF NEIGHBORHOOD VEHICLES ON PUBLIC CITY STREETS, PERMITTED WHEN-EXEMPTIONS

A. A Neighborhood Vehicle may be operated upon the public City streets but not state or federal highways, other than for purposes of crossing same if it meets the requirements of this Chapter. Persons operating a Neighborhood Vehicle shall be granted all the rights and shall be subject to all the duties applicable to the driver of any other motor vehicle, except as to special regulations in this Chapter and except as to those provisions which by their nature can have no application.

B. The operator of a Neighborhood Vehicle shall observe all traffic laws and local ordinances regarding the rules of the road. A Neighborhood Vehicle may be operated on all public City streets with posted speeds of thirty-five (35) miles per hour or less. The provisions of this subsection shall not prohibit a Neighborhood Vehicle from crossing a street or highway with a posted speed limit of up to forty-five (45) miles per hour at an intersection equipped with an electronic traffic control signal unless no access to such intersection is available.

C. No Neighborhood Vehicle may be operated on any sidewalk, path or walkway designated for use by pedestrians or operators of non-motorized vehicles.

D. At no time shall a child or infant required to be restrained in a child safety seat be transported in a Neighborhood Vehicle.

E. Neighborhood Vehicles shall be exempt from the requirements of Sections 307.350 to 307.402 RSMo. for purposes of titling and registration. Low-Speed Vehicles shall comply with the standards in 49 CFR 571.500, as amended.

F. Every operator of a Low-Speed Vehicle shall maintain insurance in the amount of at least State minimum requirements, on such Neighborhood Vehicle as required by Chapter 303 RSMo. if the vehicle is to be operated upon public streets.

G. Each person operating a Neighborhood Vehicle on public streets shall possess a valid driver's license issued pursuant to Chapter 302 RSMo.

H. All Neighborhood Vehicles shall be manufactured in compliance with the National Highway Traffic Safety Administration standards for low-speed vehicles in 49 CFR 571.500, as amended.

- I. No operator of a Neighborhood Vehicle shall carry passengers that are less than sixteen (16) years of age unless the operator is the legal guardian of such passenger(s).
- J. Only the number of people the Neighborhood Vehicle is designed to seat may ride at any time.
- K. Neighborhood Vehicles are prohibited from pulling trailers, boats, jet skis, other objects, people or animals on public streets and the right of way.
- L. Every person operating a Neighborhood Vehicle on a public street of the City shall be subject to all of the duties and regulations applicable to a driver of a motor vehicle imposed by law, specifically including, but not limited to those laws pertaining to the possession and use of drugs and alcoholic beverages and operating a motor vehicle under the influence as provided for in Chapter 342 of this Code.

#### SECTION 341.040: - REGISTRATION

- A. Neighborhood Vehicles operating on public streets under the jurisdiction of the City shall be registered with the City Clerk for the City.
- B. Each application for registration shall include:
  - 1. Basic identifying information for the Neighborhood Vehicle (make, model, color and such other identifying information as the City Clerk deems advisable);
  - 2. The name and address of the owner of the Neighborhood Vehicle;
  - 3. A copy of proof of insurance, in the amount of at least State minimum requirements, if the Neighborhood Vehicle being registered is a Low Speed Vehicle;
  - 4. A certification by the owner that the Neighborhood Vehicle meets all requirements of this Chapter applicable to it as either an LSV or a Golf Cart (and identifying which class of Neighborhood Vehicle is being registered).
  - 5. A proof of registration issued by the City in the form of a receipt for registration and an identification sticker shall constitute all permits required from the City. The proof of registration shall be kept in the Neighborhood Vehicle at all times of operation on a public street, and the current registration sticker shall be conspicuously displayed on the exterior of the Neighborhood Vehicle on the left, rear bumper/fender. Registration stickers are not transferable. Registrations must be renewed each calendar year, and will be deemed revoked and invalid if modifications have been made to such Neighborhood Vehicle which would make the owner's certification of the class of neighborhood vehicle untrue.

C. The City may charge a fee for each Neighborhood Vehicle registration and/or renewal, as approved by the Governing Body and listed in the Schedule of Fees maintained in the Finance Department.

D. In order to apply for new or renewal registration under this Section, Neighborhood Vehicles more than two (2) years old shall pass an annual inspection conducted by a licensed Missouri Vehicle Safety Inspection Station. The City Clerk will maintain inspection forms which will list the Neighborhood Vehicle inspection requirements as provided below. The City Clerk may provide blank inspection forms to known qualified inspectors and owners of Neighborhood Vehicles upon request.

1. The Neighborhood Vehicle inspection will consist of the following:
  - a. Confirm that the brakes and brake lights are operational.
  - b. Confirm that the parking brake (if equipped) is operational.
  - c. Confirm that the steering column is operational.
  - d. Confirm the existence of rear view mirror(s).
  - e. Confirm the existence of a flag (not less than thirty (30) square inches in area) extending not less than one (1) foot above the canopy of the vehicle or not less than seven (7) feet above the ground if the vehicle is not equipped with a canopy.
  - f. Confirm that the Neighborhood Vehicle has not less than four (4) wheels.
  - g. Confirm that there is not less than two thirty-seconds (2/32) inch of tread depth remaining on each tire, there are no visible tire threads or cords showing and there is no visible rubber separation.

Upon satisfactory confirmation of each of the foregoing, the owner must return the signed certificate of satisfactory inspection to the City Clerk in order to receive the City registration sticker.

#### SECTION 341.050: - ADDITIONAL REGULATIONS AND EXEMPTIONS

A. Neighborhood Vehicles must utilize front and rear lights while being operated on public streets between dusk and dawn. Brake lights are required at all times.

B. Any person operating a Neighborhood Vehicle on a public street shall be subject to the traffic regulations of Section 304.029, RSMo.

C. Neighborhood Vehicles permitted by this Chapter are not considered to be a motor vehicle and are exempt from title requirements, State vehicle registration requirements and emissions compliance certificates, all pursuant to Chapter 301, RSMo.

## **CHAPTER 342: - DRIVING WHILE INTOXICATED**

### **SECTION 342.010: - OPEN CONTAINERS OF ALCOHOL IN VEHICLES**

A. *Definitions.* For the purpose of this Chapter, the following words and phrases shall have the following interpretation and/or meanings indicated below:

ALCOHOLIC BEVERAGE: Intoxicating liquor.

INTOXICATING LIQUOR: Shall mean and include alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt, or other liquors, or combination of liquors, a part of which is spirituous, vinous, or fermented, and all preparations or mixtures for beverage purposes, containing in excess of one-half of one percent (0.5%) by volume.

B. *Prohibited.* It shall be unlawful for any person to operate a motor vehicle within the City while such person shall have in possession or within easy reach an open or unsealed container filled or partially filled with any alcoholic beverage.

C. 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 342.020: - DRIVING WITH EXCESSIVE BLOOD ALCOHOL CONTENT**

The provisions of RSMo. 577.012 are adopted in this Section.

### **SECTION 342.030: - DRIVING WHILE INTOXICATED**

The provisions of RSMo. 577.010 are adopted in this Section.

### **SECTION 342.040: - RESERVED**

### **SECTION 342.050: - PENALTIES**

The penalties for any person operating, driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or drugs shall, upon conviction or a plea of guilty, be subject to the penalty provisions provided for in Section 100.220 of the City Code.

### **SECTION 342.060: - RESERVED**

SECTION 342.070: - CHEMICAL TESTS FOR ALCOHOL CONTENT OF BLOOD-  
CONSENT IMPLIED-ADMINISTERED, WHEN, HOW

The provisions of RSMo. 577.020 are adopted in this Section.

SECTION 342.080: - CHEMICAL TESTS, RESULTS ADMITTED INTO EVIDENCE, WHEN-  
EFFECT OF

The provisions of RSMo. Sections 302.574 and 577.037 are adopted in this Section.

### **CHAPTER 345: - PEDESTRIANS' RIGHTS AND DUTIES**

SECTION 345.010: - PEDESTRIANS SUBJECT TO TRAFFIC CONTROL DEVICES

The provisions of RSMo.300.370 are adopted in this Section.

SECTION 345.020: - PEDESTRIANS' RIGHT-OF-WAY IN CROSSWALKS

The provisions of RSMo. 300.375 are adopted in this Section.

SECTION 345.030: - PEDESTRIANS TO USE RIGHT HALF OF CROSSWALKS

The provisions of RSMo. 300.380 are adopted in this Section.

SECTION 345.040: - CROSSING AT RIGHT ANGLES

The provisions of RSMo. 300.385 are adopted in this Section.

SECTION 345.050: - WHEN PEDESTRIAN SHALL YIELD

The provisions of RSMo. 300.390 are adopted in this Section.

SECTION 345.060: - PROHIBITED CROSSING

The provisions of RSMo. 300.395 are adopted in this Section.

SECTION 345.070: - RESERVED

SECTION 345.080: - PEDESTRIANS WALKING ALONG ROADWAYS

The provisions of RSMo. 300.405 are adopted in this Section.

SECTION 345.090: - DRIVERS TO EXERCISE HIGHEST DEGREE OF CARE

The provisions of RSMo. 300.410 are adopted in this Section.

**CHAPTER 350: - METHOD OF PARKING**

SECTION 350.010: - STANDING OR PARKING CLOSE TO CURB

The provisions of RSMo. 300.415 are adopted in this Section.

SECTION 350.020: - SIGNS OR MARKINGS INDICATING ANGLE PARKING

The provisions of RSMo. 300.420 are adopted in this Section.

SECTION 350.030: - OBEDIENCE TO ANGLE PARKING SIGNS OR MARKERS

The provisions of RSMo. 300.425 are adopted in this Section.

SECTION 350.040: - RESERVED

**CHAPTER 355: - STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES**

SECTION 355.010: - STOPPING, STANDING OR PARKING PROHIBITED

The provisions of RSMo. 300.440 are adopted in this Section.

A. Parking in the vicinity of mailboxes.

1. Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a Law Enforcement Officer or official traffic control device, no person shall at any time stand or park directly in front of any box located in the right-of-way and used for the delivery of the United States mail which opens on the street side of the box, except momentarily to pick up or deliver United States mail.

SECTION 355.020: - PARKING NOT TO OBSTRUCT TRAFFIC

The provisions of RSMo. 300.445 are adopted in this Section.

SECTION 355.030: - PARKING IN ALLEYS

The provisions of RSMo. 300.450 are adopted in this Section.



SECTION 355.040: - PARKING FOR CERTAIN PURPOSES PROHIBITED

The provisions of RSMo. 300.455 are adopted in this Section.

SECTION 355.050: - PARKING ADJACENT TO SCHOOLS

The provisions of RSMo. 300.460 are adopted in this Section.

SECTION 355.060: - PARKING PROHIBITED ON NARROW STREETS

The provisions of RSMo. 300.465 are adopted in this Section.

SECTION 355.070: - STANDING OR PARKING ON ONE-WAY STREETS

The provisions of RSMo. 300.470 are adopted in this Section.

SECTION 355.080: - STANDING OR PARKING ON ONE-WAY ROADWAYS

The provisions of RSMo. 300.475 are adopted in this Section.

SECTION 355.090: - NO STOPPING - STANDING OR PARKING NEAR HAZARDOUS OR CONGESTED PLACES

The provisions of RSMo. 300.480 are adopted in this Section.

SECTION 355.100: - PARKED VEHICLE AS TRAFFIC HAZARD

If at any time a vehicle is in a prohibited place, or parked at a time and place where parking is prohibited, for a period of ten (10) minutes or more, and such vehicle is obstructing the free movement of traffic, or is causing a traffic hazard, or is directly interfering with the maintenance and care, or emergency use of the streets by the City and the operator or person in charge cannot be immediately located or if located, fails, neglects or refuses to move said vehicle at once, the Police Department may, in its discretion, in addition to the penalty provided, remove or cause to be removed the vehicle pursuant to 304.155 RSMo. If at any time any motor vehicle is directly interfering with the maintenance and care, or the emergency use of the streets by any proper department of the City and not otherwise violating any ordinance or traffic rules, the Police Department may, in its discretion, immediately remove or cause to be removed said motor vehicle and care for and replace the same or may deliver it to the owner, and such removal and care shall be without cost to said owner.

SECTION 355.110: - CERTAIN VEHICLES PROHIBITED FROM PARKING ON MUNICIPAL STREETS

- A. All trucks licensed with a gross vehicle weight rating (GVWR) exceeding ten thousand (10,000) pounds shall be prohibited from parking on municipal streets except for the continuous loading and unloading of local delivery.
- B. All recreational vehicles and all trailers shall be prohibited from parking on municipal streets except for purposes of continuous loading and unloading for local delivery.

SECTION 355.120: - PHYSICALLY DISABLED PARKING

The provisions of RSMo. 301.071, 301.142, and 301.143 are adopted in this Section.

- 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.

SECTION 355.130: - PARKING, STOPPING OR STANDING PROHIBITED IN FIRE LANES

- A. When signs have been erected marking such fire lanes, it shall be unlawful for any person to stop, stand or park a vehicle within such fire lanes.
- B. If any vehicle is found in violation of any provision of this Section and the driver is not present, the owner or person in whose name such vehicle is registered in the records of any City, County, or State shall be responsible for such violation when such vehicle was being used with permission. Proof of the ownership as aforesaid shall be prima facie evidence that such vehicle with absent driver was being operated with permission of the owner.
- C. Members of the Fire Department or Police Department are authorized to remove a vehicle from a signed fire lane to the nearest garage or other place of safety or to a garage designated or maintained by the Police Department. Such vehicles shall be impounded until lawfully claimed or disposed of in accordance with Section 375.050 of the City Code.

**CHAPTER 360: - STOPPING FOR LOADING OR UNLOADING ONLY**

SECTION 360.010: - CITY TRAFFIC ENGINEER TO DESIGNATE CURB LOADING ZONES

The provisions of RSMo. 300.485 are adopted in this Section.

SECTION 360.020: - PERMITS FOR CURB LOADING ZONES

The provisions of RSMo. 300.490 are adopted in this Section.

SECTION 360.030: - STANDING IN PASSENGER CURB LOADING ZONE

The provisions of RSMo. 300.495 are adopted in this Section.

SECTION 360.040: - STANDING IN FREIGHT CURB LOADING ZONES

The provisions of RSMo. 300.500 are adopted in this Section.

SECTION 360.050: - CITY TRAFFIC ENGINEER TO DESIGNATE PUBLIC CARRIER STOPS AND STANDS

The provisions of RSMo. 300.505 are adopted in this Section.

SECTION 360.060: - STOPPING, STANDING AND PARKING OF BUSES AND TAXICABS REGULATED

The provisions of RSMo. 300.510 are adopted in this Section.

SECTION 360.070: - RESTRICTED USE OF BUS AND TAXICAB STANDS

The provisions of RSMo. 300.515 are adopted in this Section.

CHAPTER 365: - STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS

SECTION 365.010: - APPLICATION

The provisions of RSMo. 300.520 are adopted in this Section.

SECTION 365.020: - REGULATIONS NOT EXCLUSIVE

The provisions of RSMo. 300.525 are adopted in this Section.

SECTION 365.030: - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS

The provisions of RSMo. 300.530 are adopted in this Section.

SECTION 365.040: - PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS

The provisions of RSMo. 300.535 are adopted in this Section.

SECTION 365.050: - STOPPING, STANDING OR PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS

The provisions of RSMo. 300.540 are adopted in this Section.

SECTION 365.060: - PARKING SIGNS REQUIRED

The provisions of RSMo. 300.545 are adopted in this Section.

SECTION 365.070: - COMMERCIAL VEHICLES PROHIBITED FROM USING CERTAIN STREETS

The provisions of RSMo. 300.550 are adopted in this Section.

CHAPTER 370: - RESERVED

CHAPTER 375: - PROCEDURE ON ARREST

SECTION 375.010: - FORMS AND RECORDS OF TRAFFIC CITATIONS AND ARRESTS

The provisions of RSMo. 300.575 are adopted in this Section

SECTION 375.020: - PROCEDURE OF POLICE OFFICERS

The provisions of RSMo. 300.580 are adopted in this Section.

SECTION 375.030: - UNIFORM TRAFFIC TICKET TO BE ISSUED WHEN VEHICLE ILLEGALLY PARKED OR STOPPED

The provisions of RSMo. 300.585 are adopted in this Section.

SECTION 375.040: - WARNING OF ARREST SENT UPON FAILURE TO APPEAR

The provisions of RSMo. 300.590 are adopted in this Section.

SECTION 375.050: - POLICE MAY REMOVE VEHICLE-WHEN

A. Members of the Police Department are authorized to remove a vehicle from a street or highway to an impound lot approved by the Police Department when any

**CHAPTER 380: - VEHICLE EQUIPMENT**  
vehicle is left unattended, is illegally parked, or creating a hazard on any City street.

ARTICLE I. - LIGHT REGULATIONS

SECTION 380.010: - WHEN LIGHTS REQUIRED

The provisions of RSMo. 307.020 and RSMo. 307.040 are adopted in this Section.

SECTION 380.020: - HEADLAMP ON MOTOR VEHICLES

The provisions of RSMo. 307.045 are adopted in this Section.

SECTION 380.030: - MULTIPLE-BEAM HEADLAMPS-ARRANGEMENT

The provisions of RSMo. 307.060 are adopted in this Section.

SECTION 380.040: - DIMMING OF LIGHTS, WHEN

The provisions of RSMo. 307.070 are adopted in this Section.

SECTION 380.050: - TAILLAMPS, REFLECTORS

The provisions of RSMo. 307.075 are adopted in this Section.

SECTION 380.060: - AUXILIARY LAMPS - NUMBER - LOCATION

The provisions of RSMo. 307.080 are adopted in this Section.

SECTION 380.070: - COWL, FENDER, RUNNING BOARD AND BACKUP LAMPS

The provisions of RSMo. 307.085 are adopted in this Section.

SECTION 380.080: - SPOTLAMPS

The provisions of RSMo. 307.090 are adopted in this Section.

SECTION 380.090: - COLORS OF VARIOUS LAMPS - RESTRICTION OF RED LIGHTS

The provisions of RSMo. 307.095 are adopted in this Section.

SECTION 380.100: - LIMITATIONS ON LAMPS OTHER THAN HEADLAMPS-FLASHING SIGNALS PROHIBITED EXCEPT ON SPECIFIED VEHICLES

The provisions of RSMo. 307.100 are adopted in this Section.

SECTION 380.110: - LIMITATION ON TOTAL OF LAMPS LIGHTED AT ONE TIME

The provisions of RSMo. 307.105 are adopted in this Section.

SECTION 380.120: - OTHER VEHICLES-HOW LIGHTED

The provisions of RSMo. 307.115 are adopted in this Section.

SECTION 380.130: - ANIMAL-DRIVEN VEHICLES, LIGHTING REQUIREMENTS-PENALTY

The provisions of RSMo. 307.125 are adopted in this Section.

**ARTICLE II. - OTHER VEHICLE EQUIPMENT**

SECTION 380.140: - OTHER EQUIPMENT OF MOTOR VEHICLES

The provisions of RSMo. 307.170 are adopted in this Section.

SECTION 380.150: - LOADS WHICH MIGHT BECOME DISLODGED TO BE SECURED-FAILURE, PENALTY

The provisions of RSMo. 307.010 are adopted in this Section.

SECTION 380.160: - SEAT BELTS AND CHILD RESTRAINT DEVICES

The provisions of RSMo. 304.665, and RSMo. 307.178-307.179 are adopted in this Section.

SECTION 380.170: - RESERVED

SECTION 380.180: - RESERVED

SECTION 380.190: - VISION REDUCING MATERIAL APPLIED TO WINDSHIELD OR WINDOWS WITHOUT PERMIT PROHIBITED-PENALTY-RULES, PROCEDURE

The provisions of RSMo. 307.173 are adopted in this Section.

**CHAPTER 385: - LICENSES**

**ARTICLE I. - DRIVER'S AND VEHICLE LICENSES**

SECTION 385.010: - DRIVING WHILE LICENSE SUSPENDED OR REVOKED

The provisions of RSMo. 302.321 are adopted in this Section.

SECTION 385.020: - OPERATION OF A MOTOR VEHICLE WITHOUT PROPER LICENSE PROHIBITED-MOTORCYCLES-SPECIAL LICENSE

The provisions of RSMo. 302.020 are adopted in this Section.

SECTION 385.030: - PROHIBITED USES OF LICENSE

The provisions of RSMo. 302.220 are adopted in this Section.

SECTION 385.040: - EXEMPTIONS FROM LICENSE LAW

The provisions of RSMo. 302.080 are adopted in this Section.

**ARTICLE II. - MOTOR VEHICLE LICENSE PLATES**

SECTION 385.050: - STATE VEHICLE LICENSE PLATES REQUIREMENTS

The provisions of RSMo. 301.130 are adopted in this Section.

SECTION 385.060: - RESERVED

SECTION 385.070: - UNAUTHORIZED PLATES, TAGS, STICKERS, SIGNS

The provisions of RSMo. 301.320 are adopted in this Section.

SECTION 385.080: - LICENSE PLATES ON VEHICLES DISPLAYED FOR SALE

No person shall show, exhibit, display or have in possession for the purpose of sale any motor vehicle without displaying proper and current license plates. Licensed automobile dealers are exempted from this requirement.

SECTION 385.090: - CERTIFICATE OF OWNERSHIP REQUIRED FOR REGISTERED VEHICLE

The provisions of RSMo. 301.190 are adopted in this Section.

SECTION 385.100: - TRANSFER OF CERTIFICATE OF OWNERSHIP UPON SALE OF VEHICLE

The provisions of RSMo. 301.210 are adopted in this Section.

SECTION 385.110: - REMOVAL OF PLATES ON TRANSFER OF VEHICLE-USE BY PURCHASER

The provisions of RSMo. 301.140 are adopted in this Section.

SECTION 385.120: - SALE BY DEALER

The provisions of RSMo. 301.140.4 are adopted in this Section.

SECTION 385.130: - RESERVED

SECTION 385.140: - FINANCIAL RESPONSIBILITY REQUIRED

The provisions of RSMo. 303.020, 303.024, 303.025, 303.160, 303.230, and 303.240, are adopted in this Section.

SECTION 385.150: - CONVICTION FOR FAILURE TO MAINTAIN FINANCIAL RESPONSIBILITY OR COURT-ORDERED SUPERVISION, COURT TO FORWARD TO DIRECTOR OF REVENUE

The provisions of RSMo. 302.303 are adopted in this Section.

SECTION 385.160: - DISPLAY OF FALSE EVIDENCE OF INSURANCE-PENALTY-CONFISCATION OF FALSE EVIDENCE-MISDEMEANOR

The provisions of RSMo. 303.178 are adopted in this Section.

SECTION 385.170: - ALTERATION, PRODUCTION OR SALE OF INVALID INSURANCE CARD - MISDEMEANOR

The provisions of RSMo. 303.179 are adopted in this Section.

## **CHAPTER 390: - EMERGENCY SNOW ROUTES**

SECTION 390.010: - DECLARATION OF TRAFFIC EMERGENCY

Whenever the Mayor determines on the basis of falling snow, sleet or freezing rain, or on the basis of a weather bureau forecast that weather conditions may cause hazardous or dangerous driving conditions upon the streets and roadways within the City, the Mayor shall have the authority to declare a traffic snow emergency.

SECTION 390.020: - NOTIFICATION OF DECLARATION OF TRAFFIC SNOW EMERGENCY

Upon the declaration of a traffic snow emergency by the Mayor, proper public notification systems shall be utilized to announce that a traffic snow emergency has been declared by the City and that the provisions of this Chapter are in effect during said traffic emergency.

SECTION 390.030: - ACTS PROHIBITED DURING TRAFFIC SNOW EMERGENCY

The following acts shall be prohibited during a traffic snow emergency:



1. The parking of any motor vehicle upon an emergency snow route within the City; and
2. The operation of a motor vehicle upon an emergency snow route so as to impede the free movement of traffic upon said roadway or impede the removal or treatment of snow, sleet or ice upon the roadway if the drive wheels of said vehicle are not mounted with snow tires, chains or radials with the exception of vehicles with dual drive wheels.

#### SECTION 390.040: - EMERGENCY SNOW ROUTES DESIGNATED

The City Traffic Engineer is authorized to designate certain streets as emergency snow routes which shall be marked with approved signage. A list of designated snow route streets are on file in the office of the City Traffic Engineer.

#### SECTION 390.050: - REMOVAL AND TOWING OF VEHICLES

The provisions of City Code Section 355.100 and RSMo. 304.155 are adopted in this Section.

#### SECTION 390.060: - TERMINATION OF TRAFFIC SNOW EMERGENCY

After the declaration of a traffic snow emergency, the prohibition against parking or impeding the free flow of traffic or removal of snow, sleet and ice conditions upon said emergency snow routes shall remain in effect until terminated by the announcement of the Mayor. Said terminations shall be made by proper public notification systems.

#### SECTION 390.070: - RESERVED

### **CHAPTER 395: - BICYCLES AND MOTORIZED BICYCLES**

#### SECTION 395.010: - BICYCLE AND MOTORIZED BICYCLE

As defined in RSMo. 307.180.

#### SECTION 395.020: - BRAKES REQUIRED

The provisions of RSMo. 307.183 are adopted in this Section.

#### SECTION 395.030: - LIGHTS AND REFLECTORS, WHEN REQUIRED-STANDARDS TO BE MET

The provisions of RSMo. 307.185 are adopted in this Section.

SECTION 395.040: - RIGHTS AND DUTIES OF BICYCLE AND MOTORIZED BICYCLE RIDERS

The provisions of RSMo. 307.188 are adopted in this Section.

SECTION 395.050: - RIDING TO RIGHT, REQUIRED FOR BICYCLES AND MOTORIZED BICYCLES, OPERATION ON ADJACENT SHOULDER, HAND OR MECHANICAL SIGNALS

The provisions of RSMo. 307.190-307.192 are adopted in this Section.

SECTION 395.060: - PENALTY FOR VIOLATION

The provisions of RSMo. 307.193 are adopted in this Section.

SECTION 395.070: - MOTORIZED BICYCLES-LICENSE REQUIRED

The provisions of RSMo. 307.195 are adopted in this Section.

SECTION 395.080: - EQUIPMENT REQUIRED

The provisions of RSMo. 307.196 are adopted in this Section.

**SCHEDULE I. SPEED LIMITS**

No person shall operate a motor vehicle (except emergency vehicles on emergency runs) or any other conveyance upon any street or highway, at a speed in excess of twenty-five (25) miles per hour, unless otherwise designated by the City Traffic Engineer. A list of designated speed limits are on file in the office of the City Traffic Engineer.

**SCHEDULE II. RESERVED**

**SCHEDULE III. PARKING LIMITED OR PROHIBITED**

Parking on streets is allowed unless prohibited or limited by the City Council. Signage is posted on roadways and outlined in a schedule on file in the office of the City Traffic Engineer.

**SCHEDULE IV. STOP SIGNS**

In accordance with the provisions of Section 335.030 stop signs will be installed at locations approved by the City Council and outlined in a schedule on file in the office of the City Traffic Engineer.

## **SCHEDULE V. ONE-WAY STREETS**

One way streets are approved by the City Council and outlined in a schedule on file in the office of the City Traffic Engineer.

## **SCHEDULE VI. RESTRICTIVE TURNS**

Restrictive turns are approved by the City Council and outlined in a schedule on file in the office of the City Traffic Engineer.

## **SCHEDULE VII. TRAFFIC CONTROL DEVICES**

In accordance with the provisions of Section 335.030, traffic control devices will be installed at locations approved by the City Council and outlined in a schedule on file in the office of the City Traffic Engineer.

## **CHAPTER 500: - BUILDING REGULATIONS**

### **ARTICLE I. - IN GENERAL**

#### SECTION 500.005: - TITLE OF CHAPTER; DESIGNATION OF BUILDING OFFICIAL

- A. This Chapter shall be known as the Building and Construction Code. Unless otherwise indicated by its use and context, the term "this Chapter" shall refer to this Chapter 500 including all provisions incorporated by reference herein.
- B. The Building Official shall be known as the official charged with the administration and enforcement of the City's Building Codes, and such term shall include their authorized representatives. Further, whenever the term or title "administrative authority," "Code Enforcement Officer," "responsible official," or "Building Official" or other similar designation is used in any of the Codes adopted by reference by this Chapter, it shall be construed to mean the Building Official, or their authorized representatives.

#### SECTION 500.010: - PURPOSE AND SCOPE OF CHAPTER; REFERENCED CODES

- A. *Purpose.* This Chapter shall be construed to provide minimum requirements to safeguard the general public safety, health and general welfare, insofar as they are affected by building construction, through structural strength, adequate means of egress facilities, stability, sanitary equipment, light and ventilation, energy conservation, erosion and sediment control and fire safety; and in general to promote safety to life and property from fire and other hazards incident to the construction, design, erection, installation, alteration, addition, removal, demolition, replacement, location, relocation, moving, quality of materials or use and occupancy, operation and maintenance of buildings, structures or premises, and to provide safety to firefighters and emergency responders during emergency operations.
- B. *Scope.* This Chapter provides the administrative and technical provisions to be followed by all persons engaged in the construction, design, erection, installation, alteration, addition, removal, demolition, replacement, location, relocation, land disturbance, moving, quality of materials, or use and occupancy, operation and maintenance of buildings, structures or premises, as regulated by this Chapter. This Chapter does not apply to public infrastructure or work in a public right-of-way except as expressly indicated herein. All references to any provisions in the administrative Chapters of the referenced model Codes shall be construed to be a reference to the provisions of Article I of this Chapter.
- C. *Referenced Codes.* The other Codes listed in Subsections (1) through (8) and referenced elsewhere in this Chapter shall be considered part of the requirements of this Chapter to the extent of each such reference. All references within the model Codes to any building, electrical, gas, mechanical, plumbing, sewage disposal, elevator or energy conservation Code shall be

construed to be a reference to the respective building, electrical, gas, mechanical, plumbing, sewage disposal, elevator or energy conservation Code specifically adopted by reference in Articles II through XI of this Chapter.

1. *Building*. The provisions of the *International Building Code*, as amended, shall apply to the construction, design, erection, installation, alteration, addition, removal, demolition, replacement, location, maintenance, land disturbance, moving, quality of materials, or use and occupancy of every building or structure or any appurtenances connected or attached to such buildings or structures. (See Article II of this Chapter.)

Exceptions:

- a. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three (3) stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the *International Residential Code*, as amended. (See Article III of this Chapter.)
  - b. Existing buildings and structures undergoing repair, alterations or additions and change of occupancy shall comply with the *International Existing Building Code* and *NFPA 101 Life Safety Code* as amended. (See Article VIII of this Chapter.)
2. *Electrical*. The provisions of the *National Electrical Code*, as amended, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances. (See Article IV of this Chapter.)
  3. *Gas*. The provisions of the *Uniform Plumbing or Mechanical Code*, as amended, shall apply to the installation of gas appliances and related accessories as covered in this Code.

For requirements regarding the installation and operation of residential gas appliances and related accessories, see Article III of this Chapter.

For requirements regarding the installation of gas piping from the point of delivery to the inlet connections of appliances in commercial applications, see Article VI, *Uniform Plumbing Code* or Article V, *Uniform Mechanical Code*.

4. *Mechanical*. The provisions of the *Uniform Mechanical Code*, as amended shall regulate the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed to provide control of environmental conditions and related processes within buildings. This Code shall also regulate those mechanical systems, system components, equipment and appliances specifically addressed herein. (See Article V of this Chapter.)
5. *Plumbing*. The provisions of the *Uniform Plumbing Code*, as amended, shall apply to the installation, alteration, repair and replacement of plumbing

and fuel gas piping systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. (See Article VI of this Chapter.)

The provisions of the On-Site Private Sewage Disposal Code, as amended, shall apply to private sewage disposal systems for all structures within the City as referenced in Chapter 710.150 of this Code. The provisions for lawn sprinkler and irrigation systems shall comply with Article X of this Chapter.

6. *Swimming Pools, Spas, and Hot tubs.* The provisions of the *International Swimming Pool, Spa and Hot Tub Code*, as amended, shall apply to the erection, installation, alteration, addition, repair, relocation, and replacement, addition to, use or maintenance of swimming pools, spas, or hot tub plumbing systems. In addition to this Code the provisions of Chapter 420, Section 420.050 (B) of the Unified Development Code shall also apply. (See Article VII of this Chapter.)
7. *Fire prevention.* The provisions of the *International Fire Code*, as amended, shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and, from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation. (See Article XI of this Chapter.)
8. *Energy.* The provisions of the *International Energy Conservation Code*, as amended, shall apply to all matters governing the design and construction of buildings for energy efficiency. (See Article IX of this Chapter.)

Exception:

Existing buildings and structures undergoing repair, alterations or additions and change of occupancy shall be permitted to comply with the *International Existing Building Code* and *NFPA 101 Life Safety Code* as amended. (See Article VIII of this Chapter.)

- D. *Process.* The Building Official shall have the responsibility to make timely recommendations to update this Chapter, upon the publication of nationally recognized model Codes.

#### SECTION 500.015: - CONFLICTING PROVISIONS

- A. Wherever conflicting provisions or requirements occur between this Chapter and the model Codes adopted by this Chapter, this Chapter shall apply.
- B. Wherever conflicting provisions or requirements occur between this Chapter and any other municipal Codes and laws, the most restrictive shall govern. The

provisions of this Chapter shall not be deemed to nullify any provisions of local, state, or federal law.

- C. Where in any specific case different Sections within this Chapter specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- D. Where conflicts occur between any specific provisions of this Article and any administrative provisions in the remaining Articles of this Chapter which are then applicable, those provisions becoming law last in time shall prevail.
- E. Wherever in this Chapter reference is made to the appendix, the provisions in the appendix shall not apply unless specifically adopted.
- F. References to Chapter or Section numbers, or to provisions not specifically identified by number, shall be construed to refer to such Chapter, Section or provision of this Chapter.
- G. The Codes and standards referenced in this Chapter shall be considered part of the requirements of this Chapter to the extent of each such reference. Where differences occur between provisions of this Chapter and referenced Codes and standards, the provisions of this Chapter shall apply.

#### SECTION 500.020: - APPLICABILITY OF CHAPTER TO EXISTING BUILDINGS AND BUILDING SERVICE EQUIPMENT

- A. *Generally.* The legal use and occupancy of any structure existing on the date of adoption of this Chapter shall be permitted to continue without change provided such continued use is not dangerous to life, and as may be specifically covered in this Chapter, the fire Code or as may be deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.
- B. *Ordinary repairs.* Application or notice to the Building Official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion of, the removal or cutting of any structural beam or load bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements, nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer drainage, drain leader, gas, soil, waste, vent or similar piping; electric wiring; or mechanical or other work affecting public health or general safety.
- C. *Construction in floodplain.* The provisions of Chapter 460 of the Unified Development Code must be met for any alteration, encroachment or substantial improvement accomplished in a regulatory floodplain as designated

on the official floodplain document.

#### SECTION 500.025: - APPROVED MATERIALS, ALTERNATE MATERIALS, DESIGN AND METHODS OF CONSTRUCTION AND EQUIPMENT

- A. The provisions of this Chapter are not intended to prevent the installation of any material or method of construction not specifically prescribed by this Chapter, provided that any such alternative has been approved.
- B. The Building Official shall approve any alternative material, design or method of construction that is found to be satisfactory and in compliance with the provisions of this Chapter and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Chapter in quality, strength, effectiveness, fire resistance, durability, safety and sanitation.
- C. The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding the use of any alternative material, design, or method of construction. The details of any action granting approval shall be entered into the record of the Building Inspection Division.
- D. Materials, equipment and devices approved by the Building Official shall be constructed and installed in accordance with such approval. The use of used materials which meet the requirements of this Chapter for new materials are permitted. Used equipment and devices shall not be reused unless approved by the Building Official.

#### SECTION 500.030: - MODIFICATIONS

Whenever there are practical difficulties involved in carrying out the provisions of this Chapter, the Building Official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative. The Building Official shall first find that a special individual reason makes the strict letter of this Chapter impractical and that the modification does not lessen health, life, and fire safety requirements or any degree of structural integrity. The details of actions granting modifications shall be entered into the record of the Building Official.

#### SECTION 500.035: - TESTS

- A. Whenever there is insufficient evidence of compliance with any of the provisions of this Chapter, or evidence that materials or construction do not conform to the requirements of this Chapter, or in order to substantiate claims for alternative materials or methods, the Building Official shall have the authority to require tests as evidence of compliance to be made at no expense to the City.
- B. Test methods shall be as specified in this Chapter or by other recognized test



standards. In the absence of recognized and accepted test methods for the proposed alternate, the Building Official shall approve the test procedures.

- C. All tests shall be made by an approved agency. Reports of such tests shall be retained by the Building Official for the period required for the retention of records.

#### SECTION 500.040: - DUTIES AND POWERS OF THE BUILDING OFFICIAL

- A. *General.* The Building Official is authorized and directed to enforce the provisions of this Chapter. For such purposes, the Building Official shall have the powers of a law enforcement officer to issue written orders in the enforcement of this Chapter and deem unsafe conditions as prescribed in Section 500.045 and Chapter 510 of the City Code. The Building Official shall have the authority to render interpretations of this Chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in conformance with the intent and purpose of this Chapter. Such interpretations, policies and procedures shall not have the effect of waiving requirements specifically provided for in this Chapter.
- B. *Applications and permits.* The Building Official shall receive applications, review construction documents and issue permits for the erection and alteration of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this Chapter.
- C. *Written Notices and orders.* The Building Official shall issue all necessary written notices or orders to ensure compliance with this Chapter.
- D. *Inspections.* The Building Official shall make all of the required inspections, or the Building Official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Building Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.
- E. *Identification.* The Building Official and/ or all designated inspectors shall carry proper identification when inspecting structures or premises in the performance of duties under this Chapter.
- F. *Right of entry.* When it is necessary to make an inspection or to enforce the provisions of this Chapter, or any other Code, ordinance, law, regulation or administrative order within the authority of the Building Official to enforce, or whenever the Building Official or an authorized representative has reasonable cause to believe that there exists in any building any condition which is contrary to or in violation of this Chapter, or any other Code, ordinance, law, regulation or administrative order, the Building Official or an authorized representative may enter the building or premises during normal work hours or, in the case of

an emergency at any reasonable time to inspect or to perform any duty imposed upon the Building Official by this Chapter; provided if such property be occupied, the Building Official shall first present proper credentials and request and obtain permission to enter before entering the building or premises. Reasonable effort must be made to locate the owner or other persons having charge or control of the property when seeking permission for entry.

1. If no consent has been given to enter or inspect any building or premises, no entry or inspection shall be made without the procurement of a warrant from the judge presiding in the Raymore Municipal Court of the Circuit Court of Cass County, or if that judge is not available, from any other judge presiding in the Cass County 17th Judicial Circuit Court of Missouri. The court may, among other factors, consider the following in its decision as to whether a warrant shall be issued:
  - a. Eyewitness account of violation.
  - b. Citizen complaint(s).
  - c. Tenant complaint(s).
  - d. Plain view violation(s).
  - e. Violation apparent from City record(s).
  - f. Nature of an alleged violation, the threat of life or safety and imminent risk of significant property damage.
  - g. Previous unabated violation(s) in the building or on the premises.
2. Cause supporting issuance of a warrant shall be deemed to exist in light of reasonable legislative and administrative standards which show that there is reason to believe that a condition of nonconformity exists with respect to a building or premises in violation of the provisions of the City Code.
3. The Building Official may enter the premises without consent or a search warrant to make an inspection or enforce any of the provisions of the City Code only when an emergency exists as prescribed in Section 500.045 of this Chapter, or when the premises are abandoned.
4. If a complaint in writing is filed by the Building Official or an authorized representative, any Law Enforcement Officer, deputy, City Attorney or Prosecuting Attorney of the City with the Municipal Court of the City, stating that they have probable cause to believe there exists in a building or structure more particularly described a violation or violations of provisions of the City Code, and is within the territorial jurisdiction of the City, and if such complaint is verified by the oath or affirmation stating evidential facts from which such judge determines the existence of probable cause, then such judge shall issue a search warrant directed to the authorized person to search the structure or premises described for the purposes requested.

Such a search warrant may be executed and returned only within ten (10) days after the date of its issuance. The person authorized to search shall make a return promptly after concluding the search, and such return shall contain an itemization of all violations of this Code discovered pursuant to such search. Refusal to honor a search warrant and permit inspection of the premises shall constitute an ordinance violation. Execution of a search warrant under this Section shall not be by forcible entry.

5. Unless emergency conditions exist or until a written notice of violation and a reasonable opportunity to correct the violation is afforded the person, a summons shall not be served upon a resident, property owner, or other responsible person, which alleges a violation of this Code based upon conditions discovered incidental to, and solely as a result of, conducting an investigation pursuant to the authority of a search warrant, but which is not the subject of the search warrant.

G. *Stop work orders.*

1. *Written Notice.* Upon written notice from the Building Official that work on any building or structure is being pursued contrary to the provisions of this Chapter, or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to any persons working on or about the structure and to any persons owning, leasing, maintaining or occupying premises where work is being done; and shall state the conditions under which work will be permitted to resume.
2. *Unlawful continuance.* Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of the Code and subject to penalties in Section 500.070 of the City Code.

H. *Occupancy violations.* Whenever any building or structure or building service equipment regulated by this Chapter is being used contrary to the provisions of the Code, the Building Official may order such use discontinued by written notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the Building Official after receipt of such written notice to make the structure, or portion of, comply with the requirements of the Code. Failing to discontinue such use when ordered is a violation of this Chapter. Unless authorized by the Building Official, removing a posted written notice or sign indicating that a structure is not to be occupied is a violation of this Chapter and subject to penalties in Section 500.070.

I. *Department records.* The Building Official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and written notices and order issued. Such records shall be

retained in the official records for the period required for retention of public records.

- J. *Liability.* The Building Official or an authorized representative charged with the enforcement of this Chapter, acting in good faith and without malice in the discharge of the duties required by this Chapter or other pertinent law or ordinance, shall not be rendered personally liable for damages that may accrue to persons or property as a result of any such official act or by reason of any act or omission in the discharge of such official duties. Any suit brought against the Building Official or employee because of such act or omission, performed in the enforcement of any provision of this Chapter or other pertinent laws or ordinances implemented through the enforcement of this Chapter or enforced by the Building Official, shall be defended by the City until final termination of such proceedings. Any judgment resulting of such proceeding shall be assumed by the City. This Chapter shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building, structure or building service equipment therein for any damage to persons or property caused by defects, nor shall the Building Official or the City to be held as assuming any such liability by reason of the inspections authorized by this Chapter or approvals issued under this Chapter.
- K. *Cooperation of other officials and officers.* The Building Official may request, and shall receive, the assistance and cooperation of other City officials so far as is required in the discharge of the duties required by this Chapter or other pertinent law or ordinance.
- L. *Building numbers.* The Building Official is authorized to promulgate the standards by which buildings are numbered and to assign or reassign numbers and addresses according to the Addressing and Street Naming Policy as adopted by the Raymore Planning and Zoning Commission.
- M. *Rules and regulations.* The Building Official is authorized to make and promulgate reasonable and necessary rules and regulations to provide for the efficient administration of this Chapter, and to implement the substantive and procedural requirements of this Chapter. A copy of the rules and regulations shall be filed in the office of the City Clerk.

#### SECTION 500.045: - UNSAFE STRUCTURES AND EQUIPMENT

- A. *General.* No person, firm, corporation, partnership, association, organization or governmental agency properly regulated by the City shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy, maintain, or own any building, building use, structure, sign, appendage or building service equipment in an unsafe manner.
- B. *Conditions.* Structures or equipment which are or hereafter become unsafe, unsanitary or deficient because of, but not limited to, inadequate means of egress facilities, inadequate light and ventilation, or inadequate life safety

system; or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare due to inadequate maintenance, dilapidation, obsolescence, fire, disaster, damage, failure or abandonment; or which involve illegal or improper use or occupancy; shall be deemed unsafe. Unsafe structures shall be taken down and removed or made safe as the Building Official deems necessary and as provided for in this Section and the provisions of Chapter 510. A vacant structure that is not secured against entry may be deemed unsafe by the Building Official.

- C. *Written Notice.* If an unsafe condition is found, the Building Official may serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such written notice shall require the person thus notified to declare immediately to the Building Official acceptance or rejection of the terms of the order.
- D. *Method of service.* Such written notice shall be deemed properly served if a copy is posted in a conspicuous place in or about the structure affected by such notice, and
  1. Delivered to the owner personally; or
  2. Sent by certified mail or registered mail addressed to the owner at the last known address with the return receipt requested. If the certified or registered letter is returned showing that the letter was not delivered, or the owner cannot be located, the posted written notice in or about the structure shall be sufficient for notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.
- E. *Restoration.* The structure or equipment determined to be unsafe by the Building Official is permitted to be restored to a safe condition. To the extent that repairs, alterations, moving of building, or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions, moving or change in occupancy shall comply with the requirement of Section 500.020(B) of this Chapter and the *International Existing Building Code* as amended.
- F. *Maintenance of signs.* All signs shall comply with the requirements of Chapter 435 of the Unified Development Code.
- G. *Dangerous buildings or structures.* Any building or structure determined by the Building Official as a dangerous building or structure shall comply with the requirements of Chapter 510 of the City Code.
- H. *Moving of buildings.* The moving of any building or structure in, into, through, or from the City shall comply with the requirements of Chapter 520 of the City

Code.

- I. *Emergency measures.* Where it reasonably appears there is an immediate danger to the health, safety or welfare of any person, the Building Official may take emergency measures to vacate and repair or demolish an unsafe building, building use, structure, sign, equipment, or appendage in accordance with the provisions of Chapter 510.

#### SECTION 500.050: - SERVICE UTILITIES

- A. *Connection of service utilities.* No person shall make connections from a utility, source of energy, fuel or power to any building or system which is regulated by this Chapter for which a permit is required, until approved and released by the Building Official.
- B. *Temporary connection.* The Building Official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power, as required by Section 500.075(A)(2) (a through d) for permits and limitations.
- C. *Authority to disconnect service utilities.* The Building Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by the Codes adopted by this Chapter in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practicable thereafter.
- D. *Connection after order to disconnect.* No person shall make connections from a utility, source of energy, fuel or power to any building or system which has been disconnected or ordered to be disconnected by the Building Official or the use of which has been ordered to be discontinued by the Building Official until the Building Official authorizes the reconnection and use of such equipment.

#### SECTION 500.055: - RIGHT TO AN APPEAL

- A. *Procedure for appeal of decisions relating to the Building Code.* In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this Chapter, an application for appeal to the Board of Appeals shall be made within ten (10) days from the date of the order, decision, or determination is made by the Building Official.
- B. Except in cases designated as emergencies, an appeal to the Board stays all enforcement of the determination from which the appeal is being taken.
- C. All appeal procedures shall comply with Chapter 540 of the City Code.

## SECTION 500.060: - VIOLATIONS

- A. *Unlawful acts.* It shall be unlawful for any person, firm, corporation, partnership, association, organization or government agency properly regulated by the City to erect, construct, enlarge, alter, repair, move, improve, remove, grade, excavate or add any fill material, convert or demolish, equip, use, occupy, maintain or own or cause land disturbance activities for any building, land, real estate premises, sign structure or building service equipment or cause or permit the same to be done in violation of this Chapter, or fail to comply with any order issued under the authority of the Building Official, or fail to comply with the duties and responsibilities of a licensed or registered contractor or licensed or registered supervisor.
- B. *Separate offense.* Any person, firm, corporation, partnership, association, organization or governmental agency properly regulated by the City violating any of the provisions of this Chapter shall be deemed guilty of an ordinance violation. Each and every day or portion thereof during which any violation of any of the provisions of this Chapter is committed, continued, or permitted shall be a separate offense.
- C. *Responsible individual.* The responsible individual(s) of a corporation shall include any officer of a corporation or the person in charge of the local office of such corporation.

## SECTION 500.065: - REQUIRED LICENSES

Any person, firm, or organization providing residential and/or commercial construction industry services, mechanical, plumbing or electrical contract or subcontract work within the City shall obtain an occupational business license in accordance with Chapter 605 of the City Code.

Exceptions to occupational business license:

1. Permits for work as required by this Chapter may be issued to any person to do any work regulated by this Chapter in a single family dwelling used exclusively for living purposes, including the usual accessory buildings, provided that such person is an owner of record of any such dwelling and accessory buildings, provided that the dwelling and accessory buildings are occupied by the owner, and provided that the owner shall personally purchase all material and perform all labor in connection therewith. Where the work is included in a building permit issued according to this exception, the owner may contract and direct the work of building trades subcontractor(s), which are required to be licensed under Section 605.010.
2. Public utility companies will not be required to obtain licenses for their firms or corporations or for their employees when engaged in the

installation, operation, and maintenance of equipment which will be used for the production, generation, transmission, or distribution of the product or service from the source of the product or service through the facilities owned or operated by such utility company to the point of the customer service, including the metering.

3. Provisions of this Chapter requiring employment of certified or licensed mechanics, craftsmen, or engineers shall apply to maintenance or operation of equipment and accessories used for operations, production, or processing by public utilities, government agencies, manufacturing or processing plants, or commercial enterprises which maintain regular maintenance and operating staff supervised by a professional engineer registered by the state. However, work under such supervision shall be performed to comply in all respects with all applicable provisions of this Chapter, including provisions for permits and inspections.
4. The property owner or owner of business on the property may install a temporary sign, as defined in Chapter 435 of the Unified Development Code, after obtaining the required permit(s).
5. The owner of record may demolish any one-story building which is less than one hundred twenty-one (121) square feet. Such work must be done by the owner.

#### SECTION 500.070: - 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. *Penalties for offenses.*

1. Persons convicted of certain repeat violations as set forth in Subsection (B)(2) of this Section at any premises shall be punished as set forth in Subsection (A) of this Section.
2. Person convicted of violating any of the following provisions of this Chapter shall be punished as set forth in Subsection (A) of this Section:
  - a. Violating an order to stop work issued pursuant to Section 500.040(G).
  - b. Making any connection without proper authorization from the Building Official after a disconnection pursuant to Section 500.050 of the City Code.
  - c. Failure to obtain a permit, or working without a permit, when required by this Chapter in addition to the schedule of fees in Section 500.095.
  - d. Failure to obtain an inspection when required by this Chapter.
  - e. Failure to obtain a certificate of occupancy when required by this Chapter in addition to the penalties in Section 500.110(G).



- f. Failure to comply with all responsibilities of a licensed contractor, as set forth in Chapter 605 of the City Code.
  - g. Failure to comply with all the responsibilities of a holder of a certificate of qualification, as set forth in Chapter 605 of the City Code.
  - h. Providing false information to the Building Official when submitting an application for an occupational license, certificate of qualification, or permit.
  - i. Permitting occupancy of any structure for which a temporary certificate of occupancy has been issued and such temporary certificate of occupancy has expired in addition to the penalties in Section 500.110(G).
3. For purposes of this Section, only convictions within the prior three (3) years before the date of the offense alleged shall be considered. Conviction(s) within the prior three (3) years shall be subject to an occupational license suspension or revocation as prescribed in Chapter 605 of the City Code.
- C. *Other remedies.* The imposition of penalties prescribed in this Section shall not preclude the City attorney from instituting appropriate action, including equitable and extraordinary remedies, to prevent any unlawful construction, reconstruction, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate a violation, or to prevent the occupancy of a building or structure or portion of, or of the premises, or to prevent an illegal act, conduct of business or use in or about the premises.

#### SECTION 500.075: - PERMITS REQUIRED; EXCEPTIONS

##### A. *Required permits; permit conditions.*

##### 1. *Generally; emergency work; conditions of permit.*

- a. It shall be unlawful to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this Chapter, or to cause any such work to be done, without making application to the Building Official and obtaining the required permit; provided that the repairs, as defined in Section 500.020(B) of the City Code, which do not involve any violation of this Chapter, and work as specified in subsection (B) of this Section, shall be exempted from this provision.
- b. *Emergency work.* In cases of emergency, the person or other entity doing work or causing work to be done may proceed with the work and file application for a permit within seventy-two (72) hours after commencement of emergency work. Emergency shall be considered to exist only in those situations wherein life, health and safety would be adversely affected if work were not commenced immediately, and the

burden shall be upon the person claiming such emergency to exist to prove the existence of such emergency by clear and convincing evidence.

- c. Insurance. Construction industry contractor permit holders shall keep in force insurance, issued by a company approved by the City Clerk's office, meeting the conditions set forth in Section 605.010(B)(1) of the City Code.
- d. Indemnity. Every person, firm, or corporation to whom permission has been granted under the terms of this Article and other ordinances to utilize public property for the permit work of any building, structure, or utility shall at all times assume full responsibility for such work and shall hold harmless and indemnify the City and the Building Official from any and all responsibility, liability, loss, or damage resulting to any persons or property or caused by or incidental to the permitted work.
- e. Commencement and completion of work. See Section 500.090 in this Chapter pertaining to expiration and completion of granted permits.

2. *Temporary structures and uses.*

- a. The Building Official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than one hundred eighty (180) days. The Building Official is authorized to grant extensions for demonstrated cause.
- b. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of the Code as necessary to ensure the public health, safety and general welfare.
- c. Permits for temporary electrical service installations not to exceed ninety (90) days duration may be granted for fairs, carnivals, exhibitions, exterior lighting for decorative display and similar purposes. Permits for temporary electrical service installations not to exceed one hundred eighty (180) days duration may be granted for construction jobs. The time limit shall be subject to renewal, if requested in writing and if the Building Official determines that the temporary permit is not being used to evade the requirements of permanent electrical service installation, will not adversely affect the public safety, or is justified because of circumstances not within the control of the permit holder.
- d. The Building Official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

3. *Special nighttime building permits.*

- a. Notwithstanding any other provision of this Chapter or of any other

provision of the City Code, no construction work, including excavation, demolition, hauling, dumping or filling, may be performed between the hours of 8:00 p.m. and 7:00 a.m. unless the Building Official issues a special building permit authorizing the work. The following types of construction work are exempted from the requirement of obtaining a special night time building permit:

1. Emergency work authorized pursuant to Subsection (A)(1) of this Section.
  2. Construction work being completely conducted inside a closed-in structure whenever such construction work does not involve the use of jackhammers, air compressors or other heavy equipment or continuing truck operations.
  3. Roofing from June 1 through August 31, conducted between dawn to dusk.
  4. Framing activities for conventional, wood-framed residential structures from June 1 through August 31, conducted between dawn to dusk.
  5. Paving activities from June 1 through August 31, conducted between dawn to dusk.
- b. The Building Official shall address in each special building permit issued authorizing nighttime work the following items:
1. Traffic routes to be used by construction equipment and trucks;
  2. Means of lighting the construction site or place of operation;
  3. Whether the noise level shall be a provision of the permit;
  4. The type of work to be done and the nature of the project; and
  5. Density of the residential area potentially affected by the nighttime work.
- c. The Director of Public Works is authorized to assist the Building Official in establishing criteria for the issuance of a special building permit authorizing nighttime work.
- d. Failure to obtain the special night time building permit pursuant to this section may result in violation of Section 280.020 of the City Code.
- B. *Exempted work.* A permit shall not be required for the types of work in each of the separate classes of permit as listed in this Subsection. Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in violation of the provisions of the City Code or any other laws or ordinances of the City.
1. *Building permits.* A building permit shall not be required for the following:

- a. One-story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses provided the floor area does not exceed one hundred ninety-nine (199) square feet.
- b. Open arbors or pergolas.
- c. Retaining walls which are not over four (4) feet (1219 mm) in height measured from grade on the low side of the wall, unless supporting a surcharge or impounding Class I, II, IIIA liquids.
- d. Water tanks supported directly upon grade if the capacity does not exceed five thousand (5,000) gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2:1.
- e. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
- f. Temporary motion picture, television and theater stage sets and scenery.
- g. Non-fixed and movable cases, counters and partitions not over five (5) feet and nine (9) inches (1753 mm) in height.
- h. Patios not more than thirty (30) (762 mm) inches above grade at any point and platforms and decks not more than thirty (30) inches (762 mm) above grade at any point, not attached to the primary structure and/or not over any basement or story below.
- i. Window awnings supported by an exterior wall of a Group R3 and Group U occupancies when projecting not more than fifty-four (54) (1372 mm) inches.
- j. Sidewalks and driveways not more than thirty (30) inches (762 mm) above grade, not over any basement or story below and not part of an accessible right-of-way route. Permits are required for all sidewalk and driveway installations and replacements in the right-of-way.
- k. Prefabricated swimming pools accessory to a Group R3 occupancy, detached single family dwellings, where the inside pool walls are less than twenty-four (24) inches (610 mm) deep, do not exceed five thousand (5,000) gallons (18,927 L) and are installed entirely above grade.
- l. Replacement of exterior wall covering for detached one- and two- family dwellings.
- m. Replacement of doors and windows in existing openings where fire resistance, smoke control and opening protection are not required by Articles II or III.
- n. Repairs of holes in plaster or gypsum board walls.
- o. Installation or replacement of wall or floor mounted cabinets (kitchen,

- bath, etc.).
- p. Installation or replacement of exterior gutters and downspouts.
  - q. Tuck-pointing brick and/ or stone masonry.
  - r. Replacement of soffits and wall or roof sheathing less than thirty-two (32) square feet (2.97m<sup>2</sup>) in area in detached one- and two-family dwellings.
  - s. Replacement of interior or exterior trim carpentry.
  - t. Walks, patios and driveways constructed on existing grade outside public right-of-ways.
  - u. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
  - v. Swings and other playground equipment accessory to one- and two-family dwellings.
  - w. Any grading or excavation of any land or premises complying with Section 455.010(B)(4)(b) of the Unified Development Code.
2. *Mechanical permits.* A mechanical permit shall not be required for the following:
- a. Any portable heating appliance.
  - b. Any portable ventilating equipment.
  - c. Any portable cooling unit
  - d. Any portable evaporative cooler.
  - e. Replacement of a component part or assembly of an appliance which does not alter its original approval and complies with other applicable requirements of this Chapter.
  - f. Any refrigerating equipment which is part of the equipment for which a permit has been issued pursuant to the requirements of this Chapter.
  - g. Replacement of grills and diffusers on existing mechanical ductwork.
  - h. Any self-contained refrigeration system that contains ten (10) pounds (4.5 kg) or less of refrigerant, or that are actuated by motors of one (1) horsepower (0.75 kW) or less.
3. *Plumbing permits.* A plumbing permit shall not be required for the following:
- a. Repairs or replacement of defective fixtures or valves provided alterations or extensions of piping systems are not made.
  - b. Clearance of stoppages.
  - c. Replacement and repair of lavatory and sink traps.

4. *Electrical permits.* An electrical permit shall not be required for the following:
  - a. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
  - b. The installation, alteration or repair of electrical equipment of a power or public service company for its use in the generation, transmission, distribution or metering of electricity.
  - c. Replacement of snap switches, receptacles and fixtures where no alteration or extension of an existing circuit is required.
5. *Sign permits.* A sign permit shall not be required for signs listed as exempt in Chapter 435.020(C) of the Unified Development Code.

#### SECTION 500.080: - APPLICATION FOR PERMIT; RESPONSIBILITIES OF PERMITTEE

- A. *Application for permit.* To obtain a permit required by this Chapter, the applicant shall first file an application in writing on a form furnished by the Building Official for that purpose. Every such application shall:
  1. Identify and describe the work to be covered by the permit for which application is made.
  2. Describe the land on which the proposed work is to be done, by legal description, street address or similar description as recorded by the Cass County Recorder of Deeds office that will readily identify and definitely locate the proposed building or work.
  3. Indicate the use or occupancy for which the proposed work is intended.
  4. State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building.
  5. Be signed by the permit applicant, or the applicant's authorized agent, who may be required to submit evidence to indicate such authority. It shall be presumed that a person obtaining a permit for work on property, for which the person is not the owner, obtains the permit with the knowledge and consent of the owner or other person in control or in charge of the property.
  6. Be accompanied by construction documents and other information as required in Section 500.085 of the City Code
  7. Give such other data and information as may be required by the Building Official.
- B. The permit holder shall be responsible for the following conditions and restrictions:
  1. To provide minimum safety measures and equipment to protect the public as prescribed by this Chapter.

2. To observe any other City ordinances prescribing measures for the safety of the public.
3. To observe and comply with any other City ordinances or regulations.
4. To provide and use adequate sanitary facilities on construction sites for worker use. If portable, sanitary facilities shall not be located in the public right-of-way or closer than five (5) feet from a side or rear property line. Sanitary facilities shall be screened and/or located in a location that is the least visible to adjacent properties.
5. To provide adequate construction solid waste containers on construction sites. Dumpsters, garbage cans, waste containers and other similar types of containers shall be used to contain solid waste. Liquid waste and hazardous materials shall be contained and disposed of at a proper waste depository.
6. To faithfully construct without departure from or disregard of drawings and specifications, when such drawings and specifications have been filed with and reviewed for Code compliance by the Building Official and a permit has been granted for such construction.
7. To obtain inspections required by this Chapter.
8. To pay any fee assessed under the authority of this Chapter.
9. To comply with any order issued under the authority of this Chapter.
10. To maintain satisfactory levels of competence, integrity, workmanship, and recognized practices.
11. For construction industry contractors, to maintain a valid occupational business license(s) in the appropriate classification(s), company name, and ownership, per the requirements of Chapter 605 of the City Code.
12. For construction industry contractors, to maintain an active fictitious name registration with the State of Missouri, from the Office of the Secretary of State, under the business name in which the permittee is obtaining permits when conducting business under a name other than the licensee's given name.

#### SECTION 500.085: - CONSTRUCTION DOCUMENTS

- A. *Submittal documents.* Construction documents, special inspection and structural observation programs and other data shall be submitted in two (2) or more sets with each application for a permit. When such construction documents are not prepared by a registered design professional, the Building Official may require any applicant submitting such documents to demonstrate that State law does not require them to be prepared by a registered design professional. The Building Official may require plans, computations and specifications to be prepared and designed by a registered design professional licensed by the State to practice as such, even if not required by State law. The Building Official

may waive the submission of plans, calculations, diagrams or other data, if he finds that the nature of the work applied for is such that reviewing the documents is not necessary to obtain compliance with this Chapter.

- B. Information on construction documents not governed by the Residential Code, shall be obtained from the office of the Building Official and all requirements shall be met.
- C. *Previous approvals.* This Chapter shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within one hundred eighty (180) days after the effective date of this Chapter and has not been abandoned.
- D. *Design professional in responsible charge.* When it is required that documents be prepared by a registered design professional, the Building Official shall require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, and when approved by the Building Official, the owner shall be permitted to designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The Building Official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

Where structural observation is required by Section 1710 of the *International Building Code*, the inspection program shall name the individual or firm who are to perform structural observation and describe the stages of construction at which the observation is to occur. The individual or firm shall comply with the duties specified in Section 1704 of the *International Building Code*.

- E. *Deferred submittals.* For the purposes of this Section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the Building Official within a specified period.

Deferral of any submittal items shall have the prior approval of the Building Official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the Building Official.

Submittal documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and



forward them to the Building Official with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the Building Official.

- F. *Amended construction documents.* Work shall be installed in accordance with the reviewed construction documents, and changes which are not in substantial compliance with the reviewed construction documents shall be resubmitted for review as an amended set of construction documents prior to construction.
- G. *Retention of construction documents.* One (1) set of construction documents shall be returned to the applicant and shall be kept on site of the building or work at all times during which the work authorized thereby is in progress. One set of construction documents shall be retained by the Building Official until after final inspection when it is concluded that the work complies with the provisions of this Chapter, and archived per RSMo. for retention of records.

#### SECTION 500.090: - ISSUANCE OF PERMITS; EXPIRATION OF PERMITS AND APPLICATIONS; SUSPENSION OR REVOCATION OF PERMITS

##### A. *Generally.*

1. *Application examined.* The Building Official shall examine or cause to be examined the application and accompanying construction documents filed by an applicant for a permit under this Chapter. Such construction documents may be reviewed by other Departments of the City to verify compliance with any applicable laws under their jurisdiction. If the Building Official finds that the work described in an application for a permit and the construction documents filed conform to the requirements of this Chapter and other pertinent laws and ordinances, and that the fees specified in the fee schedule have been paid, a permit shall be issued to the applicant.
2. *Withholding issuance of permit for payment of fees and charges.* No building permit shall be issued to a person, firm or corporation that is delinquent on payment of fees and charges due to the City for any property in the City. Additionally, if a fee or charge is due to the City for service to, or work upon, the property for which a building permit is requested, no permit shall be issued until full payment is received.
3. *Time limitation of application.* An application for a permit for any proposed work shall expire by limitation and be deemed to have been abandoned ninety (90) days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant one or more extensions of time for additional periods not exceeding thirty (30) days each. The extensions shall be requested in writing and justifiable cause demonstrated. Plans and other data submitted for review, but deemed to have been abandoned, may

thereafter be returned to the applicant or destroyed by the Building Official. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee in accordance with the fee schedule in Section 500.095 of the City Code.

4. *Stamped documents.* When the Building Official issues a permit where construction documents are required, they shall endorse in writing or stamp the construction documents "Reviewed for Code Compliance." Such stamped construction documents shall not be changed, modified or altered without authorization from the Building Official, and all work regulated by this Chapter shall be done in accordance with the endorsed/ stamped construction documents.
5. *Phased review for Code compliance.* The Building Official may issue a permit for the construction of part of a building, structure, or building service equipment before all of the construction documents for the entire building, structure or building service equipment have been submitted or reviewed for Code compliance, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this Chapter. The holder of such permit shall proceed at his or her own risk without assurance that the permit for the entire building, structure or building service will be granted.

B. *Validity of permit.*

1. The issuance of a permit or the stamping of construction documents with "Reviewed for Code Compliance" shall not be construed to be a permit for, or approval of, any violation of any of the provisions of this Chapter or of any other ordinance. No permit presuming to give authority to violate or cancel the provisions of this Chapter or other ordinances shall be valid.
2. The issuance of a permit based upon reviewed construction documents shall not prevent the Building Official from requiring the correction of errors in the construction documents, or from preventing building operations from being carried on when in violation of this Chapter or of any other ordinances or laws. The Building Official is also authorized to prevent occupancy or use of a structure where in violation of this Chapter or of any other ordinance of the City.

C. *Expiration of permits.*

1. *Generally.* Every permit issued by the Building Official under the provisions of this Chapter shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit, or, if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days. For one- and two- family dwelling construction, in addition to the above, a permit shall become null and void when the granted permit date exceeds

three hundred sixty five (365) days. Before any work can be recommenced, a new permit shall be first obtained to do so, and the fee shall be a new full permit fee.

A permit may be extended by the Building Official for a period not to exceed one hundred eighty (180) days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.

2. *Sign permit.* A sign permit shall authorize erection or relocation of the sign or sign structure for a period of one hundred eighty (180) days. If the work authorized under a permit has not been completed within one hundred eighty (180) days after the date of issuance, the permit shall become null and void.
3. *Building moving permits.* The work authorized by a moving permit shall comply with Section 520.030 of the City Code.
4. *Demolition work.* The work authorized by a demolition permit shall be continuous until the work is completed. For the purpose of this Article, the term "continuous" shall mean the normal rate of progress in keeping with good demolition practices. If the work is suspended for more than seven (7) calendar days after the work is commenced, the job shall be deemed abandoned and the permit shall expire. The Building Official may allow the work to be suspended longer than seven (7) calendar days should it be found that weather or other conditions beyond the control of the permit holder exist. The time for demolition of a one- and two-family dwelling shall not exceed forty-five (45) days from the date the demolition work commences.

D. *Suspension or revocation.*

1. *Generally.* The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this Chapter whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any provisions of this Chapter, or other pertinent laws or ordinances within the City Code. The Building Official may also suspend or revoke any permit issued upon failure of the holder to comply with any of the provisions of this Chapter or requirements of the permit.
2. *Traffic control obstruction.* The Building Official may revoke a permit for the erection of any sign or other structure which, by reason of its position, shape or color, may obstruct or interfere with the view of or be confused with any authorized traffic sign, signal or device.
3. *Hearings.* The holder of a permit may request a hearing before the Board of Appeals as established in Section 500.055 of this Chapter, to consider the suspension or revocation of a permit.

E. *Placement of permit.* The building permit card or copy shall be posted on site

until completion of the project.

#### SECTION 500.095: - SCHEDULE OF FEES

Permit applications shall be accompanied by the fee amount approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fees, if any, have been paid. The payment of the fee for construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are provided by law.

#### SECTION 500.100: - INSPECTIONS

##### A. *Authority of Building Official; duties of permittee.*

1. All construction or work for which a permit is required under this Chapter shall be subject to inspection by the Building Official, and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the Building Official. In addition, certain types of construction shall have special inspections as required in Section 500.105 of this Chapter.
2. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Chapter or of any other ordinances. Inspection presuming to give authority to violate or cancel the provisions of this Chapter or any other ordinances shall not be valid.
3. It shall be the duty of the permit holder to cause the work to remain accessible and exposed for inspection purposes. Neither the Building Official nor the City shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.
4. A survey of the lot may be required by the Building Official to verify that the structure is located in accordance with approved plans.
5. It shall be the duty of the permit applicant to install and maintain effective erosion and sediment control as specified in Section 455.020 of the Unified Development Code. Should it be found that required erosion and sedimentation control measures have not been installed; the Building Official may refuse any inspection requests for work requiring inspections until such time as the site complies with the requirements of this Chapter. Should it be found that the installed erosion and sediment control measures are ineffective or are not being maintained properly, the Building Official shall give written notice to the permit holder. Subsequent inspections may be refused if the erosion and sediment control measures are ineffective, or not being maintained.
6. Before issuing a permit, the Building Official is authorized to examine or

cause to be examined buildings, structures and sites for which an application has been filed.

- B. *Inspection requests.* It shall be the duty of the person doing the work authorized by a permit to notify the Building Official that such work is ready for inspection. The Building Official may require that every request for inspection be filed at least one (1) working day before such inspection is desired. Such request may be in writing or by telephone at the option of the Building Official.
- C. *Approval of successive portions of work, final inspection.*
1. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official. The Building Official, upon notification, shall make the requested inspections and shall either indicate that the portion of the construction or demolition is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the construction or demolition fails to comply with this Chapter. Any portions of work which do not comply shall not be covered or concealed until authorized by the Building Official.
  2. There shall be a final inspection and approval of all buildings and structures when completed and ready for occupancy and use.
- D. *Required inspections.*
1. Reinforcing steel or structural framework of any part of a building or structure shall not be covered or concealed without first obtaining the approval of the Building Official.
  2. The Building Official, upon notification from the permit holder or permit holder's agent, shall make the following inspections and shall either approve that portion of the construction or demolition work as completed or shall notify the permit holder or permit holder's agent wherein the construction or demolition work fails to comply with this Chapter:
    - a. *Footing or foundation inspection.* A footing and foundation inspection shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. All materials for the foundation shall be on the job; except, where concrete is ready-mixed in accordance with *ASTM C94*, the concrete need not be on the job. Where the foundation is to be constructed of approved treated wood, additional inspections may be required by the Building Official.
    - b. *Concrete slab or under-floor inspection.* Concrete slab and under-floor inspection shall be made after all in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place but before any concrete is poured or floor sheathing installed, including the subfloor.
    - c. *Pre-backfill.* A pre-backfill inspection shall be made after the foundation

drainage and damp-proofing systems are complete and prior to backfilling.

- d. *Rough-in inspection.* A rough-in inspection shall be made after such work as framing, fireblocking, roof, piping, vents, ductwork, chimneys, wiring, building service equipment, etc. are in place and prior to concealment.
  - e. *Fire resistive rated assembly.* A fire resistive rated assembly inspection shall be made at such time so as to verify that the construction of each fire resistive rated assembly is in accordance with its listing.
  - f. *Fire resistant penetrations.* An inspection shall be made of the firestopping or fireblocking of all penetrations, joints, etc. prior to concealment.
  - g. *Masonry throat inspection.* For masonry fireplaces only, a masonry throat inspection shall be made after the firebox is built and the first flue liner is in place. Construction of chimney may not continue until this inspection is approved.
  - h. *Utility connection inspection.* Gas or electric service inspections shall be made prior to connection to the utility source. See Section 500.050 of this Chapter.
  - i. *Performance tests.* Performance tests shall be conducted by the permit holder as required by this Chapter, or as otherwise required by the Building Official.
  - j. *Demolition (basement and sewer) inspection.* A basement and sewer inspection shall be made prior to the filling of the excavation and/or final grading of the property.
  - k. *Final inspection.* A final inspection shall be made after all work under permit has been completed for the building, tenant space or demolition.
- E. *Other inspections.* In addition to the inspections specified in Subsection (D) of this Section, the Building Official may make or require other inspections of any construction or demolition work to ascertain compliance with the provisions of this Chapter or any other ordinances.
- F. *Building service equipment inspection.* The requirements of this Section shall not be considered to prohibit the operation of any building service equipment installed to replace existing building service equipment serving an occupied portion of the building if a request for inspection of such building service equipment has been filed with the Building Official not more than forty-eight (48) hours after such replacement work is completed, and before any portion of such building service equipment is concealed by any permanent portion of the building.
- G. *Periodic inspections.*
- 1. *Elevators.* All elevator equipment, vertical and inclined, shall be inspected as

required by state law, by persons authorized to make periodic inspections and tests.

2. *Existing commercial buildings or spaces.*

- a. *Generally.* All new and existing commercial buildings or spaces shall be inspected for structural adequacy, occupancy use, building service equipment, etc, at least once every five (5) years. A report of the findings of such inspection shall verify the conditions found on each occasion. The report shall state that, in the opinion of the Building Official or an authorized agent, the commercial building or space is safe and in such condition that it is in Code compliance for which it was originally designed with any repairs or modifications, or what areas require repair before such certification can be given.
- b. *Issuance of certificate of inspection.* Where the inspection indicates that the commercial building or space is in a safe operating condition, and, in the case of a new installation, conforms to this Chapter and this Article, a certificate of inspection shall be issued to the owner or the owner's agent. Such certificate shall be maintained in an appropriate location.
- c. *Revocation of certificate of inspection.* Any certificate issued may be revoked if it is determined that the commercial building or space is not in compliance with this Chapter, and/ or the owner or owner's agent has taken no action to correct or abate any violation(s) when notified by the Building Official.

SECTION 500.105: - SPECIAL INSPECTIONS

When required by the Building Official, and in addition to the inspections required by Section 500.100, of the City Code, the owner or the engineer or architect of record acting as the owner's agent shall employ one or more special inspectors who shall provide inspections during construction on the types of work listed in Chapter 17 of the *International Building Code*. All special inspection activities shall be in accordance with the policies established by the Building Official.

SECTION 500.110: - CERTIFICATE OF OCCUPANCY

- A. *Required.* No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building, structure or portion shall be made, until the Building Official has issued a certificate of occupancy as provided in this Section. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this Chapter or of any other ordinances. Certificates presuming to give authority to violate or cancel the provisions of this Chapter or any other ordinances shall not be valid.
- B. *Change in use.* Changes in the use of a building shall not be made except as specified in the *International Existing Building Code*, and the City's Unified

Development Code.

- C. *Issuance; contents.* It shall be the responsibility of the permit holder to request a final inspection and to apply for a certificate of occupancy when required. The permit holder shall be excused from this responsibility only if the owner of property has applied for and secured a certificate of occupancy. After the Building Official or an authorized representative inspects the building or structure and finds no violations of the provisions of this Chapter or other laws which are enforced by the City, the Building Official shall issue a certificate of occupancy, which shall contain the following:
1. The building permit number.
  2. The address of the structure.
  3. A description of that portion of the structure for which the certificate is issued.
  4. A statement that the described portion of the structure has been inspected for compliance with the requirements of this Chapter for the occupancy and the use for which the proposed occupancy is classified.
  5. The name of the Building Official.
  6. The edition of the Code under which the permit was issued.
  7. The use and occupancy, in accordance with the provisions of Chapter 3 of the *International Building Code*.
  8. The type of construction as defined in Chapter 6 of the *International Building Code*.
  9. Any special stipulations and conditions of the building permit.
  10. Whether an automatic sprinkler system is provided throughout the building.
- D. *Temporary certificate of occupancy in commercial construction.* If the Building Official finds that no substantial hazard will result from occupancy of any building or portion before the building is completed, a temporary certificate of occupancy may be issued for the use of a portion of a building or structure prior to the completion of the entire building or structure.
- E. *Temporary certificate of occupancy in residential construction.* The Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided the following conditions have been met:
1. Such portion or portions of work covered by the permit shall be occupied safely.
  2. The owner, licensed building or general contractor shall pay a bond, as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department, that shall be refundable



upon issuance of a permanent certificate of occupancy.

3. The Building Official determines in their professional opinion the work items to be completed are of such a nature as to not create a situation that is of any danger to the public health, safety, or welfare.

The Building Official shall identify what work items must be completed in order for a permanent certificate of occupancy to be issued. All identified work items shall be completed within the time period established by the Building Official.

The Building Official shall set a time period of no more than one hundred twenty (120) days during which the temporary certificate of occupancy is valid. If all of the identified work items are not completed within the specified time period as established by the Building Official, the temporary certificate of occupancy becomes null and void; the owner, licensed builder or general contractor shall forfeit the bond referenced in (E) (2) of this Section and shall be subject to the violations and penalties in Subsection (F) and (G) below.

F. *Violations.* It shall be unlawful for:

1. A permit holder or building owner to permit occupancy of a structure before a certificate of occupancy is issued.
2. A permit holder or building owner to permit occupancy of any structure for which a temporary certificate of occupancy has been issued and the temporary certificate has expired.
3. Any person to occupy any structure for which a certificate of occupancy has not been issued.
4. Any person to occupy any structure for which a temporary certificate of occupancy has been issued and the temporary certificate has expired.

G. *Penalties.*

1. No building or owner shall allow any person or persons to occupy any newly constructed, remodeled dwelling or building prior to final inspection (certificate of occupancy) by the Building Official or authorized agent in the Building Department, which inspection shall be requested at least twenty-four (24) hours prior to the time of final inspection. Any violation of this Subsection shall incur a fine of one thousand dollars (\$1,000.00) against the offending party's next permit to build.
2. Should the same builder or owner be found guilty a second (2nd) time of the offense described above within a twelve (12) month period, a fine of two thousand dollars (\$2,000.00) against the offending party may be assessed to the builder's or owner's next permit to build.
3. Should the same builder or owner be found guilty a third (3rd) time of the offense described above within a twelve (12) month period, a fine of three thousand dollars (\$3,000.00) against the offending party may be assessed

to the builder's or owner's next permit to build. Additionally, builder or owner may be prohibited from obtaining a building permit within the City for a period of one (1) year from the date of the third (3rd) violation at the discretion of the Building Official. The builder or owner may appeal the Building Official's decision to Board of Appeals.

4. No further building permit(s) shall be issued in the City to a builder who violates this Section of the City Code by not obtaining the required certificate of occupancy. The builder is again eligible for further building permits when the structure is in compliance and issued a certificate of occupancy. A re-inspection fee shall be charged, minimum two (2) hour fee, to the builder of a structure which violates this Section of Code and desires an inspection after the structure is inhabited.
  5. In addition to the fines imposed by the City as outlined above, any person violating any provision of this Section shall be subject to the penalties of Section 500.070 of this Chapter.
- H. *Suspension or revocation.* The Building Official may, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this Chapter whenever the certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion is in violation of any provisions of this Chapter, or other pertinent laws or ordinances within this Code. The holder of a suspended certificate of occupancy may request a hearing before the Board of Appeals, as established in Chapter 540 of the City Code, to consider the suspension or revocation of a certificate of occupancy.

#### SECTION 500.115: - PREFABRICATED CONSTRUCTION

A certificate of approval by an approved agency shall be furnished with every prefabricated assembly, except where all elements of the assembly are readily accessible to inspection at the site. Placement of prefabricated assemblies at the building site shall be inspected by the Building Official to determine compliance with this Chapter, and a final inspection shall be provided in accordance with Subsection 500.100(D)(2)(K) of this Chapter.

#### SECTIONS 500.120—500.150: - RESERVED

### **ARTICLE II. - INTERNATIONAL BUILDING CODE**

#### SECTION 500.155: - ADOPTION OF THE INTERNATIONAL BUILDING CODE (2012)

- A. The *International Building Code (2012)*, promulgated by the International Code Council, is adopted and incorporated in this Article by reference as if fully set forth, except as it is amended by the following provisions of this Section. Provisions of this Article are in addition to the provisions of the *International*

*Building Code.* The following provisions coinciding with provisions of the *International Building Code* supersede, or delete, when indicated, the corresponding provisions of the *International Building Code*.

All references within the model Codes to any building, electrical, gas, mechanical, plumbing, sewage disposal, elevator, energy conservation, or existing building Code are specifically adopted by reference in Articles II through XI of this Chapter, including the fire-resistive assemblies listed in the *Fire Resistance Design Manual, Nineteenth Edition, GA-600-09*, published by the Gypsum Association as referenced in Tables 721.1 (1 through 3) of the specified *International Building Code; American National Standard for Accessible and Useable Buildings and Facilities A117.1-2009; NFPA 13-2010 Installation of Sprinkler Systems; ASTM Standards* as referenced in the *International Building Code* and the *International Residential Code; American Institute of Steel Construction, latest Edition; American Concrete Institute for Structural Concrete and Commentary ACI 318 latest Edition; the NFPA 101-2009 Life Safety Code; ICC/NSSA Standard for the Design and Construction of Storm Shelters, ICC 500-2008; and the NFPA 99 Health Care Facilities 2012 edition.*

B. The following Sections of the *International Building Code* are hereby revised or added:

Chapter 1, Administration, is deleted. See Article I of this Chapter.

## SECTION 425 - RESERVED

## SECTION 426

### PHYSICAL SECURITY FOR DWELLING UNITS

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.

426.1.1 Scope. This Section shall apply to all exterior doors providing direct access into a dwelling unit, where the exterior door is accessible from grade.

Exceptions:

1. Vehicle access doors.
2. Storm or screen doors.

426.2 Doors. Doors shall comply with Sections 426.2.1 through 426.2.3.

426.2.1 Wood doors. Wood doors shall be of solid core construction such as high-density particleboard, solid wood, or wood block core with minimum nominal thickness of one and three fourths inches (1¾") at any point.

Exception: Solid wood panels shall be a minimum of one inch (1") thick. The tapered portion of the panel that inserts into the groove of the door shall be a minimum of one quarter inch (¼") thick. The groove shall be a minimum of one-half inch (½") in

depth.

426.2.2 Steel doors. Steel doors shall be a minimum nominal thickness of one and three fourths inches (1¾") and shall have a minimum skin thickness of 24 gauge.

426.2.3 Fiberglass doors. Fiberglass doors shall be a minimum nominal thickness of one and three fourths inches (1¾") and shall have a minimum skin thickness of one sixteenth inch (1/16").

426.3 Door frames. Door frames shall comply with Sections 426.3.1 through 426.3.4 and shall be installed in accordance with the manufacturer's installations. Door frames shall be installed prior to rough-in inspection.

426.3.1 Wall framing at door openings. Door frames shall be set in openings constructed with double studs on each side. Doors with sidelights shall have double stud construction on each side of the door and on each side of the sidelight(s). Horizontal blocking shall be placed between studs at the door lock height for three (3) stud spaces on each side of the door opening.

Exception: Installations provided with alternative reinforcing methods as approved by the Building Official where it is determined that such alternative methods are at least the equivalent of that prescribed with respect to strength and safety.

426.3.2 Wood frames. Door jambs shall be a minimum nominal thickness of three fourths inches (¾") and shall be installed with solid backing in a manner so no void exists between the strike side of the jamb and the frame opening for a vertical distance of twelve inches (12") each side of the strike. Filler material shall consist of solid wood blocking.

Exception: Installations provided with alternative reinforcing methods as approved by the Building Official where it is determined that such alternative methods are at least the equivalent of that prescribed with respect to strength and safety.

426.3.3 Steel frames. Steel door frames shall be constructed of 18 gauge or heavier steel with reinforcement at the hinges and strikes. Steel frames shall be anchored to the wall in accordance with manufacturer's specifications.

426.3.4 Sliding doors. Sliding door assemblies shall be installed to prevent the removal of panels and the glazing from the exterior. Shims or screws shall be installed in the upper track of doors that slide on the bottom track or doors shall be provided with equivalent protection as approved by the Building Official.

426.4 Door hardware. Door hardware shall comply with Sections 426.4.1 through 426.4.6.

426.4.1 Hinges. Hinges for swinging doors shall comply with the following:

- (a) A minimum of three (3) four inch (4") hinges shall be installed on each

swinging door.

- (b) Each hinge shall be attached to the frame with at least two (2) screws, not less than three inches (3") in length and penetrating at least one inch (1") into the nearest stud. Solid wood fillers or shims shall be used to eliminate any space between the wall structure and door frame behind each hinge.

Exception: Installations provided with alternative reinforcing methods as approved by the Building Official where it is determined that such alternative methods are at least the equivalent of that prescribed with respect to strength and safety.

- (c) Hinges for out-swinging doors shall be equipped with mechanical interlock to preclude the removal of the door from the exterior.

426.4.2 Locks. Swinging doors shall be provided with a single-cylinder deadbolt locking device (keyed on exterior only) with a minimum projection of one inch (1"). The deadbolt shall penetrate at least three-fourths inch ( $\frac{3}{4}$ ") into the strike receiving the projected bolt. All deadbolts shall meet ANSI grade 2 specifications.

Exception: Doors with integral multi-point locking devices.

426.4.3 Strike plates. The deadbolt plate shall be a minimum of 18 gauge metal with four offset screw holes. The strike plate shall be attached to the door jamb with four screws not less than three (3") in length, and penetrating at least one inch (1") into the nearest stud.

Exception: Installations provided with alternative reinforcing methods as approved by the Building Official where it is determined that such alternative methods are at least the equivalent of that prescribed with respect to strength and safety.

426.4.4 Door edge protector. A metal L-shaped or U-shaped door edge protector shall be installed around the bolt projection of the deadbolt to protect the door's edge or equivalent as approved by the Building Official.

426.4.5 Double doors. The inactive leaf of a double swinging door shall be provided with flush bolts having an engagement of not less than one inch (1") into the head and threshold of the door frame.

426.4.6 Sliding doors. All sliding glass doors shall be equipped with a secondary locking device consisting of a metal pin, a surface mounted bolt assembly, or other equivalent device as approved by the Building Official. Where used, metal pins shall be installed at the intersection of the inner and outer panels of the inside door and shall not penetrate the frame's exterior surface.

426.5 Entry vision and glazing. All main or front entry doors to dwelling units shall be arranged so that the occupant has a view of the area immediately outside the door without opening the door. The view may be provided by a door viewer having a field of view not less than 180 degrees or through windows or view ports.

426.6 Exterior lighting. In addition to the lighting outlet requirements of Article IV of this Chapter, exterior lighting shall be provided in accordance with this Section.

426.6.1 Front and street side exterior lighting. All doors shall be protected with a minimum of one lighting outlet providing a minimum of 60 watt lighting (or energy efficient equivalent).

426.6.2 Lighting protection. Lighting outlets required by this Section shall be located a minimum of eight feet (8') above grade or adjacent walking surface accessible from grade, or shall be of a type manufactured such that the light bulb is not readily accessible.

## SECTION 1612 FLOOD LOADS

See Unified Development Code, Chapter 460—Floodplain Protection

1809.5.1 Frost Line. The design frost line shall be 36 inches (915 mm).

2801.1 Scope. Mechanical appliances, equipment, and systems shall be constructed, installed and maintained in accordance with the Uniform Mechanical Code. Masonry chimneys, fireplaces and barbecues shall comply with the Uniform Mechanical Code and Chapter 21 of this Code.

2901.1 Scope. The provisions of this Chapter is for design only; the Uniform Plumbing Code shall govern the erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of plumbing equipment and systems. Private sewage disposal systems shall conform to the On-site Sewage Disposal Systems, Section 710.150 of the City Code.

## SECTION 3201 GENERAL

3201. 1 Scope. No part of any structure or any appendage thereto shall project beyond the property line of a building site and encroach below, on or above public property, except where allowed and authorized by the Unified Development Code, or as otherwise permitted by special ordinance.

3201.2 Drainage. Drainage water collected from a roof, awning, canopy or marquee, and condensate from mechanical equipment shall not flow over a public walking surface.

3202 ENCROACHMENTS, is deleted.

## SECTION 3303 DEMOLITION

3301.1 General. The work of demolition or moving of any building shall not commence until the structures required for protection of persons and property are

in place. Such structures shall conform to the requirements as set forth in Chapter 33 of this Article.

The Building Official may require the permittee to submit plans and a complete schedule for demolition or moving work.

3302.2 Scope. In addition to the other requirements of this Article and the general ordinances, this Section shall govern the demolition and moving of buildings and structures. Any device or equipment such as scaffolds, ladders, derricks, hoists or similar items used in connection with demolition shall be constructed, installed and maintained and operated in accordance with the regulations governing the construction, installation and maintained and operated in accordance with the regulations governing the construction, installation, maintenance and operation of such device or equipment as specified in other portions of this Article.

3303.3 Loads. Structures or parts of structures, or any floor or temporary support, scaffolds, sidewalk barricade, bridge, device or equipment, shall not be loaded in excess of the safe carrying capacity.

3303.4 Warning signs. When required, demolition jobs shall be provided with danger signs which shall be conspicuously posted around the property.

3303.5 Lights. Between sunset and sunrise, adequate lights shall be provided to properly protect persons and property from hazards of pits, excavations, fences, barriers, equipment, building materials or rubbish in, upon or near a sidewalk or street.

3303.6 Dust. All material to be removed shall be wet sufficiently to lay the dust incidental to its removal.

3303.7 Rubbish and waste. All adjacent streets, alleys and other public ways and places shall be kept free and clear of all rubbish, refuse and loose material resulting from the moving, demolition or demolition operations.

3303.8 Fences. The Building Official may require that a fence be constructed on or around any demolition site, when deemed necessary to protect the public.

3303.9 Conditions of site. Upon completion of the removal of the building, structure or utility, all fencing, pedestrian protection and demolition debris and refuse of any kind shall be removed from the site. Excavations, basements or cellars may be filled with inorganic material; provided the top two feet (2') of fill shall be clean earth. The filling of such excavation may not be required when a building permit has been issued for a new building on a site and the construction is to start within forty five (45) days after the completion of demolition or moving operations. The holder of the building permit shall provide such excavation with a temporary barricade protecting the excavation on all sides as specified by the Building Official. Temporary barricades may remain in position for a time not exceeding five days,

after which a solid barricade shall be provided or the excavation filled.

3303.10 Temporary Erosion and Sediment Control. Erosion and sediment control measures shall be provided for disturbed areas (clearing, grading, excavating, filling, storing, or disposing of soil and earth materials) where an application has been submitted or an application is required to be submitted to the Building Official for a building permit. All erosion and sediment control measures shall comply with the adopted standards in Chapter 455 of the Unified Development Code.

Chapter 34, Existing Structures, is deleted. See Article VIII of this Chapter.

Appendices: The following appendix Chapters are hereby adopted:

Appendix C - Group U - Agricultural Buildings

Appendix H - Signs

H101.1 General. Provisions of this appendix are in addition to the provisions of Chapter 435, Signs, of the Unified Development Code.

A sign shall not be erected in a manner that would confuse or obstruct the view of or interfere with exit signs required by Chapter 10 or with official traffic signs, signals or devices. Signs and sign support structures, together with their supports, braces, guys and anchors, shall be kept in repair and in proper state of preservation. The display surfaces of signs shall be kept neatly painted or posted at all times.

H101.2 Signs exempt from permits is deleted.

Appendix I - Patio Covers

Appendix J - Grading

J103 is deleted.

J105 is deleted.

702.2 ICC/NSSA Standard for the Design and Construction of Storm Shelters, ICC 500-2008 adopted by reference as part of Chapter 500 of this Code is amended and re-enacted as follows:

702.2 Sanitation facilities. Toilet and hand-washing facilities shall be located within the tornado shelter area and provided in the minimum number shown in Table 702.2.

Table 702.2

REQUIRED SANITATION FACILITIES, TORNADO SHELTERS



STORM SHELTER TYPE	TOILET FACILITIES <sup>a</sup>	HAND-WASHING FACILITIES
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

- a. Community spaces used exclusively as a storm shelter may reduce the minimum number of required toilet facilities to one (1).

SECTIONS 500.160—500.170: - RESERVED

### ARTICLE III. - INTERNATIONAL RESIDENTIAL CODE

SECTION 500.175: - ADOPTION OF INTERNATIONAL RESIDENTIAL CODE (2012)

- A. The *International Residential Code (2012)*, promulgated by the International Code Council, is adopted and incorporated in this Article by reference as if fully set forth, except as it is amended by the following provisions of this Section. Provisions of this Article are in addition to the provisions of the *International Residential Code*. The following provisions coinciding with provisions of the *International Residential Code* supersede, or delete, when indicated, the corresponding provisions of the *International Residential Code*.

All references within the model Codes to any building, electrical, gas, mechanical, plumbing, sewage disposal, elevator, energy conservation, or existing building Code are specifically adopted by reference in Articles II through XI of this Chapter.

- B. The following Sections of the *International Residential Code* are hereby revised or added:

Part I, Chapter I, Scope and Administration, is deleted. See Article I of this Chapter.

For temporary erosion and sediment control requirements see Section 3303.10 of

Article II of this Chapter.

For temporary certificate of occupancies see Section 500.110 of Article I of this Chapter.

R202 DEFINITIONS. The following definitions have been revised or added (remainder of Section R202 un-amended)

BEDROOM; SLEEPING ROOM. An enclosed space, a minimum of seventy (70) square feet or more, primarily used for sleeping purposes and contains a closet for storage.

TOWNHOUSE. (or Row House) A single-family dwelling unit, in which each unit extends from foundation to roof and with a yard or public way on at least two sides, constructed:

In a group of three or more attached units; or,

In a group of two attached units where a property line exists between the units on the underlying parcels.

UNFINISHED BASEMENT. Portions or areas of a basement not intended or configured (framed) as habitable rooms and limited to storage areas and the like.

WATER SERVICE PIPE. The pipe from the water main or other source of potable water supply to the first shut-off valve downstream of all of the following (as applicable):

The point of entrance into the building;

The water meter; or

The service backflow prevention device.

Table R301.2 (1)

CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND SPEED <sup>d</sup> (mph)	SEISMIC DESIGN CATEGORY <sup>f</sup>	SUBJECT TO DAMAGE FROM		
			Weathering <sup>a</sup>	Frost line depth <sup>b</sup>	Termite <sup>c</sup>
20 psf	90	A	Severe	36"	Moderate to Heavy

WINTER DESIGN TEMP <sup>e</sup>	ICE BARRIER UNDERLAYMENT REQUIRED <sup>h</sup>	FLOOD HAZARD <sup>g</sup>	AIR FREEZING INDEX <sup>i</sup>	MEAN ANNUAL TEMP <sup>j</sup>
6°F	YES	See UDC Chapter 460	927°F days	55.5°

(See 2012 *International Residential Code* for footnotes)

R303.4 Mechanical ventilation. Where the air infiltration rate of a dwelling unit is less than 3 air changes per hour when tested with a blower door at a pressure of 0.2 inch w.c. (50 Pa) in accordance with Section N1102.4.1.2, the dwelling unit shall be provided with whole house ventilation in accordance with Section M1507.3.

R309.1 Floor surface. Garage floor surfaces shall be of approved non-combustible material.

The area of floor used for parking of automobiles or other vehicles shall be sloped to facilitate the movement of liquids to a drain only if discharged to daylight, or towards the main vehicle entry doorway.

R309.2 Carports. Carports shall be open on at least two sides. Carport floor surfaces shall be of approved non-combustible material. Carports not open at least two sides shall be considered a garage and shall comply with the provisions of this Section for garages.

Exception: Asphalt surfaces shall be permitted at ground level in carports.

The area of floor used for parking of automobiles or other vehicles shall be sloped to facilitate the movement of liquids to a drain, if discharged to daylight, or toward the main vehicle entry doorway.

R310.1 Emergency escape and rescue required.

Exception 2. Basement space designed as an interior storm shelter less than two hundred (200) square feet.

Exception 3. Except where sleeping rooms are created, emergency escape and rescue openings need not be increased in existing basements undergoing interior finish renovation.

R313 AUTOMATIC FIRE SPRINKLER SYSTEMS. (Optional) A builder of a one- or two-family dwelling or townhouse shall offer to any purchaser on or before the time of entering into the purchase contract the option, at the purchaser's cost, to install or

equip fire sprinklers in the dwelling or townhouse. The purchaser shall have the right to choose or decline to install a fire sprinkler system. This notification requirement is provided in accordance with, and shall expire in conjunction with, 67.281 RSMo.

R315.3 (Carbon monoxide alarms in existing dwellings), Exceptions:

1. Work involving the exterior surfaces of dwellings, such as the replacement of sheathing, or the addition of a window, porch or deck, are exempt from the requirements of this Section.
2. Installation, alteration or repairs of plumbing or mechanical systems are exempt from the requirements of this Section.

R322 Flood-Resistant Construction is deleted. See Chapter 460 of the Unified Development Code.

## **SECTION R324 PHYSICAL SECURITY**

R324.1 Purpose. The purpose of this Section is to establish minimum standards that incorporate physical security to make dwelling units resistant to unlawful entry.

R324.1.1 Scope. This Section shall apply to all exterior doors providing direct access into a dwelling unit, where the exterior door is accessible from grade.

Exceptions:

1. Vehicle access doors.
2. Storm or screen doors.

R324.2 Doors. Doors shall comply with Sections R324.2.1 through R324.2.3.

R324.2.1 Wood doors. Wood doors shall be of solid core construction such as high-density particleboard, solid wood, or wood block core with minimum nominal thickness of one and three fourths inches ( $1\frac{3}{4}$ " ) at any point.

Exception: Solid wood panels shall be a minimum of one inch (1") thick. The tapered portion of the panel that inserts into the groove of the door shall be a minimum of one quarter inch ( $\frac{1}{4}$ " ) thick. The groove shall be a minimum of one-half inch ( $\frac{1}{2}$ " ) in depth.

All references within the model Codes to any building, electrical, gas, mechanical, plumbing, sewage disposal, elevator, energy conservation, or existing building Code are specifically adopted by reference in Articles II through XI of this Chapter, Steel doors shall be a minimum nominal thickness of one and three fourths inches ( $1\frac{3}{4}$ " ) and shall have a minimum skin thickness of 24 gauge.

R324.2.3 Fiberglass doors. Fiberglass doors shall be a minimum nominal thickness of one and three fourths inches (1¾") and shall have a minimum skin thickness of one sixteenth inch (1/16").

R324.3 Door frames. Door frames shall comply with Sections R324.3.1 through R324.3.4 and shall be installed in accordance with the manufacturer's installations. Door frames shall be installed prior to rough-in inspection.

R324.3.1 Wall framing at door openings. Door frames shall be set in openings constructed with double studs on each side. Doors with sidelights shall have double stud construction on each side of the door and on each side of the sidelight(s). Horizontal blocking shall be placed between studs at the door lock height for three (3) stud spaces on each side of the door opening.

Exception: Installations provided with alternative reinforcing methods as approved by the Building Official where it is determined that such alternative methods are at least the equivalent of that prescribed with respect to strength and safety.

R324.3.2 Wood frames. Door jambs shall be a minimum nominal thickness of three fourths inches (¾") and shall be installed with solid backing in a manner so no void exists between the strike side of the jamb and the frame opening for a vertical distance of twelve inches (12") each side of the strike. Filler material shall consist of solid wood blocking.

Exception: Installations provided with alternative reinforcing methods as approved by the Building Official where it is determined that such alternative methods are at least the equivalent of that prescribed with respect to strength and safety.

R324.3.3 Steel frames. Steel door frames shall be constructed of eighteen (18) gauge or heavier steel with reinforcement at the hinges and strikes. Steel frames shall be anchored to the wall in accordance with manufacturer's specifications.

R324.3.4 Sliding doors. Sliding door assemblies shall be installed to prevent the removal of panels and the glazing from the exterior. Shims or screws shall be installed in the upper track of doors that slide on the bottom track or doors shall be provided with equivalent protection as approved by the Building Official.

R324.4 Door hardware. Door hardware shall comply with Sections R324.4.1 through R324.4.6.

R324.4.1 Hinges. Hinges for swinging doors shall comply with the following:

- (a) A minimum of three (3) four inch (4") hinges shall be installed each swinging door.
- (b) Each hinge shall be attached to the frame with at least two (2) screws, not less than three inches (3") in length and penetrating at least one inch (1") into the nearest stud. Solid wood fillers or shims shall be used to eliminate

any space between the wall structure and door frame behind each hinge.

Exception: Installations provided with alternative reinforcing methods as approved by the Building Official where it is determined that such alternative methods are at least the equivalent of that prescribed with respect to strength and safety.

(c) Hinges for out-swinging doors shall be equipped with mechanical interlock to preclude the removal of the door from the exterior.

R324.4.2 Locks. Swinging doors shall be provided with a single-cylinder deadbolt locking device (keyed on exterior only) with a minimum projection of one inch (1"). The deadbolt shall penetrate at least three-fourths inch ( $\frac{3}{4}$ ") into the strike receiving the projected bolt. All deadbolts shall meet ANSI grade 2 specifications.

Exception: Doors with integral multi-point locking devices.

R324.4.3 Strike plates. The deadbolt plate shall be a minimum of 18 gauge metal with four offset screw holes. The strike plate shall be attached to the door jamb with four screws not less than three inches (3") in length, and penetrating at least one inch (1") into the nearest stud.

Exception: Installations provided with alternative reinforcing methods as approved by the Building Official where it is determined that such alternative methods are at least the equivalent of that prescribed with respect to strength and safety.

R324.4.4 Door edge protector. A metal L-shaped or U-shaped door edge protector shall be installed around the bolt projection of the deadbolt to protect the door's edge or equivalent as approved by the Building Official.

R324.4.5 Double doors. The inactive leaf of a double swinging door shall be provided with flush bolts having an engagement of not less than one inch (1") into the head and threshold of the door frame.

R324.4.6 Sliding doors. All sliding glass doors shall be equipped with a secondary locking device consisting of a metal pin, a surface mounted bolt assembly, or other equivalent device as approved by the building official. Where used, metal pins shall be installed at the intersection of the inner and outer panels of the inside door and shall not penetrate the frame's exterior surface.

R324.5 Entry vision and glazing. All main or front entry doors to dwelling units shall be arranged so that the occupant has a view of the area immediately outside the door without opening the door. The view may be provided by a door viewer having a field of view not less than 180 degrees or through windows or view ports.

R324.6 Exterior lighting. In addition to the lighting outlet requirements of Article IV of this Chapter, exterior lighting shall be provided in accordance with this Section.

R324.6.1 Front and street side exterior lighting. All doors shall be protected with a minimum of one lighting outlet providing a minimum of sixty (60) watt lighting (or

energy efficient equivalent).

R324.6.2 Lighting protection. Lighting outlets required by this Section shall be located a minimum of eight feet (8') above grade or adjacent walking surface accessible from grade, or shall be of a type manufactured such that the light bulb is not readily accessible.

R325 Moved Structures. Structures moved into or within the jurisdiction shall comply with Chapter 520, Moving of Buildings and Building Systems and the provisions of this Code for new structures.

R404.4 Retaining Walls. Retaining walls that are not laterally supported at the top and that retain in excess of forty eight inches (48") (610 mm) of unbalanced fill, that support a surcharge, or are adjacent to a public right-of-way shall be designed to ensure stability against overturning, sliding, excessive foundation pressure and water uplift. Retaining wall shall be designed for a safety factor of 1.5 against lateral sliding and overturning.

R405.1, Exception 2. A filter membrane is not required where the gravel or crushed stone drain extends at least eighteen inches (18") above the top of the footing, or where the perforated pipe is covered with at least eighteen inches (18") of washed gravel or crushed stone.

405.2.3 Drainage system. In other than Group I soils, a sealed or gasket sump shall be provided to drain the porous layer and footings. The sump shall be at least twenty four inches (24") (610 mm) in diameter or 20 inches square (0.0129m<sup>2</sup>), shall extend at least twenty four inches (24") (610 mm) below the bottom of the basement floor and shall be capable of positive gravity or mechanical drainage to remove any accumulated water. The drainage system shall discharge to daylight only.

Exceptions —Unchanged.

R602.6.1, Figure R602.6.1 Drilling and notching of top plate. When piping or ductwork is placed in or partly in an exterior wall or interior load bearing wall, necessitating cutting, drilling or notching of the top plate by more than fifty percent (50%) of its width, a galvanized metal tie of not less than 0.054 inch thick (1.37 mm) (16 ga) and 1 ½ inches (38 mm) wide shall be fastened across and to the plate at each side of the opening with not less than four 10d (0.148 inch diameter) or equivalent. The metal tie must extend a minimum of six inches (6") past the opening. See Figure R602.6.1.

Exception: When the entire side of the wall with the notch or cut is covered by wood structural panel sheathing.

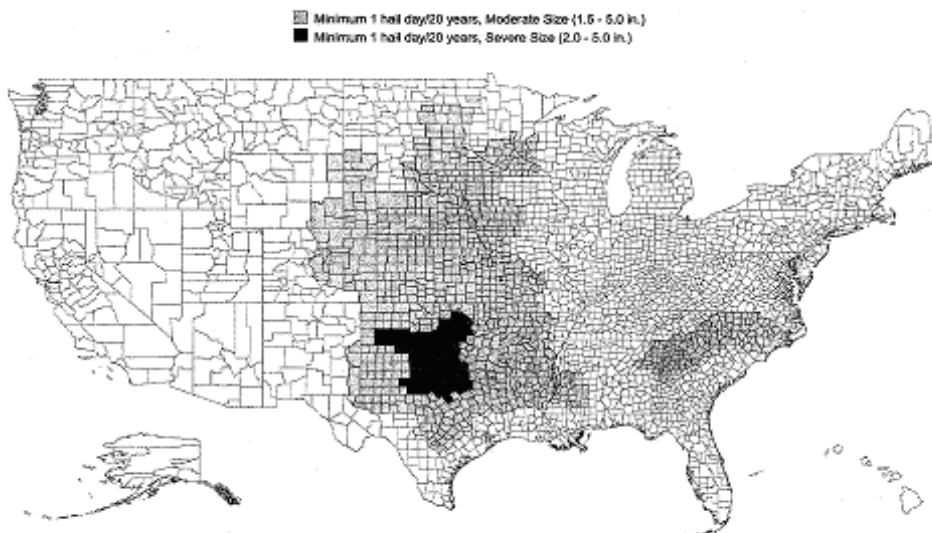
R704.1 Exterior Paint. In the event a latex paint is utilized on the exterior of the home, a 100% acrylic latex paint product shall be utilized and applied in accordance

with the manufacturer's specifications.

R907.3 Re-covering versus replacement. New roof coverings shall not be installed without first removing existing roof coverings where any of the following conditions occur:

1. Where the existing roof or roof covering is water-soaked or has deteriorated to the point that the existing roof or roof covering is not adequate as a base additional roofing.
2. Where the existing roof covering is wood shake, slate, clay, cement or asbestos-cement tile.
3. Where the existing roof has two or more applications of any type of roof covering.
4. For asphalt shingles, when the building is located in an area subject to moderate or severe hail exposure according to Figure R907.5.

Figure R907.3 Hail Exposure Map



**Chapter 11, Energy Efficiency** is deleted and replaced with the following:

One -and- two family dwellings shall comply with the *2009 International Energy Conservation Code* as amended. See Article IX in this Code.

**Chapter 12, Mechanical Administration** is deleted.

M1602.2, Prohibited Sources (Return Air), Item 4, Exception #2. Closets with a minimum floor area of seventy (70) square feet and minimum interior dimension of seven feet (7'), and that are conditioned by a source of air supply.



**Chapter 25, Plumbing Administration,** is deleted.

P2602.1.1. For the purpose of this Section, available means located in a public way or easement abutting the subject property and within three hundred (300') feet of the proposed building.

P2902.5.3 Lawn irrigation systems. Lawn irrigation systems shall comply with Article X of this Chapter.

P2903.8.2 Minimum size. The minimum size of individual distribution lines shall be one half (1/2") inch (12.7 mm). Certain fixtures such as one-piece water closets and whirlpool bathtubs shall require a larger size where specified by the manufacturer. If a water heater is fed from one end of a cold water manifold, the manifold shall be one size larger than the water heater feed.

Exception: An individual distribution line that feeds a refrigerator, mechanical humidifier, or similar appliance that distribute minimal amount of water.

P3001.1.1 Private Sewage Disposal Systems shall comply with Chapter 710, Article I, Section 710.150 of the City Code.

Table 3002.1 (2) UNDERGROUND BUILDING DRAINAGE AND VENT PIPE. Cellular core is deleted.

Table 3002.2 BUILDING SEWER PIPE. Cellular core is deleted.

P3105.4 Floor drains. A floor drain (where used as such) need not be vented, provided it is within twenty five feet (25') of a three-inch (3") stack or horizontal drain which has at least a three-inch (3") diameter vent extension through the roof.

P3114.3 Where permitted. Vents may terminate to an air admittance valve under the following conditions:

- (1) For sinks located where there is no wall accessible from the sink location (ex: island sinks); or where access to the vent system would require notching or boring of studs in excess of the limitations of Section R602.6.
- (2) In existing construction, where the existing vent system is not accessible to the fixture location without the removal of finish materials or other existing construction.

E3902.2 (Garage and accessory building receptacles), Exception. Receptacles permanently marked to indicate "[Type of equipment] Only—No GFCI Protection" for:

1. A dedicated single receptacle supplying only a garage door opener.
2. A dedicated single receptacle supplying only a refrigerator and/or freezer.

E3902.5 (Unfinished basement receptacles), Exception. Receptacles permanently marked to indicate "[Type of equipment] Only—No GFCI Protection" for:

1. A dedicated single receptacle supplying only a permanently installed fire alarm or burglar alarm system.
2. A dedicated single receptacle supplying only a sump pump.
3. A dedicated single receptacle supplying only a radon control fan.
4. A dedicated single receptacle supplying only a refrigerator and/or freezer.

E3902.12 Arc-fault circuit-interrupter protection. All branch circuits that supply 120-volt, single-phase, 15- and 20-ampere outlets installed in bedrooms shall be protected by a combination type arc-fault circuit interrupter installed to provide protection of the entire branch circuit.

Exceptions: 1, 2, & 3 remain un-amended.

E4002.14 Tamper-resistant receptacles is deleted.

Part X, Appendices: The following appendix Chapters are hereby adopted:

Appendix C

Appendix E

Section AE 101.1 General.

Exception is deleted.

Section AE 101.1.1 Design. A manufactured home of residential design shall comply with Section 420.010 (D) of the Unified Development Code.

Appendix F

Appendix M

SECTIONS 500.180—500.190: - RESERVED

## **ARTICLE IV. - NATIONAL ELECTRICAL CODE**

SECTION 500.195: - Adoption of the National Electrical Code (2011)

- A. The *National Electrical Code (2011)*, promulgated as a standard of the National Fire Protection Association (NFPA), is adopted and incorporated in this Article by reference as if fully set forth.

All references within the model Codes to any building, electrical, gas, mechanical, plumbing, sewage disposal, elevator, energy conservation, or existing building Code

shall be construed to be a reference to the respective building, electrical, gas, mechanical, plumbing, sewage disposal, elevator, energy conservation, or existing building Code specifically adopted by reference in Articles II through XI of this Chapter.

B. The following Sections of the *National Electrical Code* are hereby revised or added:

210.12 (A) Dwelling Units. All 120-volt, single phase, 15- and 20-ampere branch circuits supplying outlets installed in dwelling unit bedrooms shall be protected by a listed arc-fault circuit interrupter, combination type, installed to provide protection of the branch circuit.

Exceptions 1, 2, & 3 remain unchanged.

406.12 Tamper-Resistant Receptacles in Dwelling Units is deleted.

410.36 Means of Support.

(B) Suspended Ceilings. Framing members of suspended ceiling systems used to support luminaires shall be securely fastened to each other and shall be securely attached to the building structure at appropriate intervals. Luminaires shall be securely fastened to the ceiling framing member by mechanical means such as bolts, screws, or rivets. Listed clips identified for use with the type of ceiling member(s) and luminaire(s) shall also be permitted.

In addition, all commercial electrical projects, luminaire(s) two feet (2') by two feet (2') or larger in suspended ceilings shall be secured by minimum two 12 gauge approved wires at opposite corners of luminaire(s) to the building structure.

C. The following Sections are hereby added to the *National Electrical Code*:

#### SECTION 500.200: - AMENDMENTS

A. All one- and two- family dwellings, new construction or replacement electrical service entrances that require an electrical permit shall have a minimum two hundred (200) amp service installed. All applicable *NEC 2011* Codes apply for these installations.

B. Approved fan outlet boxes must be installed in all living areas except hallways, bathrooms and kitchens.

C. For all residential structures constructed after April 30, 2005, no disconnection means shall be installed in bedrooms, closets and bathrooms or directly within fifteen feet (15') of an egress window in the basement. A "bedroom" shall be defined as an enclosed space with a closet for storage.

D. Circuits of all electrical wiring systems shall be in minimum flexible metal conduit (FMC) for all commercial electrical projects.

SECTIONS 500.205—500.215: - RESERVED

## **ARTICLE V. - UNIFORM MECHANICAL CODE**

SECTION 500.220: - ADOPTION OF UNIFORM MECHANICAL CODE (2012)

- A. The *Uniform Mechanical Code (2012)*, promulgated by the International Association of Plumbing and Mechanical Officials (IAPMO), is adopted and incorporated in this Article by reference as if fully set forth, except as it is amended by the following provisions of this Section. Provisions of this Article are to regulate all commercial projects.

All references within the model Codes to any building, electrical, gas, mechanical, plumbing, sewage disposal, elevator, energy conservation, or existing building Code shall be construed to be a reference to the respective building, electrical, gas, mechanical, plumbing, sewage disposal, elevator, energy conservation, or existing building Code specifically adopted by reference in Articles II through XI of this Chapter.

- B. The following Section of the *Uniform Mechanical Code* is hereby revised:  
Chapter 1, Administration, is deleted.

SECTIONS 500.225—500.240: - RESERVED

## **ARTICLE VI. - UNIFORM PLUMBING CODE**

SECTION 500.245: - ADOPTION OF UNIFORM PLUMBING CODE (2012)

- A. The *Uniform Plumbing Code (2012)*, promulgated by the International Association of Plumbing and Mechanical Officials (IAPMO), is adopted and incorporated in this Article by reference as if fully set forth, except as it is amended by the following provisions of this Section. Provisions of this Article are to regulate all commercial projects.

All references within the model Codes to any building, electrical, gas, mechanical, plumbing, sewage disposal, elevator, energy conservation, or existing building Code shall be construed to be a reference to the respective building, electrical, gas, mechanical, plumbing, sewage disposal, elevator, energy conservation, or existing building Code specifically adopted by reference in Articles II through XI of this Chapter.

- B. The following Sections of the *Uniform Plumbing Code* are revised or added:

Chapter 1, Administration, is deleted. See Article I of this Chapter.

422.0 Minimum Number of Required Fixtures is deleted. See Article II of this Chapter.

603.5.6 Protection from Lawn Sprinklers and Irrigation Systems. Lawn Sprinklers and Irrigation Systems listed in Article II, Chapter 705.230(C)(14) #14 shall comply with Article X of this Chapter.

807.4 Dishwashing Machines. Dishwashing machines shall discharge separately into a trap or trapped fixture. Residential dwelling unit dishwashing machines may discharge in the dishwasher connection of a food waste grinder or disposer.

902.3 Floor Drain. A floor drain (where used as such) need not be vented, provided it is within twenty five feet (25') of a three inch (3") stack or horizontal drain which has at least a three inch (3") diameter vent extension through the roof.

906.1 Exception: Air Admittance Valves. Vents may terminate to an air admittance valve under the following conditions:

1. For sinks located where there is no wall accessible from the sink location (ex: island sinks); or where access to the vent system would require notching or boring of studs in excess of the limitations of Article II, Chapter 23.
2. In existing construction, where the existing vent system is not accessible to the fixture location without the removal of finish materials or other existing construction.

1102.4 Building Storm Sewers. Building storm sewers shall be in accordance with the applicable standards referenced in Table 701.1 for building sewer pipe and fittings, Table 1401.1, or the adopted Raymore Technical Specifications & Design Criteria for Utility and Street Construction, latest edition.

Appendices: The following Chapters of the appendix are hereby adopted:

Appendix C—Alternate Plumbing Systems

Appendix D—Sizing Stormwater Drainage Systems

SECTIONS 500.250—Section 500.265: - RESERVED

## **ARTICLE VII. - INTERNATIONAL SWIMMING POOL, SPA AND HOT TUB CODE**

SECTION 500.270: - Adoption of International Swimming Pool, Spa and Hot Tub Code (2012)

- A. The *International Swimming Pool, Spa and Hot Tub Code (2012)*, promulgated by the International Code Council (ICC), is adopted and incorporated in this Article

by reference as if fully set forth, except as it is amended by the following provisions of this Section. Provisions of this Article are to regulate all commercial and residential projects.

All references within the model Codes to any building, electrical, gas, mechanical, plumbing, sewage disposal, elevator, energy conservation, or existing building Code shall be construed to be a reference to the respective building, electrical, gas, mechanical, plumbing, sewage disposal, elevator, energy conservation, or existing building Code specifically adopted by reference in Articles II through XI of this Chapter.

B. The following Section of the *International Swimming Pool, Spa and Hot Tub Code* is hereby revised:

Chapter 1, Administration, is deleted. See Article I of this Chapter.

SECTION 500.275: - RESERVED

## **ARTICLE VIII. - INTERNATIONAL EXISTING BUILDING CODE; LIFE SAFETY CODE**

SECTION 500.280: - Adoption of International Existing Building Code (2012) and NFPA 101 Life Safety Code (2009)

A. The *International Existing Building Code (2012)*, promulgated by the International Code Council, and the *NFPA 101 Life Safety Code (2009)* promulgated by the National Fire Protection Association is adopted and incorporated in this Article by reference as if fully set forth, except as it is amended by the following provisions of this Section. Provisions of this Article are in addition to the provisions of the *International Existing Building Code* and the *NFPA 101 Life Safety Code*. The following provisions coinciding with provisions of the *International Existing Building Code* and the *NFPA 101 Life Safety Code* supersede, or delete, when indicated, the corresponding provisions of the *International Existing Building Code* and the *NFPA 101 Life Safety Code*.

All references within the model Codes to any building, electrical, gas, mechanical, plumbing, sewage disposal, elevator, energy conservation, or existing building Code shall be construed to be a reference to the respective building, electrical, gas, mechanical, plumbing, sewage disposal, elevator, energy conservation, or existing building Code specifically adopted by reference in Articles II through XI of this Chapter.

B. The following Sections of the *International Existing Building Code* are hereby revised or added:

Chapter 1, Scope and Administration— This Chapter is deleted, except for the following Sections (see Article I of this Chapter):

Section 101.2— Scope

Section 101.3— Intent

In Section 202, the following definition has been revised:

Flood Hazard Area. See the Unified Development Code Chapter 460.

402.2 Flood hazard areas is deleted. See Article I of this Chapter.

606.2.4 Flood hazard areas is deleted. See Article I of this Chapter.

701.3 Flood hazard areas is deleted. See Article I of this Chapter.

904.1 Automatic Sprinkler Systems. Automatic sprinkler systems shall be provided in all work areas where required by the *International Building Code*.

1103.5 Flood hazard areas is deleted. See Article I of this Chapter.

1201.4 Flood hazard areas is deleted. See Article I of this Chapter.

1401.2 Applicability. Structures existing prior to 1895, in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this Chapter or the provisions of Chapters 4 through 12. The provisions in Section 1401.2.1 through 1401.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S, and U. These provisions shall not apply to buildings with occupancies in Group H or I.

SECTIONS 500.285—500.295: - RESERVED

## **ARTICLE IX. - INTERNATIONAL ENERGY CONSERVATION CODE**

SECTION 500.300: - ADOPTION OF INTERNATIONAL ENERGY CONSERVATION CODE (2009)

- A. The *International Energy Conservation Code (2009)*, promulgated by the International Code Council, is adopted and incorporated in this Article by reference as if fully set forth, except as it is amended by the following provisions of this Section. Provisions of this Article are in addition to the provisions of the *International Energy Conservation Code*. The following provisions coinciding with provisions of the *International Energy Conservation Code* supersede, or delete, when indicated, the corresponding provisions of the *International Energy Conservation Code*.

All references within the model Codes to any building, electrical, gas, mechanical, plumbing, sewage disposal, elevator, energy conservation, or existing building Code shall be construed to be a reference to the respective building, electrical, gas, mechanical, plumbing, sewage disposal, elevator, energy conservation, or existing

building Code specifically adopted by reference in Articles II through XI of this Chapter.

B. The following Sections of the *International Energy Conservation Code* are hereby revised or added:

101.1 Title, is deleted.

Sections 103,104, 105, 107, 108 and 109 are deleted. See Article I of this Chapter.

SECTION 500.305: - RESERVED

## **ARTICLE X. - LAWN SPRINKLER SYSTEMS AND CROSS-CONNECTION CODE**

SECTION 500.310: - PURPOSE

### *Lawn Sprinkler Regulations*

In addition to Chapter 700, Article II, Sections 705.180 through 705.270 of the City Code, this Article is to provide minimum requirements to safeguard the public safety, health and general welfare, insofar as they are affected by lawn sprinkler and irrigation systems.

No lawn sprinkler or irrigation system shall be installed or maintained or shall be connected to any domestic water supply when such installation or connection provides a possibility of polluting such water supply or cross-connection between a distributing system of water that becomes contaminated by such lawn sprinkler or irrigation system unless there is provided a backflow prevention device approved for the potential hazard.

SECTION 500.315: - DEFINITIONS

As used in this Article, the following terms shall have the meaning set forth next to them.

**Air Gap, Irrigation System.** A complete physical separation between the free flowing discharge end of a potable water supply pipe and an open or non-pressure receiving vessel.

**Atmospheric Vacuum Breaker.** An assembly containing an air inlet valve, a check seat, and an air inlet port. The flow of water into the body causes the air inlet valve to close the air inlet port. When the flow of water stops the air inlet valve falls and forms a check against back-siphonage. At the same time it opens the air inlet port allowing air to enter and satisfy the vacuum.

**Backflow Prevention, Irrigation System.** The mechanical prevention of reverse flow, or water system. The type of assembly used is based on the existing or potential



degree of health hazard and backflow condition.

City right-of-way. Any land over which the City has a right to allow the public or the City's agents to pass. For purposes of this Article and the release and indemnity document specified hereunder, the definition of right-of-way set forth above shall apply whether the City's legal interest in the land is in fact a right-of-way, an easement, a license or a fee simple interest.

Cross-Connection. An actual or potential connection between a potable water source and an irrigation system that may contain contaminants or pollutants or any source of water that has been treated to a lesser degree in the treatment process.

Double Check Valve. An assembly that is composed of two independently acting approved check valves, including tightly closed resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks.

Installer, Irrigation System. A person who actually connects an irrigation system to a private or public raw or potable water supply system.

Irrigation Plan. A scaled drawing of a landscape irrigation system which lists required information, the scope of the project, and represents the changes made in the installation of the irrigation system.

Irrigation System. An assembly of component parts, including the backflow device and all equipment downstream, that is permanently installed for the controlled distribution and conservation of water to irrigate any type of landscape vegetation in any location, and/or to reduce dust or control erosion. This term does not include a system that is used on or by an agriculture operation.

Irrigation Zone. A subdivision of an irrigation system with a matched precipitation rate based on plant material type (such as turf, shrubs, or trees), microclimate factors (such as sun/shade ratio), topographical features (such as slope) and soil conditions (such as sand, loam, clay, or combination) or for hydrological control.

Lawn Sprinkler system. Any system, wholly or partly affixed or buried beneath the ground surface, by which domestic water is transported through pipes or hoses to sprinkler heads (above or below ground) designed to spray water over surrounding vegetation.

Major Maintenance, Alteration, Repair, or Service (Irrigation System). Any activity that involves opening to the atmosphere the irrigation main line at any point prior to the discharge side of any irrigation zone control valve. This includes, but is not limited to, repairing or connecting into a main supply pipe, replacing a zone control valve, or repairing a zone control valve in a manner that opens the system to the atmosphere.

Pressure Vacuum Breaker. An assembly containing an independently operating

internally loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve.

Reclaimed Water. Domestic or municipal wastewater which has been treated to a quality suitable for beneficial use, such as landscape irrigation.

Reduced Pressure Principle Backflow Prevention Assembly. An assembly containing two independently acting approved check valves together with a hydraulically operating mechanically independent pressure differential relief valve located between the two check valves and below the first check valve.

Seed Bed Preparation. The preparation of topsoil for any seeding, sodding or planting. A seed bed shall consist of a minimum 4 inches of topsoil.

Static Water Pressure. The pressure of water when it is not moving.

Water Conservation, Irrigation System. The design, installation, service, and operation of an irrigation system in a manner that prevents the waste of water, promotes the most efficient use of water, and applies the least amount of water that is required to maintain healthy individual plant material or turf, reduce dust, and control erosion.

#### SECTION 500.320: - PERMIT REQUIRED

No lawn sprinkler system shall be installed within the City until the owner of the land to be benefited by the system shall have first obtained a completed irrigation permit and submit an irrigation plan to the City.

Exceptions:

- (1) An irrigation system used on or by agriculture operation as defined by the Missouri Department of Natural Resources.
- (2) An irrigation system connected to a groundwater well used by a property owner for domestic use.

#### SECTION 500.325: - PERMIT APPLICATION; FEES

The process for obtaining a lawn and irrigation sprinkler permit is in Section 500.080 and 500.095 of this Chapter subject to the following restrictions:

- (1) The landowner shall complete an application for lawn sprinkler system permit generally in the forms available in the office of the Building Official.
- (2) The Building Official shall review the application to determine the following:
  - (a) That the application identifies all record owners of the property.
  - (b) That the proposed installation presents no threat to public safety.
  - (c) That the proposed installation presents no threat of damage to existing

facilities of the City, the City's lessees or those to whom the City has granted easements or licenses.

- (d) That if anyone other than the landowner proposes to install the system, then that person or firm is properly licensed under state law and local ordinances.

#### SECTION 500.330: - LIMITATIONS ON PERMITS

The granting of a permit pursuant to this Article shall create no easement, license or other right in the landowner, other than the limited permissive use of the City's right-of-way.

It shall be a condition of every permit that the landowner shall expressly release, indemnify and hold harmless the City, and its employees, agents, contractors, lessees, licensees and permittees on City's right-of-way, from any and all liability, claims, suits or demands, whatsoever, which they or others may now have or which may hereafter have arising out of the placement of sprinkler heads or related components in City right-of-way.

#### SECTION 500.335: - CONSTRUCTION AND OPERATION OF A LAWN AND LANDSCAPE IRRIGATION SYSTEM

The location of lines and sprinkler heads for a lawn and landscape irrigation system may be located within the City right-of-way or easement subject to the following conditions and prior approval of the City:

- (1) The owner of the lawn and landscape irrigation system is responsible for any maintenance or repair of the lawn and landscape irrigation system;
- (2) The owner of the lawn and landscaping irrigation system shall operate the same in a manner that does not cause damage to adjacent property or City infrastructure.

Prior to any seed, sod or landscaping being placed within the lawn and landscape irrigation system, there shall be proper seedbed preparation by the owner.

In accordance with Municipal Code Section 705.010, the Mayor may place an irrigation ban or other restrictions on the use of any lawn and irrigation system connected to the City water supply system.

#### SECTIONS 500.340—500.350: - RESERVED

### **ARTICLE XI. - INTERNATIONAL FIRE CODE**

#### SECTION 500.355: - ADOPTION OF THE INTERNATIONAL FIRE CODE (2012)

- A. The *International Fire Code (2012)*, promulgated by the International Code Council, is adopted and incorporated in this Article by reference as if fully set forth, except as it is amended by the following provisions of this Section. Provisions of this Article are in addition to the provisions of the *International Fire Code*. The following provisions coinciding with provisions of the *International Fire Code* supersede, or delete, when indicated, the corresponding provisions of the *International Fire Code*.

All references within the model Codes to any building, electrical, gas, mechanical, plumbing, sewage disposal, elevator, energy conservation, or existing building Code are specifically adopted by reference in Articles II through XII of this Chapter, including the fire-resistive assemblies listed in the *Fire Resistance Design Manual, Nineteenth Edition, GA-600-09*, published by the Gypsum Association as referenced in Tables 721.1 (1 through 3) of the specified *International Building Code; American National Standard for Accessible and Useful Buildings and Facilities A117.1-2009; NFPA 13-2010 Installation of Sprinkler Systems; ASTM Standards* as referenced in the *International Building Code* and the *International Residential Code; American Institute of Steel Construction, Fourteenth Edition; American Concrete Institute for Structural Concrete and Commentary ACI 318-11; the NFPA 101-2009 Life Safety Code; ICC/NSSA Standard for the Design and Construction of Storm Shelters, ICC 500-2008; and the NFPA 99 Health Care Facilities 2012 edition*.

- B. The following Chapters and Sections of the *2012 International Building Code* may also be enforced by the South Metropolitan Fire District:
- (1) Detention and correctional facilities—Chapter 4, Section 408.
  - (2) Motion picture projection rooms—Chapter 4, Section 409.
  - (3) Aircraft-related occupancies—Chapter 4, Section 412.
  - (4) Fire-resistant materials and construction—Chapter 7, all Sections.
  - (5) Fire protection systems and fire alarm systems—Chapter 9, all Sections.
  - (6) Egress, access and exit facilities and emergency escapes—Chapter 10, all Sections.
  - (7) Chimneys, fireplaces and barbeques—Chapter 21 Sections 2111 through 2113.
  - (8) Elevator and conveying systems—Chapter 30, all Sections.

SECTIONS 500.360—500.375: - RESERVED

## **CHAPTER 505: - BUILDING STANDARDS FOR COMMERCIAL AND INDUSTRIAL BUILDINGS (Reserved)**

**Editor's note**— Ord. No. 28117, § 1, adopted Dec. 8, 2008, repealed Ch. 505 in its entirety. Former Ch. 505 pertained to building standards for commercial and

industrial buildings and derived from Ord. No. 081390-A, §§ 1—5, adopted Aug. 13, 1990. The land development regulations formerly found in Title IV and Title V, Chapter 505, have been updated and consolidated into one Unified Development Code. The Unified Development Code is hereby referred to, adopted and made a part hereof as if fully set out in this Chapter and is available for inspection in the office of the City Clerk or the Development Services Department, or on the City's website.

## **CHAPTER 510: - DANGEROUS AND NUISANCE BUILDING CODE**

### SECTION 510.010: - TITLE OF CHAPTER

The provisions contained in this Chapter may be referred to as the Dangerous and Nuisance Building Code of the City, and may be cited as such in any proceedings under this Chapter.

### SECTION 510.020: - CONDITIONS WHICH CONSTITUTE A DANGER OR PUBLIC NUISANCE

Any building or structure having any of the following conditions is hereby declared a dangerous building or structure, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered and constitute a public nuisance:

1. Those whose exterior or interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity of any such wall or vertical structure members fall outside of the middle third (3rd) of its base.
2. Those which, exclusive of the foundation, show thirty-three percent (33%) or more, of damage or deterioration of the supporting member or members, or fifty percent (50%) of damage or deterioration of the non-supporting enclosing or outside walls or covering.
3. Those where the stress in any materials, structural member or members, due to all dead and live loads, is more than one and one-half (1-1/2) times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.
4. Those having any non-supporting part, member or portion less than fifty percent (50%), or in any supporting part, member or portion less than sixty-six percent (66%), of the:
  - a. Strength;
  - b. Fire-resisting qualities or characteristics; or

c. Weather-resistant qualities or characteristics

required by law in the case of a newly constructed building of like area, height, and occupancy in the same locations.

5. Those where any portion or member or appurtenance of a building or structure is likely to fail, or to become detached or dislodged or to collapse and injure a person or damage property.
6. Those where any portion of the building or structure has wracked, cracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to wind or earthquake than is required in the case of similar new construction.
7. Those where any portion of the building or structure which, because of:
  - a. Dilapidation, deterioration or decay;
  - b. Faulty construction;
  - c. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; or
  - d. The deterioration, decay or inadequacy of its foundation is likely to partially or completely collapse.
8. Those, as determined by any Law Enforcement Agency, that have been deemed dangerous due to the illegal use, manufacture, or storage of a controlled substance as defined by this Code.
9. Those under construction, or a fire damaged structure upon which no current building permit is held and no substantial work performed for the immediate proceeding thirty (30) calendar days, and such conditions or defects exist to the extent that the property or safety of the public or its occupants are endangered.
10. Those in the process of demolition upon which work has ceased to the point that substantial progress has not been made for a period of thirty (30) consecutive calendar days after written notice has been issued under Section 510.060 for the completion or demolition of a building or structure or any portion of the building or structure remains on a site after the demolition or destruction of the building or structure.
11. Those which are used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the Building Official to be unsanitary, unfit for human

habitation or in such a condition that is likely to cause sickness, disease or injury.

12. Those where, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, are determined by the Building Official or Fire Marshall to be a fire hazard.
13. Those having any door, aisle, passageway, stairway or other means of exit that is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
14. Those where the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
15. Those where any portion of a building, or any member, appurtenance or ornamentation on the exterior is not of sufficient strength or stability, or is not so anchored, attached or fastened in place to be capable of resisting wind pressure of one half of that specified in the Building Code for new buildings of similar construction, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.
16. Those that have been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this Code, or of any law or State statute or City ordinance relating to the condition, location or structure of buildings.
17. Those buildings which are abandoned for a period in excess of six (6) months and that constitute a nuisance or hazard to the public, due to the electrical, plumbing, mechanical, or other systems being totally or partially damaged, destroyed, disconnected, removed, or otherwise made inoperable, unsafe or unsanitary, or such conditions or defects exist to the extent that the property or safety of the public or its occupants are endangered.

#### SECTION 510.030: - DUTIES OF BUILDING OFFICIAL

The Building Official may from time to time appoint persons to inspect dangerous buildings. The Building Official or designated inspector shall:

1. Inspect any building or structure about which complaints are filed by any person alleging that the building or structure contains any of the conditions described in Section 510.020 of the City Code.

2. Inspect any building or structure reported by any Department of the City which has reason to believe that the building or structure has any of the conditions described in Section 510.020 of the City Code.
3. Inspect any building or structure of the City at any time whenever there is reason to believe that the building or structure has a condition described in Section 510.020 of the City Code.
4. Post any building, structure or property, when it reasonably appears that there is an immediate danger to the health, safety or welfare of any persons because of any condition described in Section 510.020, of the City Code, with a written notice reading substantially as follows:

"This building has been found to be a dangerous building by the Building Official. This written notice is to remain on this property, this building or structure until it is repaired, vacated or demolished and the property is cleaned up in accordance with the written notice that has been given the owner, occupant, lessee, mortgagee or agent of the property and all other persons having an interest in this building or structure as shown by the land records of the Cass County Recorder of Deeds. It is unlawful to remove this written notice until such notice is complied with."

The order by the Building Official and the posting of the written notice shall not be construed to deprive any person entitled by this Chapter to the written notice and hearing prescribed in Chapter 540 of the City Code.

5. Inspectors shall report to the Building Official any noncompliance with any written notice given under this Chapter.
6. The Building Official may request an inspection be made by an architect or engineer contracted by the City specifically for the purpose of determination of whether a building or structure is dangerous or a public nuisance.
7. The Building Official shall report in writing to the Board of Appeals the non-compliance with any written notice provided to the property owner, occupant or lessee.
8. The Building Official shall appear at all hearings conducted by the Board of Appeals.

#### SECTION 510.040: - INSPECTIONS BY PERSONS OTHER THAN BUILDING OFFICIAL OR THEIR DESIGNEE

The Building Official may request inspections be made by any Department of the City, appropriate agency or by any person who might have knowledge and



information useful in the determination of whether a building or structure is a public nuisance or, if so, how it might be alleviated.

#### SECTION 510.050: - STANDARDS FOR DETERMINING ACTION REQUIRED TO ALLEVIATE PUBLIC NUISANCE

Whenever any building or structure constitutes a public nuisance under the provisions of this Chapter, the Building Official shall prepare an order of abatement utilizing the following standards:

1. If the conditions which cause the building or structure to be a public nuisance can be reasonably repaired or maintained so that the building or structure will no longer exist in violation of the terms of this Chapter, the building or structure shall be ordered so repaired or maintained, and if it is not repaired or maintained by the owner within a reasonable time frame as established by the Building Official but not to exceed forty-five (45) days to commence work, then the City may abate the nuisance by repairing, securing, boarding, demolition or other appropriate means.
2. In any case where the state of deterioration of a building or structure constituting a public nuisance is such that necessary repairs would amount to a substantial reconstruction of the building or structure, it shall be ordered repaired or demolished, and if it is not repaired or demolished by the owner within a reasonable time frame as established by the Building Official but not to exceed forty-five (45) days to commence work, then the City may abate the nuisance by repairing, securing, boarding, demolition or other appropriate means.
3. In all cases where the conditions causing the building or structure to be a public nuisance cannot be reasonably repaired or maintained so that the building or structure will no longer exist in violation of the terms of this Chapter, the building or structure shall be demolished.
4. If the conditions are such as to make the building or structure immediately dangerous to the health, safety or welfare of its occupants, the building or structure shall be ordered vacated pending abatement of the nuisance.
5. Any building or structure constituting a public nuisance because of the conditions described in Section 510.020 of this Chapter shall be ordered to be completed in accordance with lawful plans and specifications, and if not completed or demolished by the owner within the time specified in the order of abatement, then the City shall abate the nuisance by demolition.

## SECTION 510.060: - NOTICE OF PUBLIC NUISANCE AND ORDER OF ABATEMENT

Whenever it has been determined that any building or structure is a public nuisance under the provisions of this Chapter, the Building Official shall prepare a written notice and order of abatement and notify the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in the building or structure as shown by the land records of the Cass County Recorder of Deeds, that such building or structure has been found to be a public nuisance under the provisions of this Chapter.

The written notice shall:

- a. be delivered either by personal service or by certified mail, return receipt requested. Mail returned by the United States Post Office marked "refused" shall constitute proof of service. If service cannot be accomplished by either of these methods, then service may be accomplished by publication for two (2) consecutive weeks in a newspaper qualified to publish legal notices for the City;
- b. state that the owner, occupant or lessee must vacate, vacate and repair, repair or vacate and demolish said building and clean up the lot or property on which the building is located in accordance with the terms of the written notice and this Chapter;
- c. state that the mortgagee, agent or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Cass County may, at their own risk, repair, vacate or demolish the building and clean up the property or have such work done; and
- d. set forth the description of the conditions found in the building or structure under Section 510.020 of this Chapter.
- e. provide a reasonable time as established by the Building Official but not to exceed forty-five (45) days to commence work to abate the nuisance; require the work to proceed continuously without unnecessary delay; and require the work to be completed by the deadline established in the written notice.

## SECTION 510.070: - BOARD OF APPEALS

- A. The Board of Appeals shall have the power pursuant to this Chapter to:
  1. Hold a hearing upon receipt of a report from the Building Official indicating failure by the owner, lessee, occupant, mortgagee, agent or other persons(s) having an interest in said building to commence work as they have ordered within the time specified by this Chapter or upon failure to proceed continuously with work without unnecessary delay.
    - a. Written notice of said hearing shall be given either by personal service or by certified mail, return receipt requested, or if service cannot be had

by either of those modes of service, then by publication in a newspaper qualified to publish legal notices, at least ten (10) days in advance of the hearing date, to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Cass County Recorder of Deeds to appear before the Board of Appeals on the date specified in the written notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the Building Official's written notice as provided herein.

- b. Any party may be represented by counsel and all parties shall have an opportunity to be heard.
- c. Make written findings of fact from the evidence offered at said hearing as to whether or not the building in question is a dangerous building within the terms of Section 510.020 of this Chapter.
- d. If the evidence supports a finding based upon competent and substantial evidence that the building or structure is a dangerous building and a nuisance and detrimental to the health, safety or welfare of the residents of the City, the Board of Appeals shall issue an order based upon its findings of fact commanding the owner, occupant, mortgagee, lessee, agent or other persons(s) having an interest in said building as shown by the land records of the Cass County Recorder of Deeds to repair, vacate or demolish any building found to be a dangerous building and to clean up the property, provided that any person so notified shall have the privilege of either repairing or vacating and repairing said building, if such repair will comply with the ordinances of this City or the owner or any person having an interest in said building as shown by the land records of the Cass County Recorder of Deeds may vacate and demolish said dangerous building at their own risk to prevent the acquiring by the City of the lien against the land where the dangerous building stands. If the evidence does not support a finding that a building or structure is a dangerous building or a nuisance or detrimental to the health, safety or welfare of the residents of the City, no order shall be issued.
- e. If the owner, occupant, mortgagee or lessee fails to comply with the order within thirty (30) days, the City's Board of Appeals shall cause such building or structure to be repaired, vacated or demolished and the property cleaned up as the facts may warrant. If the City's Board of Appeals issues an order whereby the building or structure is demolished, secured or repaired or the property is cleaned up, the cost of performance shall be certified to the City Clerk who shall cause a special tax bill or assessment against the property to be prepared and collected by the Finance Department or other official collecting taxes,

unless the building or structure is demolished, secured or repaired by a contractor pursuant to an order issued by the City and such contractor files a mechanic's lien against the property where the dangerous building is located.

2. Hear and decide upon an appeal of an interpretation or decision made by the Building Official regarding a dangerous building.
- B. An appeal shall be filed in the same manner as described in Chapter 540: Board of Appeals of the City Code.

#### SECTION 510.080: - OWNER TO ALLOW ENTRY FOR THE PURPOSE OF INSPECTION

- A. If at such time any of the conditions listed in Section 510.020 of this Chapter are determined to be in existence by the Building Official for any building or structure in the City, the owner of the property shall, upon request, provide entry to an inspector of the City to determine the existence of additional nuisance violations.
- B. If the City inspector has requested entry to a building from the property owner and if consent is refused, the Building Official may seek an administrative search warrant for entry as provided for in Section 500.040 (F)1 of the City Code.

#### SECTION 510.090: - USE OF INSURANCE PROCEEDS; REIMBURSEMENT OF CITY'S COST

- A. If there are proceeds of any insurance policy based on a covered claim payment for damage or loss to a building or structure arising out of or caused by fire, explosion or other casualty loss, and the covered claim payment exceeds fifty percent (50%) of the face value of the policy covering such building or structure, then the insurer shall pay to the City Finance Department a sum equal to twenty-five percent (25%) of the insurance proceeds of the covered claim, within thirty (30) days of the determination of coverage, to be held by the City in an interest-bearing account. Nothing in this Section shall be construed to affect the priority of a named mortgagee on the insurance policy to the proceeds of the policy. The proceeds shall be used to reimburse the City for its costs in the removal of such building or structure, if necessary.
- B. The City shall release the proceeds and any interest that has accrued on such proceeds received to the insured or as the terms of the policy and endorsements within thirty (30) days after receipt of such insurance proceeds, unless the City has instituted legal proceedings under the provisions of Section 510.070 A (1) (e) of this Chapter. If the City has proceeded under the provisions of Section 510.070 A (1) (e) of this Chapter, all insurance proceeds in excess of that necessary to comply with the provisions of Section 510.070 of this Chapter for the removal, securing, repair and clean up of the building or structure and the lot on which it is located, shall be paid to the insured.

- C. If there are no proceeds of any insurance policy as set forth in Subsection (A) of this Section, at the request of the taxpayer, the tax bill may be paid in equal installments over a period of not more than ten (10) years. The tax bill from the date of its issuance shall be a lien on the property and a personal debt against the property owner(s) until paid.
- D. Subsection (A) of this Section shall apply to fire, explosion or other casualty loss claims arising on all buildings and structures.
- E. It shall be unlawful for an insurance carrier to fail to pay insurance proceeds to the City after being notified pursuant to this Chapter.
- F. Subsection (A) of this Section does not make the City a party to any insurance contract and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.
- G. The Board of Appeals may certify in lieu of payment of all or part of the covered claim under Subsection (A) that it has obtained satisfactory proof that the insured has removed or will remove the debris and repair, rebuild or otherwise make the premises safe and secure. In this event, the Board of Appeals shall issue a certificate within thirty (30) days after receipt of proof to permit covered claim payment to the insured without the deduction pursuant to Subsection (A) of this Section. It shall be the obligation of the insured or other person making the claim to provide the insurance company with the written certificate provided from this Subsection.

#### SECTION 510.100: - APPEAL

Any owner, occupant, lessee, mortgagee, agent or any other person(s) having an interest in a dangerous building as shown by the land records of the Cass County Recorder of Deeds may, within thirty (30) days from the receipt of the order of the City Board of Appeals, appeal such decision to the Circuit Court of Cass County pursuant to the procedure established in Chapter 536, RSMo.

#### SECTION 510.110: - EMERGENCIES

In all cases where it reasonably appears that there is immediate danger to the health, life or safety of any person, the Building Official shall seek approval from the City Manager or Mayor, to take emergency measures to vacate, repair or demolish a dangerous building or structure which is a public nuisance under the provisions of this Chapter. The Building Official shall immediately report such facts to the City's Board of Appeals and the Board may cause the costs of such emergency repair, vacation or demolition to be collected in the same manner as provided in Sections 510.070 and 510.090 of this Chapter.

## SECTION 510.120: - VIOLATIONS — DISREGARDING NOTICES OR ORDERS

The owner, occupant or lessee in possession of any dangerous building who shall fail to comply with the order to repair, vacate or demolish the building or structure given by the Building Official and/or the City's Board of Appeals or who shall fail to proceed continuously without unnecessary delay; and any person removing any written notices provided for in this Chapter; and any person violating any other provisions of this Chapter shall, upon conviction or a plea of guilty, be subject to the penalty provisions provided for in Section 100.220 of the City Code. Each day that a person fails to comply with an order of the City's Board of Appeals may be deemed a separate offense.

## **CHAPTER 515: - MANAGEMENT, USE AND OCCUPANCY OF THE RIGHT-OF-WAY**

### **ARTICLE I. - USE AND MAINTENANCE OF RIGHT-OF-WAY**

#### SECTION 515.010: - APPLICABILITY

To the extent permitted by law, this Chapter shall apply to all persons desiring to construct, operate, or maintain facilities in, along, across, under or over public rights-of-way within the City.

#### SECTION 515.020: - PURPOSE

The purpose of this Article shall be:

1. To recognize the City's primary role as chief steward of the right-of-way (ROW) and its duty to its citizens to recover the costs of managing the right-of-way and incursions into it;
2. To clarify and regulate conditions of occupancy and construction for those ROW-users occupying space within the City's right-of-way given the anticipated increased use of the right-of-way by various ROW-users throughout the country;
3. To recognize the necessity of sound management practices in light of the increased use of the right-of-way and the fact that the right-of-way is a limited resource;
4. To treat each ROW-user equitably and in a competitively neutral manner with considerations that may be unique to the technologies and situation of each particular ROW-user;
5. To minimize disruption, visual impact or inconvenience to the public, and to preserve the public health, safety and welfare; and
6. To comply with State and Federal regulations.

## SECTION 515.030: - DEFINITIONS AND USAGE

For the purposes of this Chapter, the following terms, phrases, words and abbreviations shall have the meanings given herein, unless otherwise expressly stated in Section 100.080 of the City Code.

*ABANDONED FACILITIES:* Those facilities owned by the ROW-user that are not in use and will not be utilized by the owner in the future.

*ADMINISTRATIVE FEE:* The fee charged by the City to recover its costs incurred for right-of-way management including, but not limited to, costs associated with registering applicants; issuing, processing and verifying right-of-way permit applications; inspecting job sites and restoration improvements; determining the adequacy of right-of-way restoration; revoking right-of-way permits and other costs the City may incur in managing the provisions of this Article.

*AFFILIATE:* Any person controlling, controlled by or under the common control of a "service provider".

*APPLICANT:* Any person requesting permission to occupy, lease or operate facilities using the right-of-way, or to excavate the right-of-way.

*AREA OF INFLUENCE:* That area within one (1) foot around a street excavation where the pavement and subgrade are impacted by the excavation and are subject to more rapid deterioration.

*CITY:* The City of Raymore, Missouri, a municipal corporation, and any duly authorized representative.

*CITY ENGINEER:* The City Engineer, Raymore, Missouri, or the authorized representative.

*CONSTRUCT:* Includes construct, install, erect, build, affix or otherwise place any fixed structure or object in, on, under, through or above the right-of-way.

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

*DEGRADATION:* The accelerated depreciation of a street caused by excavation in or disturbance of the street, resulting in the need to reconstruct such right-of-way earlier than would be required if the excavation did not occur.

*DEGRADATION FEE:* The fee charged by the City to recover the cost to the City and the public at large associated with a decrease in the useful life of a street caused by excavation.

*DEPRECIATION RATE:* The rate at which the useful service life of a public street deteriorates over time.

*EMERGENCY:* A condition that

1. Poses a clear and immediate danger to life or health or of a significant loss of property; or
2. Requires immediate repair or replacement in order to restore service to a user.

*EXCAVATE:* Means and includes any cutting, digging, excavating, tunneling, boring, grading or other alteration of the surface or subsurface material or earth in the right-of-way.

*FCC:* Federal Communications Commission.

*FACILITY:* Lines, pipes, irrigation systems, wires, cables, conduit facilities, poles, towers, vaults, pedestals, boxes, appliances, antennas, transmitters, gates, meters, appurtenances or other equipment.

*FACILITY BASED SERVICE PROVIDER:* A service provider owning or possessing facilities in the right-of-way.

*GOVERNING BODY:* The Mayor and the City Council of the City of Raymore, Missouri.

*GOVERNMENTAL ENTITY:* Any county, township, city, town, village, school district, library district, road district, drainage or levee district, sewer district, water district, fire district or other municipal corporation, quasi-municipal corporation or political subdivision of the State of Missouri or of any other state of the United States and any agency or instrumentality of the State of Missouri or of any other state of the United States or of the United States.

*PARKWAY:* The area between a property line and the street curb; sometimes called boulevard, tree-shelf or snow-shelf.

*PAVEMENT:* Includes Portland cement concrete pavement, asphalt concrete pavement, asphalt treated road surfaces and any aggregate base material.

*PERMITTEE:* Any person to whom a right-of-way permit is issued to excavate a right-of-way.

*PERSON:* Any individual, firm, association, group, partnership, limited liability company, corporation or any combination thereof.

*PUBLIC IMPROVEMENT:* Any project undertaken by the City for the construction, reconstruction, maintenance or repair of any public infrastructure, and including without limitation, streets, alleys, bridges, bikeways, parkways, sidewalks, sewers, drainage facilities, traffic control devices, street lights, public facilities, public buildings or public lands; provided that projects undertaken by the City for the construction, reconstruction, maintenance or repair of any



public infrastructure funded by or substantially by user fees imposed upon those using the public infrastructure shall not be deemed "public improvements" and shall not be exempt from the permit requirements of this Article.

*PUBLIC LANDS:* Any real property of the City that is not right-of-way.

*REGISTRATION:* The application process of a service provider, the approval of the application by the City and the authorization of the service provider to use any portion of the right-of-way within the City to provide service both within and beyond the City limits.

*REPAIR:* The temporary construction work necessary to make the right-of-way useable.

*RESELLER SERVICE PROVIDER:* A service provider providing service within the City that does not have its own facilities in the right-of-way, but instead uses the right-of-way by interconnecting with or using the network elements of another service provider utilizing the right-of-way, and/or by leasing excess capacity from a facility-based service provider.

*RESTORATION:* The process by which an excavated right-of-way and surrounding area, including pavement and foundation, is returned to the same condition, or better than, that which existed before the commencement of the work.

*RIGHT-OF-WAY:* The area on, below or above the present and future City streets, alleys, bridges, bikeways, parkways and sidewalks.

*RIGHT-OF-WAY PERMIT:* The authorization to excavate for the construction, installation, repair or maintenance of any type of facility within the right-of-way.

*ROUTINE SERVICE OPERATION:* A work activity that makes no material change to the facilities and does not disrupt traffic.

*ROW-USER:* A person, its successors and assigns, that uses the right-of-way for purposes of work, excavation, provision of services, or to install, construct, maintain, repair facilities thereon including, but not limited to, landowners and service providers. A ROW-user shall not include ordinary vehicular or pedestrian traffic or a reseller service provider that does not own its own facilities in the right-of-way.

*SERVICE:* A commodity provided to a person by means of a delivery system that is comprised of facilities located or to be located in the right-of-way including, but not limited to, gas, telephone, cable television, Internet services, Open Video Systems, alarm systems, steam, electric, water, telegraph, data transmission, petroleum pipelines or sanitary sewerage.

*SERVICE PROVIDER:* Any person that is a provider of a service for or without a fee

that has the requisite certifications and authorizations from applicable governmental entities, including the FCC, to provide such service. "Service provider" includes both facility-based service providers and reseller service providers.

*STREET*: The pavement and subgrade of a City roadway.

#### SECTION 515.040: - POLICY

- A. It is the policy of the City to authorize any service provider to utilize the right-of-way in a competitively neutral, non-discriminatory manner that maximizes the efficient use of and conserves the right-of-way and minimizes the burden on the right-of-way, physically and aesthetically. Any use of the right-of-way by an ROW-user shall be subject to the terms and conditions of this Chapter in addition to other applicable Federal, State or local requirements.
- B. The right granted to the ROW-user to use the right-of-way shall be for the sole use of the ROW-user and is limited to the use that the ROW-user has filed with the City in accordance with this Article. Except as otherwise expressly permitted by State or Federal law, no other person may use the ROW-user's right unless authorized by the City.
- C. This Article also is designed to regulate occupancy and excavations in the right-of-way by providing, among other things, for the issuance of permits which grant the authority to utilize and occupy the right-of-way within the City.
- D. All ROW-users shall be subject to all rules, regulations, policies, resolutions and ordinances now or hereafter adopted or promulgated by the City in the reasonable exercise of its Police power and are subject to all applicable laws, orders, rules and regulations adopted by governmental entities now or having jurisdiction. In addition, the ROW-users shall be subject to all technical specifications, design criteria, policies, resolutions and ordinances now or adopted or promulgated by the City in the reasonable exercise of its Police power relating to permits and fees, sidewalk and pavement cuts, utility location, construction coordination, surface restoration and other requirements on the use of the right-of-way.

#### SECTION 515.050: - ADMINISTRATION

- A. The City Engineer is the principal City Official authorized to administer right-of-way permits for work and excavations made in the right-of-way. The City Engineer may delegate any or all of the duties of this Chapter.
- B. The City Engineer is the principal City Official responsible for administration of the registration of a service provider. The City Engineer may delegate any or all of the duties of this Chapter.
- C. The City Engineer shall prepare, maintain and update schedules of planned road construction and overlay with proposed start dates. These schedules shall

be available for inspection by service providers and the public in City offices.

#### SECTION 515.060: - REQUIREMENTS OF SERVICE PROVIDER

- A. Any existing service provider must register within ninety (90) days of the effective date of this Article (August 28, 2000).
- B. Any person who is not an existing service provider prior to August 28, 2000, and who wishes to become a service provider must first register with the City.
- C. The service provider shall report any changes in its registration information within thirty (30) days.
- D. No service provider shall be authorized to utilize the right-of-way in any capacity or manner without registering and obtaining the necessary right-of-way permit from the City.
- E. The information required for registration includes the following:
  - 1. Identity and legal status of service provider, including related affiliates.
  - 2. Name, address, telephone number, fax number and email address of officer, agent or employee responsible for the accuracy of the registration statement.
  - 3. Name, address, telephone number, fax number and email address of the local representative of the service provider who shall be available at all times to act on behalf of the service provider in the event of an emergency.
  - 4. Proof of any necessary permit, license, certification, grant, registration, franchise agreement or any other authorization required by any appropriate governmental entity, including, but not limited to, the City or the FCC.
  - 5. Description of the service provider's intended use of the right-of-way.
  - 6. Information sufficient to determine whether the service provider is subject to franchising by Missouri law.
  - 7. Information sufficient to determine that the service provider has applied for and received any permit or other approvals required by the FCC.
  - 8. Information which identifies reseller service providers.
  - 9. Such other information as may be required by the City to complete the registration statement.
- F. Each service provider shall designate a local person familiar with the facilities that will act as a local agent for the service provider and will be responsible for satisfying information requirements of this Article. The service provider shall present to the City the agent's name, address, telephone number, fax number and email address. The agent shall be the person to whom relocation notices and other such notices shall be sent and with whom rests the responsibility to facilitate all necessary communications. The service provider shall be

responsible for all costs incurred by the City due to the failure to provide such information to the City.

- G. The service provider shall participate in any joint planning, construction and advance notification of right-of-way work, including coordination and consolidation of street cut work as directed by the City Engineer. In addition, the service provider shall cooperate with other service providers and the City for the best, most efficient, most aesthetic and least obtrusive use of the right-of-way, consistent with safety, and to minimize traffic and other disruptions, including street cuts.
- H. To the extent allowed by law, the City may limit the number of registrations in a competitively neutral manner based upon, but not necessarily limited to, specific local considerations such as:
  - 1. The capacity of the right-of-way to accommodate service facilities;
  - 2. The impact on the community of the volume of facilities in the right-of-way;
  - 3. The disruption arising from numerous excavations of the right-of-way;
  - 4. The financial capabilities of the service provider and its guaranteed commitment to make necessary investments to erect, maintain and operate the proposed facilities; or
  - 5. Any other consideration based upon the interests of the public safety and welfare.
- I. The City shall not exercise its authority under this provision to in any way deter competition or discriminate against any service provider.

#### SECTION 515.070: - SERVICE PROVIDER'S RIGHT TO SELL, TRANSFER, LEASE, ASSIGN, SUBLET OR DISPOSE

In the event a service provider shall sell, transfer, lease, assign, sublet or dispose of its facilities that are located in City right-of-way, or any right, title or interest in the same, or transfer any rights granted by the City to any person either by forced or involuntary sale, or by ordinary sale, consolidation or otherwise, it shall notify the City of same. In such case, the buyer, transferee, lessee or assignee shall be subject to the terms and conditions of this Article, including the requirement to register as provided in the preceding Section. This provision shall not apply to the sale of property or equipment in the normal course of business. No notice to the City shall be required for a transfer in trust, mortgage or other similar instrument, in whole or in part, to secure an indebtedness, or for a pro forma transfer to a corporation, partnership or other entity controlling, controlled by or under common control with the service provider.

#### SECTION 515.080: - RESELLER SERVICE PROVIDERS

A service provider may permit and has the authority to sell, sublet or lease any use of excess capacity and sell services for resale to any reseller service provider

providing service within the City, including the service provider's subsidiary or affiliate. The reseller service provider shall first register and obtain any necessary permit, license, certification, grant, registration, franchise agreement or any other authorization required by any appropriate governmental entity, including but not limited to, the City or the FCC. Unless otherwise prohibited by law or regulatory authority, the service provider shall use all reasonable efforts to provide the City on an annual basis the identity of entities with which the service provider has entered into an interconnection and/or resale agreement within the City. This notice will not relieve the reseller service provider from its own obligation to register and obtain any necessary franchise with the City. Nothing in this Article shall prevent a facility-based service provider from providing to any reseller service provider the use of the facility-based service provider's facilities in the right-of-way as authorized by Federal or State law.

#### SECTION 515.090: - USE OF THE RIGHT-OF-WAY

- A. The ROW user's use of the right-of-way shall in all matters be subordinate to the City's use or occupation of the right-of-way. Without limitations of its rights, the City expressly reserves the right to exercise its governmental powers now and hereafter vested in or granted to the City.
- B. The ROW user shall coordinate the placement of facilities in a manner that minimizes adverse impact on any public improvement as reasonably determined by the City. Where placement is not regulated, the facilities shall be placed with adequate clearance from such public improvements so as not to impact or be impacted by such public improvement as defined in the City's Manual of Infrastructure Standards available in the office of the City Engineer.
- C. The ROW user shall consider any request made by the City concerning placement facilities in private easements in order to limit or eliminate future street improvement relocation expenses.
- D. All facilities shall be located and laid so as not to disrupt or interfere with any pipes, drains, sewers, irrigation systems or other structures or public improvements already installed. In addition, the ROW user shall, in doing work in connection with its facilities, avoid, so far as may be practicable, disrupting or interfering with the lawful use of the streets, alleys, sidewalks or other public lands of the City.
- E. All facilities of the ROW user shall be placed so that they do not interfere with the use of right-of-way and public lands. The City, through its City Engineer, shall have the right to consult and review the location, design and nature of the facility prior to installation.
- F. The ROW user shall not interfere with the facilities of the other ROW users without their permission. If and when the City requires or negotiates to have a service provider cease using its existing poles and to relocate its facilities underground, all other service providers using the same poles shall also

relocate their facilities underground at the same time. The cost of such relocation shall be in accordance with this Article and the applicable tariff governing that service provider.

- G. The City Engineer may assign specific corridors within the right-of-way, or any particular segment as may be necessary, for each type of facility that is currently or, pursuant to current technology, the City Engineer expects will someday be located within the right-of-way. All right-of-way permits issued by the City Engineer shall indicate the proper corridor for the ROW user's facilities. Any ROW user whose facilities are currently in the right-of-way in a position at a variance with the designated corridors shall, no later than at the time of next reconstruction or excavation of the area where its facilities are located, move the facilities to its assigned position within the right-of-way, unless this agreement is waived by the City Engineer for good cause shown, upon consideration of such factors as the remaining economic life of the facilities, public safety, user service needs and hardship to the ROW user.
- H. If, in the preparation and planning of a right-of-way project, the City Engineer deems it appropriate for a conduit to be constructed along, across or under the right-of-way, the City Engineer shall contact all appropriate ROW users for their input on the planning and design of such conduit. If a ROW user desires to construct, maintain or operate facilities along such right-of-way, the City Engineer may require the ROW user to use such conduit and to contribute to the expense of such conduit; provided however, the ROW user's use of the conduit is reasonable and appropriate under the circumstances.
- I. All earth, materials, sidewalks, paving, crossings, utilities, other public improvements or improvements of any kind damaged or removed by the ROW user shall be fully repaired or replaced within five (5) working days by the ROW user at its sole expense and to the reasonable satisfaction of the City. Upon determination by the City Engineer that such repair or replacement is a public safety matter, all such repair or replacement shall be corrected within twenty-four (24) hours of notice from the City, or the City Engineer may direct the City to make such repair or replacement and bill the ROW user for the City cost. The City Engineer has the authority to inspect the repair or replacement of the damage and, if necessary, to require the ROW user to do any necessary additional work.
- J. All technical standards governing construction, reconstruction, installation, operation, testing, use, maintenance and dismantling of a ROW user's facilities in the right-of-way shall be in accordance with applicable Federal, State and local laws and regulations, including those promulgated by national trade associations commonly associated with the service provided by the ROW user. A ROW user shall not construct or reconstruct any of its facilities located upon, over, under or within the City right-of-way without first having submitted in writing a description of its planned improvements to the City Engineer and having received a permit for such improvement. The City Engineer may require

that any drawings, plans and/or specifications submitted be certified by a qualified professional stating that such drawings, plans and/or specifications comply with all applicable technical codes, rules and regulations, unless such plans are based directly on nationally recognized codes.

- K. The ROW user shall cooperate promptly and fully with the City and take all reasonable measures necessary to provide accurate and complete on-site information regarding the nature and location of its facilities within the right-of-way, both underground and overhead, when requested by the City or its authorized agent for a public improvement. Such location and identification shall be at the sole expense of the ROW user without any expense to the City, its employees, agents or authorized contractors.
- L. Unless otherwise permitted by law, it shall be unlawful for any person to place or maintain any object, platform, structure or obstruction, such as, but not limited to, a basketball goal, skateboard ramp, trampoline, fence, flagpole, dumpster, yard ornament, sump pump discharge pipe, or similar item, either temporarily or permanently, over any street or sidewalk or in any part of the City's right-of-way except by written approval of the City Engineer.
- M. No unauthorized person shall, in a commercial or industrial zoned district, deposit or cause to be deposited any snow or ice on any public roadway or right-of-way.

#### SECTION 515.100: - FACILITY RELOCATION

- A. The ROW-user shall promptly remove, relocate or adjust any facilities located in the right-of-way as directed by the City for a public improvement or when reasonably required by the City by reason of public safety. Such removal, relocation or adjustment shall be performed by the ROW-user at the ROW-user's sole expense without expense to the City, its employees, agents or authorized contractors, and shall be specifically subject to rules, regulations and schedules of the City pertaining to such. The ROW-user shall proceed with relocations at due diligence upon notice by the City to begin relocation.
- B. The ROW-user shall promptly remove, relocate or adjust any facilities located in private easement, at the City's cost and as directed by the City, for a public improvement, by moving such facilities to areas within the expanded right-of-way or within remaining private easements or remaining portions of such easements not condemned by nor disclaimed to the City to avoid conflict with City construction and improvements. The ROW-user shall disclaim those parts of its easements which lie within the expanded right-of-way. Should the City, in the future, elect to require the ROW-user to again relocate its facilities to other areas within the expanded right-of-way, the cost of any such future relocation shall be borne by the City.
- C. As soon as working drawings are available for public improvements that will require the ROW-user to relocate its facilities, the City shall provide the

ROW-user with written notice of relocations and the anticipated bid-letting date of said improvement. The ROW-user shall respond with any conflicts and a proposed construction schedule within thirty (30) days.

- D. Following notice by the City in the form of the delivery of final design plans for such public improvements, the ROW-user shall remove and relocate its facilities in accordance with the mutually agreed upon schedule, provided the project is not delayed by adverse weather conditions and other factors beyond the control of the ROW-user. The ROW-user shall certify to the City, in writing, that its facilities have been relocated or adjusted to clear construction in accordance with project plans provided by the City.
- E. Any damages suffered by the City, its agents or its contractors to the extent caused by ROW-user's failure to timely relocate or adjust its facilities, or failure to properly relocate or adjust such facilities, shall be borne by the ROW-user.
- F. In the event the ROW-user is required to move its facilities in accordance with this Section, any ordinary right-of-way permit fee shall be waived.
- G. It is the intent of this Section for both the City and the ROW-user to cooperate with one another so that the need for facility relocation is minimized and, when required and feasible, relocations may be completed prior to receipt of bids by the City for a public improvement.

#### SECTION 515.110: - PROTECTION OF THE PUBLIC

- A. It shall be the responsibility of the ROW-user to take adequate measures to protect and defend its facilities in the right-of-way from harm and damage.
- B. The City shall be liable for any damage to or loss of any of the ROW-user's facilities within the right-of-way as a result of or in connection with any construction, excavation, grading, filling or work, including public improvements by or on behalf of the City, to the extent caused by the negligent, willful, intentional or malicious acts of the City.
- C. The ROW-user shall be responsible to the City and its agents, representatives and authorized contractors for all damages including, but not limited to, delay of any kind arising out of the failure of the ROW-user to perform any of its obligations under this Article.
- D. The City or its authorized contractors shall be responsible for taking reasonable precautionary measures including calling for facility locations.
- E. Any ROW-user who for any purpose makes or causes to be made any excavation in, upon, under, through or adjoining any street, sidewalk, alley or other right-of-way and shall leave any part or portion of open, or shall leave part or portion of disrupted with rubbish, building or other material during construction and/or the night time, shall cause the same to be enclosed with good substantial and sufficient barricades or drums equipped with the appropriate type warning lights and orange safety fencing material which is



properly secured around the excavation or the disruption.

- F. Whenever a ROW-user shall excavate the full width of any street, sidewalk, alley, driveway approach or other right-of-way, it shall be its duty to maintain an adequate passage for vehicles and pedestrians across or around the excavation until it is refilled as specified.
- G. Any excavation left open overnight on any arterial or collector type street shall be securely covered. The ROW-user assumes the sole responsibility for maintaining proper barricades, plates, safety fencing and/or lights as required from the time of opening of the excavation until the excavation is surfaced and opened for travel.
- H. In the event the ROW-user severely disturbs or damages the root structure of any tree in the right-of-way to the detriment of the health and safety of the tree, the ROW-user will be required to remove and replace the tree at the ROW-user's cost. Further, in review of the ROW-user's plan, City Engineer, in his discretion, may require the ROW-user to directionally bore around any tree in the right-of-way.
- I. Upon the appropriate request of any person having satisfied City procedure and ordinances, the ROW-user shall remove, raise or lower its facilities temporarily to permit the moving of houses or other structures. The expense of such temporary removal, raising or lowering shall be paid by the person requesting the same, and the ROW-user may require such payment in advance. The ROW-user must be given not less than thirty (30) days' written notice from the person detailing the time and location of the moving operations.

#### SECTION 515.120: - RIGHT-OF-WAY VACATION

- A. If the City vacates a right-of-way which contains the facilities of the service provider, and if the vacation does not require the relocation of the service provider's facilities, the City shall reserve, to and for itself and all service providers having facilities in the vacated right-of-way, an easement for the right to install, maintain and operate any facilities in the vacated right-of-way and to enter upon such vacated right-of-way at any time for the purpose of reconstructing, inspecting, maintaining or repairing the same.
- B. If the vacation requires the relocation of facilities, and
  - 1. If the vacation proceedings are initiated by the service provider, the service provider must pay the relocation costs, or
  - 2. If the vacation proceedings are initiated by the City, the service provider must pay the relocation costs unless otherwise agreed to by the City and the service provider, or
  - 3. If a person other than the service provider or the City initiates the vacation proceedings, such other person must pay the relocation costs.

#### SECTION 515.130: - ABANDONED AND UNUSABLE FACILITIES

- A. The City Engineer may allow underground facilities or portions of to remain in place if the City Engineer determines that it is in the best interest of public safety to do so. If the ROW-user proceeds under this Section, the ROW-user shall submit to the City a proposal and instruments for transferring ownership of its facilities to the City.
- B. Facilities of a ROW-user who fails to comply with this Section, and whose facilities remain unused for two (2) years, shall be deemed to be abandoned. The City may take possession and ownership of the facility.

#### SECTION 515.140: - PERMIT REQUIREMENT

- A. Except as otherwise provided, no ROW-user may excavate any right-of-way or conduct any repair, construction or reconstruction of facilities located within the right-of-way without first having obtained the appropriate right-of-way permit.
- B. There are two (2) exemptions to this provision:
  - 1. Contractors working on the construction or reconstruction of public improvements.
  - 2. ROW-users performing routine service operations which do not require excavation in the right-of-way and do not disrupt traffic for more than four (4) hours.
- C. No person owning or occupying any land abutting on a public right-of-way shall construct, maintain or permit in or on the portion of this public right-of-way to which such land is adjacent, any fixed structure, material or object other than a U. S. mailbox without having obtained the appropriate right-of-way permit.
- D. A right-of-way permit is required for emergency situations. If due to an emergency it is necessary for the ROW-user to immediately perform work in the right-of-way and it is impractical for the ROW-user to first get the appropriate permit, the work may be performed, and the required permit shall be obtained as soon as possible during the next City working day.
- E. No permittee may excavate the right-of-way beyond the date or dates specified in the right-of-way permit unless the permittee:
  - 1. Makes a supplementary application for another right-of-way permit before the expiration of the initial permit, and
  - 2. A new right-of-way permit or permit extension is granted.
- F. Right-of-way permits issued shall be conspicuously displayed by the permittee at all times at the indicated work site and shall be available for inspection by the City Engineer, other City employees and the public. In lieu of the display of the permit, the City may issue a sign, stake or other device to confirm the issuance

of the permit that shall be conspicuously displayed at the work site.

- G. Before receiving a right-of-way permit, the applicant must show proof of any necessary permit, license, certification, grant, registration, franchise agreement or any other authorization required by any appropriate governmental entity including, but not limited to, the City or the FCC.
- H. Any ROW-user who is found to be working in the public right-of-way without a permit will be directed to stop work until a permit is acquired and properly posted at the work site. The only exception allowed is for emergency repair work. Refusal to comply with a stop work order is punishable as provided in Section 515.330 of this Chapter.
- I. Any permittee found to be working without providing for required safety and traffic control will be directed to stop work until the appropriate measures are implemented in accordance with the current edition of the Manual on Uniform Traffic Control Devices. Refusal to comply with a stop work order is punishable as provided in Section 515.330 of this Chapter.

#### SECTION 515.150: - PERMIT APPLICATIONS

- A. Application for a right-of-way permit shall be submitted to the City Engineer by the person who will do the work and/or excavation in the right-of-way.
- B. Right-of-way applications shall contain and be considered complete only upon receipt of the following:
  - 1. Compliance with verification of registration;
  - 2. Submission of a completed permit application form, including all required attachments and drawings showing the location and area of the proposed project and the location of all existing and proposed facilities at such locations;
  - 3. A traffic control plan;
  - 4. Payment of all money due to the City for permit fees and costs, for prior excavation costs, for any loss, damage or expense suffered by the City because of the applicant's prior excavations of the right-of-way or for any emergency actions taken by the City, unless the payment of such money is in dispute and timely appealed as provided hereafter.
  - 5. A commitment from the applicant to contact the Missouri One Call program or comparable successor program.
  - 6. Valid proof that the applicant has obtained a current City business occupation license.

#### SECTION 515.160: - LIABILITY INSURANCE, PERFORMANCE AND MAINTENANCE BOND REQUIREMENT

- A. The permittee shall file with the City evidence of liability insurance with an

insurance company licensed to do business in Missouri. The amount will be in an amount up to the current City's sovereign immunity level as established by RSMo.-The insurance will protect the City from and against all claims by any person whatsoever for loss or damage from personal injury, bodily injury, death or property damage to the extent caused or alleged to have been caused by the negligent acts or omissions of the permittee. If the permittee is self-insured, it shall provide the City proof of compliance regarding its ability to self-insure and proof of its ability to provide coverage in the above amounts.

- B. The permittee shall at all times during the term of the permit, and for two (2) years thereafter, maintain a performance and maintenance bond in a form approved by the City Manager. The amount of the bond will be five thousand dollars (\$5,000.00) or the value of the restoration, whichever is greater, for a term consistent with the term of the permit plus two (2) additional years, conditioned upon the permittee's faithful performance of the provisions, terms and conditions conferred by this Article. An annual bond in an amount of fifty thousand dollars (\$50,000.00) automatically renewed yearly during this period shall satisfy the requirement of this Section. In the event the City shall exercise its right to revoke the permit as granted herein, then the City shall be entitled to recover under the terms of said bond the full amount of any loss occasioned.
- C. A copy of the liability insurance certificate and performance and maintenance bond must be on file with the Finance Department.
- D. No performance and maintenance bond or liability insurance will be required of any governmental entity, or of any residential property owner working in the right-of-way adjacent to their residence, who does not utilize a contractor to perform the excavation.

#### SECTION 515.170: - RIGHT-OF-WAY PERMIT FEES

- A. The right-of-way permit fee shall be recommended by the City Engineer, approved by the Governing Body and listed in the Schedule of Fees maintained in the Finance Department.
- B. The right-of-way permit fee may include an administrative fee and a degradation fee. The degradation fee shall be calculated upon the area of the excavation in the public right-of-way and the area one (1) foot around the perimeter of the excavation.
- C. Fees paid for a right-of-way permit which is subsequently revoked by the City Engineer are not refundable.
- D. In the event the scope of the project is revised during the course of the work, the City Engineer may recalculate the fee based on the actual size of the excavation and may require an additional administrative fee.
- E. The City Engineer may waive the degradation fee for any excavation in the public right-of-way undertaken within the twelve (12) calendar months immediately preceding the scheduled improvement or reconstruction of the

street.

#### SECTION 515.180: - ISSUANCE OF PERMIT

- A. If the City Engineer determines that the applicant has satisfied the requirements of this Article, the City Engineer shall issue a right-of-way permit.
- B. The City Engineer may impose reasonable conditions upon the issuance of a right-of-way permit and the performance of the permittee in order to protect the public health, safety and welfare, to ensure the structural integrity of the right-of-way, to protect the property and safety of other users of the right-of-way and to minimize the disruption and inconvenience to the traveling public.
- C. When a right-of-way permit is requested for purposes of installing additional facilities, and a performance and maintenance bond for additional facilities is reasonably determined to be insufficient, the posting of an additional or larger performance and maintenance bond for the additional facilities may be required.
- D. Issued permits are not transferable.
- E. If work is being done for the ROW-user by another person, a subcontractor or otherwise, the person doing the work and the ROW-user shall be liable and responsible for all damages, obligations and warranties herein described.
- F. A right-of-way permit shall have an effective date and an expiration date. Establishment of the expiration date shall be in the discretion of the City Engineer, which discretion shall be reasonably exercised to achieve the City's policy of minimizing disruption of public right-of-way.

#### SECTION 515.190: - PERMITTED WORK

- A. The permittee shall not make any cut, excavation or grading of right-of-way other than excavations necessary for emergency repairs without first securing a right-of-way permit.
- B. The permittee shall not at any one (1) time open or encumber more of the right-of-way than shall be reasonably necessary to enable the permittee to complete the project in the most expeditious manner.
- C. The permittee shall, in the performance of any work required for the installation, repair, maintenance, relocation and/or removal of any of its facilities, limit all excavations to those excavations that are necessary for efficient operation.
- D. The permittee shall not permit such an excavation to remain open longer than is necessary to complete the repair or installation.
- E. The permittee shall notify the City no less than three (3) working days in advance of any construction, reconstruction, repair, location or relocation of

facilities which would require any street closure or which reduces traffic flow to less than two (2) lanes of moving traffic for more than four (4) hours. Except in the event of an emergency as reasonably determined by the permittee, no such closure shall take place without notice and prior authorization from the City.

- F. Non-emergency work on arterial and collector streets may not be accomplished 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 minimize disruption of traffic flow.
- G. All work performed in the right-of-way or which in any way impacts vehicular or pedestrian traffic shall be properly signed, barricaded and otherwise protected at the permittee's expense. Such signage shall be in conformance with the latest edition of the Administration's Manual on Uniform Traffic Control Devices, unless otherwise agreed to by the City.
- H. The permittee shall be liable for any damages to underground facilities, or for any damage to underground facilities that have been properly identified prior to excavation. The permittee shall not make or attempt to make repairs, relocation or replacement of damaged or disturbed underground facilities without the approval of the owner of the facilities.
- I. Whenever there is an excavation by the permittee, the permittee shall be responsible for providing adequate traffic control to the surrounding area as determined by the City Engineer. The permittee shall perform work on the right-of-way at such times that will allow the least interference with the normal flow of traffic and the peace and quiet of the neighborhood. In the event the excavation is not completed in a reasonable period of time, the permittee may be liable for actual damages to the City for delay caused by the permittee pursuant to this Article.
- J. All facilities and other appurtenances laid, constructed and maintained by the permittee shall be laid, constructed and maintained in accordance with acceptable engineering practice and in full accord with any and all applicable Engineering Codes adopted or approved by the parties and in accordance with applicable statutes of the State of Missouri, as well as the rules and regulations of any local, State or Federal agency having jurisdiction over the parties.
- K. Following completion of permitted work for new construction, the permittee shall keep, maintain and provide to the City accurate records and as-built drawings, drawn to scale and certified to the City as accurately depicting the location of all utility facilities constructed pursuant to the permit. When available to the permittee, maps and drawings provided will be submitted in AUTOCAD.DXF, AUTOCAD.DWG, MICROSTATION DGN (or comparable, as allowed by the City Engineer) automated formats if available, or in hard copy otherwise. The City Engineer may waive this requirement.
- L. The City may use the as-built records of the service provider's facilities in connection with public improvements.

## SECTION 515.200: - RIGHT-OF-WAY REPAIR AND RESTORATION

- A. The work to be done under the right-of-way permit and the repair and restoration of the right-of-way as required herein must be completed within the dates as specified in the permit. However, in the event of circumstances beyond the control of the permittee or when work was prohibited by unseasonable or unreasonable conditions, the City Engineer may extend the date for completion of the project upon receipt of a supplementary application for a permit extension.
- B. All earth, materials, sidewalks, paving, crossing, utilities, public improvement or improvements of any kind damaged or removed by the permittee shall be fully repaired or replaced promptly by the permittee at its sole expense and the reasonable satisfaction of the City. The City Engineer has the authority to inspect the repair or replacement of the damage, and if necessary, to require the permittee to do the additional necessary work. Notice of the unsatisfactory restoration and the deficiencies found will be provided to the permittee and a reasonable time not to exceed fifteen (15) days will be provided to allow for the deficiencies to be corrected.
- C. After any excavation, the permittee shall, at its expense, restore all portions of the right-of-way to the same condition, or better than, that it was prior to the excavation.
- D. If the permittee fails to restore the right-of-way in the manner and to the conditions required by the City Engineer, or fails to satisfactorily and timely complete all restoration, the City may, at its option, serve written notice upon the permittee and its surety that, unless within five (5) days after serving of such notice, a satisfactory arrangement can be made for the proper restoration of the right-of-way, the City shall immediately serve notice of failure to comply upon the surety and the permittee, and the surety shall have the right to take over and complete the work; provided however, that if the surety does not commence performance within ten (10) days from the date of notice, the City may take over the work and prosecute the same to completion, by contract or otherwise, at the expense of the permittee, and the permittee and its surety shall be liable to the City for any and all excess cost assumed by the City by reason of such prosecution and completion.
- E. The permittee responsible for the excavation who leaves any debris in the right-of-way shall be responsible for providing safety protection in accordance with the latest edition of the Manual of Uniform Traffic Control Devices and any applicable Federal or State requirement.
- F. If an excavation cannot be back-filled immediately and is left unattended, the permittee shall securely and adequately cover the unfilled excavation. The permittee has sole responsibility for maintaining proper barricades, safety fencing and/or lights as required, from the time of the opening of the

excavation until the excavation is surfaced and opened for travel.

- G. In restoring the right-of-way, the permittee guarantees its work and shall maintain it for twenty-four (24) months following its completion. During the twenty-four (24) months the permittee shall, upon notification from the City Engineer, correct all restoration work to the extent necessary, using any method as required by the City Engineer. Said work shall be completed within a reasonable time, not to exceed thirty (30) calendar days, of the receipt of notice from the City Engineer (not including days during which work cannot be done because of circumstances constituting Force Majeure or days when work is prohibited as unseasonable or unreasonable). The City Engineer shall have the authority to extend the guarantee period for up to an additional twenty-four (24) months from the date of the new restoration, if the City Engineer determines any overt action by the permittee not to comply with the conditions of the right-of-way permit and any restoration requirements. The foregoing shall not apply to living materials restored in the right-of-way, but living materials in the right-of-way shall be replaced and all reasonable efforts shall be taken to ensure their survival.
- H. The twenty-four (24) month guarantee period shall be applicable to failure of the pavement surface as well as failure below the pavement surface.
- I. Payment of a degradation fee shall not relieve the permittee of the obligation to complete the necessary right-of-way restoration.

#### SECTION 515.210: - JOINT APPLICATIONS

- A. Applicants may apply jointly for permits to excavate the right-of-way at the same time and place. All joint applicants must jointly execute all required documents and shall be jointly and severally liable for all duties and obligations hereunder.
- B. Applicants who apply jointly for a right-of-way permit may share in the payment of the permit fee. Applicants must agree among themselves as to the portion each shall pay.

#### SECTION 515.220: - SUPPLEMENTARY APPLICATIONS

- A. A right-of-way permit shall only be valid for the area of the right-of-way specified within the permit. No permittee may cause any work to be done outside the area specified in the permit, except as provided herein. Any permittee who determines that an area greater than that which is specified in the permit must be excavated must do the following prior to the commencement of work in that greater area:
  - 1. Make application for a permit extension and pay any additional fees required; and
  - 2. Receive a new right-of-way permit or permit extension.



- B. A right-of-way permit shall be valid only for the dates specified in the permit. No permittee may commence work before the permit start date or, except as provided herein, may continue working after the end date. If a permittee does not complete the work by the permit end date, the permittee must apply for and receive a new right-of-way permit or a permit extension for additional time. This supplementary application must be submitted to the City prior to the permit end date.

#### SECTION 515.230: - OTHER OBLIGATIONS

- A. Obtaining a right-of-way permit under this Article shall not relieve the permittee of its duty to obtain any necessary permit, license, certification, grant, registration, franchise agreement or any other authorization required by any appropriate governmental entity, including, but not limited to, the City or the FCC, and to pay any fees required by any other City, County, State or Federal rules, laws or regulations. A permittee shall perform all work in full accord with any and all applicable Engineering Codes adopted or approved by the parties and in accordance with applicable statutes of the State of Missouri, and the rules and regulations of the FCC or any other local, State or Federal agency having jurisdiction over the parties. A permittee shall perform all work in conformance with all applicable Codes and established rules and regulations and shall be responsible for all work done in the right-of-way pursuant to its permit, regardless of who does the work.
- B. Except in cases of an emergency or with approval of the City Engineer, no right-of-way work may be done when conditions are unreasonable for such work.
- C. A permittee shall not disrupt a right-of-way such that the natural free and clear passage of water through the gutters or other waterways is interfered with. Private vehicles may not be parked within or next to the permit area.

#### SECTION 515.240: - DENIAL OF PERMIT

- A. The City Engineer may deny a permit to protect the public health, safety and welfare to prevent interference with the safety and convenience of ordinary travel over the right-of-way or when necessary to protect the right-of-way and its users. The City Engineer, at their discretion, may consider one (1) or more of the following factors in denial of the permit:
  - 1. The extent to which the right-of way space where the permit is sought is available;
  - 2. The competing demands for the particular space in the right-of-way;
  - 3. The availability of other locations in the right-of-way or in other right-of-way for the facilities of the applicant;
  - 4. The applicability of any ordinance or other regulations that affect location

of facilities in the right-of-way;

5. The degree of compliance of the applicant with the terms and conditions of its franchise, this Article and other applicable ordinances and regulations;
  6. The degree of disruption to surrounding communities and businesses that will result from the use of that part of the right-of-way;
  7. The condition and age of the right-of-way which was constructed or reconstructed within the preceding five (5) years;
  8. The balancing of costs of disruption to the public and damage to the right-of-way against the benefits to that part of the public served by the construction in the right-of-way;
  9. Whether the applicant maintains a current occupational license with the City;
  10. Whether the applicant has failed within the last three (3) years to comply, or is presently not in full compliance with, the requirements of this Article;
  11. Whether the applicant has delinquent debt owed to the City;
  12. Whether the issuance of a right-of-way permit for the particular dates and/or time requested would cause a conflict or interferes with an exhibition, celebration, festival or any other event. In exercising this discretion, the City Engineer shall be guided by the safety and convenience of anticipated travel of the public over the right-of way.
- B. Notwithstanding the above provisions, the City Engineer may in their discretion issue a right-of-way permit in any case where the permit is necessary to:
1. Prevent substantial economic hardship to a user of the applicant's service;
  2. Allow such user to materially improve the service provided by the applicant.

#### SECTION 515.250: - REVOCATION OF PERMIT

- A. Permittees hold right-of-way permits issued pursuant to this Article as a privilege and not as a right. The City reserves the right to revoke any right-of-way permit, without refund of the permit fee, in the event of a substantial breach of the terms and conditions of any law or the right-of-way permit. A substantial breach shall include, but not be limited to, the following:
1. The violation of any material provision of the right-of way permit;
  2. An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the City or its citizens;
  3. Any material misrepresentation of any fact in the permit application;
  4. The failure to maintain the required bond or insurance;

5. The failure to complete the work in a timely manner;
  6. The failure to correct a condition indicated on an order issued pursuant to this Article;
  7. Repeated traffic control violations; or
  8. Failure to repair facilities damaged in the right-of-way.
- B. If the City Engineer determines that the permittee has committed a substantial breach of any law or condition placed on the right-of-way permit, the City Engineer shall make a written demand upon the permittee to remedy such violation. The demand shall state that the continued violation may be cause for revocation of the permit or legal action if applicable. Further, a substantial breach, as stated above, will allow the City Engineer, at his discretion, to place additional or revised conditions on the right-of-way permit, specifically related to the manner in which the breach is cured by the permittee. Within five (5) calendar days of receiving notification of the breach, permittee shall contact the City Engineer with a plan, acceptable to the City Engineer, for correction of the breach. Permittee's failure to contact the City Engineer, permittee's failure to submit an acceptable plan or permittee's failure to reasonably implement the approved plan shall be cause for immediate revocation of the right-of-way permit.
- C. If a right-of-way permit is revoked, the permittee shall also reimburse the City for the City's reasonable costs, including administrative costs, restoration costs and the costs of collection and reasonable attorneys' fees incurred in connection with such revocation.

#### SECTION 515.260: - WORK REQUIREMENTS AND INSPECTIONS

- A. Any excavation, backfilling, repair and restoration, and all other work performed in the right-of-way shall be done in conformance with the City's standards as promulgated by the City Engineer.
- B. The permittee will notify the City Engineer to schedule an inspection at the start of backfilling. Upon completion of all right-of-way restoration activities, the permittee will schedule a closeout inspection. In the event a permittee fails to obtain any interim inspections, the City Engineer may require re-opening of the excavation to allow such inspections.
- C. The permittee shall notify the office of the City Engineer upon completion of the authorized work permit.
- D. When any corrective actions required have been completed and inspected to the City Engineer's satisfaction, the two (2) year maintenance period will begin.
- E. In addition to the required scheduled inspections, the City Engineer may choose to inspect the ongoing permitted work in the right-of-way at any time to ensure that all requirements of the approved permit are being met by the permittee.

- F. At the time of any inspection the City Engineer may order the immediate cessation of any work which poses a serious threat to the life, health, safety or well-being of the public. The City Engineer may issue a citation to the permittee for any work which does not conform to the applicable standards, conditions, code or terms of the permit. The citation shall state that failure to correct the violation will be cause for revocation of the permit.

#### SECTION 515.270: - APPEALS PROCESS

- A. Whenever a permittee shall deem themselves aggrieved by any decision or action taken by the City Engineer, the person may file an appeal to the City Manager within ten (10) calendar days of the date of notice of such decision or action.
- B. The permittee shall be afforded a hearing on the matter before the City Manager within thirty (30) days of filing the appeal.
- C. In cases of applicability or interpretation of the rules, the City Manager may revoke such decision or action taken by the City Engineer.
- D. Unless the aggrieved order is revoked, such order, decision or action shall remain in force and be complied with by the permittee forthwith.
- E. In cases where compliance with such decision or action taken by the City Engineer would cause undue hardship, the City Manager may extend the time limit of such decision or action, or may grant exceptions to, or waive requirements of, or grant a variance from the specific provisions of rules. The City Manager shall give due consideration to the purposes of the rules in preserving public safety and convenience, integrity of public infrastructure and the operational safety and function of the public right-of-way.
- F. If a permittee still deems themselves aggrieved after the appeal to the City Manager, such permittee shall have thirty (30) days after the effective date of the City Manager's final decision to appeal the decision to the City Council in writing.
- G. If a permittee still deems themselves aggrieved after the appeal to the City Council, such permittee shall have thirty (30) days after the effective date of the City Council's final decision to institute an action in the Circuit Court of Cass County, Missouri.

#### SECTION 515.280: - INDEMNIFICATION

A permittee operating under the provisions of this Article shall fully indemnify, release, defend and hold harmless the City and agents of the City when acting in their capacity as municipal officials, employees and agents, from and against any and all claims, demands, suits, proceedings and actions, liability and judgment by other persons for damages, losses, costs and expenses, including attorney fees, to the extent caused by negligent acts or omissions of the permittee in the performance of the permitted work. The City agrees to timely notify permittee of

such claim, demand, suit, proceeding and/or action by providing written notice to permittee. Nothing herein shall be deemed to prevent the City, or any agent, from participating in the defense of any litigation by their own counsel at their own expense. Such participation shall not under any circumstances relieve the person from the duty to defend against liability or its duty to pay any judgment entered against the City, or its agents.

SECTION 515.290: - RESERVED

SECTION 515.300: - FEDERAL, STATE AND CITY JURISDICTION

This Article shall be construed in a manner consistent with all applicable Federal, State and local laws. Notwithstanding any other provisions of this Article to the contrary, the construction, operation and maintenance of the ROW-user's facilities shall be in accordance with all laws and regulations of the United States, the State and any political subdivision, or any administrative agency having jurisdiction. In addition, the ROW-user shall meet the most stringent technical standards set by regulatory bodies, including the City, now or hereafter having jurisdiction. The ROW-user's rights are subject to the Police powers of the City to adopt and enforce ordinances necessary to the health, safety and welfare of the public. The ROW-user shall comply with all applicable laws and ordinances enacted pursuant to that power. Finally, failure of the ROW-user to comply with any applicable law or regulation may result in a forfeiture of any permit, registration or authorization granted in accordance with this Article.

SECTION 515.310: - SEVERABILITY

If any Section, Subsection, sentence, clause, phrase or portion of this Article is for any reason held invalid or unconstitutional by any court of administrative agency 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 hereof.

SECTION 515.320: - CITY'S FAILURE TO ENFORCE

The City's failure to enforce or remedy any non-compliance of the terms and conditions of this Article or of any permit granted hereunder shall not constitute a waiver of the City's rights nor a waiver of any person's obligation as herein provided.

SECTION 515.330: - 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. Every day that this Article is violated shall constitute a separate offense.
- B. The violation of any provision of this Article is hereby deemed to be grounds for

revocation of the permit and registration to operate with the City.

- C. The City shall have the authority to maintain civil suits or actions in any court of competent jurisdiction for the purpose of enforcing the provisions of this Article. In addition to any other remedies, the City Attorney may institute injunction, mandamus or other appropriate action or proceeding to prevent violation of this Article.

#### SECTION 515.340: - RESERVATION OF RIGHTS

- A. In addition to any rights specifically reserved to the City by this Article, the City reserves unto itself every right and power which is required to be reserved by a provision of any ordinance under any registration, permit or other authorization granted under this Article. The City shall have the right to waive any provision of this Article or any registration, permit or other authorization granted thereunder, except those required by Federal or State law, if the City determines as follows:

1. It is in the public interest to do so; and
2. The enforcement of such provision will impose an undue hardship on the person.

To be effective, such waiver shall be evidenced by a statement in writing signed by a duly authorized representative of the City. Further, the City reserves to itself the right to intervene in any suit, action or proceeding involving the provisions herein.

- B. Notwithstanding anything to the contrary set forth herein, the provisions of this Article shall not infringe upon the rights of any person pursuant to any applicable State or Federal Statutes including, but not limited to, the right to occupy the right-of-way.

## **ARTICLE II. - FEES**

#### SECTION 515.350: - SCHEDULE OF FEES

- A. *Administrative/Management Fee*: The Administrative/Management fee as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department.
- B. *Degradation Fee* (Applicable to street cuts) - Equal to the cost per square yard for streets, overlays, and sealcoats x depreciation rate x area of influence. This will be calculated by the City Engineer based on the information provided in the permit application.

## **CHAPTER 520: - MOVING OF BUILDINGS AND BUILDING SYSTEMS**

### **SECTION 520.010: - DEFINITIONS**

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this Chapter, have the meanings shown in this Chapter. Where terms are not defined through the methods authorized by this Chapter, such terms shall have ordinarily accepted meanings such as the context implies.

*APPLICANT*: means any person making application for a permit.

*BUILDING OR STRUCTURE*: means an assembly of materials forming a construction for occupancy or use including houses, buildings or any other structures, but excluding mobile homes or trailers, and small accessory structures with a total floor area less than two hundred (200) square feet mounted on wheels or trucks for movement or transfer.

*CITY*: shall mean the City of Raymore.

*PERMITTEE*: means any person who has obtained a permit as provided in this Chapter.

### **SECTION 520.020: - PERMIT REQUIRED**

- A. No building or fixed structure having a total floor area of two hundred (200) or more square feet shall be moved on or across a street or alley within the City without a permit issued by the Building Official in accordance with the provisions set forth in other portions of this Chapter. No building or major portion shall be raised or shored without a permit from the Building Official.
- B. A permit shall be obtained for all heating, ventilating, comfort cooling and refrigeration systems, electrical service equipment, pipe fitting, incinerators and miscellaneous heat producing appliances, moved with or installed in any moved building. A separate permit shall be obtained for the equipment installed in each separate building or structure.

### **SECTION 520.030: - APPLICATION FOR PERMIT; FEES**

All applications for a permit to move buildings, building systems, or other structures described in Section 500.080 of the City Code shall be made to the Building Official and such application shall state or include by attachment and be in compliance with the following:

1. The dimensions of the building or structure as to length, width, and height at its highest point when loaded for moving;
2. A description of the building or structure proposed to be moved giving present street number, construction materials, total floor area in square feet, number of rooms and condition of exterior and interior;

3. The intended use and occupancy of the building or structure after moving;
4. The day and hour when the moving is to commence and length of time required for the move. All buildings or structures shall be moved during daylight hours in a single day. Except as may be allowed by the Building Official, no building or structure shall be moved on a Saturday or Sunday;
5. A plot plan to scale with legal description of the lot to which the building or structure is to be relocated;
6. The names or location of highways, streets, alleys or sidewalks over, along or across which the building or structure is proposed to be moved. The applicant shall obtain a permit from the state if a state highway is involved and a copy shall be submitted to the Building Official;
7. If the building is to be moved to a location within the City, a letter of approval by the Director of Development Services that indicates the building or structure would conform to the Unified Development Code in the proposed location after moving;
8. The application shall be made not less than fourteen (14) calendar days prior to the intended commencement of the move and shall be accompanied by the fee approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department;
9. A written statement specifically identifying the moving contractor or person(s) performing the building or structure move, including a description of the equipment to be utilized and a copy of the contractor's occupational license from the City Clerk's office;
10. A certificate of public liability insurance as required in Section 520.070 of this Chapter;
11. A plan identifying the following items shall be submitted and approved by the City Engineer:
  - a. any mailbox, light pole, utility pole, fence, or other items that would need to be temporarily removed to allow for the moving of the building; and
  - b. any overhead utility lines, traffic signals, light poles, or other items that would need to be temporarily removed to allow for the moving of the building.
12. A plan identifying any trees, shrubs or other plantings that would need to be trimmed or removed to allow for the moving of the building shall be submitted to and approved by the City Arborist.

#### SECTION 520.040: - INSPECTIONS; ISSUANCE OF PERMIT

- A. The Building Official shall inspect the building or structure to determine whether the standard for issuance of a permit is met and issue or deny such permit.



- B. The Building Official may refuse to issue a permit for any of the following circumstances:
  - 1. Any application requirement or any fee, deposit, insurance or bond requirement has not been complied with.
  - 2. The building or structure has been declared to be a dangerous building.
  - 3. The equipment to be used is unsafe and that persons and property would be endangered by its use.
  - 4. The Unified Development Code or any other ordinances would be violated by the location and use of the building or structure at the location intended.
  - 5. For any reasonably ascertainable reason, persons or property in the City would be endangered by the moving of the building or structure.
  - 6. Any weight, length, width or other restriction imposed upon the use of the public or private roadways within the City limits by either City traffic ordinances or RSMo. would be violated.
  - 7. The moving of a building would require the removal or trimming of trees or other plantings that would permanently damage said tree or other planting.
- C. The permit shall be valid only for the date specified on the permit application for when the move is to occur. If weather or other circumstances arise beyond the control of the applicant the Building Official may allow the permit to be transferred to a new date. If the Building Official does not authorize the change of date for the move, then the permit will expire and a new permit must be applied for and obtained.
- D. Claim on bond or letter of credit. If any damage shall occur to any City property due to the moving of the building of structure the Building Official shall furnish the applicant a written statement of all expenses and damages caused to or inflicted upon property as to such claim against the bond or letter of credit.
- E. Right to an appeal. All appeal procedures shall comply with Chapter 540 of the City Code.

#### SECTION 520.050: - CONDITIONS OF PERMIT

- A. Every permittee under this Chapter shall:
  - 1. Move a building or structure only over streets designated for such use in the written permit.
  - 2. Begin and complete the move within the daylight hours of a single day.
  - 3. Notify all public and private utilities of the requested move. Copies of notification and evidence of delivery shall be furnished to the Building Official.
  - 4. Notify the Building Official in writing of any and all damages done to public or private property within twenty-four (24) hours after damage or injury has

occurred.

5. Ensure that no building or structure or any part of any building or structure being moved shall be left deposited or remain in any parkway, street or on the dedicated right-of-way between the curb and the front property line of any lot.
  6. Comply with the Building Code, Fire Code, Unified Development Code and all other applicable traffic ordinances and laws upon relocating the building or structure in the City or when moving the same through the City.
  7. Remove all rubbish and material and restore property to existing grade at the original building or structure site in a safe and sanitary condition within the time frame established by the Building Official. Restoration of the property shall be in accordance with Section 500.155 (B) of the City Code.
  8. Have qualified personnel in place along the route to be used for the move to ensure the public health, safety and welfare is maintained; to direct vehicular traffic to an alternate route; to ensure public and private property along the route is not damaged; and to address any problems that may arise.
- B. All costs associated with moving the building, including temporary or permanent removal of utility lines, trees or other plantings, mailboxes, light or utility poles, or similar items shall be paid by the applicant.

#### SECTION 520.060: - BOND OR LETTER OF CREDIT REQUIRED

Before such permit is issued, the applicant shall file with the City's Finance Department, a bond executed by the applicant as principal, with corporate surety authorized to do business in the State of Missouri, in an amount up to the current City's sovereign immunity level as established by RSMo., wherein the City is named as obligee, or in lieu of, an irrevocable letter of credit issued to the City by a bank with place of business in the State of Missouri, in like amount, either of such to be in form approved by the City Attorney, and each of which shall be conditioned as follows:

1. That principal shall pay any and all damages, costs or expenses, resulting from the moving operation, and including full compensation for any injury to any property, public or private, related to the moving operation, whether caused by a principal, or agent, employee, workman, contractor or subcontractor.
2. That principal will indemnify and protect the City from any and all liability related to or resulting from the move and including any cost of defense of any claim, or cost or expense of enforcement of or recovery under the terms of the bond or letter of credit.
3. That said move, once begun, shall proceed continuously without interruption until completed, including removal of rubbish and materials

and fill or excavation and placing of premises from which the structure is moved in a safe and satisfactory condition within five (5) days from the time of move.

4. That in the event of any failure to fully comply with this Chapter, including any cessation or interruption of the moving operation before completion, the City, at the election of the Building Official, but without requirement, may proceed by use of City personnel, or by contractor selected by it, to the completion of the move as provided by the permit, at the cost or expense of the permittee, including compensation for the time and services of City personnel, and recover all of the same, including enforcement and expenses of recovery, from any and all of the principal, surety on the bond, or bank issuing such letter of credit.

#### SECTION 520.070: - LIABILITY INSURANCE

Every person moving a building in the City shall file with the Finance Department a liability insurance policy not less than an amount up to the current City's sovereign immunity level as established by RSMo., The policy shall be issued by the solvent corporation holding a certificate of authority to conduct insurance business in the State, which policy shall conform in all respects to the requirements of this Section. The City of Raymore shall be named as an additional insured.

#### SECTION 520.080: - DEFAULT IN PERFORMANCE OF CONDITIONS

- A. Whenever a default has occurred in the performance of any term or condition of any permit, written notice shall be given to the permittee by the Building Official, said notice to state the work to be done and the period of time to complete such work. After receipt of such notice, the permittee must, within the time specified, either cause the work to be done or pay over to the Finance Department of the City the cost of doing the work.
- B. If the permittee defaults, the City shall have the option, in lieu of completing the work required, to demolish the building or structure and to clear, clean and restore the site or sites and take whatever steps necessary to recover costs and administrative expenses.

#### SECTION 520.090: - REFUNDING OF BONDS

If a Bond has been provided when the moving of any building for which a permit has been granted is completed, and all damages to public streets or other public property has been repaired to the satisfaction of the City and all costs of repairing damages or performing other work as provided have been paid, then the deposited bond as required by Section 520.060 of this Chapter, or such portion then remaining unused under the provisions of this Chapter shall be refunded. Should the cost, however, of repairing damages and/or performing other work as in this Chapter provided, exceed the total amount of the bond, the person to whom said permit was granted shall be held liable for the amount of damage and/or other

costs which are in excess of the bond, and it shall be the duty of the Finance Department, upon determination of the amount, to collect such part of the claim which is in excess of the bond from the permittee.

#### SECTION 520.100: - VIOLATION; 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. Each day any violation of this Chapter shall continue shall constitute a separate offense.

### **CHAPTER 525: - BLASTING REGULATIONS**

#### SECTION 525.010: - PERMIT REQUIRED

No person shall do or cause to be done any blasting within the City limits, or outside of such City limits but on property owned or operated by the City, without first obtaining a permit from the City Engineer and South Metropolitan Fire Protection District, subject to all the provisions of this Chapter.

#### SECTION 525.020: - PERMIT APPLICATION

All applications for permits for blasting or use of explosives shall be signed by the person or their duly authorized agent who desires to do the blasting described in the application and shall contain such other information regarding the proposed blasting as may be required by the City Engineer.

#### SECTION 525.030: - PERMIT ISSUANCE

Whenever the City Engineer shall find, from an examination of the application for blasting permit and such other information as they may deem necessary and proper to find or require, that such blasting can be done with safety to life and property, then they shall issue the permit as in this Chapter provided.

#### SECTION 525.040: - PERMIT CONTENTS—DURATION

Permits granted under this Chapter shall specify the blasting to be permitted, the time such permit shall be valid and such other conditions and requirements as the City Engineer may deem safe and proper, provided that such period of validity shall not extend beyond the calendar year in which the permit is issued.

#### SECTION 525.050: - INSURANCE PREREQUISITE TO PERMIT

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.

#### SECTION 525.060: - INSPECTION OF BLASTING

At the time of granting a permit for blasting, the engineer shall endorse upon it whether or not the blasting shall be done subject to the inspection of the City Engineer. If the blasting is to be done subject to such inspection, the City Engineer shall, within a reasonable time, inform the grantee of a permit of the requirements of such inspection, and such grantee shall not perform or cause to be performed any blasting under the permit, contrary to such inspection requirements.

#### SECTION 525.070: - RATE TO INSPECT BLASTING

- A. The City Engineer shall charge the grantee of a blasting permit the actual cost involved for inspection of blasting. Additionally, the City Engineer shall charge the grantee the actual cost of any seismographic tests or readings that may be required in connection with the inspection. No permit for blasting will be issued unless the grantee has deposited, with the City, the amount approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department for payment of such inspection and testing costs. At the completion of the blasting operations after all inspection and testing costs have been determined, grantee shall pay any balance due within ten (10) days after notice of it is mailed to grantee at the address given on the application for the permit. Any unused balance of the deposit will be refunded or kept on deposit at the grantee's option. If at any time during the period that a permit remains in effect, the City Engineer determines that the inspection and testing costs are likely to exceed the amount on deposit and so notifies the grantee in writing, then, within five (5) working days, the grantee shall deposit such additional sum as the City Engineer has determined to be required or shall cease blasting.
- B. In the event that any balance due is not paid within the ten (10) day period provided above, then a charge in the amount approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department shall be paid by the grantee to cover the City's additional collection costs and administrative expenses. Additionally, the amount of the deposit required from any grantee, who, within three years prior to the date of application, has failed to pay a balance due within ten (10) days provided above, shall be tripled. Upon written request of the grantee and for good cause shown, the penalties set out in this paragraph may be waived by the City Engineer.

#### SECTION 525.080: - INVENTORIES—DISPOSITION OF EXPLOSIVES WHEN PERMIT EXPIRES

Each applicant for a permit for blasting shall maintain a daily inventory in detail of all explosives in their possession for blasting purposes, from the date of the application to the final termination of the permit. Such inventory and stocks of the explosives included shall be subject to inspection and examination at any reasonable time by the office of the City Engineer. On the final termination of the

permit, all stocks of explosives remaining unused by the permittee shall be shown or reported to the City Engineer, as they may direct, and such disposition made as shall be approved or directed by the City Engineer.

#### SECTION 525.090: - RULES AND REGULATIONS OF CITY ENGINEER

The City Engineer is hereby authorized to make and publish, from time to time, rules and regulations in conformity with and for carrying out the provisions of this Chapter respecting the conditions for issuing blasting permits, including the acquisition, daily recording, storage, transportation, disposition of explosives and the method and manner of blasting.

#### SECTION 525.100: - PERMIT REVOKED

If, in the opinion of the City Engineer, any of the rules and regulations hereby authorized are violated in any manner, the blasting permit may be revoked.

### **CHAPTER 530: - STREETS**

#### **ARTICLE I. - VACATION**

#### SECTION 530.010: - PROCEDURES FOR VACATION

- A. The City of Raymore shall have exclusive control over its public highways, streets, avenues, alleys, public places or any other public ways and shall have exclusive power to vacate, abandon or change any public highway, street, avenue, alley or public place or part of. The word "street" shall be used to include all such public ways and places as listed above. It shall also include the entire right-of-way, both the improved and unimproved areas. The term "public highway" shall also include any part of a State highway under local control and maintenance.
- B. *Vacation Of Street—Generally.*
  1. No vacation of a street shall take place, unless the consent of the persons owning two-thirds (2/3) of the property immediately adjoining has been obtained in writing, which consent shall be acknowledged before a Notary Public and filed for record with the Cass County Recorder of Deeds. If the street is vacated, all title shall vest in the person owning the property on each side in equal proportions according to the length or breadth-of such ground, as the same may border on such street.
  2. No public street shall be vacated until it has been submitted to the Planning Commission at a public hearing, for recommendation to the City Council.
  3. After holding a public hearing the City Council, by a majority vote, may approve or disapprove the vacation.

## **CHAPTER 535: - RELOCATION POLICY**

### **SECTION 535.010: - RELOCATION POLICY**

The following Relocation Policy shall apply to any plan, project or area for redevelopment under the operation of Chapter 99, RSMo., Chapter 100, RSMo., or Chapter 353, RSMo., or any other statutory provision requiring relocation policies which proposes or includes within its provisions or necessitates displacement of persons, when such displacement is not subject to the provisions of the Federal Uniform Relocation and Real Property Acquisition Policies Act of 1970 (42 U.S.C. Sections 4601 to 4655, as amended) or to Subsection 1 of Section 523.205, RSMo.:

1. *Definitions.* As used herein, the following terms shall mean:

*BUSINESS:* Any lawful activity that is conducted:

1. Primarily for the purchase, sale or use of personal or real property or for the manufacture, processing or marketing of products or commodities; or
2. Primarily for the sale of services to the public.

*DECENT, SAFE AND SANITARY DWELLING:* A dwelling which meets applicable Housing and Occupancy Codes. The dwelling shall:

1. Be structurally sound, weathertight and in good repair;
2. Contain a safe electrical wiring system;
3. Contain an adequate heating system;
4. Be adequate in size with respect to the number of rooms needed to accommodate the displaced person; and
5. Be free of any barriers which would preclude reasonable ingress, egress or use of the dwelling.

*DISPLACED PERSON:* Any person that moves from the real property or moves his personal property from the real property permanently and voluntarily as a direct result of the acquisition, rehabilitation or demolition of, or the written notice of intent to acquire such real property, in whole or in part, for a public purpose.

*INITIATION OF NEGOTIATIONS:* The delivery of the initial written offer of just compensation by the acquiring entity to the owner of the real property to purchase such real property for the project or the notice to the person that he will be displaced by rehabilitation or demolition.

*PUBLIC AGENCY:* The State of Missouri or any political subdivision or any branch, bureau or department of and any quasi-public corporation created or existing by law which are authorized to acquire real property for public

purpose and which acquire any such property either partly or wholly with aid or reimbursement from Federal funds.

*URBAN REDEVELOPMENT CORPORATION:* As defined in Section 353.020, RSMo.

2. Every urban redevelopment corporation acquiring property within a redevelopment area shall submit a relocation plan as part of the redevelopment plan. The relocation plan shall comply with all applicable provisions of this Relocation Policy. The requirements of this paragraph may be satisfied by incorporation by reference of this Relocation Policy in such redevelopment plan. Any redevelopment plan submitted to and approved by the City Council which does not expressly provide such a relocation plan shall be deemed to have incorporated this Relocation Policy by reference.
3. Unless the property acquisition under the operation of Chapter 99, RSMo., Chapter 100, RSMo., or Chapter 353, RSMo., is subject to Federal relocation standards or Subsection 1 of Section 523.205, RSMo., the relocation plan shall, either by incorporation of this Relocation Policy or by express provision therein, provide for the following:
  - a. Payments to all eligible displaced persons who occupied the property to be acquired for not less than ninety (90) days prior to the initiation of negotiation who are required to vacate the premises;
  - b. A program for identifying special needs of displaced persons with specific consideration given to income, age, size of family, nature of business, the availability of suitable replacement facilities and vacancy rates of affordable facilities;
  - c. A program of referrals of displaced persons with provisions for a minimum of three (3) decent, safe and sanitary housing referrals for residential persons or suitable referral sites for displaced businesses, a minimum of ninety (90) days' notice of referral sites for handicapped displaced persons and sixty (60) days' notice of referral sites for all other displaced persons prior to the date such displaced persons are required to vacate the premises and arrangements for transportation to inspect referral sites; and
  - d. Every displaced person shall be given a ninety (90) day notice to vacate prior to the date such displaced person is required to vacate the premises.
4. All displaced residential persons eligible for payments shall be provided with relocation payments as established by RSMo.
5. All displaced businesses eligible for payments shall be provided with relocation payments as established by RSMo.
6. If a displaced person demonstrates the need for an advance relocation



payment in order to avoid or reduce a hardship, the developer or public agency shall issue the payment subject to such safeguards as are appropriate to ensure that the objective of the payment is accomplished. Payment for a satisfactory claim shall be made within thirty (30) days following receipt of sufficient documentation to support the claim. All claims for relocation payment shall be filed with the displacing agency within six (6) months after:

- a. For tenants, the date of displacement;
  - b. For owners, the date of displacement or the final payment for the acquisition of the real property, whichever is later.
7. Any displaced person, who is also the owner of the premises, may waive relocation payments as part of negotiations for acquisition of the interest held by such person. Such waiver shall be in writing, shall disclose the person's knowledge of the provisions of Section 523.205, RSMo., and his entitlement to payment and shall be filed with the acquiring public agency.
  8. All persons eligible for relocation benefits shall be notified in writing of the availability of such relocation payments and assistance concurrent with the notice of referral sites as required in Subdivision (3) of Subsection 5 of Section 523.205, RSMo.
  9. Any urban redevelopment corporation, its assigns or transferees, which has been provided any assistance under the operation of Chapter 99, RSMo., Chapter 100, RSMo., Chapter 353, RSMo., or Chapter 523, RSMo., with land acquisition by the City shall be required to make a report to the City Council or appropriate public agency which shall include, but not be limited to, the addresses of all occupied residential buildings and structures within the redevelopment area and the names and addresses of persons displaced by the redeveloper and specific relocation benefits provided to each person, as well as a sample notice provided to each person.
  10. An urban redevelopment corporation which fails to comply with the relocation requirements provided in Section 523.205, RSMo., shall not be eligible for tax abatement as provided for in Chapter 353, RSMo.
  11. The requirements set out herein and in Section 523.205, RSMo., shall be considered minimum standards. In reviewing any proposed relocation plan under the operation of Chapter 99, RSMo., Chapter 100, RSMo., or Chapter 353, RSMo., the City Council or public agency shall determine the adequacy of the proposal and may require additional elements to be provided.
  12. Relocation assistance shall not be provided to any person who purposely resides or locates his business in a redevelopment area solely for the purpose of obtaining relocation benefits.
  13. The provisions of Sections 523.200 and 523.205, RSMo., shall apply to land acquisitions under the operation of Chapter 99, RSMo., Chapter 100, RSMo.,

or Chapter 353, RSMo., filed for approval, approved or amended on or after August 31, 1991.

## **CHAPTER 540: - BOARD OF APPEALS**

### **SECTION 540.010: - POWERS AND DUTIES OF THE BOARD OF APPEALS**

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

1. To hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of Chapter 500: Building Code; Chapter 510: Dangerous Buildings; Chapter 605: Businesses, Trades, Occupations and Service Occupations Licenses, Taxes and Regulations; and Section 710.150 of Chapter 710: Sewers all of this Code.
2. To hear and decide appeals of orders, decisions or determinations made by the Floodplain Administrator relative to the application and interpretation of Chapter 460: Flood Protection of the Unified Development Code.
3. To hear and decide upon a request for a variance from the floodplain management regulations contained in Chapter 460: Flood Protection of the Unified Development Code.
4. To hear and decide appeals of orders, decisions or determinations made by the Director of Development Services or Public Works Director relative to the application and interpretation of Chapter 455: Natural Resource Protection of the Unified Development Code.
5. To hear and decide upon a request for a variance from the regulations contained in Chapter 455: Natural Resource Protection of the Unified Development Code.
6. To hear and decide appeals of orders, decisions or determinations made by the Director of Development Services relative to the application and interpretation of Chapter 545: Property Maintenance of this Code.
7. All other powers or duties which are now, or may hereafter be granted to or imposed upon it by ordinance or Statute.

### **SECTION 540.020: - APPEAL PROCESS**

- A. An appeal from Article III Division 2: Exterior Property Areas of Chapter 545: Property Maintenance of this Code shall be filed within five (5) days from the date of the order to abate or other ruling specifying the grounds therefore. All other appeals shall be filed within ten (10) days from the date of the order or other ruling specifying the grounds therefore.
- B. The application shall be accompanied by the fee amount approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in

the Finance Department.

- C. An appeal stays all proceedings in furtherance of the action appealed from unless the Building Official, Director of Development Services, Public Works Director or Floodplain Administrator certifies to the board, after the notice of appeal shall have been filed with them, that by reason of the facts stated therein, a stay would, in their opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the circuit court of Cass County, an application or notice to the Building Official, Director of Development Services, Public Works Director or Floodplain Administrator and on due cause shown.

#### SECTION 540.030: - LIMITATIONS ON AUTHORITY

- A. An application for appeal to the Board of Appeals shall be based on a claim that the true intent of this Code or the rules legally adopted have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equally good or better form of construction is proposed.
- B. The Board of Appeals shall have no authority to waive requirements of the Building Code.

#### SECTION 540.040: - MEMBERSHIP OF BOARD

- A. The Board of Appeals shall consist of five (5) members and two (2) alternate members appointed by the Mayor with the advice and consent of a majority of the City Council, to serve for a period of three (3) years.
- B. Board membership shall be composed of:
  - 1. Three (3) members of the Board, and the two (2) alternates, shall consist of persons qualified by experience and training to pass on matters of building and site construction and development. Members shall be skilled in building or construction trades or professions such as architect, engineer, builder or general contractor.
  - 2. One (1) member shall be a layperson to represent the general public.
  - 3. One (1) member shall be a City staff appointment.
- C. The Board shall adopt appropriate rules of procedure for conducting its business.

#### SECTION 540.050: - BOARD DECISIONS

The Board may uphold, modify or reverse the order, requirement, decision or determination appealed from the Building Official; Director of Development Services, Public Works Director or Floodplain Administrator. The Board may grant a variance as provided for in Section 470.220 or 470.230 of the Unified Development Code. All decisions of the Board shall be by a concurring vote of at least three (3)

members of the Board. All decisions of the Board shall be in writing and shall be final. The Building Official, Director of Development Services, Public Works Director or Floodplain Administrator shall take immediate action in accordance with the decision of the Board.

## **CHAPTER 545: - PROPERTY MAINTENANCE CODE**

### **ARTICLE I. - ADMINISTRATION**

#### **DIVISION 1. - GENERALLY**

##### SECTION 545.010: - TITLE

Chapter 545 shall be known as the "City of Raymore Property Maintenance Code", referred to as "this Code".

##### SECTION 545.015: - SCOPE

The provisions of this Code shall apply to all existing residential and non-residential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment, and facilities for lights, ventilation, space, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises; and for administration, enforcement and penalties.

##### SECTION 545.020: - INTENT

This Code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

##### SECTION 545.025: - SEVERABILITY

If a section, subsection, sentence, clause or phrase of this Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code.

#### **DIVISION 2. - APPLICABILITY**

##### SECTION 545.030: - GENERAL

The provisions of this Code shall apply to all matters affecting or relating to structures and premises, as set forth in Article 1, Division 1. Where, in a specific

case, different sections of this Code specify different requirements, the most restrictive shall govern.

#### SECTION 545.035: - MAINTENANCE

Equipment, systems, devices and safeguards required by this Code or a previous regulation or Code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. The requirements of this Code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

#### SECTION 545.040: - APPLICATION OF OTHER CODES

Repairs, additions or alterations to a structure or changes in occupancy shall be done in accordance with the procedures and provisions of the International Building Code, International One- and Two-Family Dwelling Code, Uniform Plumbing Code, Uniform Mechanical Code, National Electric Code, International Fire Code and the Uniform Swimming Pool, Spa and Hot Tub Code as adopted by the City. Nothing in this Code shall be construed to cancel, modify or set aside any provision of the Unified Development Code.

#### SECTION 545.045: - EXISTING REMEDIES

The provisions in this Code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

#### SECTION 545.050: - WORKMANSHIP

Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions and adopted standards and Codes.

#### SECTION 545.055: - HISTORIC BUILDINGS

The provisions of this Code shall not be mandatory for existing buildings or structures designated by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the Code Official to be safe and in the public interest of health, safety and welfare.

#### SECTION 545.060: - REFERENCED CODES AND STANDARDS

The Codes and standards referenced in this Article shall be those that are listed in Chapter 500: Building Code of the City Code unless otherwise noted.

#### SECTION 545.065: - REQUIREMENTS NOT COVERED BY CODE

Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this Code, shall be determined by the Code official.

### **DIVISION 3. - CODE ENFORCEMENT PERSONNEL**

#### SECTION 545.070: - CODE OFFICIAL

The Code Official shall be the Director of Development Services.

#### SECTION 545.075: - RESERVED

#### SECTION; 545.080: - RESTRICTION OF EMPLOYEES

An official or employee connected with the enforcement of this Code, except one whose only connection is that of a member of the board of appeals established under Chapter 540 of this Code, shall not be engaged in, or directly or indirectly connected with the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

#### SECTION 545.085: - LIABILITY

The Code Official, officer or employee charged with the enforcement of this Code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The Code Official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this Code; and any officer acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

## SECTION 545.090: - FEES

The fees for activities and services performed by the department in carrying out its responsibilities shall include both actual and administrative costs.

## **DIVISION 4. - DUTIES AND POWERS OF THE CODE OFFICIAL**

### SECTION 545.100: - GENERAL

The Code Official or appointed deputy(s) shall enforce the provisions of this Code.

### SECTION 545.105: - RULE-MAKING AUTHORITY

The Code Official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this Code; to secure the intent of; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this Code, or of violating accepted engineering methods involving public safety.

### SECTION 545.110: - INSPECTIONS

The Code Official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Code Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.

### SECTION 545.115: - RIGHT OF ENTRY

Whenever necessary to make an inspection or to enforce any of the provisions of this Code or whenever the Code Official has reasonable cause to believe that there exists in any building or structure, or upon any premises, any condition which makes such building, structure, or premises unsafe, the Code Official may enter the building, structure, or premises at any reasonable time to inspect the same or to perform any duty imposed upon the Code Official by this Code; provided, if such property be occupied, the Code Official shall first present proper credentials and request and obtain permission to enter before entering the building, structure or premises. Reasonable effort must be made to locate the owner or other persons having charge or control of the property when seeking permission for entry.

If no consent has been given to enter or inspect any building, structure or premises, no entry or inspection shall be made without the procurement of a warrant from the Judge presiding in the Raymore Municipal Court. The Court may consider any of the following factors along with such other matters as it deems pertinent in its

decision as to whether a warrant shall be issued:

- (1) Eye witness account of violation.
- (2) Citizen complaint(s).
- (3) Tenant complaint(s).
- (4) Plain view violations.
- (5) Violations apparent from City records.
- (6) Nature of the alleged violation, the threat to life or safety, and imminent risk of significant property damage.
- (7) Previous unabated violations in the building or structure or on the premises.

Cause supporting issuance of a warrant shall be deemed to exist in light of reasonable legislative and administrative standards which show that there is reason to believe that a condition of non-conformity exists with respect to a building, structure or premises in violation of the provisions of the Property Maintenance Code.

The Code Official may enter the building, structure or premises without consent or a search warrant to make an inspection or enforce any of the provisions of this Code only when an emergency exists as prescribed in Article 1, Division 9.

#### SECTION 545.120: - SEARCH WARRANT

If a complaint in writing is filed by the Code Official, any Law Enforcement Officer, City Attorney or Prosecuting Attorney of the City, with the Municipal Court of the City, stating that they have probable cause to believe there exists in a building, structure or premises, more particularly described, a violation or violations of provisions of the Code and is within the territorial jurisdiction of the City, and if such complaint is verified by the oath or affirmation stating evidential facts from which such judge determines the existence of probable cause, then such judge may issue a search warrant directed to the authorized person to search the building, structure or premises described for the purposes requested. Such search warrant may be executed and returned only within ten (10) days after the date of its issuance. The person authorized to search shall make a return promptly after concluding the search, and such return shall contain an itemization of all violations of this Code discovered pursuant to such search. Refusal to allow entry upon presentation of a search warrant shall be an ordinance violation. Execution of a search warrant issued under this section shall not be by forcible entry.

#### SECTION 545.125: - IDENTIFICATION

The Code Official shall carry proper identification when inspecting structures or premises in the performance of duties under this Code.



#### SECTION 545.130: - NOTICES AND ORDERS

The Code Official shall issue all necessary notices or orders to ensure compliance with this Code. The Code Official may authorize the City Code Enforcement Officer or other City employee to issue notices and orders to ensure compliance with this Code.

#### SECTION 545.135: - DEPARTMENT RECORDS

The Code Official shall keep official records of all business and activities of the department specified in the provisions of this Code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulation.

#### SECTION 545.140: - COORDINATION OF INSPECTIONS

Whenever in the enforcement of this Code or another Code or ordinance, the responsibility of more than one Code Official of the jurisdiction is involved, it shall be the duty of the Code Officials involved to coordinate their inspections and administrative orders as fully as practical so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders.

### **DIVISION 5. - APPROVAL OF ALTERNATIVE MATERIALS AND/OR METHODS**

#### SECTION 545.145: - MODIFICATIONS

Whenever there are practical difficulties involved in carrying out the provisions of this Code, the Code Official shall have the authority to grant modifications for individual cases, provided the Code Official shall first find that special individual reason makes the strict letter of this Code impractical and the modification is in compliance with the intent and purpose of this Code and that such modification does not lessen health, life and fire safety requirements. Request for modifications shall be in writing and the details of action granting modifications shall be recorded and entered in the department files.

#### SECTION 545.150: - ALTERNATIVE MATERIALS, METHODS AND EQUIPMENT

The provisions of this Code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this Code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the Code Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this Code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Code in quality,

strength, effectiveness, fire resistance, durability and safety.

#### SECTION 545.155: - REQUIRED TESTING

Whenever there is insufficient evidence of compliance with the provisions of this Code, or evidence that a material or method does not conform to the requirements of this Code, or in order to substantiate claims for alternative materials or methods, the Code Official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction.

#### SECTION 545.160: - TEST METHODS

Test methods shall be as specified in this Code or by other recognized test standards. In the absence of recognized and accepted test methods, the Code Official shall be permitted to approve appropriate testing procedures performed by an approved agency.

#### SECTION 545.165: - TESTING AGENCY

All tests shall be performed by an approved agency.

#### SECTION 545.170: - TEST REPORTS

Reports of tests shall be retained by the Code Official for the period required for retention of public records.

#### SECTION 545.175: - MATERIALS AND EQUIPMENT REUSE

Materials, equipment and devices shall not be reused unless such elements have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

### **DIVISION 6. - VIOLATIONS**

#### SECTION 545.180: - UNLAWFUL ACTS

It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this Code.

#### SECTION 545.185: - NOTICE OF VIOLATION

The Code Official shall serve a notice of violation or order in accordance with Article 1, Division 7 of this Code.

#### SECTION 545.190: - PROSECUTION OF VIOLATION

If the notice of violation is not complied with, the Code Official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such

violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto.

#### SECTION 545.195: - VIOLATION PENALTIES

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 545.200: - ABATEMENT OF VIOLATION

The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

#### SECTION 545.205: - EXTENSION OF TIME TO PERFORM WORK

Upon receipt of a request from the person required to conform to the order and by agreement of such person to comply with the order if allowed additional time, the Code Official may grant an extension of time, not to exceed an additional one hundred twenty (120) days, within which to complete said order, if the Code Official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The Code Official's authority to extend time is limited to the actual compliance with said order and will not in any way affect the time to appeal the notice and order pursuant to Division 12 of this Article.

### **DIVISION 7. - NOTICES AND ORDERS**

#### SECTION 545.210: - NOTICE TO OWNER OR TO PERSON OR PERSONS RESPONSIBLE

- A. Whenever the Code Official determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible in the manner prescribed in Section 545.215 and 545.220 of this Code. Notices for condemnation procedures shall also comply with Section 545.260 of this Code.
- B. The Code Official shall utilize the following timeframes when issuing a notice of violation:
  1. If the violation is of a provision contained in Article III. Division 2: Exterior Property Areas of the Property Maintenance Code then the notice shall include a correction order allowing seven (7) days after receipt of notice, or within ten (10) days after the date of such notice in the event the notice is returned because of its inability to make delivery, to bring the property into

compliance.

2. If the violation is of any other provision of Chapter 545: Property Maintenance of this Code then the notice shall include a correction order allowing at least thirty (30) days after the date of the notice to bring the property into compliance.
3. If repeat violations of the same Code provision by the same person at the same property occur in the same calendar year, the notice of the 2<sup>nd</sup> and any additional repeat violations shall include a correction order allowing five (5) days after receipt of notice to bring the property into compliance.

#### SECTION 545.215: - FORM

Such notice prescribed in Section 545.210 of this Chapter shall:

1. Be in writing;
2. Include a description of the real estate sufficient for identification;
3. Include a statement of the violation or violations and why the notice is being issued;
4. Include a correction order with the timeframe for correction identified as prescribed in Section 545.210(B) of this Code to make the repairs and improvements required to bring the property, dwelling unit or structure into compliance with the provisions of this Code;
5. Inform the property owner of the right to appeal; and
6. Include a statement of the right of the City to issue a citation for noncompliance with the order and/or abate the violation and file a special tax assessment to recover the costs of said abatement.

#### SECTION 545.220: - METHOD OF SERVICE

Such notice shall be deemed to be properly served if a copy is:

1. Delivered personally; or
2. Sent by certified or first-class mail addressed to the last known address; or,
3. If the notice is returned showing that the letter was not delivered, a copy shall be posted in a conspicuous place in or about the structure affected by such notice.

#### SECTION 545.225: - RESERVED

#### SECTION 545.230: - TRANSFER OF OWNERSHIP

It shall be unlawful for the owner of any property, dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the

provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

## **DIVISION 8. - DANGEROUS BUILDINGS, UNSAFE STRUCTURES AND EQUIPMENT**

### **SECTION 545.235: - GENERAL**

Chapter 510 of the City Code shall apply to all buildings or structures determined by the Code Official to be a dangerous building. All procedures of Chapter 510 shall be followed.

### **SECTION 545.240: - UNSAFE EQUIPMENT**

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

### **SECTION 545.245: - STRUCTURE UNFIT FOR HUMAN OCCUPANCY**

A structure is unfit for human occupancy whenever the Code Official finds that such structure is dangerous, unsafe, unlawful or, because the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, contains mold, or lacks ventilation, illumination, sanitary or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public. Disconnection of electrical service, gas service, and/or water service, or failure to have connection to a properly functioning City sanitary sewer main or private sewage disposal system, for a period of time exceeding seven (7) calendar days, is reason for the Code Official to declare a structure unfit for human occupancy.

When the Code Official declares a structure as unfit for human occupancy, the Code Official shall post said structure with a notification declaring that the structure is unfit for human occupancy and occupying the same except to effect the necessary repairs or work is a violation of the City Code. The structure may only be occupied during daylight hours for the purpose of effecting the necessary repairs or work to allow the structure to be in compliance with the City Code and be

occupied.

#### SECTION 545.250: - UNLAWFUL STRUCTURE

An unlawful structure is a structure erected, altered or occupied contrary to law.

#### SECTION 545.255: - CLOSING OF VACANT STRUCTURES

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the Code Official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the Code Official shall cause the premises to be closed through any available public agency or by contract or arrangement by private persons and the cost shall be charged against the real estate upon which the structure is located and shall be a special tax assessment upon such real estate and may be collected by any other legal resource.

The use of wood, plywood or similar materials to close and secure windows and doors of a vacant structure is permitted provided the material used is of a similar color, or painted a similar color, as the base color of the structure.

#### SECTION 545.260-545.275: - RESERVED

### **DIVISION 9. - EMERGENCY MEASURES**

#### SECTION 545.280: - IMMINENT DANGER

When, in the opinion of the Code Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

#### SECTION 545.285: - TEMPORARY SAFEGUARDS

Notwithstanding other provisions of this Code, whenever, in the opinion of the Code Official, there is imminent danger due to an unsafe condition, the Code

Official shall order the necessary work to be done, including the boarding-up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Code Official deems necessary to meet such emergency.

#### SECTION 545.290: - CLOSING STREETS

When necessary for the public safety, the Code Official shall temporarily close structures and close, or request the authority having jurisdiction to close sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

#### SECTION 545.295: - EMERGENCY REPAIRS

For the purposes of this section, the Code Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

#### SECTION 545.300: - COSTS OF EMERGENCY REPAIRS

Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

#### SECTION 545.305: - HEARING

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this Code.

### **DIVISION 10. - DEMOLITION**

#### SECTION 545.310: - GENERAL

Chapter 510 of the City Code shall apply to all buildings or structures determined by the Code Official to be a dangerous building and ordered to be demolished.

#### SECTION 545.315-545.325: - RESERVED

### **DIVISION 11. - ABATEMENT OF VIOLATIONS**

#### SECTION 545.330: - ABATEMENT OF VIOLATION AFTER NOTICE

A. In the event that the abatement of any violation is not immediately necessary for the protection of the health and welfare of the inhabitants of the City, the

Code Official shall give written notice in accordance with Section 545.210, of this Code, to the owner or occupant of the premises where such violation exists or their agent stating the nature of such violation and ordering its immediate abatement. If the whereabouts of the owner or occupant of the premises where such alleged violation exists or their agent are unknown and notice cannot be served upon them, then such notice shall be posted on the premises where such violation exists for a ten-day period. In the event such violation is not abated within such ten-day period the Code Official may file a complaint with respect in Raymore Municipal Court.

- B. In the event such violation is not abated within the time prescribed in the written notice as set forth in Subsection (A), of this Section, the Code Official may:
  - 1. Issue a citation to the property owner and/or property owner's agent; and/or;
  - 2. Have the violation abated, in which case the Code Official shall bill the property owner for the actual costs plus an administrative charge approved by the Governing Body and listed in the Schedule of Fees and Charges adopted by the Governing Body. The bill shall be sent by first class U.S. mail to the property owner and/or property owner's agent. The City shall receive full payment within ten (10) days of the date the bill was sent or the full amount will be added to the next regular tax bill forwarded to such owner by Cass County and said charge shall be due and payable by said owner at the time of payment of such tax bill.

#### SECTION 545.335: - ABATEMENT WITHOUT NOTICE

- A. Whenever it becomes necessary to abate a violation immediately in order to secure the general health of the City, or any of its inhabitants, the Code Official is authorized to abate such violation without notice, and use any suitable means or assistance for that purpose, whether employees of the City or private contractor employed for the purpose of abating the violation, or any other help or assistance necessary therefor. The Code Official shall certify the cost as a special tax bill against the property on which such violation was located, if within the City limits. The tax shall be collected like other special tax bills and shall be a first lien on the property until paid.
- B. It shall be the duty of the owner or occupant of private property, their agent, or the person causing or maintaining any violation to abate the same after an order by the Code Official, Chief of Police or Law Enforcement Officer in accordance with the terms prescribed in such order.
- C. Whenever any household goods, bedding, clothing, putrid or unsound meat, pork, fish, vegetables, fruit, hides or skins of any kind, or any other article, are found within the City which, in the opinion of the Code Official is dangerous to the health of the inhabitants, the Code Official shall have the power and



authority to cause the same to be destroyed in such manner as they may direct, and they may employ such persons as they see fit for that purpose.

**SECTION 545.340: - COST OF ABATEMENT ON PROPERTY OF MORE THAN ONE OWNER**

If any violation abated by the Code Official as provided in Section 545.330 and 545.335 of this Property Maintenance Code extended before the abatement over the property of more than one (1) owner, the cost of abating the same shall be assessed in proportion to the amount of work and expense for each proportionate part of the entire work and the area, and the special tax bills provided for in this division shall be levied and collected accordingly.

**SECTION 545.345: - RESERVED**

**DIVISION 12. - MEANS OF APPEAL**

**SECTION 545.350: - APPLICATION FOR APPEAL**

Any person directly affected by a decision of the Code Official or a notice or order issued under this Code shall have the right to appeal to the Board of Appeals in accordance with Chapter 540 of the City Code.

**ARTICLE II. - DEFINITIONS**

**DIVISION 1. - INTERPRETATION AND MEANING**

**SECTION 545.355: - SCOPE**

Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown in this chapter.

**SECTION 545.360: - INTERCHANGEABILITY**

Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

**SECTION 545.365: - TERMS DEFINED IN OTHER ARTICLES OR CODES**

If a word or term is not defined in this Article but is defined elsewhere in this Chapter or in the City Code, that definition shall be applicable unless the context indicates that a standard dictionary definition is more appropriate.

## SECTION 545.370: - TERMS NOT DEFINED

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

## SECTION 545.375: - PARTS

Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house" or "story" are stated in this Code, they shall be construed as though they were followed by the words "or any part of."

## **DIVISION 2. - GENERAL DEFINITIONS**

*Alley.* A public or private right-of-way, other than a street, that provides a secondary means of access to abutting property.

*Approved.* Approved by the Code Official.

*Basement.* That portion of a building which is partly or completely below grade.

*Bathroom.* A room containing plumbing fixtures including a bathtub or shower.

*Bedroom.* Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

*Building.* Any structure designed or intended for the enclosure, support, shelter or protection of persons, animals or property.

*Building Line or Setback Line.* A line parallel to a street or right-of-way line, shore of a lake, edge of a stream or other property line established on a parcel of land or lot for the purpose of prohibiting construction of a building or structure in the area between such building line and right-of-way line, lakeshore, stream bank or other property line.

*City.* The City of Raymore, Missouri.

*Code Official.* The official who is charged with the administration and enforcement of this Code, or any duly authorized representative.

*Condemn.* To adjudge unfit for occupancy.

*Cultivation.* Any plant species or group of plant species introduced or grown for consumption, pleasure, or business reasons.

*Curb.* A vertical or sloping edge of a roadway.

*Department.* The Development Services Department of the City.

*Deterioration.* To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

*Developed Property.* Any lot, tract, or other parcel of land that includes a principal building upon the property.

*Drainage.* The removal of surface water or groundwater from land by drains, grading or other means.

*Drainage Facility.* Any component of a drainage system.

*Drainage System.* The system through which water flows from the land, including all watercourses, water bodies and wetlands

*Driveway.* A private way of vehicular ingress and egress to a property, extending into the property from a street or private drive.

*Driveway Approach.* The portion of the driveway located in public right-of-way that provides transition from the street to the driveway located on private property.

*Dwelling Unit.* A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Easement.* A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property may not erect any permanent structures.

*Erosion Control Areas.* Plantings designed to reduce soil loss.

*Exterior Property.* The open space on the premises and on adjoining property under the control of owners or operators of such premises.

*Extermination.* The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

*Fence.* A free standing structure of metal, masonry, composition or wood or any combination resting on or partially buried in the ground and rising above the ground level, and used for confinement, ornamental, screening or partition purposes.

*Garbage.* The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

*Governmental or Educational Programs.* Plantings designated for governmental or educational purposes.

*Guard.* A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

*Habitable Space.* Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

*Imminent Hazard.* A condition which could cause serious or life-threatening injury or death at any time.

*Infestation.* The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

*Inoperable Motor Vehicle.* A vehicle is deemed to be inoperable if it meets one (1) or more of the following criteria regardless of the circumstances of how the vehicle came to be in its current location or ownership:

1. Does not display current valid license plates registered to the vehicle;
2. Does not display a valid inspection decal that is valid;
3. It has flat or missing tires or wheels;
4. It is wrecked or junked;
5. It is wholly or partially dismantled;
6. It is missing parts or equipment necessary to safely and legally operate on a public street;
7. It has mechanical or other problems that prevent the vehicle from being driven under its own power;
8. It has vegetation or debris collected in, on, around or under the vehicle; and/or
9. It is used to store auto parts, household items, lawn equipment or other types of storage.

*Junk.* Any metal, glass, paper, rags, wood, discarded automobile parts, machinery parts, cloth or other waste or discarded material of any nature or substance whatsoever, or scrap or salvage materials.

*Labeled.* Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

*Landowner.* One who owns or controls land within the City limits, including the City

itself.

*Let for Occupancy or Let.* To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premises or structure by a person who is or is not the legal owner of record, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

*Native plantings/landscapes.* Areas landscaped with plant species indigenous to west central Missouri.

*Neglect.* The lack of proper maintenance for a building, structure or property.

*Noxious Plants.* Poison ivy, poison oak, poison sumac and thistle, at any height or state of maturity.

*Nuisance.* As defined in Section 545.445 of this Chapter.

*Occupancy.* The purpose for which a building or portion of is utilized or occupied.

*Occupant.* Any individual living or sleeping in a building; or having possession of a space within a building.

*Openable Area.* That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

*Operator.* Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

*Owner.* Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

*Parks and open space.* Any and all public parks and open space lands maintained by Federal, State or local agencies including private conservation organizations.

*Parcel.* Any plot, lot or acreage shown as a unit on the latest county tax assessment records.

*Person.* An individual, corporation, partnership or any other group acting as a unit.

*Premises.* A lot, plot or parcel of land, easement or public way, including any structures thereon.

*Property.* Any land owned by the City or any other person and located within the

City limits, including parks, but not including streets and highways.

*Public Way.* Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

*Recreational Vehicle.* A vehicular-type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Examples are travel trailers, camping trailers, truck campers, and motor homes. Manufactured homes are not considered trailers or recreational vehicles.

*Right-of-way.* A strip of land occupied or intended to be occupied by a street, alley, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer, or for another special use.

*Roof.* A structural covering over any portion of a building or structure including projections beyond the walls or supports of the building or structure.

*Rooming House.* A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one-or two-family dwelling.

*Rooming Unit.* Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

*Rubbish.* Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

*Setback.* The required minimum horizontal distance between the structure line and the related front, side or rear property line.

*Sidewalk.* A paved path provided for pedestrian use and usually located at the side of a road within the right-of-way.

*Sleeping Unit.* A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

*Solid Waste.* As defined in Chapter 235: Solid Waste of the City Code.

*Street.* The paved or hard-surfaced portion of the right-of-way dedicated to the public use which provides vehicular and pedestrian access to adjacent properties. Street shall include the associated curb.

*Strict Liability Offense.* An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

*Structure.* That which is built or constructed or a portion of. (Examples: houses, buildings, detached buildings, wells, fences, etc.)

*Tenant.* A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion of as a unit.

*Toilet Room.* A room containing a water closet or urinal but not a bathtub or shower.

*Trash Receptacle.* A container used for the temporary storage of rubbish or materials pending collection.

*Turf Grass.* Grass commonly used in regularly cut lawns or play areas, such as, but not limited to bluegrass, fescue, and ryegrass blends.

*Undeveloped Property.* Any lot, tract, or other parcel of land without a principal building upon the property.

*Vehicle.* Any car, truck, trailer, camper, recreational vehicle, boat or other device utilized for transporting goods, passengers or equipment.

*Ventilation.* The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

*Weed.* Any troublesome and worthless plant in the place where it is growing. This definition includes, but is not limited to the following: amaranth, beggarweed, bindweed, brome grass, burdock, Canada thistle, cinquefoil, cocklebur, compass plant, dandelion, dock, dodder, glasswort, gromwell, hemlock, horsetail, Indian mallow, jimson weed, knox grass, lamb's quarters, locoweed, lupine, mullein, nettle, parsnip, pigweed, plantain, poison ivy, poison oak, pokeweed, purslane, ragweed, smartweed, solanum, sorrel, sow thistle, stickseed, teasel, thistle, toadflax, tumbleweed, witchweed, and any other plant designated as noxious by the rules and regulations promulgated by the Director of the Missouri Department of Agriculture and/or Director of the Missouri Department of Natural Resources. However, this term shall not include cultivated flowers and gardens, including but not limited to native plantings used for aesthetics and/or wildlife habitat, and plants used for soil erosion control and water quality.

*Wetlands.* Land areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

*Wooded Areas.* All areas that are predominantly covered by woody vegetation and trees.

*Workmanlike.* Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.

*Yard.* A space on the same lot with a main structure, open, unoccupied and unobstructed by structures from the ground upward.

*Yard, Front.* The front yard extends across the full width of the lot, adjacent to the street right-of-way. The front yard is to be measured from the front property line to the closest point of the structure on the subject lot, not including those projections and features allowed by the Unified Development Code. Corner lots have two (2) front yards.

*Yard, Rear.* The rear yard extends across the full width of the lot. The rear yard is to be measured from the rear property line to the closest point of the structure on the subject lot, not including those projections and features allowed by the Unified Development Code to project into the rear setback. On pie-shaped or triangular lots with side property lines that come to a point at the rear, the rear yard is measured from a line segment that connects the side property lines and is a minimum of ten (10) feet in length.

*Yard Waste.* Grass clippings and trimmings, tree and shrub branches and trimmings, leaves, and similar materials from outdoor plantings and growth.

## **ARTICLE III. - GENERAL REQUIREMENTS**

### **DIVISION 1. - GENERAL**

#### **SECTION 545.380: - SCOPE**

The provisions of this Chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

#### **SECTION 545.385: - RESPONSIBILITY**

The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this Code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this Chapter. Occupants of a dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit or premises which they occupy and control.



## SECTION 545.390: - VACANT STRUCTURES AND LAND

All vacant structures and premises or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

## **DIVISION 2. - EXTERIOR PROPERTY AREAS**

### SECTION 545.395: - SANITATION

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

### SECTION 545.400: - GRADING AND DRAINAGE

A. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exceptions:

1. Approved detention areas.
  2. Rain gardens.
  3. Bioretention areas.
- B. 1. All premises wherein soil disturbance has occurred shall have grass established in the areas where the soil disturbance occurred within thirty (30) days of the date land disturbance activity ceases. The Code Official may allow additional time for the grass to be established if the time of year is not conducive to the growth of grass.
2. If construction activity on a building is occurring on the property, grass shall be established in accordance with Section 430.130(B)(5) of the Unified Development Code.

### SECTION 545.405: - SIDEWALKS, PARKING LOTS AND DRIVEWAYS

- A. All sidewalks, walkways, stairs and similar walking surfaces shall be kept in a proper state of repair and maintained free from hazardous conditions.
1. Cracks in concrete or asphalt surfaces causing a vertical off-set in excess of one-half ( $\frac{1}{2}$ ) inch shall be repaired.
  2. Trees, shrubs, grass or similar growth that encroaches upon sidewalks, walkways, stairs or similar walking surfaces so as to impede the use of the full width of the walking surface shall be trimmed or removed so as to not impede the use of the walking surface.

- B. Parking spaces, access aisles in parking lots, driveways and driveway approaches shall be kept in a proper state of repair and maintained free from hazardous conditions.
1. Vegetation shall not be allowed to grow through the concrete or asphalt surface.
  2. Concrete, asphalt or similar surfaces that are broken, heaved, collapsed, or missing shall be repaired.
  3. Spalling and cracking of concrete surfaces that have eroded away the top surface of the concrete leaving a rough, crumbling surface area shall be repaired.
  4. All pavement areas shall be maintained to prevent the accumulation of water thereon.
  5. Pavement areas shall not be allowed to degenerate to a point where there is loose gravel, broken up pavement, dirt, or potholes.
  6. Potholes and surface cracks shall be filled and sealed in a timely fashion using appropriate fill material.
  7. Parking spaces on commercial and industrial properties shall be clearly marked on the pavement surface, using paint or other marking devices approved by the City. Such pavement markings shall conform to the parking plan that was approved by the City and shall be maintained in a clearly legible condition.
- C. If any sidewalk, driveway, parking lot or similar surface area by virtue of its state of repair constitutes a danger to the public health and safety, the surface area shall be repaired.
- D. Hazardous conditions created by inclement weather are not applicable to this section.

#### SECTION 545.410: - WEEDS

No person shall permit or maintain any growth of weeds, grasses or lawns over eight (8) inches in height for any developed property or twelve (12) inches for undeveloped property, measured from the ground surface.

The following defined areas are exempt from the maximum height requirements:

1. Undeveloped property that is at least one hundred fifty (150) feet from any adjacent street or adjacent platted subdivision.
2. Property mowed for hay.
3. Property cultivated with a farm crop.
4. Property zoned "Agricultural".

5. Areas designated by the City as greenways.
6. Cultivated flowers, gardens or native landscapes in accordance with Section 545.411.
7. Erosion control areas—with the written approval of the City FloodPlain Administrator.
8. Governmental or educational programs—with the written approval of the City.
9. Parks and open space.
10. Wooded areas.
11. Wetlands.
12. Streams or natural drainageways.

Whenever private property abuts a public right-of-way or easement and there exists in such right-of-way or easement a tree, lawn or grassy area between the private property line and the edge of the street pavement, then such tree, lawn or grassy area shall be considered, for purposes of this Section, to be a part of the private lot which abuts the right-of-way or easement and it shall be the duty of those responsible under this Section for the maintenance of the private lot to equally maintain the tree, lawn or grassy area within the abutting right-of-way or easement.

Exceptions:

Owners of properties abutting public right-of-way or easement along rural sections of arterial or collector roadways shall not be responsible under this Section for the maintenance of the public right-of-way or easement areas.

#### SECTION 545.411 - NATIVE LANDSCAPES

In residential, industrial and commercial zoning categories native landscaping may be utilized in landscaped beds provided that:

1. The native planting area does not exceed twenty-five percent (25%) of the total lot area, including structure footprint, for lots one (1) acre or less.
2. The native planting area does not exceed forty percent (40%) of the total lot area, including structure footprint, for lots that exceed one (1) acre in size.
3. Native planting areas are evenly distributed on the entire lot so that not all the native planting blocks the home from the street frontage. No front yard native planting area may exceed twelve percent (12%) of the total lot area.
4. Native planting areas must be a minimum of ten (10) feet from the curb of any public street and may not hinder the sight triangle of any intersection.
5. All such native planting areas are defined by a landscaping border material

such as a rock/stone border, fence, landscape timbers, mowed grass border or trail/pathway.

6. The native planting areas are maintained regularly.

#### SECTION 545.415: - RODENT HARBORAGE

All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

#### SECTION 545.420: - EXHAUST VENTS

Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

#### SECTION 545.425: - ACCESSORY STRUCTURES

All accessory structures, including detached garages, sheds, fences and walls, shall be maintained structurally sound and in good repair.

#### SECTION 545.426: - OUTDOOR STORAGE

Storage of all materials including junk material, used appliances or furniture must be stored within a fully enclosed building. This requirement does not apply to porch/patio furniture, garden/horticulture equipment and associated supplies, recreational vehicles or accessory structures.

#### SECTION 545.427: - SIGNS

- A. All signs, together with all their supports, braces, guys and anchors, must be kept in good repair and shall maintain a clean appearance and be in a safe condition.
- B. Any sign that is internally illuminated shall have all letters, graphics or symbols of the sign properly illuminated as originally designed.

#### SECTION 545.430: - MOTOR VEHICLES

Except as provided for in other regulations, no inoperable vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled, unless within a fully enclosed building. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly

enclosed area.

#### SECTION 545.431: - VEHICLE PARKING

- A. In the A or RE zoning districts, parking or storage of vehicles, including cars, light-duty trucks, recreational vehicles, boats and trailers is allowed anywhere on the property. In all other residential zoning districts, parking or storage of vehicles, including cars, light-duty trucks, recreational vehicles, boats and trailers is permitted only:
  - 1. On a driveway; or
  - 2. Inside a completely enclosed structure; or
  - 3. Behind the front of the residence in the side yard provided the vehicle is parked on a paved or impervious surface; or
  - 4. Behind the rear of the residence in the rear yard. The vehicle does not have to be upon a paved or impervious surface.
- B. Parking of the following vehicles is prohibited in residential zoning districts:
  - 1. Semi-trailer truck, also known as a semi-tractor truck or road tractor.
  - 2. Cargo trailer, semi-trailer, or similar vehicle that can be connected to or pulled by a semi-trailer truck.
  - 3. Any vehicle rated as a Class 5 or higher under the US Department of Transportation Federal Highway Administration Vehicle Inventory and Use Survey standards.
  - 4. Overnight parking of a school bus, charter bus or similar vehicle.
  - 5. Any vehicle with a bucket lift, dumping capability, tow truck, low or high-profile cab over engine, or similar vehicle.
- C. No vehicle may be parked or stored on the grass in the front yard area of a residential lot for more than twenty-four (24) hours unless approval is granted by the City Council, except that this requirement shall not apply to any lot or parcel of private property that is one (1) acre or more in size.
- D. No vehicle may be parked or stored in the right-of-way located between the curb of a street and the property line.
- E. No vehicle may be parked or stored on the grass area of a commercial or industrial zoned lot.
- F. Recreational vehicles may not be occupied within the City limits for living, sleeping, or cooking purposes for more than thirty days per year, except for the following circumstances:
  - 1. To monitor and secure a property that has a valid building permit issued; or
  - 2. To provide accommodations on a property that has experienced damage

due to a storm, fire or similar occurrence.

- G. Off-street parking areas must be used solely for the parking of operable motor vehicles for patrons, occupants or employees of the use to which the parking area serves.
- H. No motor vehicle repair work, storage, sales or service of any kind may take place in any off-street parking area.
- I. No person shall park a vehicle to include, but not be limited to, motor vehicles, motor homes, trucks, trailers, boats and recreational vehicles upon any roadway or private or public parking lot with the exception of private residential driveways, commercial vehicle dealerships or by the owner of the property, if not in conflict with any other provision of the Unified Development Code, for the principal purpose of:
  - 1. Displaying such vehicle for sale.
  - 2. Greasing or repairing such vehicle except repairs necessitated by an emergency.
- J. No vehicle, including a car, truck, boat, recreational vehicle, or trailer shall be parked or stored on an undeveloped lot, defined as a lot without a principal building or structure, within a residential zoning district, with the following exception:
  - 1. If the undeveloped lot is under common ownership with an adjacent lot that contains a residential principal structure that is occupied by the owner of both properties, then a vehicle may be parked or stored upon the undeveloped lot.

#### SECTION 545.435: - DEFACEMENT OF PROPERTY

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

#### SECTION 545.440: - TREE MAINTENANCE

Tree maintenance shall be completed in accordance with Chapter 260: Tree Maintenance and Care of the City Code.

#### SECTION 545.445: - NUISANCES

- A. The following are declared to be nuisances:
  - 1. All decayed or unwholesome food offered for sale to the public or offered to the public at no charge.

2. Any pond or pool of unwholesome, impure, stagnant or offensive water found upon any lot or piece of ground.
3. Carcasses of dead animals not buried or destroyed within twenty-four (24) hours after death.
4. Accumulations, wheresoever they may occur, of manure, rubbish, garbage, refuse, noxious or offensive waste, except the normal storage on a farm of manure for agricultural purposes.
5. Privy vaults or garbage cans which are not fly-tight, that is, privy vaults or garbage cans which do not prevent the entry of flies, insects and rodents.
6. The pollution of any well, cistern, spring, underground water stream, lake, canal or body of water by sewage or industrial wastes or other substances harmful to human beings.
7. Dense smoke, noxious fumes, gas and soot or cinders in unreasonable quantities or the presence of any gas, vapor, fume, smoke, dust or any other toxic substances on, in or emitted from the equipment of any premises in quantities sufficient to be toxic, harmful or injurious to the health of any employee or to any premises, occupant or to any other person.
8. Any vehicle used for septic tank cleaning which does not meet the requirements of the City Code.
9. Any vehicle used for garbage or rubbish disposal which is not equipped with a watertight metal body and provided with a tight metal cover or covers and so constructed as to prevent any of the contents from leaking, spilling, falling or blowing out of such vehicle at any time, except while being loaded, or not completely secured and covered so as to prevent offensive odors from escaping therefrom or exposing any part of the contents at any time.
10. Any and all infestations of flies, fleas, roaches, lice, ticks, rats, mice, fly maggots, mosquito larvae and hookworm larvae.
11. Unlicensed dumps and licensed dumps not operated or maintained in compliance with the ordinances of the City and RSMo.
12. No person shall discharge or cause to be discharged into a natural or manmade stormwater system any waste materials, liquids, vapor, fat, gasoline, benzene, naphtha, oil or petroleum product, mud, straw, lawn clippings, tree limbs or branches, metal or plastic objects, rags, garbage or any other substance which is capable of causing an obstruction to the flow of the storm system or interfere with the proper operation of the system or which will pollute the natural creeks or waterways.
13. The dumping or depositing on or the scattering over the premises of any of the following:

- a. Garbage or rubbish.
  - b. Abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans, containers or similar objects.
  - c. Building material and/or construction equipment abandoned or stored on property where construction is not in progress, where a valid building permit does not exist or on property not properly zoned for such storage.
  - d. Brush or tree limbs.
14. The standing of vehicles which are laden with any foul or nauseous thing, liquid or substance or any refuse, filth, offal or other trash or rubbish anywhere in the City for a period of time longer than reasonably necessary for loading and unloading.
  15. Any open, uncovered or unprotected well or cistern on any premises.
  16. Any water accumulating and remaining, continuing or stagnating upon, in or about any lot, tract or piece of ground, with the exception of natural streams and waterways, or any barrels, buckets, kegs, tubs, cans or vessels of any kind whatsoever caused or permitted to be thrown, to be placed or to remain upon any lot, property or grounds in the City that might, could or would catch, hold, contain or retain water in which mosquitoes or insects, bugs, worms or living creatures might be bred, hatched, raised or allowed to remain or accumulate.
  17. The dumping, disposal or placement of dirt, stone, rock, concrete, asphalt grindings or similar material unless a valid grading permit exists for the property.
  18. Any inoperable vehicle as defined in this chapter.
  19. Worn, dilapidated or disintegrating silt fencing that is no longer properly functioning as a means of erosion control or is no longer necessary.
  20. Placement or maintenance of any object, platform, structure or obstruction, either temporarily or permanently, such as, but not limited to, a basketball goal, skateboard ramp, trampoline, fence, flagpole, yard ornament or similar item, over any street or sidewalk or in any part of the City's right-of-way except by written approval of the Public Works Director.
  21. The placement of any silt fencing for any purpose other than the intended purpose of capture and control of soil and sediment erosion.
  22. Any tree or limb that is diseased, insect infested, leaning, in danger of falling, fallen, dying or dead that could cause harm or endanger public safety or poses a hazard to overhead power lines.
  23. All other acts, practices, conduct, business, occupation callings, trades, uses of property and all other things detrimental or certain to be detrimental to



the health of the inhabitants of the City.

- B. The Governing Body of the City, hereby finds that the allowance of nuisances as defined herein on private property or adjacent rights-of-way or easements are public nuisances which are unsightly, a menace dangerous to the health of the inhabitants of the City or of the residential or commercial area and the residents of and are offensive to the general public health, safety and welfare of the community. Such nuisances promote conditions which cause disease; pollution; proliferation of rats, vermin, mosquitoes and snakes; the spread of fire; a harmful environment for transients and to the community as a result of transient use; harmful attractions for children; creates short- and long-term impacts on the area including the diminution of property values and the integrity of the neighborhood; and interferes with the orderly development of property in the City.
- C. Unlawful To Cause, Maintain Within City. It is unlawful for any owner, lessee or occupant or any agent, servant, representative or employee of any such owner, lessee or occupant having control of any occupied lot or land or any part in the City, including any areas between the property lines of said lot or parcel and the centerline of any adjacent street or alley including sidewalks, streets, alleys, easements and rights-of-way, to cause, permit or maintain a nuisance on any such lot or land. Additionally, it is unlawful for any person or their agent, servant, representative or employee to cause or maintain a nuisance on the land or property of another, with or without permission.

### **DIVISION 3. - SWIMMING POOLS, SPAS AND HOT TUBS**

#### SECTION 545.450: - SWIMMING POOLS

Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

#### SECTION 545.455: - BARRIERS

Swimming pools, spas and hot tubs shall be enclosed by a barrier in accordance with Section 420.050(B) of the Raymore Unified Development Code and the Uniform Swimming Pool, Spa and Hot Tub Code.

### **DIVISION 4. - EXTERIOR STRUCTURE**

#### SECTION 545.460: - GENERAL

The exterior of a structure shall be maintained in good repair, structurally sound

and sanitary so as not to pose a threat to the public health, safety or welfare.

#### SECTION 545.465: - PROTECTIVE TREATMENT

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches and trim, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement. All structures shall contain finished siding material.

#### SECTION 545.470: - STREET NUMBERS

Each structure to which a street number has been assigned shall have such number displayed in a position on the structure that is easily observed and readable from the public way. All numbers shall contrast with the background and be Arabic numerals at least four (4) inches high and one-half ½ inch stroke.

#### SECTION 545.475: - STRUCTURAL MEMBERS

All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

#### SECTION 545.480: - FOUNDATION WALLS

All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

#### SECTION 545.485: - EXTERIOR WALLS

- A. All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
- B. The exposed walls and roofs of buildings shall be maintained in a clean, orderly and attractive condition, free of cracks, dents, punctures and breakage, and other forms of visible marring. Materials that become excessively faded, chalked or otherwise deteriorated shall be refinished or repainted.

#### SECTION 545.490: - ROOFS AND DRAINAGE

The roof and flashing shall be sound, tight and not have defects that admit rain.

Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

#### SECTION 545.495: - DECORATIVE FEATURES

All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

#### SECTION 545.500: - OVERHANG EXTENSIONS

All canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

#### SECTION 545.505: - STAIRWAYS, DECKS, PORCHES AND BALCONIES

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

#### SECTION 545.510: - CHIMNEYS AND TOWERS

All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

#### SECTION 545.515: - HANDRAILS AND GUARDS

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

#### SECTION 545.520: - WINDOW, SKYLIGHT AND DOOR FRAMES

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

#### SECTION 545.525: - GLAZING

All glazing materials shall be maintained free from cracks and holes.

#### SECTION 545.530: - OPENABLE WINDOWS

Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

#### SECTION 545.535: - DOORS

All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guest rooms shall tightly secure the door.

#### SECTION 545.540: - BASEMENT HATCHWAYS

Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

#### SECTION 545.545: - GUARDS FOR BASEMENT WINDOWS

Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

#### SECTION 545.550: - BUILDING SECURITY

Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

#### SECTION 545.555: - DOORS

Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than one (1) inch. Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

#### SECTION 545.560: - WINDOWS

Operable windows located in whole or in part within six (6) feet above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

## **DIVISION 5. - INTERIOR STRUCTURE**

### **SECTION 545.565: - GENERAL**

The interior of a structure and equipment shall be maintained in good repair, structurally sound and in a sanitary condition. Every occupant shall keep that part of the structure which such occupant occupies or controls in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two (2) or more dwelling units or two (2) or more non-residential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

### **SECTION 545.570: - STRUCTURAL MEMBERS**

All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

### **SECTION 545.575: - STAIRS AND RAILINGS**

All interior stairs and railings shall be maintained in sound condition and good repair.

### **SECTION 545.580: - STAIRS AND WALKING SURFACES**

Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

### **SECTION 545.585: - HANDRAILS AND GUARDS**

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

### **SECTION 545.590: - INTERIOR DOORS**

Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

## **DIVISION 6. - HANDRAILS AND GUARDRAILS**

### **SECTION 545.595: - GENERAL**

Every exterior and interior flight of stairs having four (4) risers or more shall have a handrail on one (1) side of the stairway and every open portion of a stairway, landing, balcony, porch, deck, ramp or other walking surface which is more than thirty (30) inches above a floor or grade shall have guards. Handrails shall not be

less than thirty-four (34) inches high or more than thirty-eight (38) inches high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than thirty-six (36) inches high above the floor of the landing, balcony, porch, deck or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building Code.

## **DIVISION 7. - SOLID WASTE**

Solid Waste shall be contained and disposed of in accordance with Chapter 235: Solid Waste of the City Code.

## **DIVISION 8. - EXTERMINATION**

### **SECTION 545.605: - INFESTATION**

All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

### **SECTION 545.610: - OWNER**

The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

### **SECTION 545.615: - SINGLE OCCUPANT**

The occupant of a one-family dwelling or of a single-tenant non-residential structure shall be responsible for extermination on the premises.

### **SECTION 545.620: - MULTIPLE OCCUPANCY**

The owner of a structure containing two (2) or more dwelling units, a multiple occupancy, a rooming house or a non-residential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupants shall be responsible for extermination.

### **SECTION 545.625: - OCCUPANT**

The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

## **ARTICLE IV. - PLUMBING FACILITIES AND FIXTURE REQUIREMENTS**

### **DIVISION 1. - GENERAL**

#### SECTION 545.630: - SCOPE

The provisions of this Chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided, notwithstanding the requirements contained in Chapter 500: Building Code of the City Code regarding the adopted Plumbing Code.

#### SECTION 545.635: - RESPONSIBILITY

The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this Chapter.

### **DIVISION 2. - REQUIRED FACILITIES**

#### SECTION 545.640: - DWELLING UNITS

Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

### **DIVISION 3. - PLUMBING SYSTEMS AND FIXTURES**

#### SECTION 545.645: - GENERAL

All plumbing fixtures shall be properly installed and maintained in working order and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

#### SECTION 545.650: - FIXTURE CLEARANCES

Plumbing fixtures shall have adequate clearances for usage and cleaning.

#### SECTION 545.655: - PLUMBING SYSTEM HAZARDS

Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

### **DIVISION 4. - WATER SYSTEMS**

#### SECTION 545.660: - GENERAL

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International One- and Two-Family Dwelling Code and Uniform Plumbing Code.

#### SECTION 545.665: - CONTAMINATION

The water supply shall be maintained free from contamination and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

#### SECTION 545.670: - SUPPLY

The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely and free from defects and leaks.

#### SECTION 545.675: - WATER HEATING FACILITIES

Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than one hundred twenty degrees Fahrenheit (120°F) (forty-nine degrees Celsius (49°C)). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure



relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

## **DIVISION 5. - SANITARY DRAINAGE SYSTEM**

### SECTION 545.680: - GENERAL

All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

### SECTION 545.685: - MAINTENANCE

Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

## **DIVISION 6. - STORM DRAINAGE**

### SECTION 545.690: - GENERAL

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

### SECTION 545.695: - DRAINAGE REGULATIONS

- A. *Minimum standards:* All drainage facilities shall be designed to carry water to the nearest drainage way, storm sewer conveyance, or other approved point of collection and conveyance. Erosion of ground in the area of discharge shall be prevented by installation of erosion control devices. Unless specified drainage ways and swales are specifically approved by the Code Official, abutting property lines between dwellings shall be designed to function as drainage ways. The toe of slopes shall set back from the property line a minimum of one (1) foot. The area surrounding the building foundation shall have a drainage gradient as provided for in the International Residential Code or International Building Code, as amended from time to time.
- B. *Prohibited conduct:* No person shall allow or cause any:
  - (1) Obstruction to be created, installed or maintained within any drainage way, detention facility, or engineered swale which will create ponding on adjacent property, divert water onto the adjoining property, or impede drainage. Fences may be erected in such areas provided they do not unnecessarily restrict the flow of water.
  - (2) Water from intermittent sources such as discharges from sump pumps, downspouts, foundation drains, swimming pools, swimming pool backwashes, or other similar sources excluding lawn sprinklers to be

discharged closer than five feet to any adjoining property line.

C. *Sump Pump Discharges to Street Curb:*

- (1) Discharge pipes from sump pump systems may discharge directly to the curb line of a street. Discharge pipes shall be installed under any sidewalk or trail that exists within the public right-of-way. Street curbs shall not be cut or altered to allow the discharge pipe to drain.
- (2) All discharge pipes that are installed to the curb line, or anywhere within the street right-of-way, shall be disconnected on the private property to a point at least five (5) feet from the right-of-way line between November 1st and April 1st.

D. *Water discharge to Right-of-way:* Intentional discharge of water from private property that is allowed to enter the right-of-way shall not create an unsafe condition upon any sidewalk, driveway approach, or street. Unsafe condition includes, but is not limited to: algae, ice, dirt, mud, stone or rock that accumulates or is present upon a surface.

## **ARTICLE V. - MECHANICAL AND ELECTRICAL REQUIREMENTS**

### **DIVISION 1. - GENERAL**

#### SECTION 545.700: - SCOPE

The provisions of this Chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

#### SECTION 545.705: - RESPONSIBILITY

The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this Chapter.

### **DIVISION 2. - MECHANICAL EQUIPMENT**

#### SECTION 545.710: - MECHANICAL EQUIPMENT

All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition and shall be capable of performing the intended function.

#### SECTION 545.715: - COOKING AND HEATING EQUIPMENT

All cooking and heating equipment, components and accessories in every heating, cooking and water heating device shall be maintained free from leaks and obstructions.

#### SECTION 545.720: - REMOVAL OF COMBUSTION PRODUCTS

All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

#### SECTION 545.725: - CLEARANCES

All required clearances to combustible materials shall be maintained.

#### SECTION 545.730: - SAFETY CONTROLS

All safety controls for fuel-burning equipment shall be maintained in effective operation.

#### SECTION 545.735: - COMBUSTION AIR

A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

#### SECTION 545.740: - ENERGY CONSERVATION DEVICES

Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto or to the vent outlet or vent piping therefrom shall not be installed unless labeled for such purpose and the installation is specifically approved.

### **DIVISION 3. - ELECTRICAL FACILITIES**

#### SECTION 545.745: - FACILITIES REQUIRED

Every occupied building shall be provided with an electrical system in compliance with the requirements of this Section and Section 545.765 of this Chapter.

#### SECTION 545.750: - SERVICE

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than sixty (60) amperes.

## SECTION 545.755: - ELECTRICAL SYSTEM HAZARDS

Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage or for similar reasons, the Code Official shall require the defects to be corrected to eliminate the hazard.

## **DIVISION 4. - ELECTRICAL EQUIPMENT**

### SECTION 545.760: - INSTALLATION

All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

### SECTION 545.765: - RECEPTACLES

Every habitable space in a dwelling shall contain at least two (2) separate and remote receptacle outlets. Every laundry area shall contain at least one (1) grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one (1) receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

### SECTION 545.770: - LUMINAIRES

Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one (1) electric luminaire.

## **DIVISION 5. - ELEVATORS, ESCALATORS AND DUMBWAITERS**

### SECTION 545.775: - GENERAL

Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

### SECTION 545.780: - ELEVATORS

In buildings equipped with passenger elevators, at least one (1) elevator shall be maintained in operation at all times when the building is occupied. Exception:

Buildings equipped with only one (1) elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

## **DIVISION 6. - DUCT SYSTEMS**

### SECTION 545.785: - GENERAL

Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

## **ARTICLE VI. - FIRE SAFETY REQUIREMENTS**

### **DIVISION 1. - GENERAL**

#### SECTION 545.790: - GENERAL

All buildings shall be maintained per the requirements of the International Fire Code as adopted and amended by Chapter 500: Building Code of the City Code.

#### SECTION 545.800: - PURPOSE

It is the purpose and intent of the City Council, through the adoption of this Article, to establish a program for registration of properties which are in the process of foreclosure as a mechanism to protect residential neighborhoods and non-residential areas from becoming blighted through the lack of adequate maintenance and/or security of the property.

#### SECTION 545.805: - DEFINITIONS

For the purposes of this Article, certain words and phrases used in this Article are defined as follows:

*ABANDONED* means a property that is vacant and under a current Notice of Default or Notice of Sale, or properties that have been the subject of a foreclosure sale where the title was retained by the beneficiary of a deed of trust involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure or sale.

*ACCESSIBLE PROPERTY* means a property that is accessible through a compromised, breached or broken gate, fence or other entry point.

*ACCESSIBLE STRUCTURE* means a structure that is unsecured or breached in such a way as to allow access to the interior space by unauthorized persons.

*BENEFICIARY* means a lender under a note secured by a deed of trust.

*DAYS* means consecutive calendar days.

*DEED OF TRUST* means an instrument by which title to real estate is transferred to a third party trustee as security for a real estate loan. This definition includes any subsequent deeds of trust.

*DEED IN LIEU OF FORECLOSURE OR SALE* means a recorded document that transfers ownership of a property from the trustor to the holder of a deed of trust upon consent of the beneficiary of the deed of trust.

*DEFAULT* means the failure to fulfill a contractual obligation, monetary or conditional.

*EVIDENCE OF VACANCY* means any condition that on its own, or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions include but are not limited to, overgrown or dead vegetation; accumulation of newspapers, circulars, flyers or mail; past due utility notices or disconnected utilities; accumulation of trash, junk or debris; the absence of window coverings such as curtains, blinds or shutters; the absence of furnishings or personal items consistent with residential habitation; the absence of furnishings, merchandise or equipment consistent with non-residential occupancy; or statements by neighbors, passersby, delivery agents, or government employees that the property is vacant.

*FORECLOSURE* means the process by which a property, placed as security for a real estate loan, is sold at auction to satisfy the debt if the trustor (borrower) under a deed of trust defaults.

*LOCAL* means within forty (40) road/driving miles distance of the subject property.

*NON-RESIDENTIAL BUILDING* means any improved real property, or portion of, situated in the City, designed or permitted to be used for non-residential purposes, and shall include the buildings and structures located on such improved real property. This includes any real property being offered for sale, trade, transfer, or exchange as "non-residential" whether or not it is legally permitted or zoned for such use.

*NOTICE OF DEFAULT* means a notice, issued pursuant to the applicable real estate security documentation or section 408.554, RSMo., that a default has occurred under a deed of trust.

*OUT OF AREA* means in excess of forty (40) road/driving miles distance of the subject property.

*OWNER* means any person, co-partnership, association, corporation, or fiduciary having legal or equitable title or any interest in any real property.

*OWNER OF RECORD* means the person having recorded title to the property at the point in time the record is provided by the Cass County Recorder of Deeds Office.

*PROPERTY* means any unimproved or improved real property, or portion of, situated in the city and includes the buildings or structures located on the property regardless of condition.

*REGISTERED REPRESENTATIVE* means the person designated by a beneficiary as the beneficiary's representative for purposes of accepting notice, service and summons on behalf of the Beneficiary and for otherwise ensuring compliance with the requirements of this Article.

*RESIDENTIAL BUILDING* means any improved real property, or portion of, situated in the City, designed or permitted to be used for dwelling purposes, and shall include the buildings and structures located on such improved real property. This includes any real property being offered for sale, trade, transfer, or exchange as "residential" whether or not it is legally permitted or zoned for such use.

*SECURING* means such measures as may be directed by the Director of Development Services that assist in rendering the property inaccessible to unauthorized persons, including but not limited to the repairing of fences and walls, chaining/pad locking of gates, or the repair or boarding of door, window or other openings.

*TRUSTEE* means the person, firm or corporation holding a Deed of Trust on a property.

*TRUSTOR* means a borrower under a Deed of Trust, who deeds property to a trustee as security for the payment of a debt.

*VACANT* means a building/structure that is not legally occupied.

#### SECTION 545.810: - REGISTRATION

- A. Any beneficiary under a deed of trust covering a property located within the City shall cause an inspection to be performed of the property that is the security for the deed of trust within fifteen (15) days of issuing a notice of default to the trustor. If the property is found to be vacant or shows evidence of vacancy, it is, by this article, deemed abandoned and the beneficiary shall, within ten (10) days of the inspection, register the property with the Director of Development Services on forms provided by the City.
- B. The registration shall contain the full legal name of the beneficiary and the registered representative, the direct street/office mailing address of the beneficiary and the registered representative (no P.O. boxes), a direct contact name and phone number for the beneficiary and registered representative,

and, if applicable, the local property management company responsible for the security, maintenance and/or marketing of the property.

- C. The registration shall be valid as long as the subject property remains vacant and shall be amended as needed.
- D. This Section shall also apply to properties that have been the subject of a foreclosure sale where title to the property was transferred to the beneficiary of a deed of trust involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure or sale.
- E. Properties subject to this Article shall remain under the security and maintenance standards of this section as long as they remain vacant.
- F. Any person, firm or corporation that has registered a property under this Article must report any change of information contained in the registration within ten (10) days of the change.
- G. If the beneficiary is an out of area beneficiary, a local property management company shall be contracted to ensure that the requirements of this Article, and any other applicable laws, are being met.

#### SECTION 545.815: - MAINTENANCE REQUIREMENTS

Properties subject to this Article shall be maintained so as to be in compliance with Chapter 545: Property Maintenance Code and Chapter 220: Nuisances of the City Code. Adherence to this section does not relieve the beneficiary or property owner of any obligations set forth in any Covenants, Conditions and Restrictions or Homeowners Association rules and regulations which may apply to the property.

#### SECTION 545.820: - SECURITY REQUIREMENTS

Properties subject to this section shall be maintained in a secure manner so as not to be accessible to unauthorized persons. This includes, without limitation, the closure and locking of windows, doors (walk-through, sliding and garage), gates and any other opening of such size that it may allow a child to access the interior of the property and or structure(s). In the case of broken windows "securing" means the reglazing or boarding of the window.

#### SECTION 545.825: - COMPLIANCE WITH OTHER AUTHORITY

The requirements of this Article are in addition to any other maintenance and security measures required by the City Code. The requirements of this Article shall not serve to lessen or abrogate any other applicable provisions of the City Code.

#### SECTION 545.830: - 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.



## **ARTICLE VIII. HOARDING**

### **SECTION 545.900: DEFINITIONS**

Definitions contained within Chapter 545: Property Maintenance Code shall apply to this Article. For the purposes of this Article, certain words and phrases used in this Article are defined as follows:

“Dangerous Accumulation” means when objects, goods, possessions or similar items present a safety hazard to an occupant of a building or occupants of an adjacent property by:

- a. preventing ingress or egress to windows or doors;
- b. preventing access to the mechanical or electrical systems;
- c. exceeding the maximum load capacity of the floor of a room or structure;
- d. providing pest harborage;
- e. impeding access to gain entry into a building;
- f. impeding maintenance of the exterior of a building;
- g. preventing or impeding the use of normal utilities, fixtures or furniture, including sinks, bathtubs or beds;
- h. being stored, stacked or placed in a manner that creates an imminent danger of falling or collapsing;
- i. impeding normal maintenance of yards and property; or
- j. impeding access and movement of emergency personnel.

“Hoarding” means the compulsive and/or dangerous accumulation of objects, goods, possessions, animals, or similar items.

“Long-term storage” means the keeping or storage of items for more than thirty (30) days.

“Occupant” means an individual at least eighteen years old having lawful possession of a structure or premises.

### **SECTION 545.905: APPLICABILITY**

This Article applies to any property in the City of Raymore.

### **SECTION 545.910: UNLAWFUL ACCUMULATIONS**

- A. It is unlawful for an occupant to maintain a dangerous accumulation inside a building or upon the exterior area of a property that may create a fire hazard or threaten the health, safety or welfare of an occupant of a building on the same or an adjacent property.

- B. It is unlawful for an occupant to maintain a dangerous accumulation so as to prevent upkeep, maintenance, or regular housekeeping in a room or building wherein such storage would create a public health risk to an occupant of a building on the same or an adjacent property.
- C. It is unlawful for an occupant to maintain a dangerous accumulation so as to prevent upkeep or maintenance of the exterior of a structure or the exterior area of a property wherein such storage would create a public health risk to an occupant of a building on the same or an adjacent property.
- D. It is unlawful for an occupant to accumulate items, goods, objects, materials and similar items in excess of what is reasonable and customarily necessary for the use of the property.
- E. It is unlawful for an occupant to keep, store or maintain an accumulation of items, goods, objects, materials or similar items in a manner that is unorganized, unmaintained, spread over the exterior yard area of the property, or generally so excessive that the visible appearance of the exterior area of the property creates an attractive nuisance for adjacent properties.
- F. It is unlawful for an occupant to accumulate or allow to be accumulated abandoned, discarded or unused items, goods, objects, materials or similar items that are in a visible state of deterioration.
- G. It shall be unlawful for an occupant to accumulate or allow to be accumulated on the exterior areas of a property non-customary outdoor storage of items such as indoor furniture, refrigerators, stoves, washers, dryers and other household appliances.
- H. It is unlawful for an occupant to utilize a vehicle for an unintended purpose that renders the vehicle undriveable.

#### SECTION 545.915: HOARDING DETERMINED TO BE A NUISANCE

Hoarding is hereby determined to be a public nuisance as defined by this Chapter and Section 67.398 RSMo.

#### SECTION 545.920: AUTHORITY TO CONSULT WITH MENTAL HEALTH ORGANIZATION

The Code Official may consult with the Missouri Department of Health and Senior Services, or any other mental health organization, when circumstances related to the enforcement of this Article reasonably indicate that an occupant of a structure subject to enforcement under this Article may suffer from a mental illness,

including but not limited to a hoarding disorder as described in the then-current edition of the Diagnostic and Statistical Manual of Mental Disorders.

#### SECTION 545.925: HOARDING OF ANIMALS

It is unlawful for an occupant to keep or harbor animals:

- a. in excess of the maximum number or type allowed under City Code Chapter 205: Animal Control;
- b. wherein, due to the number of animals, the occupant is unable to provide minimal standards of nutrition, sanitation, shelter and veterinary care; or
- c. within a structure that contains profuse urine or feces in the area where the animals are kept, threatening the health or safety of the occupant or an occupant of another building on the same or a contiguous property.

## **CHAPTER 600: - ALCOHOLIC BEVERAGES**

### **SECTION 600.010: - DEFINITIONS**

For the purpose of this Chapter, the following terms shall have the meanings designated herein:

*"ABANDONMENT OF PREMISES"* means voluntarily ceasing to operate a business that has been legally licensed by the city and state to be conducted under the Sections of this Chapter.

*"ADJACENT PROPERTY"* means property immediately adjoining; except, that any intervening street, alley, highway or other public thoroughfare shall be disregarded.

*"ALCOHOLIC BEVERAGES"* means intoxicating liquor, malt liquor or non intoxicating beer.

*"CHURCH"* means any building or structure regularly and primarily used as a place of worship by any organized religious society, organization or congregation, regardless of whether or not such building or structure was originally designed and constructed for such purpose.

*"CLOSED PLACE"* means a place where all doors are locked and where no patrons are in the place or about the premises.

*"CONTROL"* means any form of authority, regulation, responsibility or dominion, including a possessory right.

*"CLUBS"* means regularly incorporated associations not-for-profit under the laws of this state organized for the sole purpose as benevolent, charitable or social, having regular dues-paying members. Any incorporated association organized for the principal reason of selling alcoholic liquor shall not constitute a club.

*"COIN-OPERATED AMUSEMENT DEVICE"* means pinball machines, marble machines, music-vending machines, pool tables or machines, coin-operated shuffleboards and any other devices operated by the insertion of a coin, disc or other insertion piece, whether or not also manipulated by the operator, and which operate for the amusement of the operator, whether or not by registering a score. It shall not include "slot machines," "claw machines" or other machines prohibited by state law. It shall not include machines or devices used bona fide and solely for the vending of service, food, confections or merchandise.

*"C.O.L." LICENSE"* means a license for the consumption of alcoholic beverages in or upon premises that do not possess a license for the sale of alcoholic beverages and where food, beverages or entertainment are sold or provided for compensation as provided in Section 311.480 RSMo.

*"DISORDERLY PLACE"* means any premises licensed under this Chapter that has three or more police responses to the actual premises, or the immediate vicinity of the premises, in any three-month period. Police responses for non-criminal activity will not be considered in determining whether the premises are a disorderly place.

*"DISTILLERY"* means a place where liquor is manufactured.

*"DOMESTIC WINERY"* means a business whose primary activity is the manufacture of wine or brandy in quantities not to exceed five hundred thousand (500,000) gallons, not in excess of eighteen (18) percent alcohol by weight for wine or not in excess of thirty-four (34) percent alcohol by weight for brandy, from grapes, berries, other fruits, fruit products, honey and vegetables produced or grown in the State of Missouri, exclusive of sugar, water and spirits.

*"DRUG"* means a controlled substance as defined and described now or hereafter by RSMo. Currently, controlled substances are defined and described by 195.005 to 195.820 RSMo.

*"DWELLING"* means any place that is used regularly or irregularly as a place of repose, sleep or rest, or any place containing a bed, cot, divan, couch or other article of furniture on which an adult person may recline; provided however, this term does not include any premises used as a hotel, motel or hotel room.

*"ENFORCEMENT AGENCY"* means the City of Raymore.

*"FINANCIAL INTEREST"* means all interest, legal or beneficial, direct or indirect, in the capital devoted to the licensed enterprise and all such interest in the net profits of the enterprise, after payment of reasonable and necessary operating business expenses and taxes, including interest in dividends, preferred dividends, interest and profits, directly or indirectly paid as compensation for, or in consideration of interest in, or for the use of, the capital devoted to the enterprise, or for property or money advanced, loaned or otherwise made available to the enterprise, except by way of ordinary commercial credit or bona fide bank credit not in excess of credit customarily granted by banking institutions whether paid as dividends, interest or profits, or in the guise of royalties, commissions, salaries, or any other form whatsoever.

*"FRONTS"* refers to that street upon which the principal entrance of such alcoholic beverage establishment is located.

*"INTOXICATING LIQUOR"* has the same meaning as defined in the liquor control laws of the State of Missouri, currently Section 311.020 RSMo.

*"LICENSE"* means the holder of any license issued under the provisions of this Chapter.

*"MALT LIQUOR"* means any beer manufactured from pure hops or pure extract of hops and pure barley malt or other wholesome grains or cereals and wholesome yeast and pure water and free from all harmful substances, preservatives and adulterants.

*"MANAGING OFFICER"* means the person who is in active management and control of an alcoholic beverage establishment.

*"MICROBREWERY"* means a business whose primary activity is the brewing and selling of beer with an annual production of ten thousand (10,000) barrels or less.

"*MINOR*" means a person not legally permitted by reason of age to possess, consume, or purchase alcoholic liquor as described by 311.325 (1) RSMo.

"*MOTOR VEHICLE*" means and includes any self-propelled vehicle not operated exclusively upon tracks.

"*OPEN CONTAINER*" means any container which is immediately capable of being consumed from or the seal of which has been broken.

"*OPEN HOUSE PARTY*" means a social gathering at a residence or premises of persons in addition to the owner or those with rights of possession or their immediate family members.

"*ORIGINAL PACKAGE*" means one container of not less than fifty (50) milliliters of any intoxicating liquor containing in excess of five percent alcohol by volume or three or more standard containers of malt liquor.

"*PERMITTEE*" means the holder of an employee's permit issued under the provisions of this Chapter.

"*PERSON*" means an individual, partnership, club, association, firm, corporation, joint stock company, syndicate, receiver, trustee, conservator, or other officer appointed by any state or federal court.

"*POSSESSION*" may be either actual or constructive possession if the individual has knowledge of the presence of the item. A person has actual possession if he or she has the container on his or her person or within easy reach and convenient control. A person who, although not in actual possession, has the power and intention at a given time to exercise dominion or control over the container either directly or through another person or persons is in constructive possession of it. Possession may be sole or joint. If one person alone has possession of the item, possession is sole; if two or more persons share possession of the item, possession is joint.

"*PREMISES*" means the bounds of the enclosure where alcoholic beverages are sold or consumed.

"*RESIDENCE*" or "*PREMISES*" means a motel room, hotel room, home, apartment, condominium or other dwelling unit, including the curtilage of a dwelling unit, or a hall, meeting room or other place of assembly, whether occupied as a dwelling or specifically for social functions, and whether owned, leased, rented or used with or without compensation.

"*RESIDENT CORPORATION*" shall be as defined in Section 311.060 (3) RSMo.

"*RESORT*" means any establishment having at least forty (40) rooms for the overnight accommodation of transient guests, having a restaurant or similar facility on the premises, at least sixty (60) percent of the gross income of which is derived from the sale of prepared meals or food, or a restaurant provided with special space and accommodations where in consideration of payment, food, without lodging, is habitually furnished to travelers and customers, and which restaurant establishment's annual gross food sales for the past two years immediately

preceding its application for a license shall not have been less than one hundred thousand dollars (\$100,000.00) per year, or a new restaurant establishment having been in operation for at least ninety (90) days preceding the application for such license with a projected experience based upon its sale of food during the preceding ninety (90) days which would exceed one hundred thousand dollars (\$100,000.00) per year.

*"RESTAURANT BAR"* means any establishment having a restaurant or similar facility on the premises and at least fifty (50) percent 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 seventy-five thousand dollars (\$275,000.00) from the sale of prepared meals or food consumed on such premises.

*"SALE BY THE DRINK"* means the sale of any intoxicating liquor except malt liquor, in the original package in any quantity less than fifty (50) milliliters.

*"SCHOOL"* means any school that is regularly used as a public, private or parochial school, elementary school, high school, college, university, professional school, business or secretarial school, receiving some support from public, religious or charitable funds.

*"SUBSTANTIAL QUANTITIES OF FOOD"* means the amount of prepared meals, food and/or merchandise at least fifty (50) percent of the gross income of an establishment has been derived during the three most recent calendar months preceding or during such period a gross income of at least two hundred seventy-five thousand dollars (\$275,000.00) from the sale of prepared meals or food consumed on the premises.

*"WHOLESALEERS" or "DISTRIBUTORS"* mean firms or corporations selling intoxicating liquors to duly licensed retailers for resale.

## **ARTICLE I - AUTHORITY AND ADMINISTRATION**

### **SECTION 600.020: - ENFORCEMENT AGENCY**

- A. The City Manager shall establish an Enforcement Agency and designate City staff to supervise the administration and enforcement of the provisions of this Chapter.
- B. It shall be the duty of the Enforcement Agency to keep a record of all licenses and permits issued by it to applicants, and of suspensions and revocations.
- C. The Enforcement Agency shall prescribe all forms of applications, licenses and permits in compliance with the provisions of this Chapter.
- D. The Enforcement Agency shall have power to make such reasonable rules, regulations, orders and directions as may be necessary and feasible for

carrying out its duties as are not inconsistent with the provisions of this Chapter.

- E. The Enforcement Agency or its authorized agents or any Law Enforcement member of the Police Department shall have the right, at any reasonable time to inspect, and the licensee shall allow inspection of any licensed premises and all portions of the buildings, including all rooms, cellars, outbuildings, passageways, closets, vaults, yards, attics and all buildings used in connection with the operations carried on under such license and which are in their possession, or under their control, and all the places where they keep or have liquor stored, and to seize any and all objects which may appear to be in violation of any provisions of this Chapter and hold in custody such objects as evidence until any matter pertaining thereto is finally adjudicated. Upon such seizure, a receipt shall be given and upon demand, if not forfeited, objects shall be returned to their lawful owner after the matter is finally adjudicated unless the same are found to be contraband by order of a court of competent jurisdiction. If such objects are not claimed by their lawful owner within ninety (90) days after final adjudication, they shall be deemed forfeited. If such objects seized are found to be contraband, they shall remain in custody of the Enforcement Agency or disposed of as per the order of the court.
- F. The Enforcement Agency shall have the right to examine the books, records and papers of each licensee or applicant for a license or renewal, and to hear and determine complaints against any licensee or applicant for a license. For such purposes, such agency shall have the power to issue subpoenas and all necessary processes to subpoena witnesses; to compel by subpoena duces tecum the production of books, records, papers and other evidence; to administer oaths and take testimony; to make findings of fact and to report to the State Supervisor of Liquor Control the results; and may recommend to the Supervisor the suspension, revocation or cancellation of any license issued under the laws of the State.
- G. The Enforcement Agency shall have the power to suspend or revoke any license granted under the terms of this Chapter, pursuant to the provisions hereof, for any violation hereof.

#### SECTION 600.030: - DENIAL OF APPLICATIONS-APPEALS

- A. If an application for any license or permit is denied by the Enforcement Agency or if there is any dispute with respect to the location of premises proposed to be used for the sale of alcoholic beverages, the applicant, licensee or permittee, as the case may be, may request in writing, a review of such denial or decision regarding the location, or issuance of a license or permit to the City Council. Such request to be made by the applicant, licensee or permittee within ten (10) calendar days after notice of the Enforcement Agency's final decision.



- B. Upon written request for review, made within the time above specified, the City Council shall conduct a public hearing at the first available City Council meeting at which time it will investigate, examine and review the denial by the Enforcement Agency of an application for a license or permit in regard to any proposed location of alcoholic beverage selling premises. The City Council may set aside any of the above actions of the Enforcement Agency if the majority of the members of the City Council determines that any such act should be altered and may order the Enforcement Agency to issue a license or permit.
- C. In the event that the Enforcement Agency does not approve or deny an application within forty-five (45) days from the date the application is filed, then it shall be assumed that the application is denied, and the applicant may perfect his or her appeal to the City Council, as provided above.

## **ARTICLE II - LICENSES**

### **SECTION 600.040: - LICENSES REQUIRED**

- A. It is unlawful for any person to manufacture, sell, solicit orders for the sale, or deliver, at wholesale or retail, alcoholic beverages, or allow the consumption of such beverages in or upon any premises where food, beverages or entertainment are sold or provided for compensation, within the limits of the City without first obtaining a license from the Enforcement Agency.
- B. No license permitted under the provisions of this Chapter shall operate in excess of any licenses granted.
- C. Concessionaires, operating concession stands in Raymore City Parks, under contract with the Department of Parks and Recreation are authorized to dispense alcoholic beverages by the drink, under the terms and conditions stated the Raymore Alcohol in the Park Policy.
- D. Concessionaires operating concession stands provided in Section 600.040(C), with prior approval of the Director of Parks and Recreation, shall obtain a license to dispense alcoholic beverages, pursuant to this Chapter and as required by the laws of the State of Missouri. Said concessionaires may dispense such alcoholic beverages by the drink only at the times and places and under the conditions of the Parks and Recreation Board and approved by the Raymore City Council.

### **SECTION 600.050: - CHANGE IN CONDITIONS**

It is unlawful for a person to continue to hold an alcoholic beverage license when conditions have occurred which would render such licensee or the licensed

premises ineligible or unsuitable for such license under the provisions of this Chapter.

#### SECTION 600.060: - ILLEGALLY SECURED ALCOHOLIC BEVERAGES

It is unlawful for any licensee to allow on his or her licensed premises any alcoholic beverage they have purchased or secured in violation of any City, State or Federal ordinance or statute.

### **ARTICLE III - LICENSE CLASSIFICATIONS AND FEES**

#### SECTION 600.070: - CREATION OF CLASSES GENERALLY

The classes of licenses described below are created for the manufacture and sale of intoxicating liquor or malt liquor at wholesale and retail for which the fees prescribed shall be charged.

#### **BY DRINK LICENSES (RESTAURANTS AND BARS)**

##### **Beer by the drink license (Beer - includes Sunday sales)**

This license allows retailers to serve beer by the drink for consumption on the licensed premises only, as provided for in 311.200.3 RSMo. This license allows retailers to operate between the hours of 6:00 a.m. and 1:30 a.m. on weekdays and Saturdays and between the hours of 9:00 a.m. and midnight on Sunday. The license shall be issued upon compliance with this Chapter and payment to the City of the fee as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department. The licensee may apply for a caterer's permit as a secondary license.

##### **Beer and light wine by drink**

This license allows retailers to serve beer and light wine by the drink for consumption on the licensed premises between the hours of 6:00 a.m. and 1:30 a.m. on weekdays and Saturdays, including all election days, as provided for in 311.200.4 RSMo. A separate Sunday license must be obtained in order to operate on Sundays. The license shall be issued upon compliance with this Chapter and payment to the City of the fee as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department. The licensee may apply for a caterer's permit as a secondary license.

### **Retail by the drink license (Spirits, wine and beer)**

This license allows retailers to serve intoxicating liquor by the drink for consumption on the licensed premises. This license allows a retailer to operate between the hours of 6:00 a.m. and 1:30 a.m. on weekdays and Saturdays, including all election days as provided for in 311.200.5 RSMo. A separate Sunday license must be obtained in order to operate on Sundays. The license shall be issued upon compliance with this Chapter and payment to the City of the fee as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department. The licensee may apply for a caterer's permit as a secondary license.

### **Retail by the drink license (Spirits, wine and beer) tax exempt**

This license allows retailers to serve intoxicating liquor by the drink for consumption on the licensed premises. This license allows a retailer to operate between the hours of 6:00 a.m. and 1:30 a.m. on weekdays and Saturdays, including all election days as provided for in 311.090 RSMo. A separate Sunday license must be obtained in order to operate on Sundays. The license shall be issued upon compliance with this Chapter and payment to the City of the fee as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department. The licensee may apply for a caterer's permit as a secondary license.

### **Retail liquor by the drink resort license (Spirits, wine and beer)**

This allows licensee to qualify for a license to sell all intoxicating liquor (including spirits, wine and beer) by the drink for consumption on the premises as provided for in 311.095 RSMo. An applicant applying as a resort to have a restaurant on premises and at least 30 overnight guest rooms and 60 percent of the gross income from food sales, or an applicant not having overnight guest rooms must qualify under the restaurant requirements with minimum annual gross sales of \$75,000, of which \$50,000 must come from nonalcoholic sales. A separate Sunday license must be obtained in order to operate on Sundays. The license shall be issued upon compliance with this Chapter and payment to the City of the fee as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department. The licensee may apply for a caterer's permit as a secondary license.

## **PACKAGE LICENSES (CONVENIENCE STORES, GROCERIES, LIQUOR STORES)**

### **Package liquor (Includes spirits, wine and beer)**

This license allows retailers to sell intoxicating liquor in the original package, not to be consumed upon the premises where sold as provided for in 311.200.1 RSMo. A separate Sunday license must be obtained in order to operate on Sundays. The license shall be issued upon compliance with this Chapter and payment to the City of the fee as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department. The licensee may apply for an original package tasting and Sunday original package as a secondary license.

**Beer original package license (Includes Sunday sales)**

This license allows retailers to sell beer in the original package, not to be consumed upon the premises where sold as provided in 311.200.2 RSMo. This license allows retailers to operate between the hours of 6:00 a.m. and 1:30 a.m. on weekdays and Saturdays and between the hours of 9:00 a.m. and midnight on Sunday. The license shall be issued upon compliance with this Chapter and payment to the City of the fee as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department. The licensee may apply for an original package tasting as a secondary license.

**TEMPORARY RETAIL LICENSES**

**Picnic license (Not for profit organizations - Spirits, wine and beer - seven (7) days)**

A retail liquor by the drink permit may be issued to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for the sale of intoxicating liquor for consumption on the premises at a picnic, bazaar, fair, or similar gathering as provided in 311.482 RSMo. The permit shall be issued only for the day or days named and it shall not authorize the sale of intoxicating liquor for more than seven days by any such club or organization. This permit does allow for sales in the original package for consumption off the premises. In addition the picnic license does allow any wholesaler to provide customary storage, cooling and/or dispensing equipment for use by the license holder at such picnic, bazaar, fair or similar gathering as provided for in 311.482.5 RSMo. If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor on that day beginning at 11:00 a.m. and ending at midnight. The license shall be issued upon compliance with this Chapter and payment to the City of the fee as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department.

### **Retail by drink caterer's license (Spirits, wine and beer)**

A caterer's permit is a permit allowing retailers who furnish provisions and services for use at a particular function, occasion, or event at a particular location other than the licensed premises to sell intoxicating liquor by the drink at retail for consumption on the premises and in the original package for consumption off the premises for a specified period of time as provided for in 311.485 RSMo. This permit does not include festivals as defined in Chapter 316 RSMo. The caterer's permit can be effective for up to one hundred sixty eight (168) consecutive hours or seven days. If the event lasts past midnight, the licensee must also pay for the next day. The license shall be issued upon compliance with this Chapter and payment to the City of the fee as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department.

### **Beer and light wine by drink caterer's license**

A caterer's permit is a permit allowing retailers who furnish provisions and services for use at a particular function, occasion, or event at a particular location other than the licensed premises to sell beer and light wine by the drink at retail for consumption on the premises and in the original package for consumption off the premises for a specified period of time as provided for in 311.485 RSMo. This permit does not include festivals as defined in Chapter 316 RSMo. This caterer's permit can be effective for up to 168 consecutive hours or seven days. If the event lasts past midnight, the licensee must also pay for the next day. The license shall be issued upon compliance with this Chapter and payment to the City of the fee as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department.

### **Retail by drink caterer's permit (Spirits, wine and beer - fifty (50) days maximum)**

A caterer's permit is a permit allowing retailers who furnish provisions and services for use at a particular function, occasion, or event at a particular location other than the licensed premises to sell intoxicating liquor by the drink at retail for consumption on the premises and in the original package for consumption off the premises for up to 50 days as provided for in 311.486 RSMo. This permit does not include festivals as defined in Chapter 316 RSMo. Report of each function shall include: written permission from the property owner; description of the premises; and date or dates the function will be held. The license shall be issued upon compliance with this Chapter and payment to the City of the fee as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department.

### **Retail by drink caterer's permit (Spirits, wine and beer - unlimited number of functions)**

A caterer's permit allows retailers who furnish provisions and services for use at a particular function, occasion, or event at a particular location other than the licensed premises to sell intoxicating liquor by the drink at retail for consumption on the premises and for sales in the original package for consumption off the premises. This permit does not include festivals as defined in Chapter 316 RSMo. This permit is effective for unlimited functions as provided for in 311.386.2 RSMo. Report of each function shall include: written permission from the property owner; description of the premises; and date or dates the function will be held. The license shall be issued upon compliance with this Chapter and payment to the City of the fee as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department.

### **OTHER RETAIL LICENSES**

#### **Consumption of liquor license (C.O.L.) (Building and hall rentals)**

A Consumption of Liquor (C.O.L.) license allows any person operating any premise where food, beverages or entertainment are sold or provided for compensation to permit the drinking or consumption of intoxicating liquor on the premise as provided for in 311.480 RSMo. between the hours of 6:00 a.m. and 1:30 a.m. on weekdays and Saturdays. A C.O.L. cannot sell any intoxicating liquor. This license is not available for Sunday consumption. The license shall be issued upon compliance with this Chapter and payment to the City of the fee as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department.

### **SECONDARY LICENSES**

#### **Original package tasting license**

A licensee that is issued a license to sell intoxicating liquor in the original package may also obtain a tasting license which allows the licensee to conduct wine, malt beverage and distilled spirit tastings on the licensed premises as provided for in 311.294 RSMo. The license shall be issued upon compliance with this Chapter and payment to the City of the fee as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department.

### **Sunday license (Spirits, wine and/or beer)**

A licensee that has a retail liquor license may obtain a license to sell intoxicating liquor between the hours of 9:00 a.m. and midnight on Sunday as provided for in 311.293 RSMo. The license shall be issued upon compliance with this Chapter and payment to the City of the fee as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department.

### **Liquor wholesale solicitor (Spirits, wine and beer)**

The liquor wholesale solicitor license allows licensees to sell intoxicating liquor of all kinds to a person licensed to sell such intoxicating liquor at retail and the privilege of selling to licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by, or through a licensed wholesaler within this State as provided for in 311.180.1(9) RSMo. The wholesaler must be appointed by the solicitor to distribute its products within this State prior to offering them for sale in Missouri. The license shall be issued upon compliance with this Chapter and payment to the City of the fee as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department.

### **Twenty-two (22) percent wholesale solicitor (Wine and beer)**

The twenty-two (22) percent wholesale solicitor license allows for the selling of intoxicating liquor containing not in excess of twenty-two (22) percent alcohol by weight by a wholesaler to a person licensed to sell such intoxicating liquor at retail and the privilege of selling to licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not more than twenty-two (22) percent alcohol by weight, to, by, or through a licensed wholesaler within this State as provided for in 311.180.1(8) RSMo. The wholesaler must be appointed by the solicitor to distribute its products within this State prior to offering them for sale within this State. The license shall be issued upon compliance with this Chapter and payment to the City of the fee as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department.

### **Five (5) percent wholesale solicitor (Beer only)**

The five (5) percent wholesale solicitor license allows for the selling of intoxicating liquor containing not more than five (5) percent alcohol by weight by a wholesaler to a person licensed to sell such malt liquor at retail and the privilege of selling to licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not more than five (5) percent of alcohol by weight, to, by, or through a licensed Wholesaler within this State as provided for in 311.180.1(7) RSMo. The wholesaler must be appointed by the solicitor to distribute its products within this

State prior to offering them for sale within this State. The license shall be issued upon compliance with this Chapter and payment to the City of the fee as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department.

### **Domestic winery (Light wine and brandy)**

This license allows the manufacturing of wine or brandy in quantities not to exceed 500,000 gallons, not in excess of eighteen (18) percent alcohol by weight for wine, but not in excess of thirty-four (34) percent alcohol by weight for brandy, from grapes, berries, other fruits, fruit products, honey, and vegetables produced or grown within this State, exclusive of sugar, water and spirits as provided for in 311.190 RSMo. A domestic winery may use, in any calendar year, wine and brandy making material produced or grown outside of this State in a quantity not exceeding fifteen (15) percent of the manufacturer's wine entered into fermentation in the prior calendar year. A domestic winery may purchase and sell bulk or packaged wines or brandies from and to other domestic wineries. A domestic winery may also sell packaged wines or brandies to licensed wholesalers and retail dealers on any day except Sunday. A domestic winery licensed under this Section may offer samples of Missouri produced wine, may sell Missouri produced wine and brandy in its original package directly to consumers at the winery, and may open wine purchased by customers so that it may be consumed on the winery premises on Monday through Saturday between 6:00 a.m. and midnight and on Sunday between 9:00 a.m. and 10:00 p.m. A domestic winery license allows the licensee to manufacture, wholesale and retail Missouri produced wine and brandy products for one license fee. The license shall be issued upon compliance with this Chapter and payment to the City of the fee as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department. The licensee may apply for retail by drink license and caterer's permit as secondary licenses. A domestic winery must manufacturer two hundred (200) gallons of wine on an annual basis to qualify for a retail by drink license and in order to make application for a caterer's permit, the winery must have a retail by drink license.

### **Microbrewery license (Beer only)**

"Microbrewery" is defined in 600.010 of this Chapter and as provided for in 311.195 RSMo. The holder of a microbrewer's license may apply for a license to sell intoxicating liquor by the drink at retail for consumption on the premises and may also sell beer and malt liquor produced on the brewery premises to licensed wholesalers. A holder of this license is subject to restrictions as provided in 311.181 and 311.182 RSMo. The license shall be issued upon compliance with this Chapter



and payment to the City of the fee as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department. The licensee may apply for a retail by drink license and caterer's permit as secondary licenses. A microbrewery licensee who holds a secondary retail by drink license may sell its products that are produced on the premises of their microbrewery. A microbrewery must have a retail by drink license in order to obtain catering permits.

### **Liquor manufacturer-solicitor (Spirits, wine and beer)**

A liquor manufacturer-solicitor license allows for the manufacturing, distilling or blending of intoxicating liquor of all kinds within this State and the privilege of selling to licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by or through a licensed wholesaler within this State as provided for in 311.180.1(3) RSMo. Distillers, wholesalers, winemakers, brewers or their employees, officers or agents, shall not, under any circumstances, directly or indirectly, have any financial interest in the retail business for sale of intoxicating liquors except a distiller whose manufacturing establishment is located within Missouri. The license shall be issued upon compliance with this Chapter and payment to the City of the fee as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department. The licensee may apply for a secondary license to sell intoxicating liquor by the drink in close proximity to the distillery as provided for in 311.070.1 RSMo. In addition to a retail by drink license, this license qualifies for a secondary license for liquor wholesale solicitor if the applicant has a wholesaler license to sell to retailers, and a caterer's permit, if there is current retail by drink as secondary license. A separate Sunday license is not a requirement of the retail by drink license.

### **Twenty-two (22) percent wine manufacturer-solicitor (Wine and beer)**

The twenty-two (22) percent manufacturer solicitor license allows for the manufacturing of intoxicating liquor containing not in excess of twenty-two (22) percent of alcohol by weight and the privilege of selling to licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two (22) percent alcohol by weight, to, by or through a licensed wholesaler within this State as provided for in 311.180.1(2). Distillers, wholesalers, winemakers, brewers or their employees, officers or agents, shall not, under any circumstances, directly or indirectly, have any financial interest in the retail business for sale of intoxicating liquors except a wine manufacturer whose manufacturing establishment is located within this State may apply for a license to sell intoxicating liquor by the drink in close proximity to the wine manufacturer's premise. The

license shall be issued upon compliance with this Chapter and payment to the City of the fee as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department. The licensee may apply for a secondary license for a twenty-two (22) percent wholesale solicitor license (if a resident corporation), a retail by drink license (if a twenty-two (22) percent wine manufacturer produces two hundred (200) gallons of wine annually), and a caterer's permit if there is a current retail by drink as secondary license. A separate Sunday license is not a requirement of the retail by drink license.

**Five (5) percent beer manufacturer-solicitor (Beer only)**

The five (5) percent beer manufacturer solicitor license allows for the manufacturing and brewing within this State of malt liquor containing not in excess of five (5) percent alcohol by weight and the privilege of selling to licensed wholesalers and soliciting orders for the sale of malt liquors containing not in excess of five (5) percent alcohol by weight, to, by or through a licensed wholesaler within this State as provided for in 311.180.1(1) RSMo. Distillers, wholesalers, winemakers, brewers or their employees, officers or agents, shall not, under any circumstances, directly or indirectly, have any financial interest in the retail business for sale of intoxicating liquors. The license shall be issued upon compliance with this Chapter and payment to the City of the fee as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department. The licensee may apply for a secondary license for a five (5) percent wholesale solicitor license. The five (5) percent wholesale solicitor license shall be current to sell to retailers.

**Liquor solicitor (Spirits, wine and beer)**

The liquor solicitor license allows for the selling to licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by or through a licensed wholesaler within this State. The solicitor may be located out of State or within this State as provided for in 311.180.1(6) RSMo. The license shall be issued upon compliance with this Chapter and payment to the City of the fee as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department. The licensee may apply for a secondary license for a liquor wholesale solicitor if a wholesaler license to sell to retailers license is current.

**Twenty-two (22) percent solicitor (Wine and beer)**

The twenty-two (22) percent solicitor license allows for the selling to licensed wholesalers and soliciting orders for the sale of intoxicating liquor not in excess of twenty-two (22) percent alcohol by weight, to, by or through a licensed wholesaler

within this State. The solicitor may be located out of state or within this State as provided for in 311.180.1(5) RSMo. The license shall be issued upon compliance with this Chapter and payment to the City of the fee as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department. The licensee may apply for a secondary license for a twenty-two (22) percent wholesale solicitor license if a wholesaler license to sell to retailers license is current.

**Five (5) percent beer solicitor (Beer only)**

The five (5) percent beer solicitor license allows for the selling to licensed wholesalers and soliciting orders for the sale of malt liquor containing not in excess of five percent alcohol by weight, to, by or through a licensed wholesaler within this State. The solicitor may be located out of state or within this State. The license shall be issued upon compliance with this Chapter and payment to the City of the fee as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department. The licensee may apply for a secondary license for a five (5) percent beer wholesale solicitor license if a wholesaler license to sell to retailers license is current.

**Vintage wine solicitor**

The vintage wine solicitor license permits the sale to licensed wholesalers and soliciting orders for the sale of vintage wine as defined in 311.191 RSMo., to, by, or through a licensed wholesaler within this State. The license shall be issued upon compliance with this Chapter and payment to the City of the fee as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department.

**SECTION 600.080: - DUE DATES FOR LICENSE FEES-PRORATING OF FEES**

All license fees as provided for and as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department, shall be due and payable on or before the first day of May of each year, and shall be good for the year beginning July 1 and ending June 30. If such license is originally issued after July 1, the applicant shall pay one-twelfth (1/12) of such fee for each month, or fraction of for the remaining in the twelve-month period.

## **ARTICLE IV - INITIAL APPLICATIONS**

### **SECTION 600.090: - INDIVIDUAL REQUIRED TO MAKE APPLICATION**

Application for a license under this Chapter shall be made by the individual who is to be, in fact, actively engaged in the actual control and management of the particular alcoholic beverage establishment for which such license is sought.

### **SECTION 600.100: - FORM AND CONTENTS**

Any person desiring to secure a license under the terms of this Chapter shall make application to the enforcement agency, in writing, and under oath. Each question in the application blank shall be considered material to the issuance of the license, and each question in such application must be answered in full by the applicant. Such applicant shall state:

- A. The name and residential address of the applicant or applicants and if the application is on behalf of a partnership, the names and residential addresses of all partners or any person who has a financial interest in any such partnership. If the application is on behalf of a corporation, the date of incorporation, the state in which incorporated, the amount of paid-in-capital, the amount of authorized capital, the names and residential addresses of the officers and directors and the names and addresses of all stockholders who hold ten (10) percent or more of the capital stock shall be given.
- B. The place of birth of the applicant or applicants and if the applicant is a naturalized citizen, the date and place of naturalization.
- C. The names and business addresses of the applicant's employers for a period of five years prior to the application.
- D. Whether or not the applicant or applicants have been convicted of a felony.
- E. The location, place or premises for which a license is sought. feet
- F. Whether or not the proposed location, place or premises is within one hundred (100) feet of a school or church. The distance shall be measured in accordance with Title I-Definitions of this Code.
- G. The class of the license for which application is made.
- H. Whether or not any distiller, wholesaler, wine maker, brewer or supplier of coin-operated, commercial, manual or mechanical amusement devices or the employees, officers or agents thereof, have any financial interest in the retail business of the applicant for the sale of alcoholic beverages, and whether or not the applicant, either directly or indirectly, will borrow or accept from any such person or persons equipment, money, credit or property of any kind except ordinary commercial credit for liquor sold.
- I. A complete description of the plans, specifications and fixtures in the applicant's proposed place of business, if the application is for a retail license;

provided, however, that this shall apply only when the application is for a new location or a change in the plans for specifications within a previously established location.

J. That the applicant will not violate any of the ordinances of the city, the laws of the state or of the United States, in the conduct of the business.

K. A comprehensive and informative statement, as the Enforcement Agency may deem necessary, to disclose the true ownership and management of the business and any further reasonable information required by the Enforcement Agency.

#### Section 600.110: - FALSE STATEMENTS OR INCOMPLETE INFORMATION

A. It is unlawful for any person in obtaining or attempting to obtain a license to make any materially false statements in the application for such license.

B. It is unlawful for any person to fail to make a complete disclosure of all pertinent and material information required in the application for a license.

#### SECTION 600.120: - INVESTIGATIONS OF APPLICANTS

A. The Enforcement Agency shall have the authority to conduct an investigation into any new or renewal application for any alcoholic beverage license.

### **ARTICLE V: - LICENSE QUALIFICATIONS**

#### SECTION 600.130: - CLASSIFICATIONS

**Individuals.** No license provided for by this Chapter shall be issued to any individual except in conformity with the following:

A. Such individual is actively engaged in the actual control and management of the alcoholic beverage establishment for which a license is sought; and

B. Such individual is twenty-one (21) years of age or over, and a resident of the State of Missouri for one (1) year; and

C. Such person is of good moral character, is qualified to hold an alcoholic beverage license in the State of Missouri and that such person has never been the holder of an alcoholic beverage license or permit which has been revoked by the City or the State of Missouri.

**Partnerships.** No license provided for in this Chapter shall be issued to any partnership unless all members of the partnership are persons who would be eligible for licenses as individuals under the provisions of this Chapter, and no such license shall be issued to any partnership, any partner of which has been the holder of a license or permit which has been revoked by the City or the State of Missouri.

**Corporations.** No license provided for in this Chapter shall be issued to any corporation except in conformity with the following:

- A. The managing officer of the corporation is a person who is eligible for a license as an individual under the provisions of this Chapter; and
- B Such corporation has not been the holder of a license or permit which has been revoked by the City or the State of Missouri.

## **Article VI. - ISSUANCE OF ORIGINAL LICENSE**

SECTION 600.140: - The Enforcement Agency is authorized and empowered to issue licenses provided by this Chapter for the manufacture or sale of alcoholic beverages, at wholesale or retail, and may issue such licenses to applicants who have complied with the terms of this Chapter and have paid the necessary license fee as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department.

### SECTION 600.150: - CONDITION PRECEDENT TO ISSUANCE OF LICENSES

As a condition precedent to the issuance of a license under the provisions of this Chapter, the applicant must obtain a City occupational license for the premises, submit a valid No Tax Due letter from the Missouri Department of Revenue dated within 90 days of application, a criminal record check from the Missouri State Highway Patrol completed within the last six (6) months, proof of voter registration, a copy of the liquor license issued by Cass County, Missouri. The applicant must also procure a permit and license from the State of Missouri, under the provisions of Chapter 311 RSMo. Revocation of any liquor license under this Chapter shall not automatically affect the status of an occupation license.

### SECTION 600.160: - PURCHASERS OF EXISTING ESTABLISHMENTS

A bona fide purchaser of an existing establishment is required by this Chapter to make application for a license.

## **ARTICLE VII. - RENEWAL, TRANSFER, LOST LICENSES, CHANGES**

### SECTION 600.170: - RENEWALS GENERALLY

- A. Each person holding a valid license desiring such license renewed, shall file with the Enforcement Agency an application for license renewal on or after the first day of May and not later than the thirtieth day of May each year. Failure to submit the completed renewal application by May 1, will be subject to late charges approved by the Governing Body and listed in the Schedule of Fees maintained in the Finance Department.

- B. Applications shall be accompanied by a license issued by the Supervisor of Alcohol and Tobacco Control, a No Tax Due Letter issued by the Missouri Department of Revenue within the last ninety (90) days, a criminal record check from the Missouri State Highway Patrol completed within the last six (6) months, proof of voter registration, and a copy of the liquor license issued by Cass County, Missouri.
- C. Proper Parties to File. The application shall be filed by the actual owner, if a single ownership, or if a partnership, information on all partners shall be included with the application, or if a corporation, the person filing must be a stockholder in the corporation for such filing.
- D. Contents of Application. The application shall disclose in affidavit form any information the Enforcement Agency deems necessary.
- E. If during the period for which a license is granted, there are any change of facts or information differing from that set forth in the original or in any renewal application on file, written notice shall be given by the license holder within ten (10) days after the change to the Enforcement Agency.
- F. Refusal to Renew. If any affidavit contains information which does not justify such renewal or if the Enforcement Agency has other information that the applicant has not met all the other requirements of this Chapter, the Enforcement Agency, in its discretion, may refuse to renew such license. In the event of such refusal, the applicant shall be given a hearing before the Enforcement Agency in the same manner as provided for revocation or suspension proceedings, and such applicant shall be entitled to take the matter to the City Council in the manner provided in this Chapter.
- G. If any licensee fails to file an application for license renewal during the prescribed time, then such license shall be automatically suspended until such application is filed.

SECTION 600.180: - ASSIGNMENT OF TRANSFER PROHIBITED-EXCEPTIONS

No license shall be transferable or assignable except as provided by 311.250 RSMo.

SECTION 600.190: - SALE OR CHANGE IN OWNERSHIP

- A. No person holding a license under this Chapter to manufacture or sell alcoholic beverages shall make any change in the ownership of the business without first filing a completed application to change the managing officer and submitting same to the Enforcement Agency. A criminal record check from the Missouri State Highway Patrol completed within the last six (6) months, proof of voter registration, and authorization from the entity approving the appointment of the new managing officer.
- B. Whenever a corporation holding a liquor license under the provisions of this Chapter makes application for a change of managing officers, a fee approved

by the Governing Body and listed in the Schedule of Fees maintained in the Finance Department.

- C. The Enforcement Agency may have ten (10) days from the filing of the application and required information provided for in subsection A of this Section before approving the transferee or purchaser. Any such application not acted upon within a period of ten (10) days from the date of filing may be considered disapproved and the applicant may make an appeal in the manner provided in this Chapter.

#### SECTION 600.200: - CONTINUANCE OF LICENSE AFTER PARTNERS WITHDRAWAL

If one or more members of a partnership having a license for the sale of alcoholic beverages withdraws from the partnership, the Enforcement Agency, upon application accompanied by a bill of sale or affidavit of transfer, shall allow the remaining partner or partners originally licensed, to continue the operation under the original license for the remainder of the period for which the license fee has been paid and it shall not be necessary for the remaining partner or partners to secure a new license until the expiration of the license.

#### SECTION 600.210: - LICENSES NON TRANSFERABLE-EXCEPTIONS

- A. No license issued under this Chapter shall be transferable or assignable except as herein provided. In the event of the death of the licensee, the widow or widower or the next of kin of such deceased licensee, who shall meet the other requirements of this law may make application and the Enforcement Agency may transfer such license to permit the operation of the business of the deceased for the remainder of the period for which a license fee has been paid by the deceased.
- B. Whenever one or more members of a partnership withdraws from the partnership the supervisor of liquor control, upon being requested, shall permit the remaining partner, or partners, originally licensed, to continue to operate for the remainder of the period for which the license fee has been paid, without obtaining a new license.

### **ARTICLE VIII - LOCATION RESTRICTIONS**

#### SECTION 600.220: SALES-BY-DRINK-RETAIL-PACKAGE-WHOLESALE-MANUFACTURER

- A. A sales-by-drink, retail package, Wholesale, or Manufacturer licenses shall not be issued by the Enforcement Agency for a new location or for the expansion of existing premises until there has been shown compliance with the requirements of South Metropolitan Fire Protection District, Cass County Health Department, building code and zoning ordinances of the City, and hold a valid Cass County liquor license.



- B. No alcoholic beverage license shall be issued for any premises when such premises is within one hundred (100) feet of a traditional pre K-12 school or church, measured in accordance with Title I-Definitions of this Code. Distances are measured in accordance with Title I-Definitions of this Code.
- C. A licensee legally established within one hundred (100) feet of a church or school prior to the adoption of this Chapter, who may lose his or her location due to any governmental action, federal, state, county or city, or upon proof of loss of lease or premises through no fault of the licensee, or complete destruction of the premises by fire or flood, may at the discretion of the Enforcement Agency relocate within one hundred (100) feet of the original church or school location; provided, that the desired premises meets all other requirements of this Chapter and is not within one hundred (100) feet of another church or school. Distances are measured in accordance with Title I-Definitions of this Code.

## **ARTICLE IX OPERATIONAL RULES AND REGULATIONS**

### **SECTION 600.230: - ALL RETAIL LICENSES**

- A. Scope. The provisions of this Section shall apply to all retail licensees
- B. Hours and days of sale shall be as outlined in 311.290-311.293 and 311.298 RSMo.
- C. In the event that a licensee or their employees knows that an illegal or violent act has been committed on or about the licensed premises, they shall immediately report the occurrence to law enforcement authorities and shall cooperate with law enforcement authorities and agents of the State of Missouri Division of Alcohol and Tobacco Control during the course of any investigations into an occurrence.
- D. No such licensee or employee, of such licensee shall sell, give away or otherwise dispose of, upon or about the premises for which such license has been issued, any alcoholic beverages to any person who is under the age of twenty-one (21) years or who is actually or apparently impaired by the consumption of alcoholic beverages to an extent that a reasonable person would recognize such impairment.
- E. Sales by minors prohibited except as provided in 311.300 RSMo.
- F. Intoxicated persons on premises prohibited. No retail licensee, or employee, agent or servant of such licensee shall allow any person who is impaired by the consumption of alcoholic beverage to remain on premises for which the license was issued.

- G. Serving or delivering in vehicles prohibited. No retail licensee, or employee, agent or servant of any such licensee, shall serve or deliver any alcoholic beverages to any person who is in or about any motor car or other vehicle.
- H. Orders off licensed premises prohibited. No orders for the sale of alcoholic beverages at retail shall be taken at any place not licensed under this Chapter for the sale of alcoholic beverages, even though such orders are filled and delivery thereon made at a place duly licensed hereunder. Nothing in this provision shall be construed as to prevent any hotel or motel operator or private club from serving any alcoholic beverage to any guest, including registered guests, in or occupying any room of such hotel, motel or private club, if such alcoholic beverage so served shall be kept in or served from a licensed location, place or premises in such hotel, motel or private club.
- I. Unlicensed beverages on premises prohibited. No person selling alcoholic beverages at retail shall allow on their premises any alcoholic beverages except that type in which they are licensed to sell. The presence of any unlicensed alcoholic beverages will be prima facie evidence of the illegal sale of the same, and shall be grounds for suspension or revocation of the license.
- J. Disorderliness, indecency and obscenity. No retail licensee under this Chapter or employee, agent or servant of such licensee shall allow in or upon the licensed premises any disturbances, disorderliness, lewdness, immoral activities, and brawls.
- K. Storing beverages off-licensed premises. No licensee under this Chapter shall store any alcoholic beverage off or outside of the licensed premises without first obtaining the written consent of the Enforcement Agency; provided, however, that a licensee may store alcoholic beverages in a bonded warehouse or central warehouse if they have first notified the Enforcement Agency in writing of their intention to do so.
- L. Solicitation. No by-the-drink retail licensee, or their employee, agent or servant shall give at no or reduced value any alcoholic beverage, nonalcoholic beverage, drink, merchandise or other thing of value in any quantity to any person who shall solicit another to buy any of the above items, nor shall he or she allow any such person to solicit the purchase of such items by another on the premises of such licensee.
- M. Responsibility of licensee and employees. Licensees are at all times responsible for the conduct of their business and at all times responsible for any act or conduct of any employee on the premises which is in violation of this Chapter or the regulations of the Enforcement Agency.
  - 1. It shall be the duty and responsibility of the licensee and the person in charge of the licensed premises at all times to supervise the operation and conduct of business in a diligent manner and to make reasonably certain that this Chapter or regulations of the Enforcement Agency are not violated.

2. It shall be the duty and responsibility of a by-the-drink licensee to require all employees, agents or servants to obtain training from SMART (State of Missouri Alcohol Responsibility Training), or a similar program previously approved by the Enforcement Agency, and to maintain accurate records that all employees, agents or servants have completed such training and are current in their certification.
  3. It shall also be the duty and responsibility of the licensee's agents, servants and employees to report to the licensee or person in charge of the licensed premises any violation of this Chapter or regulations of the Enforcement Agency.
- N. Display of license required. Before commencing or doing any business for the time for which a City license has been granted, such license shall be posted on the licensed premises, and kept displayed at all times during the term of the license in a conspicuous place on the premises so that all persons visiting the premises may readily see the same.
1. No licensee shall post such license or allow such license to be posted upon premises other than the premises licensed, or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee, or knowingly deface, destroy or alter any such license in any respect.

#### SECTION 600.240: - RETAIL SALES-BY-DRINK LICENSEES

- A. Scope. This Section shall apply to retail sales-by-drink licensees.
- B. Closed place. The premises of any such licensee shall be and remain a "closed place," as defined, at the times and upon the days during which the sale or consumption of alcoholic beverages is prohibited by this Chapter; provided, that where such licenses are held by clubs, motels and hotels, this prohibition shall apply only to the premises where alcoholic beverages are dispensed or consumed; and provided, further, that where such licenses are held by restaurants, where substantial quantities of food are served, then the licensee shall keep securely locked during the hours and upon the days specified, all refrigerators, cabinets, cases, boxes and taps from which alcoholic beverages are dispensed. "Securely locked" shall mean locked in such a manner that alcoholic beverages cannot be removed without unlocking a lock. Any unlocked container or any open case of alcoholic beverages in such place of business shall be deemed an illegal sale of the same and grounds for suspension or revocation of the license.
- C. Serving or delivering in vehicles prohibited. No retail licensee, or employee, agent or servant of any such licensee within this Section, shall serve or deliver any alcoholic beverages to any person who is in or about any vehicle.
- D. Orders off licensed premises prohibited. No orders for the sale of alcoholic beverages at retail shall be taken at any place not licensed under this Section

for the sale of alcoholic beverages, even though such orders are filled and delivery made at a place duly licensed. Nothing in this provision shall be construed as to prevent any hotel or motel operator or private club from serving any alcoholic beverage to any guest, including registered guests, in or occupying any room of such hotel, motel or private club, if such alcoholic beverage so served shall be kept in or served from a licensed location, place or premises in such hotel, motel or private club.

- E. Prohibited acts on sales by drink premises. It shall be unlawful for the holder of any license authorized by this Chapter, for the sale of any intoxicating liquor at retail by the drink for consumption on the premises where sold, to keep or secrete, or to allow any other person to keep or secrete in or upon the premises described in such license, any intoxicating liquor, other than the kind of liquor expressly authorized to be sold by such license, or any kind of liquor used exclusively as an ingredient in any food being prepared and sold on the premises.
- F. Alcoholic beverages brought on to premises. It is unlawful for any person to take alcoholic beverages into or upon any premises covered by a sales-by-drink license for the purpose of consuming such alcoholic beverages in any form on such premises.
- G. Minor entering premises prohibited. It is unlawful for any licensee holding a sales-by-drink license or his employee, agent or servant to either directly or indirectly suffer or allow a person under the age of twenty-one (21) years to enter the premises or to linger or loiter in or about such premises; except that a person sixteen (16) through twenty (20) years of age may be on such premises if accompanied by parent or legal guardian. This subsection shall not apply to premises where substantial quantities of food are served; and providing, that nothing contained in this Section shall be construed as preventing the entrance of any person under the conditions of Section 4.16.110.
- H. No by the drink retail licensee, or their employee, agent or servant shall consume alcoholic beverages on the licensed premises during those times when they are working for the establishment.

#### SECTION 600.250: - FULL ORIGINAL PACKAGE SALE LICENSEES

- A. Scope. The provisions of this Section shall apply to full original package sale licensees.
- B. Consumption on premises. It is unlawful for such licensee or any employee, agent or servant of such licensee to allow the consumption of any alcoholic beverages in or upon the licensed premises without also maintaining a valid retail sales by drink license. Consumption of alcoholic beverages purchased in the original package shall not be consumed on the licensed premises.

- C. Sale, etc., Other than in original package. It is unlawful for such licensee or any employee, agent or servant of such licensee to sell, dispense or give away alcoholic beverages except in the original package.
- D. At those times when sales are prohibited, signage indicating no sales must be displayed prominently.
- E. Serving or delivering in vehicles prohibited. No retail licensee, or employee, agent or servant of any such licensee within this Section, shall serve or deliver any alcoholic beverages to any person who is in or about any vehicle.
- F. Orders off licensed premises prohibited. No orders for the sale of alcoholic beverages at retail shall be taken at any place not licensed under this Section for the sale of alcoholic beverages, even though such orders are filled and delivery made at a place duly licensed. Nothing in this provision shall be construed as to prevent any hotel or motel operator or private club from serving any alcoholic beverage to any guest, including registered guests, in or occupying any room of such hotel, motel or private club, if such alcoholic beverage so served shall be kept in or served from a licensed location, place or premises in such hotel, motel or private club.

#### SECTION 600.260: - MALT LIQUOR BEER ORIGINAL PACKAGE SALES LICENSEES

- A. Scope. The provisions of this Section shall apply to malt liquor beer original package sales licensees.
- B. Consumption on premises. It is unlawful for such licensee or any agent, servant or employee of such licensee to allow the consumption of any alcoholic beverages in or upon the licensed premises.
- C. Unlicensed beverages on premises. It is unlawful for such licensee, or any agent, servant or employee of such licensee to have in or upon the licensed premises any intoxicating liquor other than malt liquor beer.
- D. When malt liquor beer to be locked up. All such licensees whose places of business remain open on the days and at the hours when the sale and consumption of alcoholic beverages is prohibited by law, shall keep all malt liquor-beer securely under lock and key in such a manner that such alcoholic beverages cannot be removed without unlocking a lock. Any unlocked alcoholic beverages in such places of business shall be deemed an illegal sale of same and grounds for the suspension or revocation of the license.
- E. Signage. At those times when sales are prohibited, signage indicating no sales must be displayed prominently.
- F. Serving or delivering in vehicles prohibited. No retail licensee, or employee, agent or servant of any such licensee within this Section, shall serve or deliver any alcoholic beverages to any person who is in or about any vehicle.
- G. Orders off licensed premises prohibited. No orders for the sale of alcoholic beverages at retail shall be taken at any place not licensed under this Section

for the sale of alcoholic beverages, even though such orders are filled and delivery made at a place duly licensed. Nothing in this provision shall be construed as to prevent any hotel or motel operator or private club from serving any alcoholic beverage to any guest, including registered guests, in or occupying any room of such hotel, motel or private club, if such alcoholic beverage so served shall be kept in or served from a licensed location, place or premises in such hotel, motel or private club.

## **ARTICLE X. - PREMISES**

### **SECTION 600.270: - DWELLINGS**

No license shall be issued for the sale of alcoholic beverages in or upon any structure occupied in whole or in part as a dwelling.

### **SECTION 600.280: - HOTELS, MOTELS, DRUGSTORES, ETC.**

- A. Hotels, motels and private clubs. Nothing in this article shall be construed as to prevent any hotel or motel operator, or private club, from serving any alcoholic beverage to any guest in or occupying any room of such hotel, motel or private clubs if such alcoholic beverage so served shall be kept in or served from a licensed location, place or premises in such establishments.
- B. Drugstores, pharmacies, etc. No alcoholic beverage sales-by-drink license provided for in this Chapter shall be issued if the structure for which such license is sought is occupied and operated solely as a drugstore, pharmacy, confectionary, soda fountain, soft drink, stationery or school supply store.

### **SECTION 600.290: - ONE RETAIL LICENSE ONLY FOR EACH SINGLE PREMISES**

No more than one retail license provided for by this Chapter shall be issued licenses for any single premises at any given time.

## **ARTICLE XI. - MINORS**

### **SECTION 600.300: - PURCHASE OR POSSESSION OF ALCOHOLIC BEVERAGES**

It is unlawful for any person under the age of twenty-one (21) years to purchase alcoholic beverages. No person under the age of twenty-one (21) years shall possess alcoholic beverages, either on his or her person, or while in a vehicle.

### **SECTION 600.310: - ENTRANCE OR PRESENCE AT LICENSED PREMISES**

It is unlawful for any person under the age of twenty-one (21) years to enter, or be on the premises of any licensee holding any sales-by-drink license under this Chapter; provided, however, that nothing contained in this Section shall be

construed as preventing anyone under the age of twenty-one (21) years from being on premises unless accompanied by a parent or guardian; or where substantial quantities of food are served or sold.

#### SECTION 600.320: - EMPLOYMENT OF PERSONS UNDER TWENTY-ONE (21)

- A. Persons eighteen (18) years of age or older may be employed to act in the capacity of a waiter or waitress and accept payment for or serve intoxicating liquor or beer in places of business which sell food for consumption on the premises if at least fifty (50) percent of all sales in those places consists of food; provided, that nothing in this Section shall authorize persons under twenty-one (21) years of age to mix or serve across the bar intoxicating beverages or beer under the provisions of 311.300 RSMo.
- B. In any distillery, warehouse, wholesale distributorship, or similar place of business which stores or distributes intoxicating liquor but which does not sell intoxicating liquor at retail, persons at least eighteen years of age may be employed and their duties may include the handling of intoxicating liquor for all purposes except consumption, sale at retail, or dispensing for consumption or sale at retail.
- C. Any wholesaler licensed pursuant to this Chapter may employ persons of at least eighteen years of age to:
  - 1. Rotate, stock and arrange displays at retail establishments licensed to sell intoxicating liquor; and
  - 2. Unload delivery vehicles and transfer intoxicating liquor into retail licensed premises if such persons are supervised by a delivery vehicle driver who is twenty-one years of age or older.

### **TITLE XII - PROHIBITED ACTS**

#### SECTION 600.330: - MISREPRESENTING AGE FOR THE PURPOSE OF PURCHASING, ETC., ALCOHOLIC BEVERAGES

It is unlawful for any person under the age of twenty-one (21) years to misrepresent his or her age or make a false statement willfully about his or her age to anyone for the purpose of purchasing or in any way obtaining alcoholic beverages.

#### SECTION 600.340: - ACQUISITION OF ALCOHOLIC BEVERAGES FOR MINOR PROHIBITED

It is unlawful for any person to obtain, convey, make available or deposit alcoholic beverages in any place where such person knows, or by the exercise of reasonable care should know, that a person or persons under the age of twenty-one (21) years are likely to come into possession of the same. It is unlawful for any person to

purchase or in any way obtain alcoholic beverages for any person under the age of twenty-one (21) years.

#### SECTION 600.350: - OPEN HOUSE PARTIES

No person who is the owner in possession, a tenant or sub-tenant, or has temporary charge of any residence or premises, shall allow an open house party to take place at the residence or premises if any alcoholic beverage is possessed or consumed at the residence or premises by any minor where the person knew or reasonably should have known that any alcoholic beverage was in the possession or being consumed by a minor at the residence or premises and where the person failed to take reasonable steps to prevent the possession or consumption of alcoholic beverages at the residence or premises.

#### SECTION 600.360: - 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.

### **TITLE XIII. - SUSPENSION OR REVOCATION OF A LICENSE OR PERMIT-CLOSING OF PREMISE.**

#### SECTION 600.370: - SCOPE OF AUTHORITY

A. Whenever it shall be shown or whenever the Enforcement Agency has knowledge that:

1. Failure to obtain or maintain a license from the Supervisor of Alcohol and Tobacco Control;
2. Selling, offering for sale, possessing or knowingly permitting the consumption on the licensed premises of any kind of intoxicating liquors, the sale, possession or consumption of which is not authorized under the license;
3. Selling, offering for sale, possessing or knowingly permitting the consumption of any intoxicating liquor which has not been inspected and labeled according to the laws of the State of Missouri; or
4. Selling, giving, or otherwise supplying intoxicating liquor to:
  - a. Any person under the age of twenty-one (21) years,
  - b. Any person during unauthorized hours on the licensed premises,
  - c. A habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor, or



- d. Any person on the licensed premises during the term of suspension.
5. A licensee or permittee under this Chapter has allowed the premises to become a disorderly place;
6. Such licensee or any employee, agent or servant of such licensee has violated any of the provisions of this Chapter or provisions of Chapter 311 RSMo.;
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 effective until ten (10) days after the finding and order has been made by the Enforcement Agency.

- D. Effect of revocation. Whenever any license or permit shall be revoked under the terms and provisions of this Chapter, the licensee shall not thereafter be eligible for any license except at the discretion of the Enforcement Agency. Such revocation or suspension shall be in addition to the penalty provided for in Section 600.430.

#### SECTION 600.380: - TEMPORARY CLOSING OF PREMISES

Notwithstanding any other provision of this Chapter, the Enforcement Agency shall have power to close, for a period not to exceed twenty-four (24) hours, any premises which may be in the immediate area of any act of civil disobedience, threatened or occurring; provided, however, that it may not close such place under such circumstances without advising at the earliest possible moment the mayor and city council; and provided further, that the Enforcement Agency may not close such place for two or more consecutive twenty-four-hour periods without approval of the mayor, acting in their official capacity.

#### SECTION 600.390: - REFUSAL TO OBEY SUBPOENA

- A. The failure or refusal of any person to obey all the terms and conditions of the subpoena issued by the Enforcement Agency is declared to be a misdemeanor, and upon conviction, such person shall be punished as provided for in Section 600.420.
- B. Upon information by the City attorney that any person has failed or refused to obey all of the terms and conditions of the subpoena or subpoena duces tecum issued by the Enforcement Agency, the Raymore Municipal Court shall at once issue a warrant for the arrest of the person complained against, which shall be executed by a sworn Law Enforcement Officer.

#### SECTION 600.400:- AUTOMATIC REVOCATION/SUSPENSION

A license shall be revoked automatically if the licensee's State liquor license is revoked or if the licensee is convicted in any court of any violation of 311 RSMo. A license shall be suspended automatically if the licensee's State liquor license is suspended, and the suspension shall be for a term not less than that imposed by the State.

## SECTION 600.410: - VIOLATION OF SUSPENSION OF CLOSING ORDER

Any licensee who continues to operation following an order to close during the time of any suspension or closing order shall be charged with a misdemeanor. In addition, the licensee shall also be subject to further suspension or revocation of all licenses issued by the City.

## SECTION 600.420: - 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 605: - BUSINESSES, TRADES, OCCUPATIONS AND SERVICE OCCUPATIONS LICENSES, TAXES AND REGULATIONS**

## **ARTICLE I. - GENERALLY**

### SECTION 605.010: - ANNUAL LICENSE REQUIRED

- A. Purpose—Applicability—Exemptions. No person shall engage in any of the businesses, trades, occupations, or service occupations set forth in Section 605.020 of this Chapter within the City without first having obtained a license from the City Clerk in compliance with the requirements of this Chapter and paying the applicable license fee. It is the express intent of the City and of this Chapter to license, regulate and impose a fee on every business, trade, occupation, or service occupation that is subject to licensing under the applicable laws of the State of Missouri; provided that, the license fees set forth in this Chapter shall not be applicable to leaders of faith-based organizations, teachers, college professors, lawyers, certified public accountants, dentists, chiropractors, optometrists, chiropodists, physicians, surgeons, farmers, producers selling produce raised by them, or any other profession or vocation enumerated under Sections 71.620.1 or 71.620.3, RSMo. No vendor in an event sponsored by the City shall be required to obtain a license unless they would otherwise be required to do so under the requirements of this chapter.

The license fee provided for in this Chapter is a fee for the privilege of doing business within the City and shall be due and payable by the businesses, trades, occupations, or service occupations set forth in Section 605.020 of this Chapter, whether or not such businesses, trades, occupations, or service occupations occupy or maintain a business premises within the City; provided that, the license fees set forth in this Chapter shall not be applicable to veterinarians, architects, professional engineers, land surveyors, auctioneers, real estate brokers and salespersons, or any other profession enumerated under Section 71.620.2, RSMo., unless such persons maintain a business office within the City. Except as otherwise provided in this Chapter, the license shall be for the annual license year.

- B. *Applications—Requirements For Issuance.* Applications for licenses under this Chapter shall be made in writing on a form provided by the City and submitted to the City Clerk. An application shall be made to renew any license upon its expiration. The form of license shall be as prescribed by the City Clerk or designee.
1. *Evidence of insurance.* At the time of application or reapplication, each applicant who is a contractor in the construction industry (as those terms are used in Section 287.061 RSMo.) shall produce a current copy of:
    - a. a certificate of insurance naming the City of Raymore, Missouri as a certificate holder, for Workers' Compensation coverage or an affidavit signed by the applicant attesting that the contractor is exempt from the requirements of the Workers' Compensation Law, Chapter 287, RSMo., or applicable successor statutes; and
    - b. a policy of general liability insurance naming the City of Raymore, Missouri as a certificate holder, including completed operations coverage during the term of the building permit or during actual construction, whichever date is later. Such insurance policy shall be with a company licensed to do business in the State of Missouri. All contractors shall maintain general liability coverage in an amount as required in Section 537.610 (2) RSMo.
    - c. Cass County and/or State of Missouri inspections, certificates or licensing, if applicable.
    - d. Applicants shall provide the registered agent and office address if business owner is not the responsible party.
  2. Sales taxes and all other taxes and obligations to be paid.
    - a. New application. No license shall be issued to any applicant under this Chapter until all financial obligations of the applicant to the City or other valid jurisdictions are paid and satisfied. Each applicant shall provide such documentation or certifications as the City Clerk may require to assure compliance with this Subsection.
    - b. Mid-year Suspension. Any business holding a current valid occupational license that becomes delinquent on the payment of any financial obligation of the business to the City or other valid jurisdiction shall have said license suspended until such time that any such delinquent obligation is paid and satisfied. The City Clerk shall notify businesses delinquent in any obligation to the City or other valid jurisdiction in writing of the suspension of their license. The delinquency shall be paid within ten (10) days of the date on the notification letter. Failure to satisfy the delinquent financial obligation shall lead to revocation of business license in accordance with section 605.040 (B) and (C) of this Chapter.

- c. **Expired License, Failure to Renew.** Any business that allows their occupational license to expire shall not operate the business as of January 1 and must be issued a new business license, according to the process outlined in 605.010 2 (a) of this Chapter, before being allowed to resume the business operation in accordance with section 605.040 (B) and (C) of this Chapter.
- C. **Determination Of Business Categories.** The City Clerk shall initially establish and classify each business, trade, occupation and service occupation within the categories provided in Section 605.020 of this Chapter. Any business, trade, occupation, or service occupation which objects to the category within which the business has been classified shall have the opportunity to file a written appeal to the City Manager and to request reclassification. Any such appeal shall be filed with the City Manager within ten (10) days after such classification for any appeal to be taken.
1. **Multiple business activities by single entity.** Any applicant which is engaged in more than one (1) business, trade, occupation or service occupation category within the City shall make separate application for each such category and shall pay the applicable license fee(s).
  2. **Separate license required for each business premises.** Applicants which operate or maintain more than one (1) business premises within the City shall obtain a separate license for each such business premises. Applicants which do not maintain or operate a business premises within the City shall designate on the form of application for each applicable business, trade, occupation, or service occupation category a principal business address and, in the event of a change of such principal business address during the period of the license, shall notify the City Clerk in writing within ten (10) business days of the change.
  3. **License not transferable.** No license required under this Chapter shall be transferable or assignable.
  4. **Notification of change of location.** If the holder of a license to engage in a business, trade, occupation, or service occupation at a particular business premises changes the location of the business premises before the expiration of the license period, the license holder shall notify the City Clerk in writing. No business, trade, occupation, or service occupation shall be engaged at a new location until the notice of such change has been given as provided in this Subsection and until the holder has paid any additional license fees as may be determined to be applicable under this Chapter by the City Clerk.
- D. **How Issued, Maintained.** Upon completion of the required application forms, provision of the required information and documentation, and payment of the applicable license fees, the City Clerk shall issue the license. The license issued

shall be signed by the City Clerk and countersigned by the Finance Director and the City Clerk shall affix the corporate seal of the City.

1. *Record of licenses issued.* The City Clerk shall maintain a written record of each license issued under this Chapter; the amount of the license fee-paid; the business, trade, occupation, or service occupation for which the license was issued; the location, as applicable, where the license privilege is to be exercised; and the name of the holder of the license.
  2. *License to be available for examination.* The holder of any license issued under this Chapter shall have the duty to display or otherwise make the license available for examination and shall produce the license for inspection upon request of any City Official.
- E. *License Fees—Applicability.* Except as otherwise provided in this Chapter, the license fees shall be due and payable at the time of initial application for license and prior to commencing operations or business activity within the City.
1. *Delinquencies subject to penalty.* From and after the date of delinquency of any license fee due and payable under this Chapter, the City Clerk shall add to the amount due five percent (5%) penalty for each month that such license fee remains delinquent and a business, trade, occupation, or service occupation is conducted within the City, up to a twenty-five percent (25%) maximum penalty. This penalty shall be in addition to all other penalties which may be imposed by law or Ordinance.
  2. *Discounted fees.* Amounts due under this Chapter as license fees for a business, trade, occupation, or service occupations exercised within the City shall be discounted at a rate of five percent (5%) per month after June first (1st).

#### SECTION 605.020: - DEFINITIONS

- A. *Terms Defined.* The following words, terms and phrases when used in this Chapter shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

**BUSINESS OCCUPATION:** Any business, trade, pursuit, occupation, and service occupation, excluding "merchants" and "manufacturers" (as those terms are defined in this Section) engaged in at any location within the City.

**CONTRACTOR:** Any person or business that undertakes with or for another to construct, alter, repair or demolish any structure. The following persons shall not be considered contractors as defined herein: an employee or agent working for and under the supervision of a contractor licensed under this Chapter for any type of construction being undertaken; and a homeowner who personally occupies and undertakes the construction, alteration, repair or maintenance of such homeowner's single-family residence or any accessory structure. For purposes of this Chapter, any homeowner who undertakes the construction of

a new residence for his personal occupancy more than one time in any five (5) year period shall be deemed to be a "contractor".

*BUSINESS:* shall mean any sole proprietorship, partnership, association, limited liability company, or corporation.

*MANUFACTURER:* Any person, corporation, co-partnership, or association of persons within the City who shall hold or purchase personal property for the purpose of adding to the value by any process of manufacturing, assembly, refining, or by the combination of materials.

*MERCHANT:* Any person, corporation, co-partnership, or association of persons who shall deal in the sales of goods, wares or merchandise or providing for remuneration of entertainment (other than those activities operated by a "civic organization" as that term is defined in and pursuant to Chapter 615, of the City Code), lodging, recreational, or sports facilities at any stand, store, hotel, arena, theatre, or other premises occupied for that purpose within the City and not otherwise specifically enumerated in Subsection (B) of this Chapter. As used in this Chapter, the term "Merchant" shall also include every person, corporation, co-partnership, or association of persons doing business within the City who shall, in the conduct of such business, make or cause to be made any wholesale or retail sales of goods, wares, or merchandise, whether such sales be accommodation sales, or from a stock of goods on hand, or by ordering goods from another source, and whether the subject of said sales be similar or different types of goods than the type, if any, regularly processed or sold by such person.

*HOME OCCUPATION:* An accessory use of any dwelling unit for business or commercial purposes, including any internet business, where the dwelling unit is the principal residence of the business operator, subject to the standards as outlined in Section 420.040 of the Unified Development Code of the City, unless prohibited by Section 71.620 RSMo. For the purposes of this Chapter, home occupations shall be classified as a business occupation.

*NEW VEHICLE TRIP:* A single or one-direction vehicle movement having either an origin or destination at a given building or premises and occurring during the weekday afternoon peak period (P.M. Peak Hour) as determined by reference to the applicable property/use classification in the most recent edition of Trip Generation, published by the Institute of Transportation Engineers.

*B. Business, Trade, Occupation, And Service Occupation Categories.*

License fees are assessed on those business, trades, occupations, and service occupation categories as provided for in 94.110 RSMo.

## SECTION 605.025: - CONTRACTOR LICENSING

A. *Purpose and Intent.* The purpose of contractor licensing is to protect the public health, safety and welfare by assuring that those undertaking the construction, alteration, repair or demolition of structures are qualified to perform such services. It is further the intent that owner-occupants of single-family residential structures be permitted, without first obtaining a contractor's license, to perform work on such homeowner's residence.

B. *License Classifications.* There shall be five (5) separate classes of licenses authorized for contractors as provided:

Class A: General Contractor - Entitles the contractor to construct, remodel, repair and demolish any structure. Said contractor shall not engage in any mechanical (HVAC), plumbing or electrical services unless also licensed as a Class D Contractor.

Class B: Building Contractor - Entitles the contractor to construct, remodel, repair or demolish all structures not exceeding three (3) stories in height. Said contractor shall not engage in any mechanical (HVAC), plumbing or electrical services unless also licensed as a Class D Contractor.

Class C: Residential Contractor - Entitles the contractor to construct, remodel, repair and demolish any single-family, duplex, or townhouse structure and buildings accessory. Said contractor shall not engage in any mechanical (HVAC), plumbing or electrical services unless also licensed as a Class D Contractor.

Class D: Mechanical, Electrical and Plumbing Contractor - Entitles the contractor to perform mechanical (HVAC) services, plumbing services, or electrical contractor services. Said contractor shall be licensed for each trade in which they desire to perform work and shall not engage in any work entitled to a Class A, Class B, or Class C Contractor unless also properly licensed to perform said work.

Class E: Sub-contractor - Entitles the contractor to perform work for any Class A, Class B, Class C contractor provided the work is completed under the supervision of the building permit holder. Said contractor shall not perform work of any Class D contractor unless licensed as a Class D contractor. A Class E contractor may obtain a building permit for any work that does not require a Class A, Class B, Class C or Class D contractor to obtain a permit, such as a fence permit, deck permit, sign permit, roof permit, swimming pool permit, on-site sewage disposal permit, or demolition permit.

C. *License Qualifications.* Any individual or entity providing residential and/or commercial construction services, mechanical, plumbing or electrical contract or subcontract work within the City limits, in addition to all other requirements



of this Chapter, shall satisfy one of the following requirements to obtain a contractor's license:

1. Obtain or possess and maintain a certificate of competency from a nationally recognized testing institution or other recognized equivalency to the satisfaction of the Building Official, with a seventy percent (70%) passing score; or
2. Hold a bachelor's degree in a field related to their license class as listed above from an accredited college or university; or
3. Hold a valid contractor's license from Johnson County, Kansas or other municipality to the satisfaction of the Building Official where equivalency of licensing can be substantiated for the same category for which a license is requested from the City; or
5. Class D Electrical Contractors that hold a Missouri Division of Professional Registration license in accordance with 324.900-324.945 RSMo.

D. *Renewal of Licenses.* A Contractor's License issued in accordance with Section 605.025(B) of this Chapter, shall expire on December 31st of the year. A contractor shall be entitled to renew such contractor's license upon satisfaction of the following requirements:

1. Submittal of documentation that the licensee had at least eight (8) continuing education credits (CEU) related to the trade for which the license was issued within the last twelve (12) month period. The Building Official is authorized to verify whether the submitted CEU's meet this requirement.
2. Any contractor whose license has been suspended for any Code-related violation must provide satisfactory evidence to the Building Official that the violation has been corrected in accordance with the applicable code.
3. A contractor whose primary office is not physically located in the City limits may declare a license as inactive at the time of license renewal by submitting a letter to the City Clerk indicating the desire to have the license placed on inactive status. If placed on inactive status by the City Clerk the contractor is not required to pay the license renewal fee until the time the contractor requests renewal of the license. No building permit or Certificate of Occupancy can be issued unless the contractor has a current license.

E. *Firms/Designated Representative.* A firm may obtain, in the firm's name, a contractor's license provided that such firm has at least one full-time employee who is designated by the firm as its representative and such designated representative satisfies one of the requirements of Section 605.025(B) of this Chapter. A designated representative must spend a minimum of thirty (30) hours per week carrying out meaningful supervision of the construction work of the firm. Whenever a building permit is issued in the name of the firm, the firm shall be subject to these regulations.

- F. *Failure to Obtain a License.* It shall be unlawful for any person to engage in the construction contractor business without first obtaining a license as required by this Chapter.
- G. *Appeal.* Any decision of the Building Official or designated representative in the administration and enforcement of the Contractor's Licensing requirements contained in Section 605.025 of this Chapter may be appealed to the Board of Appeals in accordance with Chapter 540 of the City Code.

#### SECTION 605.026: - EROSION AND SEDIMENT CONTROL CERTIFICATION

- A. *Certificate Requirements.* Any Class A, B, or C contractors providing construction services within City limits, in addition to all other requirements of this Chapter, shall obtain a City Erosion and Sediment Control Certificate from the Engineering Department annually.
- B. *Renewal of Certificate.* An Erosion and Sediment Control Certificate issued in accordance with Section 605.026 of this Chapter shall expire on December 31st of the year as noted on the certificate. Renewal of the Certificate shall be a requirement to obtain or renew an occupational license.
- C. *Firms/Designated Representative.* A firm may obtain, in the firm's name, an Erosion and Sediment Control Certificate provided that such firm has at least one full-time employee who is designated by the firm as its representative and such designated representative satisfies one of the requirements of Section 605.025(B) of this Chapter. A designated representative must spend a minimum of thirty (30) hours per week carrying out meaningful supervision of the construction work of the firm. Whenever a building permit is issued in the name of the firm, the firm shall be subject to these regulations.
- D. *Failure to Obtain an Erosion and Sediment Control Certificate.* It shall be unlawful for any Class A, B, or C contractor to engage in construction activity without first obtaining a certificate as required by this Chapter.
- E. *Appeal.* Any decision of the Public Works Director or designated representative in the administration and enforcement of the Erosion and Sediment Control Certification requirements contained in Section 605.026 of this Chapter may be appealed to the Board of Appeals in accordance with Chapter 540 of the City Code.

#### SECTION 605.030: - LICENSE FEE SCHEDULE

- A. *License Fee Levied—Exemptions.* There is hereby levied on every business, trade, occupation, or service occupation enumerated in this Chapter a license fee upon the privilege of doing business within the limits of the City; provided that the license fee levied shall not be applicable to any profession or calling enumerated under Section 71.620, RSMo., or applicable successor statutes; and provided further that, the license fee levied shall not be applicable to any

profession enumerated under Section 71.620.2, RSMo., or applicable successor statutes, unless such persons maintain a business office within the City.

- B. *Classification And Fees For Licenses.* License fees for each classification of Merchant, Manufacturer and Business Occupation shall be approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department.
- C. *When Paid.* License fees under this Chapter shall be due and payable at the time of commencing operations or business within the City by any Merchant, Manufacturer, or Business Occupation and at renewal on or before the first (1st) day of January of each year.

#### SECTION 605.040: - PENALTIES FOR VIOLATIONS

- A. *Non-Compliance Or Violation A Misdemeanor.* In addition to any other penalties prescribed under this Chapter or Chapter 500 of the City Code, related to construction activities, any failure to comply with or any violation of any provision of this Chapter shall 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 of such failure or non-compliance shall constitute a separate offense.
- B. *Suspension Or Revocation.* Any failure to comply with or any violation of any provision of this Chapter may be cause for suspension or revocation of such license. The suspension or revocation as provided under this Section shall be in addition to any other penalties prescribed under this Chapter.
  - 1. *Suspension.*
    - a. Any failure to comply with or any violation of any provision of this Chapter may be cause for suspension by the City Manager or their designee at the recommendation of the City Clerk,
    - b. In addition to the language contained in subsection (1) (a) above, a contractor's license may be suspended by the City Manager or their designee after receiving a report from the Building Official that the contractor:
      - 1. Made a serious or repeated violation of the contractor licensing provisions, any applicable Code, or the failure to comply within a reasonable time to any lawful written order of the Building Official; or
      - 2. Fraudulently or deceitfully utilized a contractor's license to obtain a building permit; or

3. Knowingly or intentionally misrepresented a material fact made in connection with obtaining a contractor's license or a building permit; or
4. Failed to obtain a building permit or failed to obtain a required inspection of an ongoing project as required by any applicable Code; or
5. Failed to exercise regular, routine control and supervision over an ongoing project for which the contractor has obtained a building permit; or
6. Failed to obtain a certificate of occupancy for a completed structure, prior to occupancy, as required by the applicable building code; or
7. Failed to hire a licensed electrical, plumbing, or mechanical (HVAC) contractor to perform any electrical, plumbing or mechanical work on the job site for which the contractor obtained a building permit.

2. *Revocation.*

- a. Any failure to comply with or any violation of any provision of this Chapter may be cause for revocation of such license by the City Council upon the recommendation of the City Manager for any of the following causes:
    1. Fraud, misrepresentation or false statement contained in the application for license;
    2. Fraud, misrepresentation or false statement made in the course of carrying on their business within the City;
    3. Any violation of this Chapter;
    4. Conviction of any felony crime; or
    5. Conducting business in an unlawful manner so as to constitute a breach of the peace or menace to health, safety or general welfare of the public.
  - b. Notice of the hearing for revocation of a license shall be given in writing setting forth specifically the grounds for complaint at the time and place of hearing. Notice shall be mailed to the licensee or applicant at least five (5) days prior to the date set for the hearing and any decision to be made by the City Council with respect to revocation. Notice shall indicate the date and time of the Council's hearing. All decisions of the City Council following the hearing shall be final.
- C. Any person or entity found guilty of violating any provision of this Code shall be subject to the penalty provisions of Section 100.220 of the City Code in addition to the suspension or revocation.

D. *Unlawful Continuation—Further Remedies Authorized.* In the event any business, trade, occupation or service occupation which is required to obtain an annual license under this Chapter continues to operate after having received written notice of failure to obtain such license or in the event any business, trade, occupation or service occupation continues to operate following revocation or suspension of such license pursuant to Subsection 605.040(B) of this Chapter, the City Manager, the City Clerk or any other official authorized to enforce City license ordinances may seek injunctive relief from the Circuit Court or order of the Municipal Court to restrain, correct, abate or prevent such continued operation. In the event of the issuance of an injunction or order by a court of competent jurisdiction, the costs of such enforcement proceedings may be charged against the offending party. The remedies provided for by this Subsection (D) shall be in addition to all other costs and penalties prescribed under this Chapter.

## **ARTICLE II. - LICENSE TAX SURCHARGE FOR DEVELOPMENT THAT GENERATES NEW TRAFFIC**

**Cross reference**— As to methodology for calculating the license tax, see Resolution 00-04 on file in the City offices. As to administrative guidelines applicable to the license tax surcharge on building contractors, as authorized by Ordinance 20004 in this Article, see Resolution 00-24 on file in the City offices.

SECTION 605.050: - RESERVED

SECTION 605.060: - DEFINITIONS

As used in this Article, the following terms and phrases have the following meaning:

*AREA OF BUILDING:* The total floor area of a building measured by square feet.

*BUILDING:* Any structure used or intended for supporting or sheltering any use or occupancy.

*BUILDING CONTRACTOR:* A person that is licensed to build a building.

*BUILDING PERMIT:* The permit required for new construction and additions pursuant to Chapter 500 of the City Code, as amended.

*DEVELOPER:* A person who engages in development.

*DEVELOPMENT:* Any man-made change to improved or unimproved land.

*DWELLING UNIT:* One (1) or more rooms constituting all or part of a building and that are arranged, designed, or used exclusively as a single housing unit and that includes cooking, living, sanitation, and sleeping facilities.

*ECONOMIC DEVELOPMENT INCENTIVE:* Any program, approval or legislative action of the City or the state which authorizes the use of public funds, tax credits or tax abatement to facilitate development or redevelopment of property in the City.

*LICENSE TAX SURCHARGE:* The tax surcharge imposed upon a building contractor pursuant to this Article.

*LICENSE TAX SURCHARGE ADMINISTRATOR:* The City Clerk.

*NON-RESIDENTIAL:* Created or used for any purpose other than residential uses or purposes.

*PERSON:* Any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons however organized.

*P.M. PEAK HOUR:* The hour between 4:00 and 6:00 P.M. during the weekdays, Monday through and including Friday, at which the average traffic volume is highest.

*PUBLIC BODY:* Agencies of the Federal or State government, or political subdivisions of the State.

*RESIDENTIAL:* Primarily created or used for a dwelling for one (1) or more persons.

*SCHOOL DISTRICT:* A public school district of the State of Missouri.

*STRUCTURE:* Any piece of work artificially built up or composed of parts joined together in some definite manner for either residential or non-residential purposes.

*VEHICLE TRIP:* A single or one-direction vehicle movement with either the origin or the destination (exiting or entering) at the subject building. For trip generation purposes, the total trip ends for a building over a given period of time are the total of all trips entering plus all the trips exiting a site during a designated time period.

#### SECTION 605.070: - APPLICABILITY

- A. This Article shall be applicable to development requiring a residential building permit and resulting in additional vehicle trips. This Article shall be applicable to development requiring a non-residential building permit and resulting in additional vehicle trips on properties that receive, or on properties that are a direct beneficiary of, any economic development incentive. This Article shall not apply to any non-residential development that relocates from an existing store or facility within the City into areas that receive, or that are the direct

beneficiary of, economic development incentives. All development located on properties that are within the boundaries of an area or district in which an economic development incentive is approved is deemed to be a direct beneficiary of the economic development incentive. As used in this Subsection, "relocates" means that an existing store or facility ceases operations and closes for business at the prior location in the City within one (1) year before or one (1) year after the new store or facility opens in the area where the economic development incentive is provided. Additional vehicle trips shall be calculated during the afternoon time period (P.M. peak hour) when traffic volume on adjacent streets is highest. As used in this Section, additional vehicle trips shall mean vehicle trips that add to the total traffic volume on the street network as a result of the new development. This Article shall apply to any building permit submitted subsequent to March 1, 2012.

- B. *Credits.* Any credit granted under this Article shall reduce the total license tax surcharge owed by a building contractor.
1. Upon submission of a proper application, the following persons shall be granted a full credit in the amount of the license tax surcharge imposed pursuant to this Article by the License Tax Surcharge Administrator.
    - a. Development requiring a building permit and resulting in additional vehicle trips constructed by, or by a building contractor on behalf of, a public body for its governmental use;
    - b. Development requiring a building permit and resulting in additional vehicle trips constructed by, or by a building contractor on behalf of, a school district of the State.
    - c. Rebuilding of an involuntarily damaged or destroyed building, provided that such rebuilding does not result in additional vehicle trips.
    - d. Development requiring a building permit and resulting in additional vehicle trips constructed by, or by a building contractor on behalf of, a person that has entered into a development agreement with the City, executed and dated prior to the enactment of this Article, wherein the development agreement contains:
      - (1) A specific clause that provides that the person shall not be required to make financial contributions for improvements to the City's street network other than as specifically provided for in the development agreement; and
      - (2) A commitment by the person entering into a development agreement with the City to construct or reconstruct, or provide a financial contribution for, street improvements in the City, and which financial contributions and/or street improvements enhance the City's street network.

- e. Development requiring a building permit and resulting in additional vehicle trips that is constructed by, or by a building contractor on behalf of, a person that is not subject to any Federal, State or local taxes, including Federal, State and local sales, income, personal property, real property, use, earnings, excise or license taxes. The burden of proof shall be on the building contractor claiming this credit to demonstrate to the License Tax Surcharge Administrator, by clear and convincing evidence, that the development being constructed by, or by a building contractor on behalf of, a person claiming such credit is exempt from all Federal, State and local taxes as described in this Subsection.
  - f. A building contractor that requests a building permit for which a final plat was approved by the appropriate approving authority on or before April 1, 2000, and for which a complete building permit application, as determined by the building official, is submitted on or before September 30, 2001.
2. Upon submission of a proper application, the following persons shall be granted a partial credit from the license tax surcharge imposed pursuant to this Article by the License Tax Surcharge Administrator:
- a. A building contractor that requests a building permit that is required for utilization of currently underutilized facilities within an existing building. As used in this Subsection, underutilized means not fully occupied or being used to full capacity. The credit shall be granted only for the number of trips that were generated by the previously underutilized facility during the P.M. peak time period;
  - b. A building contractor that requests a building permit that is required for a change of existing uses within an existing building, except that a change of use from a residential use to a non-residential use shall not be granted a credit. The credit shall be granted only for the number of trips that were generated by the building during the P.M. peak time period prior to the change in use;
  - c. A building contractor that requests a building permit that results in the redevelopment of property, provided that a complete application for a building permit to construct a building to replace the existing building is filed within six (6) months following demolition of the existing building, or within a longer period of time as approved by the License Tax Surcharge Administrator or the City Manager. As used in this Subsection, redevelopment means the demolition of one (1) or more buildings and the subsequent construction of one (1) or more new buildings on the property. The credit shall be granted only for the number of trips that were generated by the previous building during the P.M. peak time period.



- C. In the event that the building is transferred to a person that would not be eligible for a credit, within a period of one (1) year from the date of the issuance of the building permit, the transferee shall be required to pay the license tax surcharge imposed by this Article.

SECTION 605.080: - ASSESSMENT AND COLLECTION OF THE LICENSE TAX SURCHARGE

- A. Upon submission of a building permit application, the License Tax Surcharge Administrator shall:
  - 1. Determine the applicability of this Article to the development for which a building permit is submitted;
  - 2. If this Article is not applicable, the License Tax Surcharge Administrator shall notify the applicant in writing of its inapplicability, and the City shall process the building permit application in accordance with all applicable City ordinances and regulations;
  - 3. If this Article is applicable, the License Tax Surcharge Administrator shall calculate and assess the license tax surcharge in accordance with this Article. The applicable license tax surcharge shall be calculated pursuant to Section 605.090 of this Article. Assessment shall be completed within fifteen (15) days of submission of a building permit application, unless the applicant is notified otherwise in writing by the License Tax Surcharge Administrator.
- B. The license tax surcharge, subject to Section 605.080(E) of this Article, shall be paid to the License Tax Surcharge Administrator prior to issuance of a building permit by the building official; provided that the License Tax Surcharge Administrator shall allow the applicant to delay the payment of the license tax surcharge for non-residential uses until prior to the issuance of any certificate of occupancy, if the applicant submits a written request to do so to the License Tax Surcharge Administrator. In such instance, but subject to Section 605.080(E) of this Article, no certificate of occupancy shall be issued by the building official until the license tax surcharge has been paid.
- C. The imposition of the license tax surcharge pursuant to this Article does not alter, negate, supersede or otherwise affect any of the requirements of the City, including the City zoning ordinance and subdivision regulations and County, State and Federal legislation or regulations that may be applicable to a development that may impose street network improvements.
- D. The funds collected pursuant to this Article shall be deposited in the Excise Tax Fund of the City and separately accounted for and used for the purposes outlined in ordinance 20004.
- E. The Building Official shall have the authority, upon written request of the applicant, to delay collection of the license tax surcharge for those structures that are shell buildings that are constructed for the purpose of speculative

office or similar development, until tenant finish building permits are issued for tenant occupancy.

- F. It shall be unlawful to occupy a building subject to the provisions of this Article unless the license tax surcharge for that building has been paid.

#### SECTION 605.090: - CALCULATION OF THE LICENSE TAX SURCHARGE

The City shall calculate the license tax surcharge as follows:

1. The City Council shall by resolution establish the license tax surcharge imposed upon a building contractor that shall be calculated by multiplying the *"trip generation rate"* by the *"license tax surcharge rate"*.
2. *Trip generation rate.* The trip generation rate is a measurement of the number of trips to and from a building for which a building permit application is submitted.
  - a. The License Tax Surcharge Administrator shall determine the trip generation rate for residential property by multiplying the number of dwelling units by the trip generation rate specified for the specific type of land use category.
  - b. The License Tax Surcharge Administrator shall determine the trip generation rate for non-residential property by dividing the total floor area of the building, measured in square feet, by one thousand (1,000), and then multiplying that number by the trip generation rate specified for the specific type of land use category.
3. *License tax surcharge rate.* The license tax surcharge rate is a measurement of the rate of tax surcharge to be paid by building contractors according to land use classifications.

#### SECTION 605.100: - ADMINISTRATION OF THIS ARTICLE

- A. The License Tax Surcharge Administrator shall perform all duties imposed by this Article unless otherwise provided.
- B. The City Manager shall have the authority to create administrative guidelines that are necessary to effectuate and carry out the intent and purposes of this Article. No administrative guidelines shall take effect until adopted by resolution by the City Council.

#### SECTION 605.110: - APPEALS

- A. *Appeal To The City Manager.*
  1. A building contractor or developer (*"appellant"*) may appeal the assessment of a license tax surcharge to the City Manager by filing a Notice of Appeal with the City Manager within thirty (30) days following the assessment of the license tax surcharge by the License Tax Surcharge Administrator. If an

appellant fails to appeal the assessment of the license tax surcharge within thirty (30) days as set forth in this Section, the assessment of the license tax surcharge shall be final and no appeal shall be heard. If the appellant pays the license tax surcharge without protest, the appellant waives the right to appeal the assessment of the license tax surcharge.

2. If the license tax surcharge is due and payable under the terms of Section 605.080, and an appellant desires to process a building permit application or any certificate of occupancy during the appeal process, the building contractor is required to pay the license tax surcharge under protest. If the license tax surcharge is paid under protest by the building contractor, an appeal from a final decision of the License Tax Surcharge Administrator shall not delay the processing of the building permit and shall not delay any other permit, license or approval issued by the City.
3. An appellant may appeal to the City Manager the following decisions:
  - a. The land use classification of the development;
  - b. The number of trips generated by the proposed development;
  - c. Any credit determination pursuant to Section 605.070(B) of this Article.
4. Within ten (10) days of receipt of the Notice of Appeal, or by such date as shall be agreed upon in writing between the appellant and the City, the appellant shall submit to the City Manager copies of all studies, calculations and other documentation appropriate to the determination of the license tax surcharge. If a specified basis for the appeal is to challenge the License Tax Surcharge Administrator's determination of the number of trips generated by the proposed development, the appellant may be required to submit to the City Manager a traffic study prepared by a certified traffic engineer or traffic engineering firm, paid for by the appellant, which sets forth the appellant's proposed trip generation calculations for the development. If the basis for the appeal is a credit determination pursuant to Section 605.070(B) of this Article, the appellant must submit to the City Manager proof that it is eligible for a credit and the extent of the credit.
5. The Notice of Appeal filed with the City Manager shall specify the grounds for the review. The City Manager shall consider the appeal. The appellant maintains the burden of proof to demonstrate by clear and convincing evidence that:
  - a. The land use classification of the development is incorrect;
  - b. The number of trips generated by the development, as calculated by the License Tax Surcharge Administrator, does not reflect the actual number of trips created by the development; or
  - c. The credit determination under Section 605.070(B) of this Article is incorrect.

6. Within thirty (30) days after filing of the Notice of Appeal, the City Manager shall render a final decision in writing to the appellant regarding assessment, calculation and collection of the license tax surcharge.

*B. Appeal To The City Council*

1. An appeal under this Subsection may be heard only if the appellant has received a final decision from the City Manager pursuant to Section 605.110(A)(6) of this Article.
2. If the license tax surcharge is due and payable under the terms of Section 605.080 of this Article, and an appellant desires to process a building permit application or any certificate of occupancy after appeal is taken from the final decision of the City Manager, the building contractor is required to pay the license tax surcharge under protest. If the license tax surcharge is paid under protest by the building contractor, an appeal from a final decision of the City Manager shall not delay processing the building permit and shall not delay any other permit, license or approval issued by the City.
3. An appellant may appeal the final decision of the City Manager by filing a Notice of Appeal with the City Clerk within fifteen (15) days following issuance of the final written decision of the City Manager as specified in Section 605.110(A)(6) of this Article. If an appellant fails to appeal the final decision of the City Manager within fifteen (15) days as set forth in this Section, the assessment of the license tax surcharge shall be final and no appeal shall be heard.
4. An appellant may appeal the following decisions of the City Manager to the City Council:
  - a. The land use classification of the development;
  - b. The number of trips generated by the proposed development; or
  - c. Any credit determination pursuant to Section 605.070(B) of this Article.
5. Within thirty (30) days of receipt of the Notice of Appeal, or by such date as shall be agreed upon in writing between the appellant and the City, the appellant shall submit to the City Council copies of all studies, calculations and other documentation appropriate to the determination of the license tax surcharge. If a specified basis for the appeal is to challenge the City Manager's determination of the number of trips generated by the proposed development, the appellant may be required to submit to the City Council a traffic study prepared by a certified traffic engineer or traffic engineering firm, paid for by the appellant, which sets forth the appellant's proposed trip generation calculations for the development. If the basis for the appeal is a credit determination pursuant to Section 605.070(B) of this Article, the appellant must submit to the City Council proof that it is eligible for a credit and the extent of the credit.

6. The Notice of Appeal shall specify the grounds for the appeal, and no argument shall be heard by the City Council that is not set forth in the Notice of Appeal. The Notice of Appeal shall be forwarded to the City Council along with a recommendation from City staff and the City Council shall conduct a hearing. The appellant shall receive notice of the hearing at least fifteen (15) days prior to the hearing. The burden of proof shall be on the appellant to demonstrate by clear and convincing evidence that:
    - a. The land use classification of the development is incorrect; or
    - b. The number of trips generated by the development, as calculated by the License Tax Surcharge Administrator, does not reflect the actual number of trips created by the development; or
    - c. The credit determination under Section 605.070(B) of this Article is incorrect.
  7. Within thirty (30) days after the City Council's final decision, the party that submitted the Notice of Appeal shall receive written notice of the decision.
- C. *Calculation Of Days.* The number of days specified in Section 605.110 of this Article shall include weekend days and holidays. The last day of the period shall be included in the computation, unless it is a Saturday, Sunday, or legal holiday, and if it is, the period runs until the end of the next day which is not a Saturday, Sunday or a legal holiday. A half-holiday shall be considered as other days and not as a holiday. "Legal holiday" includes any day designated as a holiday by the Congress of the United States, Missouri General Assembly or the City Council.

#### SECTION 605.120: - ANNUAL REVIEW

- A. Annually, the City Manager shall prepare a report on the subject of the license tax surcharge, which report shall include:
  1. Recommendations on amendments, if appropriate, to this Article;
  2. Any increase in the license tax surcharge rates, which shall become effective on November first (1st) of that year;
  3. Proposed changes to the license tax surcharge calculation methodology, including the trip generation estimates and the land use categories, if appropriate;
  4. Analysis of costs and revenues resulting from the license tax surcharge imposed pursuant to this Article;
  5. The status of the implementation and administration of this Article;
  6. A summary of the appeals taken from the imposition of the license tax surcharge imposed pursuant to this Article.
- B. *License Tax Review Committee.*

1. The report shall be presented to the License Tax Review Committee. The Mayor shall appoint, upon the advice and consent of a majority of the City Council, the members of the License Tax Review Committee for two (2) year terms. The License Tax Review Committee shall be composed of five (5) members, including a member of the City Council, two (2) citizens of the City, a local developer and one (1) City staff appointment. The Chair of the License Tax Review Committee shall be the member of the City Council.
  2. The License Tax Review Committee's primary purpose shall be to review and comment on the annual report prepared by the City Manager. The Committee's comments shall be forwarded to the City Council.
- C. Based on the annual report, the comments of the License Tax Review Committee, and other factors as the Council deems relevant and appropriate, the Council may amend this Article.
- E. The annual review shall be completed by the fourth (4th) Monday of July of each year.

## **CHAPTER 610: - PEDDLERS, CANVASSERS, AND SOLICITORS**

### SECTION 610.010: - DEFINITIONS

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Canvasser/Solicitor* shall mean a person who attempts to enlist support for or against any cause or non profit organization political issue or candidate even if incidental to such purpose the canvasser accepts the donation of money.

*Peddler* shall mean a person who attempts to sell a good or service, for profit to their principal, or seeks a donation for any cause of a profit-making or commercial character. Peddler shall not mean a student of an educational institution who attempts to make personal contact with a resident at their residence without prior specific invitation or appointment from the resident, for the primary purpose of attempting to sell a good or service as a fundraising activity for the benefit of an educational program or non-profit organization.

### SECTION 610.020: - PERMIT REQUIRED

It shall be unlawful within the corporate limits of the City for any person to engage in any act as a peddler as defined in Section 610.050 of this Code without first obtaining from the City, a peddlers permit and an identification card in accordance with the provisions of this Chapter. Peddlers, canvassers, and solicitors must display their identification card and permit in a visible location to the public and law enforcement officers at all times.

#### SECTION 610.020: - INVITATION REQUIRED

It shall be unlawful for any peddler to enter into any private residence or business without invitation, or when such premises are posted with a sign stating "No Peddlers Allowed" or "No Solicitations Allowed" or other words to such effect.

#### SECTION 610.030: - REFUSING TO LEAVE

Any peddler who enters upon premises owned, leased, or rented by another, and refuses to leave such premises after having been notified by the owner or occupant of such premises, or their agent, to leave and not return to such premises, shall be deemed guilty of a misdemeanor.

#### SECTION 610.040: - APPLICATION FOR PERMIT

Applicants for permits under this Chapter must file with the Chief of Police a sworn application in writing on a form to be furnished by the Police Department.

#### SECTION 610.050: - ENFORCEMENT BY POLICE

It shall be the duty of any Law Enforcement Officer of the City to require any person seen peddling, and who is not known by such officer to be duly permitted, to produce their peddler's permit and to enforce the provisions of this Chapter against any person found to be violating the same.

#### SECTION 610.060: - RECORDS OF VIOLATIONS

The Chief of Police shall maintain a record for each permit issued and the reports of violation(s).

#### SECTION 610.070: - VIOLATIONS

Any person found guilty of violating any provision of this Code shall be subject to the penalty provisions of Section 100.220 of the City Code.

#### SECTION 610.080: - FEES GENERALLY

The fees for any peddler permit that may be issued under the provisions of this Chapter as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department.

#### SECTION 610.090: - HOURS OF OPERATION

It shall be unlawful for any peddler to engage in the business of peddling within the City between the hours of 7:00 P.M. and 9:00 A.M. or at any time on Sundays, except by specific appointment with or by invitation from the prospective customer.

#### SECTION 610.100: - PERMIT NON-TRANSFERABLE

No permit issued under this Chapter shall be transferable or assignable.

#### SECTION 610.110: - USE OF STREETS-PUBLIC AREAS AND CITY SPONSORED EVENTS

1. Except as may be provided herein for vendor spaces at City sponsored events, no peddler or solicitor shall have any exclusive right to any location in the streets or public areas of the City, nor shall any be permitted a stationary location, nor shall they be permitted to operate in any congested area where their operations might impede or inconvenience the public. For the purpose of this Chapter, the judgment of a Law Enforcement Officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.
2. No peddler or solicitor shall be permitted to operate within twenty (20) feet outside of the identified entrance to a City sponsored event.
3. No peddler or solicitor shall be permitted to operate within a City sponsored event where vendor spaces are allocated, unless such peddler shall have acquired a vendor space for the same. A peddler or solicitor who has acquired a vendor space at a City sponsored event shall operate from within their vendor space only.

#### SECTION 610.120: - LOUD NOISES AND SPEAKING DEVICES

No peddler, solicitor/canvasser, nor any person acting on their behalf, shall violate any portion of Chapter 280, Noise and Peace Disturbance Standards, of the City Code.

#### SECTION 610.130: - SALES NEAR CHURCHES, SCHOOLS, ASSEMBLIES

It shall be unlawful for any peddler to sell or attempt to sell within one thousand (1,000) feet from any school, church, or public assembly while the same is in session and for thirty (30) minutes before and after said assembly or session.

#### SECTION 610.140: - REVOCATION OF PERMIT

Permits issued under the provisions of this Chapter may be revoked by the Chief of Police for any of the following causes:

1. Fraud, misrepresentation, or false statement contained in the application for license.
2. Fraud, misrepresentation, or false statement made in the course of carrying on their business as a peddler.
3. Any violation of this Chapter.
4. Conviction of any crime or misdemeanor involving moral turpitude.



5. Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

#### SECTION 610.150: - APPEAL

In the event of a denial of an application or a revocation of a permit by the Chief of Police, the applicant may file an appeal to the City Manager. Such appeal shall be heard within forty-eight (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 denying the appeal.

#### SECTION 610.160: - EXPIRATION OF PERMITS

Said permit shall expire thirty (30) days after the date of issuance.

#### SECTION 610.170: - EXCEPTIONS TO CHAPTER

The provisions of this Chapter shall not apply to canvassers, solicitations, sales, or distributions made by charitable, educational or religious organizations which have their principal place of activity in the City.

### **CHAPTER 615: - PUBLIC AMUSEMENTS**

#### SECTION 615.010: - CHAPTER DEFINITIONS

As used in this Chapter, and unless otherwise defined or distinctly expressed, the following words and phrases shall have the following meanings:

*ADMISSION CHARGE:* Any charge or consideration for the right or privilege to enter or interact with any amusement or entertainment, or admission to or entry to any area or facility, where such amusements or entertainment acts are conducted.

*AMUSEMENT OR ENTERTAINMENT:* Includes but not limited to independently operated, transient and temporary festivals, carnivals, circuses and sideshows, and street fairs, for which an admission charge is made.

*CIVIC ORGANIZATION:* Any not-for-profit organization, organized for civic, charitable, benevolent or religious purposes, and the purposes of which are primarily for the benefit of the City and its citizens. Political organizations are expressly excluded from being within the definition of such term.

#### SECTION 615.020: - PERMIT REQUIRED

A permit must be obtained in order to conduct any amusement or entertainment within the limits of this City, under the provisions of this Chapter. Civic

organizations shall be required to obtain a permit, but shall have the permit fee waived; other amusements or entertainment may be conducted, but only if the same has been licensed under the provisions of Chapter 605 of this Code.

#### SECTION 615.030: - APPLICATION FOR PERMIT

Every civic or independently operated organization proposing to sponsor or conduct any amusement or entertainment within the City shall apply in writing to the City Clerk for a permit to operate such amusement or entertainment.

1. All applicants shall accompany their application with a refundable cash deposit approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department, which shall secure the applicant's removing all litter from the site of the amusement or entertainment at its termination.
2. The City Clerk may refuse to issue a permit to any amusement or entertainment, the operation of which does not comply with this Chapter, or which has in any previous operation in any other City, or in this City, violated the ordinance or requirements of such other City or of this City. The decision of the City Clerk to deny a permit may be appealed to the City Manager.
3. In the event of a denial of an application or a revocation of a permit by the City Clerk, the applicant may file an appeal to the City Manager. Such appeal shall be heard within forty-eight (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 denying the appeal.
4. Upon determination that the proposed amusement or entertainment shall comply with this Chapter, the City Clerk shall issue a permit and shall so notify the applicant.

#### SECTION 615.040: - OPERATIONAL RULES AND REGULATIONS

Any amusement or entertainment conducted pursuant to this Chapter shall comply with the following rules:

1. Hours of operation shall be limited from 10:00 A.M. to 10:00 P.M. Extensions of these hours must be approved by the City Manager with submittal of the application.
2. All electrical wiring and lighting must be approved by the Building Official.
3. Adequate facilities for the disposal of trash and debris must be provided on the premises.

4. The premises shall be inspected prior to operation by the Building Official to determine that the requirements of this Chapter and any other ordinances of the City have been complied with.
5. The area or premises where such amusement or entertainment is conducted shall be cleaned and secured after the conclusion of each day of the event. All trash, litter and debris shall be removed.

#### SECTION 615.050: - ADDITIONAL RULES AND REGULATIONS

The City Manager is hereby given authority to promulgate rules and regulations consistent with the terms of this Chapter, for the purpose of carrying out and enforcing compliance. A copy of such rules and regulations shall be on file and available for public examination in the office of the City Clerk. Failure or refusal to comply with any such rules and regulations promulgated under this Section shall be deemed a violation of this Chapter.

#### SECTION 615.060: - REVOCATION OF PERMIT

Any permit issued pursuant to this Chapter may be revoked by the City Manager upon determination that the amusement or entertainment is being operated or conducted in violation of this Chapter, or is conducted or operated as to endanger the public peace, health, safety and welfare of the citizens of this City.

#### SECTION 615.070: - FEES FOR PERMIT

The fee for the permit required by this Chapter shall be approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department.

### **CHAPTER 620: - JUNK YARDS**

#### SECTION 620.010: - DEFINITIONS

Except where otherwise indicated by the context, the following definitions shall apply in the interpretation and enforcement of this Chapter:

*BUSINESS PREMISES OR PREMISES:* The area of a junkyard as described in a junk dealer's license or application for license, as provided for in this Chapter.

*JUNK:* Any fragment, item or material that has been discarded or is no longer useful.

*JUNK DEALER:* A person who operates a "junkyard" as defined below, within the City.

*JUNKYARD:* An establishment, area or place of business maintained, operated, or used for storing, keeping, buying, or selling of junk.

#### SECTION 620.020: - APPLICATION AND LICENSE REQUIRED

It shall be unlawful for any person to act as a junk dealer in the City, whether personally, by agents or employees, singly, or along with some other business or enterprise, without first having obtained a license from the City Clerk in accordance with the provisions of Chapter 605 of the Raymore City Code.

#### SECTION 620.030: - INVESTIGATION-APPROVAL AND ISSUANCE OF LICENSE

Upon receipt of an application for a junk dealer's license, the City may cause an investigation to be made of the applicant's business background and character. If the findings of said investigation are favorable to the applicant, the City Clerk shall issue a junk dealer's license to the applicant. If the findings of said investigation are not favorable to the applicant, the City Clerk shall deny a junk dealer's license to the applicant. The applicant will have ten (10) days to appeal the decision to the City Manager.

#### SECTION 620.040: - 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 (1) to whom it was issued.

#### SECTION 620.050: - DURATION - DISCOUNTED AND REFUND OF FEES

All licenses issued under the provisions of this Chapter shall expire on the thirty-first (31st) day of December annually. License fees shall be discounted as outlined in Chapter 605. No license fee shall be refunded.

#### SECTION 620.060: - GENERAL OPERATING REQUIREMENTS

The following general operating requirements shall apply to all junk dealers licensed in accordance with the provisions of this Chapter:

1. The license issued pursuant to this Chapter shall be plainly displayed on the business premises.
2. The junkyard, together with things kept on premise, shall at all times be maintained in a sanitary condition.
3. No space not covered by the license shall be used in the licensed business.
4. No water shall be allowed to stand in any place on the premises in such manner as to afford a breeding place for mosquitoes.
5. Weeds and grass on the premises shall be kept at a height of not more than eight (8) inches.
6. No garbage or other waste that gives off a foul odor or attracts vermin shall be kept on the premises; nor shall any refuse of any kind be kept on the

premises, unless such refuse is junk as described herein and is in use in the licensed business.

7. No junk shall be allowed to rest upon or protrude over any public property, street, alley, walkway, or curb or become scattered or blown off the business premises.
8. Junk shall be stored in piles not exceeding six (6) feet in height and shall be arranged so as to permit easy access to all such junk.
9. No combustible material of any kind not used in the normal course of business shall be kept on the premises; nor shall the premises be allowed to become a fire hazard.
10. Gasoline and oil shall be removed from any scrapped engines or vehicles on the premises.
11. No junk or other material shall be burned on the premises.
12. No noisy activity shall be carried on in connection with the licensed business on Sunday, Christmas, Thanksgiving, or at any time between the hours of 8:00 P.M. and 7:00 A.M.
13. The area on the premises where junk is kept (other than indoors) shall be enclosed, except for entrances and exits, with an opaque vertical wall or fence of a minimum height of six (6) feet measured from ground level. Entrances and exits shall not be wider or more numerous than reasonably necessary for the conduct of the licensed business.
14. Any and all other conditions as may be imposed by the Unified Development Code or Conditional Use Permit.

## **CHAPTER 625: - DECEPTIVE TRADE PRACTICES**

The City observes Deceptive Trade Practices as provided for in Chapter 407 RSMo.

## **CHAPTER 630: - PAWNSHOP LICENSING AND REGULATIONS**

### **SECTION 630.010: - PURPOSE**

The intent of this Code is to regulate pawnshops and their business practices in order to protect and promote public safety and welfare.

### **SECTION 630.020: - APPLICABILITY OF CODE**

Every pawnshop establishment shall conform to the requirements of this Code and in accordance with Chapter 367 RSMo.

#### SECTION 630.030: - SEVERABILITY

In any case where a provision of this Code is found to be in conflict with a provision of any other ordinance the provision which establishes the higher standard shall prevail. If any part of this Chapter should be declared invalid for any reason, such decision shall not affect the remaining portions of this Code.

#### SECTION 630.040: - DEFINITIONS

For the purpose of this Chapter, the following definitions shall apply:

*PAWNBROKER:* Any person engaged in the business of lending money on the security of pledged goods or engaged in the business of purchasing tangible personal property on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

*PAWNSHOP:* The location at which or premises in which a pawnbroker conducts business.

*PERSON:* Any individual, partnership, corporation, joint venture, trust, association or any other legal entity however organized.

*PLEGGED GOODS:* Tangible personal property which is deposited or otherwise actually delivered into possession of a pawnbroker in the course of their business in connection with a pawn transaction.

*SECURED PERSONAL CREDIT LOAN:* Every loan of money made in this State, the payment of which is secured by a security interest in tangible personal property which is physically delivered into the hands of the lender at the time of the making of the loan and which is to be retained by the lender while the loan remains an obligation.

*VALUE:* The fair market value of the article at the time and place of the acquisition of the article by the dealer, or, where no reasonable monetary value can be ascertained, the cost of replacement of the article. It is expressly provided that value, as used in this Code, shall not be determined by the cost of the article as paid by the dealer.

#### SECTION 630.050: - PAWNSHOP LICENSE REQUIRED

It shall be unlawful for any person, organization or corporation within the City limits to act as agent for or cause the solicitation, advertising or promotion, or participate directly or indirectly in or for the operation of a pawnshop without first obtaining an occupational license issued by the City as provided for in Chapter 605 of the Raymore City Code. No such license shall be issued unless the pawnshop, or any person, organization or corporation engaged in the activity of such establishment fully complies with the provisions of this Code, regardless of the location of such establishment or place where such activity is conducted. The occupational license shall be applied for at least fourteen (14) days prior to the start of business.

#### SECTION 630.060: - LICENSE REQUIREMENTS

- A. No person shall carry on the business of pawnbroker within the City without obtaining a license. The annual pawnshop license fee for the operation of a pawnshop shall be approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department.
- B. A criminal background check from the Missouri Highway Patrol, issued within the last thirty (30) days, shall be submitted with each application. No owner, manager, or employee shall have a felony or misdemeanor conviction which directly relates to the duties and responsibilities of the occupation of pawnbrokers or otherwise makes the applicant presently unfit to own, run or be employed in a pawnshop.
- C. Every pawnshop shall maintain a minimum of one million dollars (\$1,000,000.00) of liability insurance. Proof of insurance is required at the time the occupational license is applied for or renewed. Such policy shall provide that the City shall be notified of any cancellation or alteration by the insurance carrier within ten (10) days before such cancellation or alteration becomes effective.
- D. A no tax due letter issued by the Missouri Department of Revenue shall be submitted with the initial license application and each renewal.

#### SECTION 630.070: - DISPOSAL OF GOODS

- A. No pawnbroker shall expose for sale, or sell or dispose of any article, or articles, within sixty (60) days of the time of purchasing, except when redeemed by the owner.
- B. No gold, silver, diamonds, or other precious or semi-precious gems or metals purchased by any pawnbroker shall be removed from the pawnbroker's place of business, re-cut or melted within sixty (60) days after receipt, except when redeemed by the owner.
- C. In case the person obtaining the loan fails to pay the interest or principle when due, the pawnbroker shall not sell the article pawned with them as security for such loan until the expiration of sixty (60) days from the date of such failure. The person failing may at any time within the sixty (60) days redeem the article if they pay the full amount of the principle and interest due at the date of such redemption according to the terms of the contract. If the person obtaining the loan fails to redeem the article within sixty (60) days that person shall thereby forfeit all right, title, and interest in such article to such pawnbroker who then acquires and possesses an absolute right in and to then hold and dispose of as their own property.

#### SECTION 630.080: - BOOKS AND RECORDS

Each pawnshop shall keep consistent and adequate books and records of purchases relating to the licensee's pawn transactions. Said books and records shall

be preserved for a period of at least two (2) years from the date of last transaction recorded therein. The records must contain, but are not limited to, the following information:

1. Time, date, and place of purchase of each item.
2. Name of individual acting on behalf of dealer in making purchases.
3. Name, age, and address of seller.
4. Confirmation of identification through a drivers license, state identification card, or other adequate picture ID. The dealer shall include in the record any identification numbers which may be displayed on the identification. Any purchase without such proof is prohibited.
5. A description of the item being sold with any identification numbers or markings.
6. A clear and identifiable fingerprint of the right index finger of the seller if said merchandise is valued over one hundred fifty dollars (\$150.00).
7. A clear and identifiable photograph accompanied by a detailed written description of each item if said merchandise is valued over one hundred fifty dollars (\$150.00).

#### SECTION 630.090: - LAW ENFORCEMENT INSPECTIONS

A register of all property received, deposited, or purchased shall at all times be open to the inspection of Law Enforcement Officers upon request.

#### SECTION 630.100: - RECEIPTS

Every pawnbroker shall give to each person who pledges property to secure a loan, or who leaves property with the pawnbroker for any reason, a plainly written receipt or ticket having upon it a full copy of all the entries required by this Chapter to be kept in the pawnbroker's register, and no charge should be made for such receipt.

#### SECTION 630.110: - RECEIVING PLEDGED GOODS FROM MINORS

No pawnbroker shall take, buy or receive any personal property from any person under the age of seventeen (17) years without the written consent of such individual's parents or guardians. Said written consent shall be kept on file with the books and records.

#### SECTION 630.120: - GEOGRAPHIC LIMITATIONS

The following special conditions and regulations shall apply to pawnshops to protect the character of residential and commercial areas and preserve the value of the property throughout the City.

1. A pawnshop shall not be established or expanded within one thousand (1,000) feet of the district boundary line of any Residential Zoning District.



2. A pawnshop shall not be established or expanded within one thousand (1,000) feet of the property line of a church, school or public park.

3. A pawnshop shall not be established or expanded within one thousand (1,000) feet of any other pawnshop.

#### SECTION 630.130: - INTEREST RATES

The maximum rate of interest which may be charged for making and carrying any secured personal credit loan shall not exceed the maximum annual rate allowed by Chapter 408.500 RSMo. per month on the amount of such loan.

#### SECTION 630.140: - EXEMPTIONS

The provisions of this Code shall not apply to the following:

1. Transactions between one (1) licensed, established dealer in the normal course of business and another licensed, established dealer.

2. Any precious metal or gem dealer, at least ninety percent (90%) of whose gross income is derived from the sale of newly manufactured merchandise and who certifies this to the City Clerk upon the enactment of this Code and whenever an occupational license shall be obtained or renewed.

3. Estates purchased through banks, attorneys or at an auction or estate sale.

4. Out of State purchases transacted through the United States Mail.

5. Industrial residue or by-products purchased from manufacturing firms.

6. Coins which are not currently in circulation, purchased for their numismatic value.

7. Monetized silver and gold coins.

8. Antique dealers.

#### SECTION 630.150: - ENFORCEMENT

It shall be the duty and responsibility of the Raymore Police Department to enforce this Code. When, on the basis of a complaint, personal observation and/or other information an authorized Law Enforcement Officer reasonably suspects that a violation has occurred, it is the applicant's responsibility to cooperate with the Law Enforcement Officer(s).

#### SECTION 630.160: - PENALTY

Any person, partnership, association, or corporation convicted of violating any of the provisions of this Code may be deemed guilty of a municipal ordinance 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. The severability of the penalty may include a warning up to the revoking of the license to do business and/or criminal prosecution depending on the seriousness of the offense.

## SECTION 630.170: - REVOCATION OF LICENSE

If any pawnbroker, or their agents, or employees, shall violate any of the provisions of this Code or Chapter 367 RSMo., and is convicted in any court of the City or State, they may have their pawnbroker's license suspended or revoked by the City Council after a hearing. Ten (10) days written notice of the hearing stating the grounds thereof shall be delivered to said pawnbroker at their place of business or by leaving or posting said notice at the address. The pawnbroker shall have the right at the hearing to be represented by an attorney, to cross examine witnesses, to present evidence, and to testify on their own behalf. The hearing shall be held in public at a regular or special meeting of the City Council. If suspension or revocation of the license occurs, no license fee shall be refunded.

## **CHAPTER 635: - MASSAGE ESTABLISHMENTS**

### SECTION 635.010: - PURPOSE

The intent of this Code is to regulate massage establishments and massage therapists.

### SECTION 635.020: - APPLICABILITY OF CODE

Every massage establishment and/or massage therapist shall conform to the requirements of the City Code and the Unified Development Code.

### SECTION 635.030: - SEVERABILITY

In any case where a provision of this 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 this Code, the provision which establishes the higher standard for the promotion and protection of the safety, welfare and health of the people shall prevail. If any part of this Code should be declared invalid for any reason, such decision shall not affect the remaining portions of this Code.

### SECTION 635.040: - DEFINITIONS

For the purpose of this Code, the following words and phrases shall have the following interpretation and/or meanings.

*EMPLOYEE:* Any person, other than the massage therapist, who renders any service to a permittee under this Code, who receives compensation from the permittee or patron.

*MASSAGE ESTABLISHMENT* Any place of business in which massage therapy is practiced or performed.

*MASSAGE THERAPISTS:* Any person who offers to any person the service of massage or massage therapy with or without compensation.

*MASSAGE THERAPY:* A health care profession which involves the treatment of the body's tonus system through the scientific or skillful touching, rubbing, pressing or other movements of the soft tissues of the body with the hands, forearms, elbows,

or feet, or with the aid of mechanical apparatus, for relaxation, therapeutic, remedial or health maintenance purposes to enhance the mental and physical well-being of the client.

*PATRON:* Any person over eighteen (18) years of age who utilizes or receives the services of any establishment subject to the provisions of this Chapter Patrons under the age of eighteen (18) shall have on file with the establishment or therapist, written permission from a parent or legal guardian to receive therapeutic massage.

#### SECTION 635.050: - OCCUPATIONAL LICENSE REQUIRED

A. No person, firm, partnership, association or corporation shall operate a massage establishment without first having obtained an occupational license issued by the City in accordance with Chapter 605 of the City Code.

#### SECTION 635.060: - REQUIREMENTS FOR AN OCCUPATIONAL LICENSE

- A. *Massage Therapists.* Applicant must be licensed to perform massage therapy in accordance with Chapter 324 of RSMo.
- B. *Massage Establishment.*
  1. Premises shall comply with all applicable zoning, fire, health and building codes.
  2. Premises and equipment shall be clean, sanitary, and well maintained.
  3. Items for the personal use of patrons, such as linens, sheets and towels, shall be cleaned and freshly laundered, unless disposable, and no such item, if non-disposable, shall be used twice without being laundered. Disposable items must be disposed of in a sanitary manner after each use.
  4. All State and local licenses of the massage establishment and of every massage therapist employed, shall be displayed in an open and conspicuous place on the premises and shown to officers of the City upon request.
  5. Massage establishments and massage therapist licenses are not transferable and such authority as a permit confers shall be conferred only on the permitting name therein. Any applications made, fees paid and permits obtained under the provisions of this Chapter shall be in addition to and not in lieu of any other fees, permits or licenses required to be paid or obtained under any other ordinances of this City.
  6. All signs pertaining to a massage establishment shall be affixed to the building in which business is being conducted. In addition, all massage establishments are required to obtain a sign permit from the Planning and Zoning Administrator before placement of said sign.

#### SECTION 635.070: - ENFORCEMENT

It shall be the duty and responsibility of the Code Enforcement Official, Raymore Police Department, and/or the Building Official to enforce this Chapter of this Code. When, on the basis of a complaint, personal observation and/or other information an authorized enforcement official reasonably suspects that a violation has occurred, it is the applicant's responsibility to cooperate with the investigating official(s).

#### SECTION 635.080: - REVOCATION OF LICENSE

If any massage therapist or their employees, shall violate any of the provisions of this Code or the Revised Statutes of Missouri, they may have their massage establishment license suspended or revoked pursuant to the provisions of 605.040 of the Raymore City Code.

### **CHAPTER 640: - FRANCHISE TAXES**

#### SECTION 640.010: - FRANCHISE/OCCUPATION TAX-NON-MUNICIPAL UTILITIES

Every person, firm, company, or corporation, and the successors and assigns owning, operating, controlling, leasing, and/or managing any such person, firm, company, or corporation, engaged in the business of furnishing public, non-municipal utility services to the citizens and entities of the City, and operating within the City, shall pay, as an annual franchise/occupation tax, seven percent (7%) of the gross receipts derived and collected from the sale of such public utility services within the present or future limits of the City, during the period of such occupation. The seven percent (7%) annual franchise/occupation tax shall be paid in addition to any other taxes imposed upon such public utilities.

#### SECTION 640.020: - VIDEO SERVICES PROVIDERS

A. *Definitions.* The words and phrases used in this Section shall have the meaning as set forth in Section 67.2677 RSMo., or if not defined therein, shall have such meanings as established by City Code.

B. *Franchise Fee.* Pursuant to Section 67.2689 RSMo. and as partial compensation for use of the City's public rights-of-way, each video service provider or other person providing cable services or video services within the City shall, to the extent permitted by law, pay to the City a fee of five percent (5%) of the gross revenues from such video services provider in the geographic area of the City. Such payment shall be made as required by Section 67.2689 RSMo. The City shall have the right to audit any video service provider as authorized by Section 67.2691 RSMo. Late payments shall accrue interest due to the City compounded monthly at one and one-half percent (1.5%) or such other maximum rate as may be established by law.

C. *Customer Service Requirements.* All video service providers providing service within the City shall adopt and comply with the minimum customer service requirements set forth in Section 67.2692 RSMo. Notice or receipt of this Section by

the video service provider shall be deemed notice of the City invoking such customer service requirements.

D. *Rights-Of-Way Regulation—Indemnification—Permits And Compliance With Other Laws.* Video service providers shall comply with the requirements of Sections 67.2707, 67.2709 RSMo. and all applicable ordinances and regulations consistent with Sections 67.1830 to 67.1846 RSMo. relating to the use of City rights-of-way. Each video service provider shall indemnify and hold harmless the City and its officers, employees and agents from any loss or damage, including, but not limited to, attorneys' fees, as provided in such ordinances or regulations, but in no event less than the obligation on video service providers set forth in Section 67.2695 RSMo. The City may require documentation of such indemnification by written agreement or other instrument to the extent permitted by law. Notwithstanding any other ordinance to the contrary, no facilities to be used for video services shall be installed without obtaining a permit from the City authorizing the location and plans for such facilities; provided that this provision shall not apply to installation of otherwise lawful and authorized poles or wires.

E. *Public, Educational And Governmental Channels.* Each video service provider shall designate a number of channels for public, educational and governmental programming consistent with Section 67.2703 RSMo. provided that any greater number of channels, as may be required in the incumbent cable franchise or franchise ordinance, shall be required pursuant to Section 67.2703.2 RSMo. The City shall bear no cost relating to the transmission, availability or maintenance of such channels unless expressly authorized by the City in writing and approved by the Governing Body. Incumbent cable operators and other video service providers shall provide support for such public, educational and governmental channels consistent with Section 67.2703.8 RSMo.

F. *Continued Obligations.* The obligations of a cable service provider or video service provider as set forth in any existing cable services or video services franchise or ordinance shall also continue to apply to the full extent permitted by applicable law.

G. *Reservation Of Rights.* The City retains all rights in Sections 67.2675 through 67.2714 RSMo. inclusive, and may take any and all actions permitted by law to exercise such rights or to enforce such obligations on providers of video service.

H. *Notice.* A copy of this Section shall be delivered to each video service provider operating in the City after notice to the City that such provider is authorized to provide service within the City; provided that the provisions of this Section shall, to the extent permitted by law, not be affected by any claimed or actual failure of a service provider to have received delivery of a copy of this Section.

#### SECTION 640.030: - TELEPHONE SERVICE DEFINED

A. *"Telephone service"* is hereby defined to include provision of cellular and wireless telephones and is defined to be a public non-municipal utility service as contemplated under Section 640.010 of this Code, and further *"telephone service"* is

defined to mean the service ordinarily and popularly ascribed to it including, without limitation, the transmission of messages and conversations through use of local, toll and wide area telephone service, private line services, landline services, cellular telephone services and maritime and air-to-ground telephone services. Telephone service includes the transmission of information over telephone lines and other telephonic media for facsimile transfers. Telephone service does not include value added services including computer processing applications used to act on the form, content, code and protocol of the information for purposes other than transmission.

B. A subscriber of telephone service is any individual, business, corporation or other entity who uses or maintains for use, equipment necessary to transmit information over telephone lines. Telephone line refers to any means of transmitting telephone messages including, but not limited to, wire, radio transmission, microwave and optic fiber technology.

C. The purpose of this Subsection is to clarify the telephone service as well as the provision of cellular and wireless telephone services shall be included as a public non-municipal utility service and shall not limit the application of said franchise and occupation tax under Section 640.010, of this Code, to all other current forms of public non-municipal utility services including, but not limited to, the provision of electricity, natural gas, water and cable television services to citizens and entities of the City.

#### SECTION 640.040: - ELECTRIC COMPANIES-OCCUPATION TAX

A. The City hereby establishes and renews an occupation tax as established by ordinance on every electric company and every other person, firm or corporation, their successors and assigns, owning, operating, controlling, leasing or managing any electric plant or system, generating, manufacturing, selling, distributing or transporting electricity, (referred to as "*energy providers*"). Energy providers shall collect from their customers, but not from the City and other governmental agencies and political subdivisions located within the corporate limits of the City, and pay to the City an amount equal to seven percent (7%) of gross receipts derived from the sale, distribution or transportation of electricity delivered within the present or future limits of the City. Gross receipts as used herein are revenues received from the sale, distribution or transportation of electricity, after adjustment for the net write-off of uncollectible accounts and corrections of bills rendered.

B. The amount paid by energy providers shall be in lieu of, and energy providers shall be exempt from all other occupation, license, excise or right-of-way permit fees or taxes which the City may impose for the rights and privileges granted or for the privilege of doing business as an energy provider within the City and in the event any such fee, charge, license, tax or assessment shall be imposed by the City, the payment to be made in accordance with the provisions of this Section shall be reduced in an amount equal to the annual burden of such fee, charge, license, tax or assessment imposed upon the energy providers. Ad valorem property taxes

imposed generally upon all real and personal property within the City shall not be deemed to affect the obligation of the energy providers under this Section.

C. Any consideration shall be reported and paid to the City by energy providers on a monthly basis. Such payment shall be made not more than thirty (30) days following the close of the period for which payment is due. Initial and final payments shall be prorated for the portion of the period at the beginning and end of the term of this Section.

D. Energy providers shall list the local occupation tax collected from customers as a separate item on bills for utility service issued to customers. If at any time the Missouri Public Service Commission, or other authority having proper jurisdiction, prohibits such recovery, then energy providers will no longer be obligated to collect and pay the occupation tax contemplated. In addition, an energy provider may discount or reduce the occupation tax payable for electricity delivered to a specific customer of an energy provider when it is required to reduce the occupation tax to retain the business of that customer. Modification or reduction of the occupation tax should occur if the occupation tax would cause the customer to cease purchase or transportation deliveries of electricity from the energy provider by installing equipment to access electric supply not subject to the City's occupation tax.

E. The City shall provide copies of annexation ordinances to energy providers on a timely basis to ensure appropriate occupation tax collection from customers within the corporate limits of the City.

F. The City shall have access to and the right to examine during normal business hours, Energy providers' books, receipts, files, records and documents that are necessary to verify the correctness of payments due. If it is determined that a mistake was made in the payment of any occupation tax required, such mistake shall be corrected promptly upon discovery, such that any under-payment by energy providers shall be paid within thirty (30) days of the recalculation and any over-payment by energy providers shall be discounted from the next payment(s) due.

## **CHAPTER 645: --RESERVED**

## **CHAPTER 650: - ADULT BUSINESSES**

### **SECTION 650.010: - DEFINITIONS**

For the purposes of this Chapter and unless the context plainly requires otherwise, the following definitions are adopted:

*ADULT BUSINESS:* Any business:

1. That has as a substantial or significant purpose the sale or rental of merchandise that is intended for use in connection with specified sexual activities

or that emphasizes matters depicting, describing or relating to specified sexual activities or specified anatomical areas; or

2. That has as one (1) of its regular and substantial business purposes:
  - a. The providing of entertainment where the emphasis is on performances, live or otherwise, that depict, portray, exhibit or display specified anatomical areas or specified sexual activities; or
  - b. The providing of services that are intended to provide sexual arousal or excitement or that allow observation of specified sexual activities or specified anatomical areas ancillary to other pursuits or allow participation in specified sexual activities ancillary to other pursuits.
3. That is "self-designated" as an adult business, whether through the use of signage or other business activities.
4. The definition of adult business also includes, but is not limited to, any and all of the following specific adult businesses:
  - a. Businesses that offer merchandise for sale or rent.

(1) *ADULT MEDIA OUTLET*: A business engaging in the sale or rental of merchandise where a substantial or significant portion of the business is devoted to the sale or rental of adult media. For purposes of this Subsection, it shall be presumed that a substantial or significant portion of a business is devoted to the sale or rental of adult media if any one (1) or more of the following criteria are satisfied:

- (a) Forty percent (40%) or more of the sales (including rentals) is derived from adult media;
- (b) Forty percent (40%) or more of the number of transactions, measured over any consecutive ninety (90) day period, relate to adult media;
- (c) Forty percent (40%) or more of the dollar value of all merchandise displayed at any time is attributable to adult media;
- (d) Forty percent (40%) or more of the inventory consists of adult media at any time;
- (e) Forty percent (40%) or more of the merchandise displayed for sale or rental consists of adult media at any time; or
- (f) Forty percent (40%) or more of the sales floor area of the business (not including storerooms, stock areas, bathrooms or any portion of the business not open to the public) is devoted to adult media at any time.

The presumption that a substantial or significant portion of a business is devoted to the sale or rental of adult media, based upon the above guidelines, shall be rebuttable.

(2) *ADULT NEWSRACK*: Any coin- or card-operated device that offers for sale by dispensing printed material which is distinguished or characterized by its emphasis



on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

(3) *ADULT RETAIL ESTABLISHMENT*: A business that displays or offers goods for sale or rent and that meets any of the following tests:

(a) It displays or offers for sale or rent items from any two (2) of the following categories: sexually-oriented toys or novelties; lingerie; clothing that graphically depicts specified anatomical areas; leather goods designed or marketed for use for sexual bondage or sadomasochistic practices; and the combination of such items constitutes:

(i) Ten percent (10%) or more of the sales (including rentals), measured in dollars over any consecutive ninety (90) day period; or

(ii) Ten percent (10%) or more of the number of sales transactions, measured over any consecutive ninety (90) day period; or

(iii) Ten percent (10%) or more of the dollar value of all merchandise displayed at any time; or

(iv) Ten percent (10%) or more of all inventory at any time; or

(v) Ten percent (10%) or more of the merchandise displayed for sale at any time; or

(vi) Ten percent (10%) or more of the sales floor area of the business (not including storerooms, stock areas, bathrooms or any portion of the business not open to the public) at any time; or

(b) Five percent (5%) or more of the sales (including rentals), measured in dollars over any consecutive ninety (90) day period, is derived from sexually-oriented toys or novelties; or

(c) Five percent (5) or more of the number of sales transactions, measured over any consecutive ninety (90) day period, relate to sexually-oriented toys or novelties; or

(d) Five percent (5%) or more of the dollar value of all merchandise displayed at any time is attributable to sexually-oriented toys or novelties; or

(e) Five percent (5%) or more of all inventory consists of sexually-oriented toys or novelties at any time; or

(f) Five percent (5%) or more of merchandise displayed for sale consists of sexually-oriented toys or novelties at any time; or

(g) Five percent (5%) or more of the sales floor area of the business (not including storerooms, stock areas, bathrooms or any portion of the business not open to the public) is devoted to sexually-oriented toys or novelties at any time.

b. Businesses that provide entertainment.

(1) *ADULT ENTERTAINMENT BUSINESS*: Any business to which the public, patrons or members are invited or admitted and where providing adult entertainment, as defined, as a regular and substantial portion of its business.

(2) The definition of "*adult entertainment business*" also includes, but is not limited to, any and all of the following specific adult entertainment businesses as defined:

(a) *ADULT MOTION PICTURE THEATER*: An establishment with a screen or projection areas, where a regular and substantial portion of its business is the exhibition to patrons of films, videotapes or motion pictures which are intended to provide sexual arousal or sexual excitement to the patrons and which are distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

(b) *ADULT THEATER*: An establishment where a regular and substantial portion of its business is providing the live performance of activities relating to specified sexual activities or exhibition of specified anatomical areas of live performers, for observation by patrons.

(c) *ADULT ENTERTAINMENT CABARET*: An establishment where a regular and substantial portion of its business is providing adult entertainment which features strippers, male or female impersonators or live performances or material which depict, portray, exhibit or display specified anatomical areas or specified sexual activities or are intended to arouse or excite the sexual desires of the entertainer, other entertainer or patron.

(d) *ADULT ENTERTAINMENT STUDIO (INCLUDES THE TERMS RAP STUDIO, EXOTIC DANCE STUDIO, SENSITIVITY STUDIO OR ENCOUNTER STUDIO)*: An establishment whose premises are physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises and where a regular and substantial portion of its business is providing entertainment which features materials or live performances characterized by an emphasis on or features materials relating to specified sexual activities or the exhibition of specified anatomical areas.

(e) *ADULT ENCOUNTER PARLOR*: An establishment where a regular and substantial portion of its business is the provision of premises where patrons congregate, associate or consort with employees, performers and/or other patrons or private contractors who display specified anatomical areas in the presence of such patrons, with the intent of providing sexual arousal or excitement to such patrons.

(f) *BODY PAINTING STUDIO*: An establishment where a regular and substantial portion of its business is the application of paint or other substance to or on the human body by any means of application, technique or process when the subject's body displays for the patron's view specified anatomical areas.

c. Businesses that provide services.

(1) *BATHHOUSE*: An enterprise where a regular and substantial portion of its business is offering baths and/or showers with other persons present who are nude or displaying specified anatomical areas.

(2) *ADULT MOTEL*: An enterprise where a regular and substantial portion of its business is offering public accommodations, containing more than one hundred fifty (150) square feet of gross floor area, for the purpose of viewing motion pictures or viewing publications which are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical area by any photographic, electronic, magnetic tape, digital or other medium (including, but not limited to, film, video, magnetic tape, laser disc, CD-ROM, books, magazines or periodical) for observation by patrons therein and which rents room accommodations for less than six (6) hours at a time.

*ADULT ENTERTAINMENT*: Any exhibition, performance, display or dance of any type including, but not limited to, talking, singing, reading, listening, posing, serving food or beverages, soliciting for the sale of food, beverages or entertainment, pantomiming, modeling, removal of clothing or any service offered on a premises where such exhibition, performance, display or dance is intended to arouse or excite the sexual desires of the entertainer, other entertainers or patrons or if the entertainment depicts, portrays, exhibits or displays specified anatomical areas or specified sexual activities.

*ADULT MEDIA*: Books, magazines, periodicals, other printed matter, pictures, slides, records, audiotapes, videotapes, compact discs, motion pictures, films, CD-ROMs or other devices used to record computer images or other media which are distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas.

*ADULT VIDEO VIEWING BOOTH*: Any booth, cubicle, stall or compartment which is designed, constructed or used to hold or seat patrons and is used for presenting or viewing motion pictures or viewing publications which are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas by any photographic, electronic, magnetic tape, digital or other medium (including, but not limited to, film, video, magnetic tape, laser disc, CD-ROM, books magazines or periodicals) for observation by patrons. Adult video viewing booths are sometimes referred to as peep shows, adult video arcades, panorams and adult mini-motion picture theaters. An adult video viewing booth shall not mean a theater, movie house, playhouse or a room or enclosure or a portion thereof which contains more than one hundred fifty (150) square feet of gross floor area.

*CONTAGIOUS AND COMMUNICABLE DISEASES*: Those diseases which are set out in Missouri Code of State Regulations, Department of Health, 19 C.S.R. 20-20.020, as amended.

*EMPLOYEE:* Any and all persons, including managers, entertainers and independent contractors, who work in or at or render any services directly related to the operation of an adult business.

*ENTERTAINER:* Any person who provides adult entertainment within an adult business, whether or not a fee is charged or accepted for entertainment.

*MANAGER:* Any person who manages, directs, administers or is in charge of the affairs and/or conduct of any portion of any activity at any adult business.

*MINOR:* Any person less than eighteen (18) years of age.

*NUDE OR NUDITY:* The appearance of the human bare buttocks, anus, human genitals, the areola or the nipple of the female breast or a state of dress which fails to opaquely or fully cover the anus, human genitals or the areola or nipple of the female breast.

*OPERATE:* To own, conduct or maintain the affairs of any adult business.

*OPERATOR:* Any person owning, operating, conducting or maintaining an adult business.

*PATRON:* Any person who enters an adult business without regard to whether a purchase is made from the adult business or compensation is paid to the adult business or any employee of the adult business for merchandise, entertainment or service, provided that the term patron shall not include persons who enter an adult business for the sole purpose of providing service or merchandise to the adult business and who do not remain in the adult business after the purpose has been accomplished including, but not limited to, persons performing construction, repair or maintenance on the premises or delivering goods or merchandise to the adult business and any such similar activity.

*PERSON:* Any individual, partnership, corporation, trust, incorporated or unincorporated association, joint venture, governmental entity or other entity or group of persons, however organized.

*SERVER:* Any person who serves food and drink at an adult entertainment business.

*SEXUALLY-ORIENTED TOYS OR NOVELTIES:* Instruments, devices or paraphernalia which either depict specified anatomical areas or are designed or marketed for use in connection with specified sexual activities. In determining whether an item is designed or marketed for use in connection with specified sexual activities, the following guidelines may be considered:

1. Expert testimony as to the principal use of the item;
2. Evidence concerning the total business of a person or business or a person or business establishment and the type of merchandise involved in the business;
3. National and local advertising concerning the use of the item;

4. Evidence of advertising concerning the nature of the business establishment;
5. Instructions, graphics or other material contained on the item itself or on the packaging materials for the item;
6. The physical or structural characteristics of the item; or
7. The manner in which the item is displayed, including its proximity to other regulated merchandise or signage relating to items in a display area.

Any person may request an interpretive ruling from the City as to whether a particular item is considered by the City to be designed or marketed for use in connection with specified sexual activities. An application for an interpretive ruling shall be made in writing on a form provided by the City and shall be accompanied by such other information as may reasonably be requested under the circumstances pertaining to the specific item about which a ruling is requested. The City shall issue a written interpretive ruling within ten (10) business days following submission of a completed application. The decision of the City may be appealed to the City Council within fifteen (15) days following the date of the interpretive ruling by submitting a written notice of appeal to the City Clerk.

*SPECIFIED ANATOMICAL AREAS:*

1. Uncovered or exposed human genitals, pubic region or pubic hair, buttocks, female breast or breasts below a point immediately above the top of the areola encircling the nipple or any combination of the foregoing; or
2. Human male genitals in a discernibly erect state, even if completely and opaquely covered.

*SPECIFIED SEXUAL ACTIVITIES:* Any of the following acts of intended sexual arousal or excitement:

1. Sexual conduct including, but not limited to, actual or simulated acts of sexual intercourse, masturbation, oral copulation or sodomy;
2. Fondling or other intentional touching of a person's clothed or unclothed genitals, pubic area, buttocks or the breast of a female;
3. Sadomasochistic acts; or
4. Acts involving animals or latent objects.

**SECTION 650.020: - LICENSE REQUIRED FOR ADULT BUSINESS**

A. It is unlawful for any person to operate or maintain an adult business in the City unless the owner of the adult business has obtained an adult business license from the City or to operate such business after such license has been revoked or suspended by the City.

B. It is unlawful for any entertainer, server, employee, manager, operator or owner to knowingly perform any work, service or entertainment directly related to the operation of an unlicensed adult business.

C. The failure to post an adult business license in the manner required shall be prima facie evidence that an adult business has not obtained such a license. In addition, it shall be prima facie evidence that any entertainer, employee, manager or owner who performs any business, service or entertainment in an adult business in which an adult business license is not posted in the manner required herein had knowledge that such business is not licensed.

D. Any business that engages in the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audiotapes, videotapes, compact discs, motion pictures, films or other media, if such business is not open to the public in general but only to private members, excluding any minor by reason of age, or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas shall be deemed to have consented to periodic entry into and inspection of the business premises by appropriate City Officials and inspection by those officials of only those business records necessary for the limited purpose of determining whether such business enterprise is an adult business as defined. This entry and inspection shall take place during the hours when such business is open, unless otherwise requested by the business, and shall not unreasonably interfere with the conduct of such business.

#### SECTION 650.030: - LICENSE REQUIRED FOR MANAGERS, SERVERS AND ENTERTAINERS

It is unlawful for any person to work as an entertainer, server or manager at an adult business without first obtaining a license to do so from the City or to work as an entertainer, server or manager at an adult business after such person's license to do so had been revoked or suspended.

#### SECTION 650.040: - LICENSE-CLASSIFICATION AND FEES

A. The license year for all fees required shall be from each January first (1st) through December thirty-first (31st). The application for a license shall be accompanied by payment in full of the fee approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department, as amended, by certified or cashier's check or money order and no application shall be considered complete until such fee is paid.

B. All licenses shall be non-transferable to other persons, but shall not be limited to a specific adult business that is properly licensed under this Chapter. All license fees shall be non-refundable.

C. All adult business licenses shall be issued only for one (1) adult business use listed on the application. Any change in the type of adult use shall invalidate the adult business license and require the licensee to obtain a new license for the change in use. A separate license is required for each adult use.

#### SECTION 650.050: - LICENSE APPLICATIONS

A. *Adult Business License.* All persons desiring to secure a license to operate an adult business shall make a verified application with the City Clerk. All applications

shall be submitted in the name of the person who owns the adult business. The application shall be signed by the applicant. If the applicant is a corporation, the application shall be signed by its President. If the applicant is a partnership, the application shall be signed by a partner. In all other instances where the owner is not an individual, where applicable, the application shall be signed by an authorized representative of the owner. The City Clerk may require proof of authorization before accepting an application. All applications shall be submitted on a form supplied by the City Clerk and shall require all of the following information:

1. The name, residence address, contact telephone number, occupation, date, place of birth and Social Security number of the applicant.
2. The tax identification number, registered agent and Missouri Retail Sales Tax number, if the owner is required to have a tax identification number, Missouri Retail Sales Tax number, or registered agent.
3. The name of the adult business, a description of the type of adult business to be performed on the licensed premises and the name of the owner of the premises where the adult business will be located.
4. The names, residence addresses, Social Security numbers and dates of birth of all partners, if the applicant is a partnership or limited liability partnership, and if the applicant is a corporation or limited liability company, the same information for all corporate officers and directors and stockholders or members who own more than twenty-five percent (25%) interest in the corporation.
5. A statement from the applicant whether the applicant or any corporate officer or director or stockholder, partner or member who owns more than twenty-five percent (25%) interest in such entity, in previously operating in this or another City, County or State, has had an adult business license of any type revoked or suspended and, if so, the reason for the suspension or revocation and the business activity subjected to the suspension or revocation.
6. A statement from the applicant, all partners or each corporate officer and director that each such person has not been either: convicted of or released from confinement for conviction of or diverted from prosecution on:
  - a. Any felony within the five (5) years immediately preceding the application, or
  - b. A State Statute, municipal or County ordinance violation within the two (2) years immediately preceding the application where such State felony, misdemeanor, municipal or County ordinance violation involved sexual offenses, prostitution, indecent exposure, sexual abuse of a child or pornography or related offenses or controlled substances or illegal drugs or narcotics offenses as defined in the Missouri Statutes or County or municipal ordinances.

7. On applications requesting a license to operate a bathhouse or body painting studio, the applicant shall submit to the City Clerk within forty-eight (48) hours of the time each employee begins employment a health certificate from a duly licensed Missouri physician stating that within thirty (30) days prior to the date of employment, such employee has been examined and found free of any contagious or communicable disease as defined in this Chapter. This shall be a continuing requirement and shall also initially apply to the applicant.

8. If the applicant is a corporation or limited liability company, a current certificate of good standing issued by the Missouri Secretary of State.

9. A statement signed under oath that the applicant has personal knowledge of the information contained in the application and that the information contained is true and correct and that the applicant has read the provisions of this Chapter regulating adult businesses.

10. A letter of no tax due from the Missouri Department of Revenue shall be submitted with the application if retail sales tax is collected.

11. A background check from the Missouri Highway Patrol issued within the last thirty (30) days of all partners, if the applicant is a partnership or limited liability partnership, and if the applicant is a corporation or limited liability company, the same information for all corporate officers and directors and stockholders or members who own more than twenty-five percent (25%) interest in the corporation.

Failure to provide the information and documentation required shall constitute an incomplete application. The City Clerk shall notify the applicant whether or not the application is complete within ten (10) working days of the date the application is received by the City Clerk.

B. *Manager, Server Or Entertainer License.* All persons desiring to secure a license to be a manager, server or entertainer shall make a verified application with the City Clerk. All applications shall be submitted in the name of the person proposing to be a manager, server or entertainer. All applications shall be submitted on a form supplied by the City Clerk in accordance with 650.060 of this Chapter. Failure to provide the information required shall constitute an incomplete application. The City Clerk shall notify the applicant whether or not the application is complete within ten (10) working days of the date the application was received by the City Clerk.

C. *Application Processing.* It shall be the duty of the City to investigate such application to determine whether the information contained in the application is accurate and whether the application meets the requirements for issuance of the license for which the application is made. The license application for an adult business, server, manager or entertainer license shall be approved or disapproved within forty-five (45) days from the date a complete application is received by the City Clerk.



SECTION 650.060: - EXAMINATION OF APPLICATION, ISSUANCE OF LICENSE, DISAPPROVAL, APPEAL

A. After such examination, the City shall approve the issuance of a license only if the appropriate license fee has been paid, the applicant is qualified and all the applicable requirements set forth are met. No license shall be approved for any person ineligible pursuant to the provisions of this Chapter.

B. The adult business license and all manager, server and entertainer licenses shall state that it is not transferable to other persons or entities and the calendar year for which it is issued.

C. If an application for a license is denied, the applicant shall be immediately notified by registered or certified mail to the applicant's last known address and the notification shall state the basis for such disapproval.

D. Appeal. The denial of a license application may be appealed to the City Council. The appeal shall be filed with the City Clerk within ten (10) days after the notice of denial was issued. The appeal shall be placed on the agenda for the next regular meeting of the City Council for A public hearing.

E. Any applicant aggrieved by the disapproval of a license application may seek judicial review in the Cass County Circuit Court in the manner provided by law.

SECTION 650.070: - LICENSE — INELIGIBILITY AND DISQUALIFICATION

No person is eligible nor shall a license be issued to:

1. An applicant for an adult business license if one (1) or more of the following conditions exist:

a. The applicant knowingly failed to supply all of the information requested on the application;

b. The applicant knowingly gave materially false, fraudulent or untruthful information on the application;

c. The applicant's proposed business premises does not comply with or meet the requirements of the applicable health, Unified Development Code, building code, fire and property maintenance ordinances of the City;

d. The applicant has been convicted, released from incarceration for conviction or diverted on any of the crimes during the time period set forth in this Chapter;

e. The applicant has had an adult business license or comparable license revoked or suspended in this or any other City during the past five (5) years; or

f. If the applicant is applying for a license to operate a bathhouse or body painting studio and applicant has not produced a health certificate as required in this Chapter for all persons working on the premises.

2. An applicant for a manager, server or entertainer license if one (1) or more of the following conditions exist:
  - a. The applicant has been convicted, released from incarceration for conviction or diverted on any of the crimes during the time period set forth in this Chapter;
  - b. The applicant knowingly failed to provide all of the information required on the application;
  - c. The applicant knowingly gave materially false, fraudulent or untruthful information on the application;
  - d. The applicant has had a manager, server or entertainer license revoked or suspended in this or any other City during the past five (5) years; or
  - e. The applicant is applying for a license for a manager, server or entertainer in a bathhouse or body painting studio and has not produced a health certificate as required.

#### SECTION 650.080: - STANDARDS OF CONDUCT

The following standards of conduct shall be adhered to by all adult businesses, their employees and all managers, servers and entertainers and patrons of adult businesses, while on or about the premises of the business:

1. *Identification cards/Licenses.* All or any manager, server or entertainer issued a license by the City under the provisions contained in this Chapter shall, at all times have their license located in the office of the establishment. Any manager, server or entertainer, must produce valid photo identification matching the license upon demand of a City representative.
2. *Age restriction.* Only persons eighteen (18) years of age or older shall be permitted on the premises of any adult business.
3. *Exterior observation.* The premises of all adult businesses will be so constructed as to insure that the interior of the premises is not observable from the exterior of the building. In addition, all windows will be covered to prevent viewing of the interior of the building from the outside and all doorways not constructed with an anteroom or foyer will be covered so as to prevent observation of the interior of the premises from the exterior of the building.
4. *Exterior display.* No adult business will be conducted in any manner that permits the observation of live performers engaged in an erotic depiction or dance or any material or persons depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this Chapter, from any exterior source by display, decoration, sign, show window or other opening.
5. *Nudity prohibited.* No manager, employee, server, entertainer or patron in an adult business other than a licensed bathhouse shall be nude or clothed in less than opaque attire.
6. *Certain acts prohibited.*

a. No manager, employee, server, entertainer or patron shall perform any specified sexual activities as defined in this Chapter, wear or use any device or covering exposed to view which simulates any specified anatomical area, use artificial devices or inanimate objects to perform or depict any of the specified sexual activities or participate in any act of prostitution as prohibited by State law or municipal ordinance while on the premises of an adult business.

b. All dancing or other live entertainment on the licensed premises that is intended to provide sexual stimulation or to appeal to, arouse or excite the sexual desire or interests of the patrons shall occur and be performed solely on a platform or stage which is raised at least two (2) feet above the primary level of the customer floor area. In order to insure the performance area of the stage or performance platform is not within the reach of patrons and to further insure patrons are unable to touch the performers during their performances, the licensee, owner, operator or manager shall either erect a physical barrier between the performers and the patrons that effectively eliminates the touching of the performers by the patrons or they shall paint a clearly discernible boundary line on the stage surface beyond which the performers shall not perform and which is sufficiently distant from the forward edge of the stage to insure the patrons cannot touch the performers. Further, it shall be unlawful for any patron to be upon any portion of the stage during a performance or for an owner, operator or manager to permit a patron to be upon any portion of the stage during the performance.

c. No manager, employee, server, entertainer or patron of an adult business while on the premises of an adult business shall knowingly touch, fondle or caress any specified anatomical area of another person or knowingly permit another person to touch, fondle or caress any specified anatomical area of such manager, employee, server, entertainer or patron, whether such specified anatomical areas are clothed, unclothed, covered or exposed.

d. No entertainer shall solicit, demand or receive any payment or gratuity from any patron for any act prohibited by this Chapter and while on the premises of an adult business and no entertainer shall receive any payment or gratuity from any patron for any entertainment except as follows:

(1) While such entertainer is on the stage, a patron may place such payment of gratuity into a container affixed to the stage; or

(2) While such entertainer is not on the stage but while on the premises of an adult business and is clothed so as to not expose to view any specified anatomical area, a patron may either place such payment or gratuity into the entertainer's hand or under a leg garter worn by such entertainer at least four (4) inches below the bottom of the pubic region.

e. No owner, operator, manager or other person in charge of the premises of an adult business shall knowingly allow or permit a violation of this Chapter or any other City ordinance provision or State law.

7. *Signs.*

a. All adult businesses shall conspicuously display on the principal entrance to the premises a sign, visible from the exterior of the premises, on which uppercase letters shall be at least two (2) inches high and lowercase letters at least one (1) inch high, which shall read as follows:

THIS BUSINESS IS AN ADULT BUSINESS.  
ONLY PERSONS EIGHTEEN (18) YEARS OF AGE OR OLDER  
SHALL BE PERMITTED ON THE PREMISES.

b. All adult entertainment businesses that provide live entertainment shall conspicuously display in the common area inside the principal entrance to the premises a sign on which uppercase letters shall be at least two (2) inches high and lowercase letters at least one (1) inch high, which shall read as follows:

THIS ADULT ENTERTAINMENT BUSINESS IS REGULATED  
AND LICENSED BY THE CITY OF RAYMORE  
ENTERTAINERS ARE:

Not permitted to engage in any type of sexual conduct or prostitution on the premises or to fondle, caress or touch the breasts, pubic region, buttocks or genitals of any employee, patron or other entertainer or to permit any employee, patron or other entertainer to fondle, caress or touch the breasts, pubic region, buttocks or genitals of said entertainer.

Not permitted to be nude.

Not permitted to demand or collect any payment or gratuity from any customer for entertainment, except as follows:

While such entertainer is on the stage, by placing such payment or gratuity into a box affixed to the stage; or

While such entertainer is not on the stage, by either placing such payment or gratuity into the entertainer's hand or under the entertainer's leg garter.

CUSTOMERS ARE:

Not permitted to be upon the stage at any time.

Not permitted to touch, caress or fondle the breasts, pubic region, buttocks or genitals of any employee, server, entertainer or patron or engage in solicitation for prostitution.

c. Signs and window displays shall not display adult media or sexually oriented toys or novelties.

8. *Lighting required.* The premises of all adult businesses shall be equipped with overhead lighting of every place to which customers are permitted access, at an illumination of not less than one (1) foot-candle, as measured at the floor level and such illumination must be maintained at all times that any customer or patron is present in or on the premises.

9. *Closed booths or rooms prohibited.* The premises of all adult businesses shall be physically arranged in such a manner that the entire interior portion of any booths, cubicles, rooms or stalls is visible from a common area of the premises. Visibility shall not be blocked or obscured by doors, curtains, drapes or any other obstruction whatsoever. Adult video viewing booths are prohibited whether or not the booth is visible from a common area of the premises. Adult video viewing booths are prohibited as a principal use or accessory use.

10. *Ventilation and sanitation requirements.* The premises of all adult businesses shall be kept in a sanitary condition. Except as otherwise provided in this Chapter, separate dressing rooms and rest rooms as required by the International Building Code, shall at all times be maintained and kept in a sanitary condition.

11. *Hours of operation.* No adult business may be open or in use:

a. Between the hours of 12:00 A.M. and 8:00 A.M. Monday through Saturday; nor

b. Between the hours of 12:00 A.M. Sunday and 8:00 A.M. Monday; nor

12. *Facilities necessary.* No adult business license to conduct a bathhouse or body painting studio shall be issued unless an inspection by an appropriate City Official proves that the premises on which the applicant intends to conduct such business complies with the minimum requirements of the International Building Code, RSMo., and the Cass County Health Department:

a. No activity related to an adult business shall be carried on within any cubicle, room, booth or any area within any permitted establishment which is fitted with a door capable of being locked.

An appropriate City Official shall certify that the proposed business establishment complies with all of the requirements of this Section and shall give or send such certification to the City Clerk. Provided, however, that nothing contained shall be construed to eliminate other requirements of Statute or ordinance concerning the maintenance of premises nor to preclude authorized inspection. The appropriate City Official may recommend the issuance of a license contingent upon compliance with any requirements in this Section.

#### SECTION 650.090: - LICENSE — POSTING OR DISPLAY

Every business licensed as an adult business shall post such license in a conspicuous place and manner on the adult business premises.

#### SECTION 650.100: - MANAGER ON PREMISES

A. A manager shall be on duty at all adult businesses at all times the premises are open for business.

B. It shall be the responsibility of the manager to verify that any person who provides adult entertainment or works as a server within the premises possesses a current and valid entertainer or server's license and that such licenses are available for review upon demand of a City Official. It shall also be the responsibility of the manager to ensure minors do not enter upon the premises of an adult entertainment business.

#### SECTION 650.110: - INSPECTORS AND INSPECTIONS

All adult businesses shall permit Law Enforcement Officers or any other City Officials acting in their official capacity, to inspect the premises as necessary to insure the business is complying with all applicable regulations and laws.

#### SECTION 650.120: - SUSPENSION, REVOCATION OR NON-RENEWAL — LICENSE

Whenever the City Clerk has information that:

1. The owner or operator of an adult business or a holder of a manager, server or entertainer license has violated or knowingly allowed or permitted the violation of any of the provisions of this Chapter; or
2. There have been recurrent violations of provisions of this Chapter that have occurred under such circumstances that the owner or operator of an adult business knew or should have known that such violations were committed; or
3. The adult business licensee or the manager, server or entertainer license was knowingly obtained through false statements in the application or renewal for such license; or
4. The adult business licensee or the manager, server or entertainer licensee knowingly failed to make a complete disclosure of all information in the application or renewal for such license; or
5. The owner or operator or any partner or any corporate officer or director holding an adult business license has become disqualified from having a license by a conviction as provided in this Chapter.

If the owner or operator of an adult business or the holder of a manager, server or entertainer license has become disqualified from having a license by a conviction as provided, then the City Clerk shall make this information known to the City Manager to determine whether the license should be suspended or revoked. Based on the evidence produced the City Manager may take any of the following actions:

- a. may take no action;
- b. Suspend the license for up to ninety (90) days;
- c. Revoke the license for the remainder of the license year; or

d. Place the license holder on administrative probation for a period of up to one (1) year, on the condition that no further violations of this Chapter occur during the period of probation. If a violation does occur and after a hearing the violation is determined to have actually occurred, the license will be revoked for the remainder of the license year.

Notice of the City Manager's decision shall be issued to the license holder by certified or regular mail and posted on the premise of license where issued within twenty-four (24) hours.

#### SECTION 650.130: - APPEAL, NOTICE AND HEARING PROCEDURE

A. APPEAL. Any action of the City Manager, under this section, may be appealed by any aggrieved person or party to the City Council. The appeal shall be filed with the City Clerk within ten (10) days after the decision of the City Manager was issued. The appeal shall be placed on the agenda for the next regular meeting of the City Council for public hearing.

B. When an appeal has been filed and a hearing is required, City Council shall, after no less than ten (10) days' written notice to the applicant or licensee, hold such hearing at the next regular meeting of the City Council to ascertain all facts in the matter.

C. Notice of such hearing shall be in writing and shall set forth the reason for the appeal and shall be served upon the licensee in person or by registered or certified mail to the licensee's last known address. In the event that the City Council is unable to serve the adult entertainment business licensee in person and any notice sent by mail is returned by the postal service, the City Council shall cause such notice to be posted at the principal entrance of the adult entertainment business and such posting shall be a valid means of service.

C. At such hearing, an applicant or licensee shall have full right to be represented by counsel, to produce witnesses and other evidence and to cross-examine all witnesses who appear against them. Oral evidence shall be taken only upon oath or affirmation. All proceedings in such hearing shall be recorded and entered into the minutes as required by law. The City Council may receive evidence relevant to the issues from the applicant or licensee. Witnesses may be subpoenaed and upon request of any party, the City Council shall issue subpoenas, and in a proper case, subpoenas duces tecum, which shall be served and returned as in civil actions in Circuit Court.

D. The City Council shall issue findings of fact and conclusions of law in its decision at the conclusion of the hearing. The City Council's decision shall be served upon the applicant or licensee in person or by registered or certified mail to the applicant's or licensee's last known address. In the event that the City Council is not able to serve the decision upon the licensee or applicant for a renewal license in the manner stated above, such decision may be served by posting such decision at the principal entrance of the adult entertainment business and such posting shall be a valid means of service.

#### SECTION 650.140: - RENEWAL

A. A license may be renewed by making application to the City Clerk on application forms provided for that purpose. Licenses shall expire on December thirty-first (31st) of each calendar year and renewal applications for such licenses shall be submitted between December first (1st) and December thirty-first (31st).

B. Upon timely application and review as provided for a new license, a license issued under the provisions of this Chapter shall be renewed by issuance of a new license in the manner provided herein.

C. If the application for renewal of a license is not made during the time provided, a new application shall be required.

#### SECTION 650.150: - APPLICATION TO EXISTING BUSINESSES

A. The provisions of this Chapter shall apply to all adult businesses existing on the effective date of this Chapter, as well as to all adult businesses established after the effective date of this Chapter.

B. Any adult business lawfully operating on the effective date of this Chapter that is ineligible for licensing solely as a result of the locational restrictions set forth in Section 420.030 (A) of the Unified Development Code shall be deemed a lawful non-conforming business.

C. Each of the following adult businesses, as defined in this Chapter, shall be considered a unique and separate adult business: adult media outlet; adult newsrack; adult retail establishment; adult motion picture theater; adult theater; adult entertainment cabaret; adult entertainment studio; adult encounter parlor; body painting studio; bathhouse; adult motel.

The classification of each adult business shall be determined at the time a license is issued for the business. Where an adult business is considered a lawful non-conforming business under this Section, the right to continue such non-conforming business shall be limited to that specific business as defined and shall not include other adult businesses listed herein.

D. The extension of a lawful non-conforming business to any portion of a building, which portion was constructed expressly for such non-conforming business prior to the effective date of this Chapter, shall be permitted, provided that no structural alterations shall be made thereafter.

E. An adult business lawfully operating as a conforming business is not rendered non-conforming by the location, subsequent to grant or renewal of the adult business license, of a school, church, library, licensed child care center, public park or property zoned for residential purposes located within the City limits and within five hundred (500) feet of the adult business. This provision applies only to the renewal of a valid license and does not apply when an application for a license is submitted after a license has expired or has been revoked.



#### SECTION 650.160: - JUDICIAL REVIEW — STAY OF ENFORCEMENT ORDERS

Following the entry of an order by the City Council suspending or revoking a license issued pursuant to this Chapter or disapproving the renewal application for a license, such licensee or applicant may seek judicial review in a manner provided by law. The City Council shall stay enforcement of such order for a period of time not to exceed forty-five (45) days pending the filing and/or final disposition of proceedings for judicial review.

#### SECTION 650.170: - 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. Each day's violation of or failure, refusal or neglect to comply with any provision of this Chapter shall constitute a separate and distinct offense.

#### SECTION 650.180: - REGULATIONS

The City Clerk shall have the power to promulgate regulations as may be necessary and feasible for the carrying out of the duties of their office and which are not inconsistent with the provisions of this Chapter.

#### SECTION 650.190: - SAVINGS CLAUSE

Neither the adoption of this Chapter nor the repeal or amendment of any ordinance or part or portion thereof shall in any manner affect the prosecution or civil enforcement for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee or penalty or the penal provisions applicable to any violation thereof.

#### SECTION 650.200: - SEVERABILITY

If any Section, Subsection, subdivision, paragraph, sentence, clause or phrase in this Chapter or the application thereof to any circumstances is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter.

### **CHAPTER 655: SOLICITATION FOR CHARITABLE DONATIONS**

#### SECTION 655.010: - PURPOSE

The intent of this code is to outline regulations providing for safe on-street solicitation activities in the best interest for the health, safety, and welfare of vehicles, passengers, and pedestrians traveling on or using streets in the City.

## SECTION 655.020: - DEFINITIONS

For the purpose of this Code, the following interpretation and/or meanings shall apply:

*CHARITABLE ORGANIZATION:* Any person, as defined in RSMO section 407.010, who does business in this state or holds property in this state for any charitable purpose and who engages in the activity of soliciting funds or donations for, any fraternal, benevolent, social, educational, alumni, historical or other charitable purpose.

*CHARITABLE PURPOSE:* Any purpose which promotes, directly or indirectly, the well-being of the public at large or any number of persons, whether such well-being is in general or limited to certain activities, endeavors or projects.

*SOLICITATION:* Any request or appeal, either oral or written, or by gesture, or any endeavor to obtain, seek or plead for funds, property, financial assistance or other thing of value, including the promise or grant of any money or property of any kind or value for a charitable purpose.

*AGGRESSIVE SOLICITATION:* Approaching or following pedestrians, repetitive soliciting despite refusals, the use of abusive or profane language to cause fear and intimidation, unwanted physical contact, or the intentional or unintentional blocking of pedestrian or vehicular traffic.

## SECTION 655.030: - REGULATIONS

A. No person or organization shall solicit for charitable donations on public streets and public rights-of-way in the City without prior written application and approval from the Chief of Police, or their designee, and shall comply with the following:

1. The solicitation will not substantially interrupt the safe and orderly movement of traffic, either pedestrian or vehicular as provided by in Chapter 345.080.
2. The solicitation will not require the diversion of City resources which prevents the normal provision of City services.
3. The solicitation event will not reasonably be likely to cause injury, damage property, provoke disorderly conduct or create a disturbance.
4. The application for permit must be made not later than fourteen (14) days before the event.
5. The solicitation may only be conducted at traffic controlled, signaled intersections on 58 Highway, between the Raymore portion of Dean Avenue and Johnston Parkway.
6. The solicitation may only take place one hour following sunrise until one hour prior to sunset.
7. The number of solicitors is limited to eight (8) per intersection, two (2) per corner within the City.

8. The solicitation event may last no more than two (2) days.
9. All solicitors must be seventeen (17) years of age or older.
10. Organizations are limited to one (1) solicitation event per calendar year.
11. Aggressive solicitation is prohibited in all instances.
12. All participants must wear reflective safety vests that meet the requirements established by the ANSI (American National Standards Institute) or ISEA (International Safety Equipment Association).
13. No person or participant of the event shall shout, make any outcry, blow a horn, ring a bell or use any sound device, including any loud speaking radio or sound amplifying system at or near the intersection at which the solicitation for charitable donation is being conducted.

B. This Section of code is not intended to limit any persons from exercising their rights to solicit funds, picket, protest or otherwise engage in constitutionally protected activities.

C. This Section shall not be construed or interpreted as prohibiting a person(s) or organization from conducting solicitation on private property within the City with permission of the owner.

D. A certificate of insurance evidencing that the applicant and/or organization has public liability insurance in an amount sufficient to cover potential claims for any bodily injury, death or disability and for property damage which may arise from or be related to the use allowed by the permit. The policy shall name the City as an additional insured, apply as primary insurance regardless of any insurance which the City may carry; and obligate the insurance company to give notice to the City before cancellation of the policy. The insurance provided shall be in an amount in an amount up to the current City's sovereign immunity level as established by RSMo. The certificate of insurance shall accompany the written application.

#### SECTION 655.040: - APPLICATION FOR PERMIT

A. Applications for permits under this Chapter must be filed with the Chief of Police. The application must be filed on a form to be furnished by the Police Department and shall contain a sworn statement which will indemnify and hold the City free and harmless from any and all claims, actions, or damages of every kind and description which may accrue to or be suffered by any person by reason or use of a public street. The application shall provide the following information:

1. Name and description of the event.
2. Name and address of the charitable organization.
3. Dates of the event.
4. Location of the event.
5. Name, addresses, and ages of all participants of the event.

6. A statement as to whether or not the applicant or participants of the event have been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed.

B. No permit issued under this Chapter shall be transferable or assignable.

#### SECTION 655.050: - EXHIBITION OF PERMIT

The exhibition of the permit issued by the Chief of Police shall be made available at the location for the solicitation of charitable donation and produced upon demand.

#### SECTION 655.060: - DENIAL OF APPLICATION

In the event of a denial of an application of a permit by the Chief of Police, the applicant may file an appeal to the City Manager. Such appeal shall be heard within forty-eight (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 denying the appeal. Any applicant aggrieved by the decision of the City Manager may appeal that decision to the City Council provided the appeal is filed within ten (10) days of the City Manager's decision. The appeal shall be placed on the agenda of the next regular City Council meeting.

#### SECTION 655.070: - REVOCATION OF PERMIT

A permit issued under the provisions of this Chapter may be revoked by the Chief of Police of this City immediately for any of the following causes:

1. Fraud, misrepresentation, or false statement contained in the application for permit.
2. Fraud, misrepresentation, or false statements made in the course of solicitation for charitable donation.
3. Any violation of this Chapter.
4. Conducting the solicitation for charitable donation in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.
5. Conviction of any crime or misdemeanor involving moral turpitude.

If the situation which prompted the revocation of the permit is corrected, the individual(s) or organization may reapply if all of the requirements are met.

#### SECTION 655.080: - 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 660: REGULATION ON MEDICAL MARIJUANA**

### SECTION 660.010: - APPLICABILITY

- A. The regulations contained in this Chapter apply to all property and medical marijuana uses located within the corporate limits of the City of Raymore.
- B. All medical marijuana related uses shall be located in accordance with the requirements of the City of Raymore Unified Development Code.

### SECTION 660.020: - DEFINITIONS

All terms used in this Chapter shall be as defined by the City of Raymore Unified Development Code or 19-CSR 30-95.10.

### SECTION 660.030: - PURPOSE

The purpose of this Chapter is to regulate the placement and licensing of facilities for the cultivation, manufacturing, storage, transfer, testing and distribution of medical marijuana and marijuana-infused products, to the extent permitted by the Missouri Constitution, applicable provisions of RSMo., and regulations promulgated by the Missouri Department of Health and Senior Services, and to protect the health, safety and welfare of the residents, businesses and property owners in the City.

### SECTION 660.040: - GENERAL PROVISIONS

No building or property shall be constructed, altered, or used for a medical marijuana facility without complying with the following regulations:

- A. Compliance with State Regulations  
All medical marijuana facilities must maintain compliance with all applicable rules adopted by the State of Missouri.
- B. Definitions  
Definitions contained in the City of Raymore Unified Development Code and in 19-CSR 30-95.010 are hereby adopted as the applicable definitions for this Section.
- C. Public Consumption
  - 1. No marijuana may be smoked, ingested, or otherwise consumed on or within the premises of any medical marijuana facility, nor shall the licensee permit such consumption.
  - 2. Public consumption of marijuana is prohibited.

D. Combination of Alcohol Sales and Medical Marijuana Sales

The sale or consumption of alcohol within a medical marijuana facility is prohibited.

E. Combination of Facilities

Medical marijuana facilities that propose having more than one type of facility on the same property or within the same building shall comply with all regulations established for each facility. The location restrictions, as established in the Unified Development Code, shall be followed for the most restricted facility.

F. Hours of Operation

All medical marijuana facilities shall be closed to the public, no persons not employed by the medical marijuana facility shall be on the premises, and no delivery to or from the medical marijuana facility, between the hours of 10:00 P.M. and 8:00 A.M.

G. Licenses

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.

H. Ventilation Required

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.

I. Multi-Tenant Buildings

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.

J. Location Restrictions

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.

K. Transportation and Possession

No person shall possess marijuana within the City, except:

1. A qualified patient for the patient's own personal use, in an amount no larger than the law allows; or
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
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.

L. Disposal of Medical Marijuana

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.

M. Display of Products

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.

N. Access Restrictions

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.
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.

O. Signage

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.

P. Permits Required to be Shown

Upon demand of a Law Enforcement Officer, a person in possession of medical marijuana shall provide the officer with their qualified patient or primary caregiver identification card. Failure to provide the identification card upon demand is a violation of this Chapter.

Q. Home Cultivation License

1. All cultivation activities occurring in residences or on residential property shall be conducted in accordance with 19 CSR 30-95.030.
2. No extraction or infused products manufacturing activities shall occur in a residence or on residential property or anywhere other than a licensed infused products manufacturing facility.
3. Any qualifying patient or primary caregiver with an identification card to cultivate marijuana plants shall register with the City, the location of the property where the home cultivation activity is occurring.

#### SECTION 660.050: - VIOLATIONS

It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this Chapter.

#### SECTION 660.060: - PENALTIES

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.



## **TITLE VII. - UTILITIES**

### CHAPTER 700: - GENERAL PROVISIONS

#### SECTION 700.010: - DEFINITIONS

For purposes of this Title, the following words and phrases shall have the following meaning:

*APPLICANT*: Any individual, firm, partnership, corporation or other agency owning land within the City applying for a sanitary sewer service.

*BOD (Denoting Biochemical Oxygen Demand)*: The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees centigrade (20°C), expressed in milligrams per liter.

*BUILDING DRAIN*: That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sanitary sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

*BUILDING SANITARY SEWER*: The extension from the building drain to the public sanitary sewer or other place of disposal.

*CIP*: The Capital Improvement Program.

*CITY*: The words "the City" or "this City" or "City" shall mean the City of Raymore, Missouri, a municipal corporation, and any duly authorized representative.

*CITY COUNCIL*: The City of Raymore, Missouri, a municipal corporation, and any duly authorized representative.

*COLLECTION AND TREATMENT FACILITIES*: Any devices and systems for the collection, storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial waste. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations; and any works, including site acquisition of the land, that will be an integral part of the treatment process or is used for ultimate disposal of residues; or any other method or system or method for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste.

*COMBINED SEWER*: A sewer receiving both surface runoff and sewage.

*CONSUMER:* The owner or person in control of any premises supplied by or in any manner connected to a public water system.

*CUSTOMER:* Any individual, partnership, firm, association, or corporation in whose name the utility service is provided.

*DIVERT:* To change the intended course or path of water and/or sanitary sewer service without the express authorization or consent of the City.

*GARBAGE:* Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

*INDUSTRIAL WASTES:* The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

*INSPECTOR:* The person or persons duly authorized by the City of Raymore to inspect and approve the installation of building sanitary sewers and their connection to the public sanitary sewer system.

*LEAD BASE MATERIALS:* Any material containing lead in excess of the quantities specified in the definition of "lead-free".

*LEAD FREE:*

A. In General.

1. When used with respect to solder and flux, refers to solders and flux containing not more than 0.2 percent (0.2%) lead; and
2. When used with respect to pipes and pipe fittings, refers to pipes and pipe fittings containing not more than 0.25 percent (0.25%) lead.

B. Calculation. The weighted average lead content of a pipe, pipe fitting, plumbing fitting, or fixture shall be calculated by using the following formula: For each wetted component, the percentage of lead in the component shall be multiplied by the ratio of the wetted surface area of that component to the total wetted surface area of the entire product to arrive at the weighted percentage of lead of the component. The weighted percentage of lead of each wetted component shall be added together, and the sum of these weighted percentages shall constitute the weighted average lead content of the product. The lead content of the material used to produce wetted components shall be used to determine compliance with paragraph (A)(2). For lead content of materials that are provided as a range, the maximum content of the range shall be used.

*NATURAL OUTLET:* Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

*NON-RESIDENTIAL CONTRIBUTOR:* Any contributor to the City's wastewater facilities whose lot, parcel of real estate, or building is served by a water meter larger than three-fourths ( $\frac{3}{4}$ ) inch.

*NORMAL DOMESTIC WASTEWATER:* Wastewater that has a BOD concentration of not more than two hundred forty (240) mg/l and a suspended solids concentration of not more than two hundred forty (240) mg/l.

*OPERATION AND MAINTENANCE:* All expenditures during the useful life of the collection and treatment facilities for materials, labor, utilities, and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed.

*PERSON:* Any individual, firm, company, association, society, corporation, or group.

*pH:* The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

*PROPERLY SHREDDED GARBAGE:* The wastes from the preparation, cooking, and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sanitary sewers, with no particle greater than one-half ( $\frac{1}{2}$ ) inch (1.27 centimeters) in any dimension.

*PUBLIC DRINKING WATER SYSTEM:* Any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the Missouri Department of Natural Resources.

*PUBLIC SEWER:* A sanitary sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

*RE-CONNECTION:* The commencement of water service to a service address after service has been discontinued by the City.

*REPLACEMENT:* Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the wastewater collection and treatment facilities to maintain the capability and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

*RESIDENTIAL CONTRIBUTOR:* Any contributor to the City's wastewater facilities whose lot, parcel of real estate, or building is served by a three-fourths ( $\frac{3}{4}$ ) inch water meter or less.

*SANITARY SEWER*: A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

*SEWAGE*: A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

*SEWAGE TREATMENT PLANT*: Any arrangement of devices and structures used for treating sewage.

*SEWAGE WORKS*: All facilities for collecting, pumping, treating, and disposing of sewage.

*SEWER*: A pipe or conduit for carrying sewage.

*SLUG*: Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

*SS (DENOTING SUSPENDED SOLIDS)*: Solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

*STATE DIRECTOR*: The State Director of the Farmers Home Administration for Missouri, United States Department of Agriculture, or his/her their successor.

*STORM DRAIN (Sometimes Termed Storm Sewer)*: A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

*SUSPENDED SOLIDS*: Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

*TAMPER*: To re-arrange, damage, injure, destroy, alter, interfere with or otherwise prevent from performing normal or customary functions of water or sanitary sewer service.

*USEFUL LIFE*: The estimated period during which a collection and treatment facility will be operated.

*USER CHARGE*: That portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of the collection facilities.

*WATERCOURSE*: A channel in which a flow of water occurs, either continuously or intermittently.

*WATER METER*: A water volume measuring and recording device, furnished and/or installed by the City or furnished and installed by the user and approved by the City.

*WATER PURVEYOR*: The owner, operator, or individual in responsible charge of a public water system.

#### SECTION 700.020: - COMBINED WATER AND SANITARY SEWER SYSTEM

The water and sanitary sewer systems of the City and all future improvements and extensions, whether to the water or to the sewer system or to both, shall be and the same are combined and shall be operated and maintained as a combined water and sewer system.

#### SECTION 700.030: - EXTENSION OF SERVICE

- A. Property not currently served by public water facilities, public sanitary sewer facilities or both, should have service extended to it in accordance with the City's capital improvements program (CIP), water and/or sewer master plan and Design and Construction Manual. This policy shall apply only to facilities owned and operated by the City of Raymore.
- B. Individuals, associations, entities or corporations ("applicants") desiring extension of public water or public sanitary sewer service facilities not included in the City's CIP or in advance of the schedule in the City's CIP shall make application to the City for extension of service before starting construction of any water or sewer facilities. The application shall be reviewed by the City to determine whether extension of services is consistent with the City's CIP, the City's water and/or sewer master plan, and the standards of the Design and Construction Manual. If the application is approved by the City, the applicant shall enter into an agreement with the City providing for the construction of approved facilities.
  - 1. Applicants will be required to furnish, install and construct at the applicant's expense all water and sanitary sewer facilities necessary to serve their property and shall agree to transfer to the City all property and facilities free of debt, liens and other legal encumbrances, for ownership, operation and maintenance. Facilities not complying with these standards will not be accepted by the City and will not be supplied with water or allowed to connect to the public water and/or sanitary sewer system until the deficiencies are corrected.
  - 2. Applicants may be required to provide enlarged ("oversized") watermains and/or sanitary sewers to serve adjacent areas and/or upstream areas. By agreement, the City may provide that the added cost to the applicant be reimbursed by the City as set forth in Section 700.040. In no event will

reimbursement occur unless an agreement specifically outlining the terms of said reimbursement is approved by the City Council.

3. All water and sanitary sewer facilities constructed by the applicant to be transferred to the City shall be constructed on public right-of-way or upon private land with perpetual easements, conveyed free of cost to the City, providing free, unobstructed and uninterrupted right-of-way for inspection, operation, maintenance, enlargement, replacement, alteration and extension of the facilities per City policy.
  4. Projects included in the City's CIP and constructed by the applicant in advance of the schedule in the City's CIP shall be deleted from the CIP upon completion.
  5. In order to facilitate the orderly continuation of the City's water distribution and sanitary sewer collection systems, water and sanitary sewer mains shall be installed to the furthest point or points of a property as approved by the City. The applicant shall install lines on more than one (1) side of the property and/or through more than one (1) internal easement or right-of-way if it is determined that those lines are needed to provide service to other properties beyond the subject property.
- C. Nothing contained in this Section shall limit the City from extending its water and sanitary system wherever it may determine that circumstances so warrant or denying the extension of service, based on system capacity, as it determines necessary.
- D. The City shall not extend or allow to be extended water or sanitary sewer lines within or beyond the corporate boundaries of Raymore to individuals, associations, entities or corporations unless funds for such lines shall be made available through bond monies or escrow arrangements or private financing (e.g. Community Improvement District) furnished by said individuals, associations, entities or corporations or other method(s) approved by the City Council.

#### SECTION 700.040: - REIMBURSEMENT OF FUNDS FOR INFRASTRUCTURE OVERSIZING

- A. Under special agreement as provided by this Section, the City may permit an extension of its water distribution or sanitary sewer collection system to be installed by and at the expense of the applicants desiring to secure such service. All installations of water and sanitary sewer extensions shall conform to the Design and Construction Manual and plans and specifications approved by the City and shall be made under the supervision and inspection of the City.
- B. The actual size of the water or sanitary sewer line required shall be initially established by the applicant, for approval by the City, with supporting documentation to verify that the sizes of the water or sanitary sewer lines, or both, meet the City's specifications. Final evaluation and design shall be

determined by the Public Works Director. The City reserves the right to determine the size of the pipe necessary in making such extension. Criteria to be used for this determination shall include, but shall not be limited to, the following:

1. Utility master plan requirements.
  2. Potential future demand on the water or sanitary sewer system related to the development being proposed by the applicant or the surrounding area.
  3. Hydraulic design criteria of the water or sanitary sewer system.
  4. Design and Construction Manual requirements.
- C. Investments by applicants in local facilities in their respective areas, such as distribution mains, fire hydrants, sanitary sewer laterals, manholes and other local appurtenances, will not be refunded by or become an obligation of the City.
- D. As set forth in Section 700.030, applicants may be required to construct oversized water mains and/or oversized sanitary sewers that serve adjacent areas. If reimbursement is authorized by the City Council as set forth in Section 700.020, the extra cost of the oversized water main or sanitary sewer will be reimbursed as set forth in the agreement with the applicant according to the City's oversizing policy.

## **CHAPTER 705: - WATER**

### ARTICLE I. - GENERAL PROVISIONS

#### SECTION 705.010: - SERVICE CONNECTION TO MAINS

- A. The cost of water service connections from the consumer's premises to the City water mains shall be borne by the owner of the premises and shall include all costs of maintenance, repair, and replacement. The main taps or other means of connections at the main shall be made solely by the City after a deposit, as approved by the Governing Body and listed in the Schedule of fees maintained in the Finance Department, has been made by the owner of the premises or their authorized agent. The City shall be the only agency authorized to connect a water line by means of a tap or any other device or means of connection to a City-owned water main.
- B. Water services shall not be installed except by permit issued by the City on the basis of an application for such permit made by the owner of the premises to be served or their authorized agent. The work on water services, except main taps or connections which are provided by the City, shall be done by licensed plumbers as defined by the City's Building Code and licensed in accordance with Chapter 605 of this Code.

- C. The water tap fees to be charged by the City for water taps or connections to City-owned mains shall be as follows:
1. *Authority in the creation of the water tap fee.* The City is exercising its local authority including its regulatory powers pursuant to Chapters 88 and 91, RSMo. These provisions authorize and require the City to provide and finance water service facilities and to provide for the health, safety and general welfare of the City.
  2. *Intent.*
    - a. It is the intent of this Subsection to establish a water system user's fee imposed upon new connections to the City's water system and not to levy a "tax" or fee as such term is used in Article X, Section 22 of the Missouri Constitution.
    - b. It is the intent of this Subsection to impose a water tap fee, payable prior to approval of a new water service connection, in an amount based upon the demand for water attributable to the new connection cost of constructing water service facilities needed to serve the new connection.
  3. *Calculation of the water tap fee.* The City shall calculate the water tap fee due for a new application for service by determining the capacity multiplier of the size and type meter to be used for the new connection, relative to a three-quarter ( $\frac{3}{4}$ ) inch displacement type meter.
  4. Water tap fees shall be approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department.
  5. *Administration of water tap fees.*
    - a. *Collection of water tap fee.* Water tap fees calculated and imposed pursuant to this Subsection shall be collected by the City prior to approving any application for service and placed in the Water Tap Fee Fund as established below.
    - b. *Water Tap Fund Account established.*
      - (1) There is hereby established a separate Water Tap Fee Fund Account for the City.
      - (2) Funds withdrawn from the Fund Account must be used solely in accordance with the provisions of Subparagraph (c) of this Subsection.
      - (3) Any funds not immediately necessary for expenditure shall be invested in interest-bearing accounts. All interest earned shall be retained in the Fund Account.
    - c. *Use of funds collected.* The funds collected by reason of this Subsection shall be used exclusively for the purpose of offsetting actual costs incurred by the City in making a tap and undertaking water facilities



projects (including master planning, engineering, legal, administration, construction inspection, construction of facilities, land acquisition and testing) or for financing directly as a pledge against bonds, revenue certificates and other obligations of indebtedness, the costs of water facilities projects.

- d. Water tap fees shall be paid in connection with the issuance of any building permit issued for all new connections.
- e. A review of this Section and water tap fees will be completed annually by the City Manager with recommendations concerning changes to this Section or the water tap fee forwarded to the City Council no later than the beginning of the fiscal year.

#### SECTION 705.020: - WATER METERS

- A. All meters installed for original service shall be a City-owned meter installed and connected at the expense of the owner of the premises served, and remain the property of the City for maintenance, repair and/or replacement upon being placed in service. The City shall have right of access for inspection, maintenance, testing, repairs, and/or disconnection of such meter at all times.
- B. Meter settings shall be installed pursuant to current specifications set by the City.
- C. All water meters will be installed outside of the building for purposes of easy maintenance and readings; only engineering difficulties, as deemed necessary by the Public Works Director, may be given a variance to this requirement at their discretion.
- D. *Water Meter Setup Fees.*
  1. A meter setup fee shall be paid by each applicant for a new water service connection to recover the costs associated with meters, materials and labor provided by the City.
  2. For taps on all meter sizes, the City shall provide the necessary meter and materials and the charge shall include the cost of the meter, materials and labor provided by the City. For the installation of meters the City shall provide the labor necessary to tap the water main and the applicant shall perform all other work including excavation, backfill, restoration, installation of the building service line, and installation of the meter and all appurtenances. The applicant shall provide the copper service line.
  3. The City shall inspect the installation of all water meters prior to backfilling and a City inspector shall be present at the time that any water main is tapped.
  4. The meter setup fee shall be established annually by resolution of the City Council based on meter size and represent actual costs incurred by the City

for labor and materials as appropriate. If a new rate is not so established, the water meter setup fee will automatically renew at the existing rate.

#### SECTION 705.030: - REMOVAL AND INSPECTION OF WATER METERS

- A. The City shall cause water meters to be removed from service for tests and inspection at such intervals as is required to insure the accuracy of the readings and registerings. The cost of such removal, tests, inspection, repair, and replacement shall be borne by the City.
- B. The removal of the water meters for tests and inspection may be requested by the consumer or property owner served by the meter. If the water actually metered differs from the test results by less than two percent (2%), the cost of such removal, tests, and replacement shall be borne by the consumer.

#### SECTION 705.040: - FIRE HYDRANTS

- A. All fire hydrants installed in the City must comply with current City specifications. Fire hydrants already installed in the City must comply with current City specifications when replaced for any reason or repaired.
- B. Hydrant meters are for contractors, the City, or other public entities use in order to monitor water usage from a fire hydrant for payment of such water usage and shall be checked out from the Raymore Public Works Department Utilities Division on a first come first serve basis. A deposit is required but shall be refundable if the meter is returned in good working condition. The deposit shall be approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department. A two (2) week maximum time element shall be adhered to unless a written request is approved by the Director of Public Works.

**Editor's note—** Ord. no. 26042 §1, adopted April 24, 2006, repealed sections 705.070 "limiting line extension", 705.080 "types of extensions" and 705.090 "determination of cost to an individual property owner in existing subdivisions and along routes to existing subdivisions" in their entirety. Former sections 705.070—705.090 derived from CC 1976 §§28.080—28.082; ord. no. 8378 §§28.081—28.082, 8-3-78.

#### SECTION 705.050: - WATER RATES

- A. The water rates shall be approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department.

- B. *Minimum Bills.* All residents will receive a minimum bill for two thousand (2,000) gallons of water and two thousand (2,000) gallons sanitary sewer usage for each meter charged on the account per month or billing cycle. New accounts and final bills of fifteen (15) days or less will be based on actual use.
- C. Upon protest of any bill, a customer may request a recomputation of their service bill.

#### SECTION 705.060: - MONTHLY BILLINGS TO BE SENT

All water meters shall be read and bills rendered monthly as services accrue. All bills shall have a due date listed, that remain the same day of the month, depending on the zone billed. All bills shall be considered past due one (1) day after such due date, and Sections 705.070 and 705.080 shall be applied to all delinquent bills.

#### SECTION 705.070: - TEN PERCENT PENALTY

If any bill for water service shall be and remains due and unpaid one (1) day after such due date, an additional charge of ten percent (10%) shall be added to the bill.

#### SECTION 705.080: - DISCONNECT WATER

If any bill for water service remains past due and unpaid on or after ten (10) days of the due date, service to such customer shall be disconnected. Disconnects will be handled as follows:

- A. Customers with City water will be shut off the first non-holiday Wednesday following the ten (10) day period and prior to noon on the cutoff day. The customer shall pay a reconnect/account charge for turning on the water and re-establishing the account as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department. This charge shall be waived one (1) time per billing address only. Following shutoff, customers paying their delinquent bill or making arrangements prior to 7:00 P.M. shall have service restored as soon as possible and no later than 9:00 P.M. Customers contacting the City after the 7:00 P.M. deadline, through the non-emergency police number, will be required to make a payment of the reconnect/account charge and payment of delinquent bill either online, over the phone or in person, with the Utility Billing office prior to 10:00 A.M. the day following turn-on. Customers failing to take this action prior to 10:00 A.M. the day following reconnect will have service disconnected again and the customer will be required to pay an additional reconnect/account charge approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department. For service to be restored, the customer will have to make payment in full of the original reconnect/account charge, the second (2nd) reconnect/account charge and pay the delinquent bill in full. Arrangements will not be accepted in this case.

Upon proper notification from Utility Billing office, the Utilities Division of Public Works shall proceed immediately to reconnect water service.

- B. Customers with City water that has been shut off will also be subject to the water and sanitary sewer deposits as they pertain to disconnection for non-payment.

#### SECTION 705.090: - PRIMACY FEE

- A. *When Collected.* The Missouri State *primacy fee* will be collected monthly. This fee will be stated separately on the customer's water bill as a *State fee*.
- B. *Fee Period.* As set by the Department of Natural Resources, the fee period begins on September first (1st) through August thirty-first (31st) of the succeeding calendar year.
- C. *Remittance Of Fees To State.* The City is responsible for reporting enumerated fees on a form provided by the Department of Natural Resources, no more than the amount collected from its customers, as enumerated on the billing statements sent by the City. The fees collected shall be remitted to the Department of Natural Resources within sixty (60) days following the end of each calendar quarter. The calendar quarters end September thirtieth (30th), December thirty-first (31st), March thirty-first (31st), and June thirtieth (30th). The City is liable for penalties as set forth by the State legislation.
- D. As provided for by the State legislature, the City shall keep two percent (2%) of the fees being remitted as a timely filing allowance for the purpose of reimbursing its expenses for billing and collection of such fees.
- E. *Authority Of Finance Director.* The Finance Director is directed to obtain the necessary services and supplies to comply with this decision, including new state billing forms and computer programming services as required.

#### SECTION 705.100: - WATER SERVICE DEPOSITS

- A. Application for water service shall be made to the Utility Billing office by the owner or occupant of the property to be served, and upon payment of the water service deposit in accordance with the water service deposit schedule, water service shall be provided. The water service deposits shall be approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department.
- B. The water service deposit will be returned to the utility customer when:
  - 1. The customer disconnects the utility and is billed for the final time, if the deposit is still on the account; or
  - 2. The customer has successfully paid their account with no penalties for twenty-four (24) straight months, whichever comes first.

- C. If a utility customer is disconnected from service for non-payment, the customer will be required to maintain the utility deposit, as 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.

SECTION 705.110: - TAMPERING WITH EQUIPMENT OR SERVICE - THEFT OF WATER AND SANITARY SEWER SERVICES PROHIBITED

- A. *Unlawful Acts.* It shall be unlawful for any person to commit, authorize, solicit, aid, abet, or attempt any of the following acts:
1. Divert, or cause to be diverted, water or sanitary sewer service by any means whatsoever.
  2. Make, or cause to be made, any connection or reconnection with property owned or used by the City to provide water or sanitary sewer service without the express authorization or consent of the City.
  3. Prevent the utility meter, or other device used in determining the charge for the water or sanitary sewer service of the City from accurately performing its measuring function by tampering or by any other means.
  4. Tamper with any property owned or used by the City to provide water or sanitary sewer service.
  5. Knowingly use or receive the direct benefit of all or a portion of the water or sanitary sewer service that has been diverted, tampered with, or has an unauthorized connection existing at the time of the use, or that the use or receipt was without the authorization or consent of the City.
  6. Advertise, manufacture, distribute, sell, use, rent, or offer for sale, rental, or use any device of any description, or any plan or kit, designed to obtain water or sanitary sewer service from the City in violation of this Section.
  7. Obtain water or sanitary sewer service from the City by means of false representations, or fraudulent or deceptive actions, designed to avoid the payment of any outstanding lawful charges for the water or sanitary sewer service.
  8. Avoid the lawful charges, in whole or in part, for water or sanitary sewer service from the City by the use of any fraudulent or deceptive scheme, device, means, or method.
- C. *Presumption Of Violation.* There is a rebuttable presumption that there is a violation of this Section, if on the premises controlled by the customer or by the person using or receiving the direct benefit of water or sanitary sewer service, there is either, or both of the following:

1. Any instrument, apparatus, or device primarily designed to be used to obtain water or sanitary sewer service from the City without paying the full lawful charge.
2. Any water or sanitary sewer equipment owned by the City that has been altered, tampered with, or bypassed so as to cause no measurement or inaccurate measurement of water or sanitary sewer service.

D. *Violation.*

1. 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.
2. Water Service disconnection. Any violation that results in the need to replace a water meter shall cause the City to discontinue water service and deem the property uninhabitable until the replacement of the tampered meter and reconnection of water service in accordance with Section 545.245 of this Code.

SECTION 705.120: - WATER EMERGENCY MAY BE DECLARED

When in the opinion of the Mayor, drought, equipment failure, facility breakdown, or any other event occurring, which might result in a shortage of an adequate amount of treated water, for drinking and sanitary uses of the citizens to whom the City supplies water, the Mayor may declare a water shortage emergency.

SECTION 705.130: - PROHIBITED ACTIVITY DURING WATER SHORTAGE EMERGENCY

As part of a declaration of water shortage emergency, the Mayor may limit or prohibit the outdoor water use of any water that is supplied by the City. By way of illustration and not limitation, the term "*outdoor water use*" shall mean the irrigating of trees, lawns, shrubs, flowers and other vegetation; the washing of vehicles and other items not associated with regular household use; and the filling of wading and swimming pools.

**ARTICLE II. - CROSS-CONNECTIONS**

SECTION 705.140: - REQUIREMENTS FOR BACKFLOW PREVENTION

- A. Each water customer and/or user shall install an approved backflow prevention device on each service line to their water system serving the premises where, in the judgment of the City or the Missouri Department of Natural Resources, actual or potential hazards to the public (City) potable water system exist. The type and degree of protection required shall be commensurate with the degree of hazard as set forth by the Missouri Department of Natural Resources drinking water regulations.

- B. A Missouri Department of Natural Resources "currently approved" backflow prevention device shall be installed on the water serviceline upstream of the meter, of every new commercial or industrial building within the City. The proper hazard class of the device is stated in the Missouri Department of Natural Resources regulations. Original installation, testing and successive annual tests shall be paid for by the building owner. Annual testing as required by the State of Missouri shall be at the building owner's expense. The tests are to be performed by a Missouri Department of Natural Resources certified backflow prevention tester who holds a current, valid occupational license in accordance with Chapter 605 of the Raymore City Code. The approved test results shall be forwarded to the City's Utilities Division of Public Works and the State of Missouri Department of Natural Resources for their respective files.

#### SECTION 705.150: - PROTECTION OF WATER SYSTEM

All connections to the City's water system shall be subject to the City backflow prevention regulations and all other regulations that may be adopted from time to time by the United States Environmental Protection Agency, the Missouri Department of Natural Resources, or the City.

#### SECTION 705.160: - CROSS-CONNECTIONS PROHIBITED

- A. No water service connection shall be installed or maintained to any premises where actual or potential cross-connections to the public potable or customer's water system may exist unless such actual or potential cross-connections are abated or controlled to the satisfaction of the City and as required by the laws and regulations of the Missouri Department of Natural Resources.
- B. No connection shall be installed or maintained whereby an auxiliary water supply may enter a public potable or customer's water system unless such auxiliary water supply and the method of connection and use of such supply shall have been approved by the City and the Missouri Department of Natural Resources.
- C. No water service connection shall be installed or maintained to any premises in which the plumbing system, facilities, and fixtures have not been constructed and installed using acceptable plumbing practices considered by the City as necessary for the protection of health and safety.

#### SECTION 705.170: - SURVEY AND INVESTIGATIONS

- A. The customer's premises shall be open at all reasonable times to the City, or their authorized representative, for the conduction of surveys and investigations of water use practices within the customer's premises to determine whether there are actual or potential cross-connections to the customer water system through which contaminants or pollutants could backflow into the public potable water system.

- B. Upon request by the City or their authorized representative, the customer shall furnish information on water user practices within their premises.
- C. It shall be the responsibility of the water customer to conduct periodic survey of water use practices on their premises to determine whether there are actual or potential cross-connections to their water system through which contaminants or pollutants could backflow into their or the public potable water system.

#### SECTION 705.180: - TYPE OF PROTECTION REQUIRED

The type of protection required shall depend on the degree of hazard which exists as follows:

1. An approved air-gap separation shall be installed where the public potable water system may be contaminated with substances that could cause a system or health hazard.
2. An approved air-gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public potable water system may be contaminated with a substance that could cause a system or health hazard.
3. An approved air-gap separation or an approved reduced pressure principle backflow prevention device or an approved double-check valve assembly shall be installed where the public potable water system may be polluted with substances that could cause a pollution hazard not dangerous to health.

#### SECTION 705.190: - WHERE PROTECTION IS REQUIRED

- A. An approved backflow prevention device shall be installed on each service line to a customer's water system serving premises where, in the judgment of the water supplier or the Missouri Department of Natural Resources, actual or potential hazards to the public potable water system exist. The type and degree of protection required shall be commensurate with the degree of hazard.
- B. An approved air-gap separation or reduced pressure principle backflow prevention device shall be installed after the metered flow of any service connection or within any premises where, in the judgement of the City or the Missouri Department of Natural Resources, the nature and extent of activities on the premises, or the materials used in connection with the activities, or materials stored on the premises, would present an immediate and dangerous hazard to health should a cross-connection occur, even though such cross-connection may not exist at the time the backflow prevention device is required to be installed. This includes but is not limited to the following situations:



1. Premises having an auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the City and the Missouri Department of Natural Resources.
  2. Premises having internal cross-connections that are not correctable or intricate plumbing arrangements which make it impractical to ascertain whether or not cross-connections exist.
  3. Premises where entry is restricted so that inspections for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross-connections do not exist.
  4. Premises having a repeated history of cross-connections being established or re-established.
  5. Premises, which due to the nature of the enterprise, are subject to recurring modification or expansion.
  6. Premises on which any substance is handled under pressure so as to permit entry into the public water supply or where a cross-connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.
  7. Premises where materials of a toxic or hazardous nature are handled such that if backsiphonage or backpressure should occur, a serious health hazard may result.
- C. The following types of facilities fall into one (1) or more of the categories of premises where an approved air-gap separation or reduced pressure principle backflow prevention device is required by the water supplier and the Missouri Department of Natural Resources to protect the public water supply and must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the water supplier and the Missouri Department of Natural Resources.
1. Aircraft and missile plants.
  2. Automotive plants.
  3. Auxiliary water systems and water loading stations.
  4. Beverage bottling plants.
  5. Canneries, packing houses, reduction plants, and stockyards.
  6. Car washing facilities.
  7. Chemical manufacturing, processing, compounding, or treatment plants.
  8. Dairies, animal and veterinary clinics.
  9. Film laboratories.

10. Fire protective systems.
  11. Hazardous waste storage and disposal sites.
  12. Hospitals, mortuaries, clinics, medical buildings.
  13. Industries using toxic substances.
  14. Irrigation and sprinkler systems, residential or commercial, any size.
  15. Laundries and dye works.
  16. Metal manufacturing, cleaning, processing, and fabrication plants.
  17. Nursing or convalescent homes.
  18. Oil and gas production, storage or transmission properties.
  19. Paper and paper products plants.
  20. Plant nurseries, tree farms and fertilizer facilities.
  21. Plating plants.
  22. Power plants.
  23. Printing and publishing facilities.
  24. Radioactive material processing plants or nuclear reactors.
  25. Research and analytical laboratories.
  26. Rubber plants, natural and synthetic.
  27. Sewage and storm drainage facilities, pumping stations and treatment plants.
  28. Waterfront facilities and industries.
  29. Any customer or user using any type of booster pressure pumps for any purpose or reason.
- D. The water supplier, at their discretion may require a backflow prevention device at facilities other than those above that they deem may have a hazardous or potentially hazardous conditions.

#### SECTION 705.200: - BACKFLOW PREVENTION DEVICES

- A. Any backflow prevention device required by this Chapter shall be of a type, model and construction approved by the water supplier and the Missouri Department of Natural Resources as follows:
  1. Air-gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than three (3) inches.

2. Double-check valve assemblies or reduced pressure principle backflow prevention devices shall be of Watts manufacture series No. 709 or 909 or an approved equivalent.
- B. Existing backflow prevention devices approved by the water supplier at the time of installation and properly maintained shall, except for inspection and maintenance requirements, be excluded from the requirements of this Chapter so long as the water supplier is assured that they will satisfactorily protect the water system. Whenever the existing device is moved from its current location, or requires more than minimum maintenance, or when the water supplier finds that the maintenance or lack of maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this Chapter.

#### SECTION 705.210: - INSTALLATION

Backflow prevention devices required by this Chapter shall be installed at a location and in a manner approved by the water supplier and shall be installed at the expense of the water customer.

#### SECTION 705.220: - INSPECTION AND MAINTENANCE

- A. Periodic inspection and testing schedules shall be established by the water supplier for all backflow prevention devices. Inspections will not exceed the following intervals.
1. Air-gap separations shall be inspected at the time of installation and every twelve (12) months thereafter.
  2. Double-check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed and at least every thirty (30) months.
  3. Reduced pressure principle backflow prevention devices shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter. They shall be dismantled, inspected internally, cleaned, and repaired whenever needed and at least every five (5) years.
- B. All costs associated with inspections, testing, cleaning, repairs, overhaul or replacement of backflow prevention devices shall be the responsibility of the water customer. All inspections, testing, cleaning, repairs and overhauls of backflow prevention devices shall be performed by a State of Missouri Certified Backflow Prevention Service Tester who holds a current, valid occupational license in accordance with Chapter 605 of the Raymore City Code. It shall be the responsibility of the customer to provide the City with written inspection documentation upon receipt.

- C. Backflow prevention devices found to be defective shall be repaired or replaced at the expense of the water customer without delay and in any event no later than thirty (30) days from the discovery of the defect.
- D. Backflow prevention devices shall not be bypassed, made inoperative, remove, or otherwise made ineffective without specific written authorization by the water supplier. Bypass piping around a backflow prevention assembly is allowed only if the bypass is equipped with an identical backflow prevention assembly.
- E. The water supplier shall maintain a complete record of each backflow prevention device. Records will include comprehensive listing of installation, tests, inspections, cleaning, repairs, and overhauls and generally be a complete history of each backflow prevention device from purchase to retirement. Records of customer repairs, cleaning, overhaul, and replacement shall be made available to the water supplier upon request.

#### SECTION 705.230: - VIOLATIONS

- A. The water supplier shall deny or discontinue, after reasonable notice to the customer, the water service to any premises where any backflow prevention device required by this Chapter is not installed, tested, and maintained in a manner acceptable to the water supplier or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises.
- B. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects in conformance with this Chapter to the satisfaction of the water supplier.

### **ARTICLE III. - LEAD BAN POLICY**

#### SECTION 705.240: - LEAD BAN—GENERAL POLICY

- A. *Purpose.* The purpose of this Article is:
  - 1. To ban the use of lead materials in the public drinking water system and private plumbing connected to the public drinking water system; and
  - 2. To protect City residents from lead contamination in the City's public drinking water system and their own private plumbing system.
- B. *Application.* This Article shall apply to all premises served by the public drinking water system of the City.
- C. *Policy.* This Article will be reasonably interpreted by the water purveyor. It is the purveyors intent to ban the use of lead based material in the construction or modification of the City's drinking water system or private plumbing connected

to the City system. The cooperation of all consumers is required to implement the lead ban.

If, in the judgment of the water purveyor or their authorized representative, lead base materials have been used in new construction or modifications after January 1, 1989, due notice shall be given to the consumer. The consumer shall immediately comply by having the lead base materials removed from the plumbing system and replaced with lead-free materials. If the lead base materials are not removed from the plumbing system, the water purveyor shall have the right to discontinue water service to the premises.

#### SECTION 705.250: - LEAD BANNED FROM DRINKING WATER PLUMBING

- A. No water service connection shall be installed or maintained to any premises where lead base materials were used in new construction or modifications of the drinking water plumbing after January 1, 1989.
- B. If a premises is found to be in violation of Subsection (A) of this Section, water service shall be discontinued until such time that the drinking water plumbing is lead-free.

### **CHAPTER 710: - SANITARY SEWERS**

#### ARTICLE I. - IN GENERAL

#### SECTION 710.005: - GENERAL STANDARDS

All private sewage disposal systems within the City, regardless of location, shall meet all applicable City codes, and where cases of conflict arise, the most stringent shall apply.

#### SECTION 710.010: - CLEAN WATER COMMISSION PERMIT REQUIRED

- A. All private sanitary sewer disposal systems except those serving single family residences of all kinds, now existing or constructed, shall be operated and maintained by the duly designated operator only after a proper operating permit is secured from the Missouri Clean Water Commission and the City.
- B. Each private sanitary sewer disposal system shall be maintained and operated pursuant to the rules, standards and regulations promulgated by the Missouri Clean Water Commission and such other governmental agencies which have jurisdiction and control over the same; including the City.

#### SECTION 710.020: - NON-COMPLIANCE WITH OPERATING REQUIREMENTS

Each private sanitary sewage disposal system shall be operated only so long as full compliance is made under the necessary standards, regulations, and rules, and upon the City determining non-compliance or being duly notified by the Missouri

Clean Water Commission or such other governmental agency, State or Federal, which has jurisdiction and control over the same, that there is a failure to comply, then the City may request the operator to comply within ten (10) days. In the event of default and failure to comply, the City may take such action as may be necessary to repair, maintain, or upgrade the sanitary sewer system so that the same will comply and all expenses shall be chargeable to the operator or the City may revoke the operating permit and such systems shall not be operated until it is determined that there is satisfactory compliance. Within the time granted by the City to comply, the operator may apply for a hearing before the City Council to request a stay for good cause.

#### SECTION 710.030: - DEDICATION TO PUBLIC USE

No private sanitary sewage systems shall be dedicated to or accepted by the City as a public sanitary sewer disposal system until such time as the City, by ordinance, approves and accepts the same.

#### SECTION 710.040: - CONSTRUCTION

All private sanitary sewage disposal systems must fully comply and conform to the standards and regulations of the Missouri Clean Water Commission and such other governmental agencies as may have jurisdiction and control over the same including the City and if the same is a private sanitary sewer company under the jurisdiction of the Missouri Public Service Commission, the same shall not be operated as such until a franchise is secured from the City.

#### SECTION 710.050: - PUBLIC OPERATION OF SANITARY SEWER

The City may, upon proper application, agree to accept a sanitary sewer system as constructed or to be constructed in the future provided the same is constructed in conformity with the provisions of this Chapter and to operate the same as a public sanitary sewer disposal system only as planned and designed within its capability and no connection shall be made to any point within said sanitary sewer system without a permit being first duly secured from the City. The City shall receive all revenues generated from the operation of said sewage disposal system and shall prescribe such rates to be paid by the user as the City deems reasonable for the operation of such sanitary sewer system.

#### SECTION 710.060: - NOT CREATE HEALTH HAZARD

All sanitary sewer disposal systems, laterals, septic tanks, or other means of waste disposal of all kinds now existing or constructed shall be operated, maintained and used only in a manner so as not to create a health hazard, be injurious to the public welfare, cause the emission of odoriferous fumes, or create or contribute to create standing, stagnant or polluted streams or pools of water.

## **ARTICLE II. - PUBLIC SANITARY SEWERS**

### **SECTION 710.070: - ESTABLISHMENT OF RULES AND REGULATIONS**

The following rules and regulations are adopted to govern the sanitary sewer services furnished by the City in a uniform manner for the benefit of the City and its sanitary sewer users. They are subject to change from time to time. All such changes must be approved by the State Director of the Farmers Home Administration, United States Department of Agriculture, or their successor, so long as the municipality City has unpaid obligations which are held by or insured by the United States of America. If any portion of these rules shall be declared invalid by competent authority, such voidance shall not affect the validity of the remaining portions.

### **SECTION 710.080: - UNLAWFUL TO PLACE GARBAGE ON PUBLIC OR PRIVATE PROPERTY**

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.

### **SECTION 710.090: - UNLAWFUL TO DISCHARGE SEWAGE TO ANY NATURAL OUTLET**

It shall be unlawful to discharge to any natural outlet within the City or in any area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article.

### **SECTION 710.100: - PRIVY, SEPTIC TANK, ETC., PROHIBITED**

Except as provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

### **SECTION 710.110: - APPLICABILITY**

- A. No private sewage disposal system shall be constructed or operated in the City where public sanitary sewer is available. Every effort shall be made to secure a sanitary sewer connection to public sanitary sewers as defined in Section 710.120. Where a connection to a public sanitary sewer is not feasible and when a considerable number of residences are to be served, consideration may be given to the construction of a private or community sanitary sewer system and collection and treatment facility. However, since an improperly operated or inadequately staffed private or community sewage treatment plant cannot effectively treat wastes, consideration should be given to the size of the

proposed system to insure that economically feasible sanitary sewer rates are sufficient to ensure proper treatment plant operation.

- B. When the installation of a private residential sewage disposal system cannot be avoided, all requirements of the Missouri laws and rules governing on-site sewage systems shall be applicable.

#### SECTION 710.120: - CONNECTIONS TO PUBLIC SANITARY SEWER REQUIRED

- A. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located, a public sanitary sewer of the City, is required at their expense to install suitable toilet facilities and to connect to such facilities within ninety (90) days after the date of official notice to do so, provided that public sanitary sewer is within three hundred (300) feet of the primary structure upon any lot with an existing individual sewage disposal system. An extension of ninety (90) days may be granted by the office of the Director of Public Works when requested in writing. An extension may be granted up to a maximum of one hundred eighty (180) days after the date of official notice
- B. Existing residences with an individual sewage disposal system that is properly functioning are not required to connect to a public sanitary sewer system. Should the individual sewage disposal system fail, connection shall be made to a public sanitary sewer system. If no public sanitary sewer system is available within three hundred (300) feet of the primary structure, then the individual sewage disposal system may be repaired or replaced.

#### SECTION 710.130: - ON-SITE SANITARY SEWAGE DISPOSAL SYSTEMS

- A. *Applicability.* Where a public sanitary sewer is not available under the provisions of Section 710.120, the building sanitary sewer shall be connected to a private on-site sewage disposal system complying with the provisions of this Section. Repairs, as defined by this Section, to existing systems and replacement of existing systems shall comply with the provisions of this Section.
- B. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Building Official. The application for such permit shall be made on a form furnished by the City which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Building Official. A permit and inspection fee, approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department, shall be paid to the City of Raymore prior to the issuance of the permit.
- C. *Permit.* Any person, firm or corporation wishing to repair an existing system, replace an existing system, or construct an on-site sewage disposal system must first obtain a permit from the Building Official. Repairs to an existing



system that would require a permit include, but are not limited to, pipe repair ten feet or more in length, septic tank repair or replacement, alteration or reconstruction of any wastewater pond, relocation or replacement of the absorption field, or similar repair actions.

- D. *Penalties.* 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 710.140: - PUBLIC SANITARY SEWERS

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sanitary sewer or appurtenance thereof without first obtaining a written permit from the Building Official.
- B. There shall be two (2) classes of building sanitary sewer permits:
  - 1. For residential and commercial service, and
  - 2. For service to establishments producing industrial wastes.

In either case, the owner or their agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Inspector. A permit and inspection fee, approved by the Governing Body by resolution and listed in the Schedule of Fees and Charges maintained in the Finance Department, shall be paid to the City prior to the issuance of the permit.

- C. All costs and expenses incidental to the installation and connection of the building sanitary sewer, shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sanitary sewer.
- D. Except for an approved accessory dwelling unit, a separate and independent building sanitary sewer shall be provided for every building ;or tenant space.
- E. Existing building sanitary sewers may be used in connection with new buildings only when they are found, on examination and test by the City's Building Official, to meet all requirements of this Article.
- F. The size, slope, alignment, materials of construction of a building sanitary sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or implications, the materials and procedures set forth in appropriate specifications of the Missouri Department of Natural Resources and the Kansas City Metropolitan APWA standards.

- G. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sanitary sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- H. *Connections—Conformance With Codes, Regulations, Etc.*
  - 1. The connection of the building sanitary sewer into the public sanitary sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. Any deviation from the prescribed procedures and materials must be approved by the Building Official before installation.
  - 2. The service line including the connection to the public sanitary sewer shall remain the property of the customer and be subject to the jurisdiction of the City. Maintenance and/or repair of the building sanitary sewer or connection shall be the responsibility of the customer. The City will not assume responsibility for uncovering the building sanitary sewer or connection.
- I. The applicant for the service line permit shall notify the Building Official when the service line is ready for inspection and connection to the public sanitary sewer. The connection shall be made under the supervision of the Building Official or their representative.
- J. All excavations for service line installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

SECTION 710.150: - DISCHARGE OF STORMWATER, DRAIN WATER, ETC., TO ANY SANITARY SEWER

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

SECTION 710.160: - UNPOLLUTED DRAINAGE DISCHARGE TO STORM SEWER

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Public Works Director. Industrial cooling water or unpolluted process waters may be discharged on approval of the Public Works Director, to a storm sewer, combined sewer, or natural outlet.

## SECTION 710.170: - TOXIC WASTES SHALL NOT BE DISCHARGED

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Any flammable or explosive liquid, solid, or gas.
2. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in wastes as discharged to the public sewer.
3. Any waters or wastes having a five (5) day biochemical oxygen demand greater than three hundred (300) parts per million by weight, or containing more than three hundred fifty (350) parts per million by weight of suspended solids, or having an average daily flow greater than two percent (2%) of the average sewage flow of the City, shall be subject to the review of the Public Works Director. Where necessary in the opinion of the Public Works Director, the owner shall provide, at their expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to three hundred (300) parts per million by weight, or (2) reduce the suspended solids to three hundred fifty (350) parts per million by weight, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Public Works Director and no construction of such facilities shall be commenced until said approvals are obtained in writing.
4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works.
5. Any water or wastes having a pH lower than five and five-tenths (5.5) or having any other corrosive properties capable of causing damage or hazards to structures, equipment, or personnel of the sewage works.
6. Any water or wastes having a pH in excess of nine and five-tenths (9.5).

## SECTION 710.180: - SUBSTANCES THAT MAY DAMAGE SANITARY SYSTEM

No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Public Works Director that such wastes can harm either the sanitary sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming their opinion as to the acceptability of these wastes, the Public

Works Director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sanitary sewers, materials of construction of the sanitary sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than one hundred fifty degrees fahrenheit (150°F) (65°C).
2. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees fahrenheit (32°F) and one hundred fifty degrees fahrenheit (150°F) (0° and 65°C).
3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths ( $\frac{3}{4}$ ) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Public Works Director.
4. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such a degree that any such material received in the composite sewage at the sewage collection and treatment facility exceeds the limits established by the Public Works Director for such materials.
6. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Public Works Director as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Inspector in compliance with applicable State or Federal regulations.
8. Any waters or wastes having a pH in excess of nine and five-tenths (9.5).
9. Materials which exert or cause:
  - a. Unusual concentrations of inert suspended solids (such as, but not limited to, fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
  - b. Excessive discoloration (such as, but not limited to, dye wastes, and vegetable tanning solutions).

- c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage collection and treatment facilities.
  - d. Unusual volume of flow or concentration of wastes constituting "*slugs*" as defined in 700.010.
10. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or which are amenable to treatment only to such a degree that the sewage collection and treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

#### SECTION 710.190: - PUBLIC WORKS DIRECTOR AUTHORITIES

- A. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 700.200, and which in the judgment of the Public Works Director, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Public Works Director may:
  - 1. Reject the wastes;
  - 2. Require pretreatment to an acceptable condition for discharge to the public sewers;
  - 3. Require control over the quantities and rates of discharge; and/or
  - 4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 710.240 of this Article.
- B. If the Public Works Director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Public Works Director, and subject to the requirements of all applicable codes, ordinances and laws.

#### SECTION 710.200: - GREASE, OIL AND SAND INTERCEPTORS—WHEN

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Public Works Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units unless an approved, licensed business occupation is being conducted. All interceptors shall be of a type and capacity approved by the Building Official, and shall be located as to be readily and easily accessible for cleaning and inspection.

#### SECTION 710.210: - GREASE INTERCEPTOR MAINTENANCE

- A. It shall be the responsibility of the business to clean and maintain grease interceptors in an efficient operating condition.
- B. The business shall maintain a complete written record of the maintenance and cleaning of each grease interceptor. The maintenance records shall not be destroyed for at least one (1) year. The log shall include the name and address of any persons involved in the maintenance or cleaning of the grease interceptor. The log shall be available for review by the City's Public Works Department upon request.

#### SECTION 710.220: - PRELIMINARY TREATMENT AT OWNER'S EXPENSE

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at their expense.

#### SECTION 710.230: - MANHOLE-WHEN REQUIRED

When required by the Public Works Director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Public Works Director. The manhole shall be installed by the owner at their expense, and shall be maintained by them so as to be safe and accessible at all times.

#### SECTION 710.240: - SPECIAL ARRANGEMENT WITH CITY

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby any industrial waste of unusual strength or character may be accepted by the City for treatment, subject to approval by Little Blue Valley Sewer District and payment by the industrial concern.

#### SECTION 710.250: - DAMAGING SEWAGE WORKS - PENALTY

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works.

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 710.260: - AUTHORITY TO ENTER PROPERTY TO INSPECT

- A. The Public Works Director shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing of the sewer infrastructure in accordance with the provisions of this Chapter. The Public Works Director shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- B. While performing the necessary work on private properties referred to in Section 710.260(A), the Inspector or duly authorized employees of the City of Raymore shall observe all reasonable safety rules and regulations.
- C. The Public Works Director shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

#### SECTION 710.270: - VIOLATION AND PENALTY

- A. Any person found to be violating any provision of this Article, except Section 710.250, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person, firm or corporation who shall continue any violation beyond the time limit provided for in Subsection (A), shall, upon conviction or a plea of guilty, be subject to the penalty provisions provided for in Section 100.220 of the City Code.
- C. Any person violating any of the provisions of this Article shall be liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

### **ARTICLE III. - USER CHARGE SYSTEM**

#### SECTION 710.280: - PURPOSE

For the protection of the public health, safety, and welfare, the City will collect charges from all users who contribute wastewater to the City's sewage facilities.

#### SECTION 710.290: - USER CHARGE ACCOUNTS

- A. The user charge system shall generate annual revenues to pay costs of operation and maintenance, including replacement and costs associated with debt retirement of bonded capital associated with financing the sewer system which the City may by ordinance, designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance, including replacement of the sewer system, shall be established as approved by the Governing Body and listed in the Schedule of fees maintained in the Finance Department.

#### SECTION 710.300: - USER CHARGE RATES

- A. Each user shall pay for the services provided by the City based on their use of the collection and treatment facilities as determined by water meters acceptable to the City.
- B. For residential contributors, monthly user charges will be based on monthly water usage.
- C. For industrial and commercial contributors, user charges shall be based on water during the current month. If a commercial or industrial contributor has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that contributor may be based on a wastewater meter or separate water meters. Any meters shall be City-owned installed and connected at the expense of the owner of the premises served, and remain the property of the City for maintenance, repair and/or replacement upon being placed in service. The City shall have right of access for billing, inspection, maintenance, testing, repairs, and/or disconnection of such meter at all times.

#### SECTION 710.310: - BILLING

- A. All users will be billed monthly with their water bill, and delinquency will be in accordance with the policy established for non-payment of water bills. In accordance with established City policy, non-payment may result in the termination of water service until such bill is paid.

#### SECTION 710.320: - APPLICATION FOR SERVICE

Application for sanitary sewer service shall be made to the City by the owner or occupant of the property to be served. Upon approval of such application, the applicant shall have the right to connect with sanitary sewer collection facilities. The City Council may prescribe a connection fee, as approved by the Governing Body and listed in the Schedule of fees maintained in the Finance Department, and shall be paid by such applicant at the time of application. The City shall have the right to inspect all such connections and to reject such connections due to poor workmanship or inadequate materials.



SECTION 710.330: - DAMAGING SEWAGE FACILITIES—USER RESPONSIBLE FOR PROPER USE OF FACILITIES

- A. It shall be a misdemeanor for any person to tamper or destroy any sewage facility or to make any connection without written permission from the City or to reconnect service when service had been disconnected for nonpayment of bill<sup>2</sup>. 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 710.340: - CITY TO REVIEW USER CHARGE SYSTEM

- A. The City will review the user charge system every year and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users.
- B. The City will notify each user, at least annually, in conjunction with a regular bill, of the rate being charged for operation, maintenance including replacement of the facilities.

**ARTICLE IV. - SEWER RATES**

SECTION 710.350: - SANITARY SEWER RATES

- A. *Rate Schedule.*
  - 1. The rate for sanitary sewer shall be approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department.
  - 2. All customers shall be billed each month for no less than two thousand (2,000) gallons per meter charged on the account per month or billing cycle.
- B. *Rates And Charges Outside City Limits.* The charges and rates established for sanitary sewer system usage for customers with connections outside the City limits shall be approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department, unless otherwise determined by an approved contract approved by the City Council specifically establishing a different rate schedule.
- C. *High Strength Or Toxic Pollutant Contributors.*
  - 1. For those contributors who contribute wastewater, the strength of which is greater than normal domestic usage, a surcharge in addition to the normal

user charge shall be collected. The charge to each such user shall be as determined by the City and approved by the City Council.

2. Any user which discharges any toxic pollutants into the City collection and treatment facilities which causes an increase in the cost of managing the effluent or the sludge collection and treatment facilities serving the City or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of collection and treatment facilities serving the City, shall pay for the increased costs.
3. Any user who discharges grease into the City sewer system shall be charged a minimum fee approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department when the City is required to clean any sewer lines affected by said discharge. In addition the user shall be responsible and liable for any damages or expenses incurred by the City in the repair or maintenance of sewer lines caused by sewer back up resulting from the discharge of grease. After sewer lines have been cleaned, said user shall have a period of ten (10) days in which to have all grease traps under their control or ownership cleaned and to notify the Public Works Director that such cleaning has been completed. If the user fails to have all grease traps cleaned within the allotted ten (10) days, the City will have the authority to charge the contributor a fee approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department. The fee shall be assessed each day that the violation continues. The charges will then be added to the contributors water and/or sewer bill.

D. *Winter Average Sewer Rate System.*

1. Sewer rates to be charged for the collection and treatment facilities and services made available by the sewer system of the City shall be regulated and charged as follows:
  - a. *Residential contributors.* Residential contributors shall mean any contributor to the City's sewer collection system whose structure is exclusively used for domestic dwelling purposes with no more than a single dwelling unit on each separate water meter. Users of a portion of a structure which portion is separately metered for water use and is used exclusively as a dwelling are also classified as residential contributors. Residential contributors shall not include the users of hotels, motels, boarding houses, nursing homes, residence halls, or multi-unit residential complexes served by a common water meter or meters. Exceptions may include contributors with a service contract approved by the City Council. For residential contributors, monthly sewer user charges shall be based on one (1) of the following:

- (1) Average monthly water usage as determined by water meter usage during the months of December, January, and February, of which the readings will occur in at least two (2) of these months. Such average water usage thus determined shall remain the basis for determining the contributor's monthly sewer charge until a new average consumption is determined following the next winter averaging period. If a residential contributor has not established an average, such contributor's user charge shall be the mean winter averaging charge of all other residential contributors or at the contributor's option, the volume method in (2) below.
- (2) Residential contributors choosing the volume method shall be billed each month based upon actual consumption.
  - b. *Non-residential contributors.* For all other contributors, including industrial, commercial, or multi-unit residential complexes served by a common water meter or meters, user charges shall be based on actual water consumption during the current month. Exceptions may include contributors with a service contract approved by the City Council.
  - c. Residential contributors shall be given the option to select either the winter-averaged method or volume method at any time.

#### SECTION 710.360: - CITY TO DETERMINE RATES, FEES, AND CHARGES

The City Council of the City shall annually meet to establish the rates, fees, and charges for the use and services of the sewer system of the City necessary and adequate to meet the requirements of Sections 250.010 to 250.250, inclusive, RSMo.

#### SECTION 710.370: - DISCONNECTION OF SERVICE - WHEN

If any bill for sewer service shall be and remains past due and unpaid on or after ten (10) days of the due date, water service to such customer shall be disconnected. Disconnects will be handled as follows:

1. Customers with both City water and City sewer will be shut off after the ten (10) day period provided in accordance with Sections 705.080 and 710.400 of the City Code.
2. Customers served by water districts that have City sewer only will be shut off in accordance with the shutoff agreement between the water district and the City. The customer shall pay a reconnect/account charge and deposit as approved by the Governing Body and listed in the Schedule of Fees maintained in the Finance Department for turning on the water and re-establishing the account. Following shut off, customers shall pay their delinquent bill, reconnect/account charge and additional deposit by making payment either online, by phone or in person to the Utility Billing office of

the City of Raymore. City staff will contact the water district providing the customer's water service and service will be restored within the normal business hours only of that water district.

#### SECTION 710.380: - LIABILITY OF OCCUPANT AND USER

The occupant and user of the premises receiving sewer service and the owner of said premises shall be jointly and severally liable to pay for such services rendered on said premises. The City shall have the power to sue the occupant or the owner, or both, of such real estate in a civil action to receive any sums due for such services, plus a reasonable attorney's fee to be fixed by the court.

#### SECTION 710.390: - SEWER CONNECTION FEE ON ALL NEW CONSTRUCTION

The sewer connection fees to be charged by the City for connection to City-owned sewers shall be as follows:

1. The City is exercising its local authority pursuant to Chapters 79, 88 and 91, RSMo. in collecting sewer connection fees. The aforementioned provisions authorize and require the City to provide and finance sanitary sewer collection and treatment facilities and to provide for the health, safety and general welfare of the City.
2. *Intent.*
  - a. It is the intent of this Section to establish a sanitary sewer system user's fee imposed upon new connections to the City's sewer system and not to levy a "tax" or fee as such term is used in Article X, Section 22 of the Missouri Constitution.
  - b. It is the intent of this Section to impose a sanitary sewer connection fee, payable prior to approval of a new sanitary sewer service connection.
3. *Sewer connection fees.*
  - a. There shall be two (2) classes of building sanitary sewer connection permits.
    - (1) Residential (single-family and multiple-family).
    - (2) Commercial and industrial.
  - b. Sanitary Sewer connection fees will be charged as follows:
    - (1) Sanitary sewer connection fees shall be approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department. Multiple drains served by a single faucet shall be considered one (1) trap.
    - (2) Applicant will be required to provide the City with a complete listing of industrial wastes proposed to be discharged into the City's

sanitary sewer system for approval by the City and Little Blue Valley Sewer District prior to applying for a building permit.

4. *Administration of sewer connection fees.*
  - a. *Collection of sanitary sewer connection fee.* Sewer connection fees imposed pursuant to this Section shall be collected by the City prior to approving any application for service and placed in the Sewer Connection Fee Fund as established.
  - b. *Use of funds collected.* The funds collected by reason of this Section shall be used exclusively for the purpose of:
    - (1) Offsetting actual connection costs incurred by the City,
    - (2) Undertaking sewer facilities projects including system master planning, engineering, legal, administration, construction inspection, construction of facilities, land acquisition and testing,
    - (3) Operation and maintenance, including infiltration and inflow remediation, and
    - (4) For financing directly as a pledge against bonds, revenue certificates, grant match and other obligations of indebtedness.
  - d. A review of this Section and sewer connection fees will be completed annually by the City Manager with recommendations concerning changes to this Section or the sewer connection fee forwarded to the City Council no later than the beginning of the fiscal year.

#### SECTION 710.400: - SEWER SERVICE DEPOSITS

The sewer service deposit to be charged by the City for sanitary sewer only customers of the City shall be as follows:

- A. Application for residents receiving only sanitary sewer service shall be made to the Utility Billing office, by the owner or occupant of the property to be served. Upon payment of the sanitary sewer service deposit approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the Finance Department, sanitary sewer service shall be provided in accordance to the agreement with the water district.
- B. The sanitary sewer service deposit will be returned to the utility customer when:
  1. The customer disconnects the utility and is billed for the final time, if the deposit is still on the account; or
  2. The customer has successfully paid their account with no penalties or disconnects for twenty-four (24) straight months, whichever comes first.

- 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.